African National Congress
Statement to the Truth and Reconciliation Commission
August 1996

Contents

Executive Summary

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1. PREFACE
2. INTRODUCTION
3. THE HISTORICAL AND INTERNATIONAL CONTEXT
   3.1 The prehistory of colonialism, dispossession and segregation
   3.2 The history of the ANC to 1960
   3.3 Just struggle in the international context
   3.4 Apartheid and human rights
   3.5 Apartheid human rights violations in an international context

   4.1 The post-1948 legislative programme of apartheid
   4.2 The repressive apartheid security state, 1960-1974
   4.3 The institutional violence and social consequences of apartheid
   4.4 Judiciary and other forms of repression
   4.5 Forced removals and forced incorporation
   4.6 Mass repression by the regime in response to mass protests against apartheid
   4.7 The height of apartheid repression
   4.8 Apartheid and the destabilisation of Southern African countries in the 1980s
   4.9 Covert action and state sanctioned gross violations of human rights in the negotiations era of the 1990s

5. PHASES OF STRUGGLE AND ANC POLICY FOUNDATIONS, 1960-1994
   5.1 New forms of struggle after Sharpeville and the banning of opposition groups (1960-1969)
   5.2 A changing scenario and new challenges (1969-1979)
   5.3 Towards "People's War" and "People's Power" (1979-1990)
   5.4 The ANC and internal revolt: The role of the Mass Democratic Movement in the 1980s

6. DID THE ANC PERPETRATE ANY GROSS VIOLATIONS OF HUMAN RIGHTS?
   6.1 The approach, standards and conduct of the ANC in relation to human rights
   6.2 Armed operations and civilian casualties
   6.3 Excesses in relation to state agents
   6.4 ANC members who died in exile
   6.5 The Mass Democratic Movement and excesses in the mass revolt of the 1980s
7. CONCLUSION: RECONCILIATION, REPARATIONS AND THE CHALLENGES FOR THE FUTURE

7.1 The ANC's own conduct
7.2 An approach to reparations
7.3 Lasting reconciliation

Questions which require the attention of the Commission

Appendices

1. MK Code of Conduct
2. Deaths in Exile

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Executive Summary

[This summary serves merely to identify the primary issues in the submission and should not detract from the matters raised in the main document]

1. INTRODUCTION

The ANC supports the work of the TRC. By knowing what happened and why it happened, South Africa will be better placed to ensure that the evil deeds of the past are never repeated.

This submission aims to relate directly to matters within the TRC's jurisdiction, while providing a context within which the points in the submission can be better understood. It is neither a definitive or comprehensive account of the period under review.

2. HISTORICAL CONTEXT

2.1 COLONIALISM AND RESISTANCE TO 1960

The process of colonial conquest lasted over two centuries, culminating in the formation of the racially-exclusive Union of South Africa. In 1948, the National Party came to power and between 1948 and 1960, legislation was introduced to give material meaning to previous racial segregation and discrimination, to limit civil liberties and to suppress political dissent.

Formed in 1912, South Africa's oldest national political organisation, the African National Congress' core principles were to promote unity, counter racism and work towards equal rights for all South Africans.

In the early decades of its existence, the ANC was conspicuously committed to act within the law.

The Sharpeville massacre on 21 March 1960, and the subsequent banning of the ANC signalled the beginning of a new era in South African history - an era in which repression and conflict were to reach their peak.

2.2 THE INTERNATIONAL CONTEXT

The ANC was internationally recognised as a liberation movement. Various UN resolutions on liberation struggles are significant in that they:

- legitimise armed resistance to forcible denial of self-determination; and
- allow third states to assist the liberation movements in their struggle.
It was argued, and accepted, in the UN that the self-determination of the South African people had not taken place. Thus, it would be morally wrong and legally incorrect to equate apartheid with the resistance against it. While the latter was rooted in the principles of human dignity and human rights, the former was an affront to humanity itself.

An examination of relevant international conventions, declarations, resolutions, judicial decisions and the practice of the United Nations and its organs and the practice of regional organisations and states yield affirmation of the following propositions of international law in relation to the apartheid regime:

- Gross and systematic violation of the provision of the Universal Declaration of Human Rights of 1948, especially those provisions which must now be regarded as part of customary international law;
- Apartheid often produced outcomes similar to those of genocide - a practice now proscribed by the international community, leading to criminal sanctions;
- The policies of apartheid were a negation of the United Nations Charter and against humanity, thereby giving universal jurisdiction for its suppression and punishment, on general principles and by treaty.

The South African regime had no right to represent the people of South Africa, its illegitimacy arising from systematic breaches of peremptory rule of international law.

3. NATIONAL PARTY, APARTHEID AND REPRESSION

Apartheid was founded on, and represented an intensification of, the colonial system of subjugation of Africans, coloured and Indians.

To entrench and defend Afrikaner and white dominance, the NP set about to transform the judiciary, the army, the police, intelligence services, academia, the civil service, economic and labour relations and parastatals; and it increasingly relied on force.

Apartheid oppression and repression were therefore not an aberration of a well-intentioned undertaking that went horribly wrong. Neither were they, as we were later told, an attempt to stave off the 'evil of communism'. The ideological underpinning and the programme of apartheid constituted a deliberate and systematic mission of a ruling clique that saw itself as the champion of a 'super-race'.

3.1 APARTHEID REPRESSION

From the outset, the National Party introduced a combination of social and repressive laws to pursue its overall political and economic objectives.

During the 1960s the government's transgression of human rights became more blatant. Central to the new authoritarianism were sweeping restrictions on political behaviour; an increase in the powers of the police and further subversion of the independence of the courts; and sweeping provisions for detention without trial that created conditions in which the use of torture during interrogation became widespread.

From its inception in the early 1960s, the security legislation and its implementation have generated widespread reports of mental and physical abuse of people held in detention. Individual officers abused their powers of interrogation; interrogation became torture; torture became routine.

3.2 INSTITUTIONAL VIOLENCE AND SOCIAL CONSEQUENCES

During the 1960s, concurrent with the new security legislation, the apartheid rulers embarked on radical new forms of social engineering designed to entrench white minority rule. Instances of such "bureaucratic terrorism" included:

- huge numbers of arrests for contravention of pass laws;
- large-scale forced removals and resettlements;
the redefinition of all Africans as 'citizens' of ethnic bantustans.

Basic apartheid measures systematically denied black South Africans 'first generation' rights like the franchise, civil equality, freedom of movement and freedom of association. The social order underpinned by apartheid also ran roughshod over 'second generation' rights, such as the right to education, health care, security and social welfare.

3.3 JUDICIAL REPRESSION

Whole sectors of South African society - the law courts, churches, media, education, business, sports and cultural sectors - both actively and indirectly reinforced apartheid exclusion, discrimination and the violation of human rights.

The South African judicial system was racially and ideologically biased in the interests of the apartheid system. Selected judges were in many cases put in charge of political trials and were responsible for the judicial murder of people fighting against apartheid. In many cases judges allowed evidence that was extracted under torture or duress.

Judicial commissions produced ideologically-oriented reports which promoted the goals of the apartheid state. Law societies and bar councils struck from the roll anti-apartheid activists convicted of political crimes.

The catalogue of legal discrimination and injustice that occurred under apartheid needs to be acknowledged if a human rights culture is to flourish in the new South African legal system.

3.4 MASS REPRESSION IN 1970s

In the early 1970s, spontaneous and organised mass resistance started to surface for the first time in a decade. The response of the regime was brute force. The actions of the regime in 1976/7 brought out in bold relief the government's intention to deny human rights at all costs.

Notes taken by then Minister of Police Jimmy Kruger illustrate this:

"10.8.76 Unrest in Soweto still continues. The children of Soweto are well-trained. The pupils/students have established student councils. The basic danger is growing black consciousness, and the inability to prevent incidents, what with the military precision with which they act. The minister proposed that this movement must be broken and thinks that police should act a bit more drastically and heavy-handedly which will entail more deaths. Approved."

3.5 TOTAL STRATEGY IN 1980s

The National Security Management System (NSMS) was instituted in 1979 as an attempt to ensure maximum coordination of practices already in use in line with the government's 'total strategy'.

This period saw the genesis of a trend towards increasingly sophisticated covert operations, continuing into the 1990s, which included illegal methods to suppress and disrupt the resistance movement. In addition to attempts to bolster the discredited bantustan and community councillor systems, there were renewed attempts to find or 'create' credible alternatives to the ANC.

The State Security Council (SSC), which was at the apex of the NSMS, although technically a committee of the cabinet, usurped many of the cabinet's executive functions. Ultimate control of the SSC and NSMS was vested in the Office of the State President. It controlled a totalitarian network which reached into every part of the country.

Repression during this period assumed both a formal and an informal nature. **Formal repression** included:

- Successive states of emergency, covering a large number of magisterial districts, were in operation from 1985 to 1989.
- Over 80,000 people were detained without trial, some for periods of up to two and a half years. This number included over 15,000 children and around 10,000 women.
- Over 10,000 detainees were tortured, assaulted or in some way abused.
More than 70 detainees died in detention.
- Several newspapers and publications were banned, suspended or restricted.
- Many were sent to jail and others executed.
- Over 100 organisations were banned or restricted.
- Outdoor political meetings were banned, and numerous indoor meetings and funerals were broken up, banned or restricted.

In addition to these overt repressive measures, a whole range of **covert activities** were conducted by the state or its proxies.

One of the tactics used was that of **counter-mobilisation**. During 1985 and 1986, a range of front companies were set up in South Africa to orchestrate 'black-on-black' violence, foster viable alternative 'liberation movements' and spread NP propaganda. No fewer than 23 sub-projects were running in Namibia and South Africa in 1986, some of them with agents in the media.

Another tactic was the use of **vigilantes and surrogates** to perpetrate violence against democratic formations. During the course of 1985 various 'vigilante' groups and bizarre criminal gangs suddenly appeared in townships all over the country. 'Kitskonstabels' were introduced in late 1985, mostly to bolster unpopular community councillors.

Operation Marion, which involved the training of an offensive para-military unit of IFP supporters is currently the subject of the KwaMakutha massacre trial.

Plans were also being drawn up in mid-1986 for the formation of a 'Xhosa Resistance Movement', which would in nature - and even extent - be similar to Inkatha and would together with our security forces form a counter-revolutionary front.

Linked to this was the use of state-sanctioned 'hit squads' in **extra-legal terror and assassinations** by the Civil Cooperation Bureau and Vlakplaas police unit.

The Human Rights Commission recorded around 100 assassinations and around 200 attempted assassinations of anti-apartheid figures inside and outside the country between 1974 and 1989.

The apartheid regime did not shrink from the use of poison in its attempts to murder its opponents. In 1977 agents attempted poisoned the food of some 500 MK cadres undergoing training at Catengue camp in Angola.

The cases of Siphiwo Mthimkulu, Frank Chikane, Thami Zulu, and an attempt to kill Dullah Omar are some of the better known examples of the use of this tactic.

Further, "Project B", a top-secret, multi-million rand project run by the former SADF, included chemical and biological weapons projects, which was still operational as late as 1993.

It has been alleged by people close to these programmes that research on organophosphates and cancer-inducing agents were carried out, and even President Mandela was considered a target.

### 3.6 DESTABILISATION IN THE 1980s

Total Strategy included destabilisation in neighbouring countries. In a Commonwealth report of 1989 this destabilisation during the 1980s is described as having reached "holocaust" proportions. The report added that at the time the human cost was 1,500,000 dead through military and economic action, most of them children, while a further four million had been displaced from their homes. The economic cost to the six Frontline states was estimated to exceed 45 billion US dollars, not to mention the destruction of agriculture, industry, education and health care in countries like Mozambique and Angola.

Among the external destabilisation methods used by the apartheid state were:
Armed action, ranging from sporadic commando raids into several neighbouring countries, to full-scale invasion as occurred in Angola.

- Hit squad raids to abduct or assassinate political opponents, mostly people connected to the ANC.
- The encouragement or even creation of surrogate anti-government forces through logistical support, intelligence and training, as in Malawi, Swaziland, Lesotho and Namibia.
- Economic pressures to create and maintain a dependency on the South African transport, harbour, custom and financial systems.

Through a number of cross-border raids, supposedly to attack 'ANC bases', the SADF showed callous disregard for the lives of civilians. These attacks were characterised by a "shoot first, and ask questions latter" approach.

### 3.7 COVERT ACTION AFTER 1990

State terrorism and covert operations by the apartheid government and security forces did not end with the unbanning of the ANC and other organisations in 1990, and the formal commencement of negotiations.

The consequences of these campaigns against the democratic opposition were far worse than anything experienced in the emergency years. Between 1990 and 1993, nearly 12,000 civilians were killed and 20,000 were injured in thousands of incidents, including several major massacres. The Human Rights Commission recorded the accelerating pace of assassinations of anti-apartheid figures: 28 in 1990, 60 in 1991 and 97 in 1992.

A top secret document dated 13 March 1990 stated that FW de Klerk was "briefed on a broad spectrum of sensitive projects" and had given his approval "in principle" on "the running of Stratkom projects".

The document also states that "covert stratkom projects are controlled and managed by the secretary of the SSC. . . The Secretary of the SSC receives decisions and orders in this regard from the State President and passes them on to the departments concerned".

Even if the structures were renamed, the security committees chaired by SAP and SADF officers from local to national level remained in place. As the official National Co-ordinating Mechanism manual notes: "the principle of the application of the full powers of the state in order to resist the revolutionary onslaught is still valid."

There have to date been partial, yet telling revelations of the nature an extent of covert operations in the post-1990 phase. To name just a few examples:

- The admission by Orde Boerevolk "hunger strikers" after their escape to the UK that they were Military Intelligence agents with a specific brief to destabilise black communities and the ANC.
- The November 1992 Goldstone Commission raid on Pan Afrik Industrial Investment Consultants, a Directorate: Covert Collection front company, which provided partial glimpses of other operations, such as those aimed at subverting Self-Defence Units.

There are a few key operatives and commanders who know exactly how these networks functioned, and can help shed light on how extensive this network was; what has happened to it; and what capacity it still has for destabilisation.

FW de Klerk and the then ruling National Party have the responsibility to inform the nation about this machinery and whether part of it is still operational today.

### 4. PHASES OF STRUGGLE AND ANC POLICY FOUNDATION

#### 4.1 NEW FORM OF STRUGGLE AFTER SHARPEVILLE

The ANC announced its adoption of armed struggle on December 16 1961. The MK manifesto explained that armed activity was necessary because of state violence and curtailment of extra-parliamentary politics.
From the beginning, MK emphasised the supremacy of politics over narrow military activity: in the choice of targets, attitude to civilians, attitude to the white community, and treatment of any captives.

However within its own ranks, debate would rage unceasingly - especially in periods of brutal actions by the regime against unarmed civilians - about the correctness of such restraint. But at all times, the principled approach of the movement would prevail.

4.2 NEW CHALLENGES 1969-79

The 1969 ANC Consultative Conference in Morogoro adopted a new programme, Strategy and Tactics of the ANC, which looked to eventual ANC 'conquest of power' in South Africa and accepted the need for a protracted armed struggle.

Military struggle was seen as forming only part of, and being guided by, a broader political strategy to ensure that the battle against apartheid was fought on all possible fronts.

It was thus difficult to resist the temptation to spread such structures and armed actions in an opportunistic fashion. But, even under pressure the ANC asserted its political position: that the politics of the ANC should guide whoever carried out operations on the basis of its training and supplies.

It is from such contacts that arrangements were being made for Steve Biko to meet Oliver Tambo. This information was leaked by agents of the regime such as Craig Williamson, leading to Biko's arrest and ultimate murder.

4.3 PEOPLE'S WAR AND KABWE

The crucial strategic emphasis which shaped the struggle from 1979 onwards was the necessity for an organised underground political presence to complement armed activities.

In line with this approach, the Revolutionary Council formed in 1969 was restructured to consolidate not only the supremacy of political leadership but also to ensure the task of mass mobilisation and underground organisation received the necessary emphasis.

A special operations group was formed with the mandate of undertaking high profile attacks such as the Sasolburg oil refinery, Koeberg, Voortrekkerhoogte.

At the same time operations by other MK units mounted steadily. One study estimated that 150 cases of armed action took place between 1976 and 1982, overwhelmingly concentrated on economic targets, the administrative machinery of apartheid, the police and SADF installations and personnel.

The tension between such intensification of struggle and the need to avoid a racial war remained with the movement until the last day of the armed struggle.

An instance of this was the debate within the national leadership during the 1981 anti-republic campaign on the choice of targets: when the leadership rejected a proposal to decimate the NP government leadership at a Bloemfontein rally.

At the Kabwe Conference in 1985 consensus was reached on a number of questions, including the approach to military action. Conference reaffirmed ANC policy with regard to targets considered legitimate. But the risk of civilians being caught in the crossfire when such operations took place could no longer be allowed to prevent the urgently needed all-round intensification of the armed struggle.

It was during the mid-1980s that certain attacks on targets with no apparent connection to the apartheid state took place. In some cases these attacks were the result of the 'grey area' which had been a result of anger and/or misunderstanding of ANC policy.

The ANC took action to assert policy with regard to the avoidance of civilian targets, which had in some cases become
confused with the need to intensify the struggle 'at all costs'. The January 8th, 1987 statement said MK:

"must continue to distinguish itself from the apartheid death forces by the bravery of its combatants, its dedication to the cause of liberation and peace, and its refusal to act against civilians, both black and white."

In late 1987 MK commanders were instructed by OR Tambo and the NEC to go to all forward areas and as far as possible also to meet with units operating inside the country to reassert ANC policy with regard to the avoidance of purely civilian targets. Failure to comply with these orders would be considered as violations of policy and action would be taken against offenders.

The ANC is immensely proud of the bravery, discipline and selfless sacrifices of its MK combatants. They were prepared to work under conditions in which, if captured, they faced the possibility of being tortured to death, abduction and secret execution, combined with intense pressure to become collaborators or be murdered. They also faced summary executions whether they surrendered or not, and hanging or extremely lengthy prison sentences should they come to trial.

Given these conditions it is remarkable that very few attacks by MK personnel violated ANC policy with regard to targets with no direct connection to the apartheid regime.

4.4 THE ANC AND INTERNAL REVOLT

While the ANC pursued its concerted campaign against apartheid from exile and the underground, the internal struggle became increasingly organised through the trade union movement and re-emerging mass-based political movements.

The formation of the United Democratic Front as a broad internal anti-apartheid umbrella body transformed the South African political landscape. Despite the identification of the UDF and later the Mass Democratic Movement with the ANC, they were essentially separate bodies, and not direct extensions of the ANC.

From 1985 until well after the unbanning of organisations, the apartheid system relied on naked terror and violence to destabilise and disrupt opposition to apartheid.

5. DID THE ANC PERPETRATE ANY HUMAN RIGHTS VIOLATIONS

5.1 ANC APPROACH TO HUMAN RIGHTS AND CONDUCT

It was the policy of the ANC - ever since the formation of MK in 1961 - to avoid unnecessary loss of life. The ANC has never permitted random attacks on civilian targets.

Once MK camps were in existence, part of the training of every MK combatant was political and included an insistence that the enemy should not be defined simply in racial terms. When the ANC became a signatory to the Geneva Convention on the conduct of war in 1977 it was reported to be the first liberation movement in the world to take this step.

However, the morality of the ANC, its objectives then and now, and standards it set itself dictate that we examine the conduct of struggle critically, and acknowledge where errors took place.

5.2 CIVILIAN CASUALTIES IN ARMED OPERATIONS

The 1983 car bomb attack on SA Air Force headquarters in Pretoria is an example of this nature. Nineteen people were killed in the attack, of which at least eleven were SAAF officers. Over 200 people were injured, of which over 70 were members or employees of the armed forces.

Many of those injured may have not been military officers, but were employed by the SAAF, and had thereby directly associated themselves with apartheid military aggression. The location of the HQ of an arm of the SADF responsible for cross-border air raids in a concentrated civilian area was itself a violation of protocols of war.
The ANC's limited use of landmines provides another example of this nature. Though it was easier said than done, Military Headquarters continued to stress policy regarding careful reconnaissance and avoidance of civilian targets.

While regretting all loss of life, the ANC notes that the apartheid regime had declared white border farms military zones, with white farmers integrated into the security system and provided with the tools of war, including automatic weapons.

The much publicised case of the car bomb explosion at the Magoos and Why Not bars in Durban on June 14 1986 provides another case in which civilian casualties occurred in the context of the intensification of the armed struggle.

The operation was carried out during a time of extreme political upheaval in the country, which culminated in the declaration of a nation-wide State of Emergency on June 12. The attack was carried out to commemorate the June 14 1985 raid on Gaberone, in which 12 people were killed (of which only five were ANC members and none was MK). The Magoo's attack was also carried out to commemorate the 10th anniversary of the June 16 1976 uprising.

The Why Not bar was targeted because it was frequented by off-duty members of the Security Forces.

From around December 1985, and particularly during the period from April 1986 to September 1988, a number of attacks on civilian targets with no connection to the state occurred.

With regard to those attacks on 'soft targets' for which MK personnel were responsible, the ANC does not seek to justify such attacks, but insists that the context in which they occurred is relevant.

The ANC has acknowledged that in a number of instances breaches in policy did occur, and deeply regrets civilian casualties. The leadership took steps to halt operations in conflict with policy.

The December 1985 blast in an Amanzimtoti shopping centre, in which five people were killed and over 40 people injured, provides a clear example of the manner in which the behaviour of the apartheid regime was a significant factor in provoking certain attacks which were in breach of policy.

Andrew Zondo, aged 19, admitted to placing a bomb in a rubbish bin in the Sanlam Centre in Amanzimtoti on 23 December 1985.

On December 20 1985, the Pretoria regime had launched a raid on Lesotho in which nine people were killed. In anger, Zondo left a bomb at the shopping centre.

Andrew Zondo spoke with unmistakably sincere regret for the deaths which had occurred. Those responsible for the Lesotho massacre received medals at a secret ceremony. Zondo was sentenced to death five times and refused leave to appeal.

In many cases which will come to the attention of the Commission, attacks on civilians and civilian targets for which the ANC or other mass democratic organisations were blamed were in fact the work of the state: "false flag operations".

In 1981, the former commissioner of police, Johann van der Merwe, claimed that the SAP were aware of the ANC's "dissatisfaction" with Griffith Mxenge's handling of funds sent to him from abroad. The clear inference was that the ANC was responsible for the murder of Mxenge. The murders of Matthew Goniwe and his comrades were similarly ascribed to "UDF/Azapo conflict".

In January 1989, Minister of Law and Order Adriaan Vlok said the police suspected that "trained guerrillas" had been visiting Khotso House, following an explosion there. Former Vlakplaas operatives have subsequently claimed that they were responsible for the attack, and that Vlok in fact congratulated them for this action.

Certain attacks on civilians - including necklacings and attacks on a cinema and restaurants - were in fact carried out by agents of the apartheid state in their continuing attempts to damage the image of the ANC.
5.3 PEOPLE'S COMMITTEES AND SELF DEFENCE UNITS

In the mid-1980s the apartheid state went on a full-scale offensive. Communities began to take steps to defend themselves through establishing what were variously called defence committees, people's militia or self-defence units. The ANC actively encouraged initiatives of this nature on the part of the people. The ANC discussion document titled *Broad Guidelines on Organs of People's Power* envisaged the development of a system of 'layers' of cadres organised into self-defence units, combat units and MK officers respectively. Each 'layer' had a different function relative to the level of military training received and political control exercised by the ANC.

In so far as any excesses of those combat groups set up by, and SDUs linked to, the ANC, these should be understood in the context of MK operations.

On 6 August 1990, the ANC formally committed itself to a cessation of armed hostilities. Between late August and late September 1990, over 700 civilians had been massacred in attacks on homes, train commuters, and gatherings such as funeral vigils.

Resolutions at the ANC's December 1990 Consultative Conference committed the ANC to assisting people in setting up accountable and non-partisan SDUs. After the 1991 ANC National Conference, some members of Military Headquarters were tasked to attend to the organisation, training and provision of weaponry to SDUs. It was, however, made clear that the overall control of SDUs was to remain with community structures and the MK cadres were to participate as members of the community.

By September 1991, mobile specialist hit-squads had started to take over the work previously done by large identifiable political groups. The second major thrust of the state offensive to prevent SDUs from defending their communities was to infiltrate and subvert them.

The notorious Phola Park SDU - which was headed by a police informer, 'overthrew' the popularly-recognised Resident's Committee and conducted a reign of terror in the area - was a prime example of the latter.

5.4 EXCESSES IN RELATION TO STATE AGENTS

The ANC set up a fully-fledged Security Department in 1969. At the beginning, the ANC was faced with the real constraint that it was operating from abroad, initially with weak underground structures within the country and a mass movement that was only starting to emerge.

Given these circumstances, the ANC wishes to submit that it conducted itself well: above all, by ensuring the survival of a liberation movement which, at the beginning, had everything stacked against it. Yet we do acknowledge that, in the context of this work, excesses did occur.

The 1976 mass exodus of youth coincided with an increase in the number of state agents sent to infiltrate the ranks of the ANC.

The first major instance of their work was the poisoning of food at the Catengue military training camp in Angola in September 1977, where close on 500 trainees were poisoned.

In 1979, the regime launched an air raid on the same camp, the timing and choice of targets indicating clearly that they had information about the outlay of, and routine in, the camp.

At the same time, a number of cases of cadres deployed within the country exposed the fact that there were some state agents within some commanding structures of MK.

In 1981, this started to take the form of overt agitation against the leadership, particularly in Lusaka, Zambia. In the camps, bizarre incidents of indiscipline by a minority of cadres had started to play themselves out.

In addition to attempting to murder cadres and passing on intelligence on military installations, this network and its
various subsidiaries supplied information on the movements of leadership figures, carried out surveillance on ANC residences, sent the enemy information on the children studying at Mazimbu, committed various acts of sabotage and stirred up discontent.

This network was uncovered in 1981, and several of its members were executed after their cases had been heard by a Tribunal. It should also be emphasised that some of those arrested were either falsely implicated or had merely shown signs of ill-discipline rather than being state agents per se. Many of them were later released and apologies tendered for wrongful arrest.

Faced with this new situation and realising the dangers; and faced also with agents who refused to divulge strategic information though confronted with convincing prima facie evidence, excesses were committed.

These excesses are detailed in the Motsuenyane and Skweyiya Commission reports. From these reports and evidence led, it is clear that:

- Some of the details are accurate, and yet others are exaggerated or part of deliberate attempts to mislead the commissions.
- While the cadres responsible for the detention centres may be directly responsible for the excesses, the leadership of the Security Department did not take sufficient steps to correct the situation.
- When information to this effect reached senior organs of the ANC, lengthy meetings were held by the NEC to uncover the details and introduce corrective measures.

The ANC highly regrets the excesses that occurred. Further, we do acknowledge that the real threat we faced and the difficult condition under which we had to operate led to a drift in accountability and control away from established norms, resulting in situations in which some individuals within the Security Department started to behave as a law unto themselves.

Much has been said in public about the Morris Seabalo Centre, referred to also as Camp 32 or Quatro. The conditions in this detention centre, which are graphically illustrated in the commission reports, should be considered against the 'norm' which existed in general in the camps, given that conditions in any guerrilla military establishment are very difficult and abnormal.

The ANC also had to deal with instances of mutiny. Like all other armies, MK had rules about dealing with mutineers.

The most serious one broke out in Pango in 1984. Those responsible used machine-guns and other heavy weapons to attack the command of the camp, killing members of the command and other soldiers. A military tribunal was set up by the NEC and two groups of mutineers were tried, seven of whom were given the death penalty.

A number of other soldier were executed after they were tried and convicted of raping and murdering local villagers. The full list of people executed during the years of exile is attached to the submission.

After the Kabwe Conference, where the ANC's policy on the fair treatment of state agents was reaffirmed and clarified, ANC president Oliver Tambo decided to restructure the Security and Intelligence Department and bring in new personnel. A new leadership was appointed in 1987.

The leadership set about correcting many of the problems which remained within the department, and it actively and systematically investigated conditions in the detention centres and proposed corrective measures where problems remained.

The new leadership was also more rigorous in supervising the interrogation practices, and where violations were detected, remedial steps were immediately taken.

At the same time, the ANC's intelligence network had so advanced that it was possible to get information from within security police structures about some of their agents in our ranks. This made the work of the ANC and MDM much easier; it reinforced the drive against undue pressure to obtain information.
In so far as cases of abuse are concerned, the ANC concurs with the findings of the Motsuenyane Commission that, although there were a number of such excesses, it was never established that there was any systematic policy of abuse.

Instead the report illustrates many consistent efforts by the leadership to establish mechanisms of accountability and oversight. To the extent that the Motsuenyane Commission found that some detainees were maltreated and recommended that the ANC should apologise for this violation of their human rights, the ANC does so without qualification.

5.5 ANC MEMBERS WHO DIED IN EXILE

Over the years, the ANC has sought meticulously to record deaths in exile, irrespective of the causes. The rigours of underground existence have not made this an easy task.

After the unbanning of the ANC in 1990, a fulltime Bereaved Parents Committee was set up with the purpose of updating the list, making contacts with the families to inform them of the fate of their relatives.

No single death can be celebrated, whatever the circumstances. A single death is one too many; and the ANC would therefore wish to avoid comparing the number of deaths, among those who were or had been in exile, with the total number (amounting to tens of thousands) of those who were in its ranks over three decades.

5.6 THE UDF, MDM AND EXCESSES OF MASS REVOLT

Many participants in the mass uprisings of the 1980s did not fall within the formal structures and organisational discipline of the ANC, but believed they were acting with the broad parameters outlined by the ANC.

The UDF and MDM never shifted from their policy of non-violent forms of struggle.

However, given the situation in which they operated, it was impossible for the UDF/MDM to actually control all activities carried out in its name by people and groups who, while supporting the broad aims of these organisations, were not directly linked to the leadership and discipline of the organisations.

The use of extreme methods to neutralise the enemy, which included deterring and punishing collaborators, was perceived by many as an entirely justifiable act of self-defence. Such extreme methods, including the 'necklace' method, were never the policy of the ANC or UDF/MDM.

6. CHALLENGES FOR THE FUTURE

6.1 THE ANC's OWN CONDUCT

The mass of the people led by the liberation movement waged a just struggle against apartheid which was designated by the United Nations as a crime against humanity.

This struggle was no different in broad principle from other decolonisation struggles in other parts of the world.

However, we do acknowledge that the fact of a just struggle on its own does not render us or anyone else immune from judgement on humane or other conduct. We have set out the conditions under which any such violations may have occurred. But we emphasise that none of such violations arose out of official policy or were in any case sanctioned by the leadership. There are instances where we could have acted more firmly and speedily to prevent or stop abuses; and for that the ANC accepts collective responsibility.

6.2 REPARATIONS AND RESTITUTION

An important role of the TRC is to ensure that justice prevails to the maximum extent possible. Justice is not only punishment or retribution.
It must be appreciated that there needs to be restoration, restitution and/or reparation within the framework of such resources that South Africa can afford. Provision could be made for:

- monetary awards, either by way of lump sum or monthly pension;
- other forms of material assistance and support;
- psychological support and provision of comfort and solidarity;
- steps to be taken to restore the dignity and honour as well as the good names of victim
- steps to be taken to ensure that South Africa remembers.

The list is not exhaustive.

6.3 RECONCILIATION AND NATION-BUILDING

Human rights violations originated with the system of colonialism and evolved over centuries. The doctrines of racial superiority, the pursuit of narrow interests and privileges for the white minority in general and Afrikaners in particular - all premised on the exclusion of the majority - "naturally" had to be buttressed by a repressive regime.

The system of apartheid and its violent consequences were systematic; they were deliberate; they were a matter of policy.

Therefore, the basic premise in correcting this historical injustice is for South Africans to pay allegiance to, to consolidate and defend, the democratic constitution and human rights culture that it espouses. It is for all citizens to promote and utilise to maximum effect the rights that we have attained, and ensure that open and accountable government becomes a matter of course in our body politic. It is for us to promote equal individual rights without regard to race, colour, religion, language and other differences; and at the same time ensure that equal collective rights pertaining to these issues are protected. And it is for us to work together to build a better life for all.

Combined with the work of the Truth and Reconciliation Commission, all these efforts will afford us the confidence to say: Never Again! We appreciate the fact that the Commission is pursuing its work without fear or favour; and we hope that at the end of this process, South Africans will be the wiser, and better able to march to the future with confidence in one another and in their capacity to create a prosperous, peaceful and just society in which any violation of human rights will be fading memories of a past gone by, never to return.

Preface

The African National Congress welcomes the establishment of the Commission for Truth and Reconciliation (TRC) and commits itself to assist in ensuring that the Commission realises its objectives.

The ANC campaigned actively for the TRC to be included in the Interim Constitution because we believe that such a Commission can play an important role in ensuring the psychological, intellectual and political well-being of the new democracy. Only by unveiling and acknowledging as far as possible the truth about the realities of one of the most odious and vicious political systems in twentieth century world politics can the millions whose basic human rights were legally trampled upon as a matter of course be accorded the kind of respect which they deserve, and the reparations which are possible. Only by confronting the past can there be genuine reconciliation, nation-building and unity in our country. Creating an official record of what happened could help in a cathartic way to heal South Africans psychologically. By knowing what happened and why it happened, South Africa will be better placed to ensure that the evil deeds of the past are never repeated.

The law defines the parameters within which the TRC is to pursue its investigations, hearings and recommendations. The ANC fully subscribes to this legal process. Our presentation therefore aims to relate directly to matters within the jurisdiction of the TRC, while at the same time providing a context in which points made in the submission can be more fully understood. In this sense therefore, this submission is neither a definitive nor comprehensive history of the period
under review; it is rather a brief account addressing the specific issues relevant to the mandate of the TRC.

The ANC intends to make further submissions to the Commission as the need arises. ANC members will be forwarding amnesty applications to the Amnesty Committee, which will provide detailed information on the political objectives of relevant armed operations, the context in which such operations took place, and the lines of command governing operatives concerned.

The ANC respects the independence of the TRC and the integrity of the Commissioners, and will strive to ensure that the public shares this perspective. As an organisation, we commit ourselves to respect the final rulings of the TRC, confident that the objective will be to promote justice for all, as well as ensure socio-economic advancement, particularly to communities which have been systematically and unfairly disadvantaged in the past.

19th August, 1996

2. Introduction

As part of the process of the transformation of our country, the ANC had to consider its approach to the difficult but critically important question of what the new South Africa should do with those among our citizens who were involved in gross human rights violations during the struggle for our emancipation.

The choices we had to make can be stated in a simple and straightforward manner.

We could have decided to hold our own Nuremberg Trials.

We could have decided that all that should be done should be to forgive everything that has happened in the past.

We, however reached the conclusion that neither of these would be the correct decision to take.

In considering the correctness or otherwise of this conclusion, the point needs to be borne in mind that we are in transition from an apartheid to a democratic society.

This is not a single event but a protracted process.

What this speaks to is an unjust cause on one side and a just cause on the other.

Inherent to the system of white minority domination in this and all other countries where it occurred, was the philosophy and practice of the use of force to ensure the perpetuation of the system.

Force and violence by the dominant against the dominated, the contraposition of power to powerlessness, the attribution of mystical possibilities of retribution to the governors who can visit their wrath on the third and fourth generations of those who hate them, the suspension of all social norms, to enable the state and servants of the state to resort to the unbridled use of violence - all this, and more besides, sustains the continuity of colonial rule.

To maintain its internal integrity, coherence and rationale, this system could not but integrate in its world vision the concept of humans with a right to govern and sub-humans privileged to be governed.

Among other things, this paradigm allows those who enjoy the right to govern the ethical framework which permits them to use maximum force against any sub-human who would dare question his or her duty to accept the sacred obligation to respect the need to be governed.

The simultaneous and interdependent legitimisation of the two inherently anti-human concepts of racial superiority and the colonial state as the concentrated expression of the unlimited right to the use of force, of necessity and according to the inherent logic of the system of apartheid, produced the gross violations of human rights by the apartheid state which
are the subject of part of the work of the Truth and Reconciliation Commission.

It was as a result of the correct understanding of the nature of the system of apartheid that the United Nations characterised the system itself, and not merely its logical results, as a Crime Against Humanity.

With regard to the narrower context within which the TRC is considering this matter, the theoretical foundation of the enquiry would be the matter we have referred to, the legitimisation of the use of force in general but especially against those who would dare challenge the system.

This has two consequences.

One of these is the elevation of the state organs of repression above all other state structures, their exemption from all norms of common law consistent with limitations on the use of force, the conferring of powers on individuals to mete out violence as they deem fit and the consequent brutalisation of such individuals so that the perpetration of violence becomes their second nature.

The second of these consequences is the demonising by the state of those it seeks to destroy and against whom therefore, it permits the maximum use of force.

This would cover both individuals and institutions or organisations. It is necessitated by the need to encase the perpetrators of violence in the psychological armour which enables them to be free of all restraint as they carry out their deadly work.

During the period since the end of the wars of independence, the racist state activated its capacity to use force in direct response to its perception of the threat posed by the forces of resistance to the survival of the system of white minority domination.

As the offensive for the destruction of this system, became more serious and sustained so the features we have described above, increasingly resorted to force and the demonising of the genuine opponents of the system. These features increasingly came to the fore and assumed precedence in state policy and practice.

In reality, it would not be difficult for the Commission to proceed from the theoretical base indicated above to construct a picture of the structures, systems and practices put in place by the apartheid regime to confront the challenge it faced, some of whose results will be subject to review as human rights violations and applications for amnesty.

This would put in their place and context issues such as:

- the doctrine of "total strategy",
- the National Security Management System and the recruitment of many South Africans from all walks of life as agents of this system of repression;
- the use of special forces as elite offensive counter insurgency forces;
- the formation of special murder squads such as the Vlakplaas Unit, the CCB, the Caprivi trainees;
- the birth of destabilisation units including vigilante groups such as the Witdoeke;
- the use of criminals to carry out assassinations and, in return, their protection which enabled them to continue with their "ordinary" criminal activities;
- the coercion or persuasion of all social institutions including business, the media and academic establishments and leading individuals within these, to serve the common cause of defending the established racist order;
- the conduct of "stratkom" operations to win hearts and minds to the cause of a pro-apartheid counter-insurgency campaigns, or to reach political objectives through the combination of covert violence and propaganda operations;
- the emergence of amoral ogres within our society who believed, among other things, that they were licensed to kill;
- the serious erosion of both private and public morality as a consequence of the spread and entrenchment of illegal activity by agents of the state, entailing the abdication of the fundamental responsibilities of the state: the protection of the legal system and a law-governed social order; and,
- on an even wider scale, the integration in the "strategic thinking" of the white minority regime of the use of the
weapons of mass destruction - nuclear, chemical and biological - and the actual production of these weapons.

We raise all these matters because they are directly relevant to the truth which the TRC is intended to discover and convey.

They are equally germane to the question of what will need to be done both now and in the aftermath of the work of the TRC, to ensure that our country and people are never again exposed to the threat of gross human rights violations.

Counterpoised to what we have been discussing is, of course, the movement for national liberation - the other antagonist in the conflict to which the forces of white minority rule responded in the manner described above.

National liberation movements are about the emancipation of people. They are formed to fight against oppression, for freedom. Where the oppressor must necessarily fight for the state control of the individual, the liberator struggles for the restoration of the democratic rights of the individual and the sovereignty of the nation.

These movements necessarily depend on the voluntary support of the population; they have no capacity to offer material rewards to their activists. They must therefore depend on the moral superiority of their cause, relying on this as the principal motive force which enables the movement to withstand all attempts at its suppression.

Respect for human life and the pursuit of happiness and liberty are fundamental to the philosophy and practice of any genuine national liberation movement.

Any objective study would show that the ANC, has evinced all the characteristics mentioned above, whatever the circumstances of the struggle.

In this context, it is necessary to focus attention on certain salient features which we believe are critical to the work of the TRC.

The first of these is that the ANC only decided to resort to organised violence once the oppressor regime had blocked all avenues of legal non-violent resistance.

The resort to violence was therefore a last rather than first resort, precisely because the protection of life itself is integral to the world view of the liberation movement and because the constituency of the liberation movement is, by definition, unarmed, as opposed to its opposition which, again by definition, is heavily armed.

The second of these considerations is that even when it used force, the liberation movement sought to do this in a limited way, in order to generate sufficient pressure on the oppressor regime and to create the conditions which would make a peaceful resolution of the conflict in the country possible.

When the strategic objective of the movement was stated as "the armed seizure of power by the people", the planning that took place to accomplish this objective was focussed on directing attacks against the repressive machinery of state, and not the civilian population which constituted the political base of the apartheid ruling group.

The third important point to make is that in the elaboration of its strategy, the liberation movement never sought to elevate the use of force above all other forms of resistance, but viewed the armed struggle as one of the "four pillars" of our global strategy.

Those four pillars were:

- the mobilising and organising of the masses of the people to engage in political struggle;
- the strengthening of the underground movement to ensure effective and continuous leadership of the democratic movement as a whole;
- the maintenance of the armed offensive to help tilt the balance in favour of the forces for democracy and non-racialism; and,
- the international isolation of apartheid South Africa, and the strengthening of international support for the South
African democratic movement.

The result of this approach was that the armed struggle was never the sole nor the most important element in the strategy of the ANC.

Two consequences follow from this approach which, again, are relevant to the work of the TRC.

One of these is that the ANC always insisted on the primacy of politics over the use of force and therefore never accepted the notion that "power grows out of the barrel of a gun".

A result of this fundamental attitude was that the ANC took a principled stand against the use of terrorism as an element in its armed struggle.

It was for this reason that the ANC avoided what would have been very easy targets - namely, attacks on white civilians such as could have been carried out at schools, churches, on civilian aircraft and diplomatic missions, etc.

Another of these consequences is that the ANC trained all its combatants as armed political activists and not as mere soldiers whose only responsibility was to understand and carry out orders from a superior command.

This was very importance because the actions of each combatant had to be aimed at winning the support of the people, Combatants had to be able to operate in circumstances in which they were cut off, not only from their commanders but from the leadership of the movement in general, and in which the circumstances in which they found themselves would change rapidly, calling for prompt decision making.

Two other matters critical to the work of the TRC are, first, the concept of a just war and the place of the struggle for national liberation in international law, and secondly, the boundaries of acceptable conduct within an irregular war - guerilla warfare.

Let us deal with the first of these.

The constitutional settlement expressed in the 1910 Act of Union resulted in the formalisation of the definition of the African majority as the colonised, with the colonial master being the state that would be constituted by the combined Boer-British white population.

Great Britain granted independence to white colonists, while conceding the right and the power to these colonialists to treat the indigenous population as colonial subjects.

This resulted in the adoption of the phrase "colonialism of a special type" to describe the political and socio-economic realities which persisted until the formation of a democratically elected government in 1994.

During the course of this century, international law finally recognised the right of nations to self-determination, up to and including independence.

With this, came the acknowledgement of the right of any people denied the right to self-determination to engage in struggle, including armed rebellion, to gain that right.

This correct development constituted the legal recognition and codification of a reality which had been established, among other such outstanding historical events as the American and the Haitian Wars of Independence.

The majority of the people of our country, oppressed as a colonised people, had as equal a right to self-determination and the right to engage in struggle to gain this right as did other colonised people.

We, like these other peoples, were therefore justified in engaging in a just war.

This is the first and fundamental condition that must be acknowledged and recognised in the context of any assessment of our armed struggle for liberation, such as the TRC may have to make as it works to discharge its mandate.
We have already stated the second element that bears on this issue - that the ANC only opted to exercise its right to resort to a just war when the apartheid regime closed all avenues to a peaceful resolution of the injustice represented by colonialism of a special type.

The position stated in the *Manifesto of Umkhonto we Sizwe* published in 1961 was correct, that in these circumstances, we had no choice but to submit or fight.

We chose to fight rather than submit and by submitting, contribute to the perpetuation of the apartheid crime against humanity.

The oppressor regime will argue that the legally constituted South African apartheid state enjoyed the rights that accrue to all states and that rebellion against the established order had to be suppressed by all legal means available to the state.

The issue however turns on the fundamental consideration that no legitimacy can attach to a jurisprudence elaborated to enforce a crime against humanity, as no notion of illegality can attach to the fact of insurrection against a crime against humanity.

The naked reality is that our country would not be free today if we had depended for our emancipation on legal parliamentary opposition, including the white, tri-cameral and bantustan processes.

The second matter that requires consideration is, as we have said, the concept of an irregular war.

In the period since the outbreak of the Second World War, there are many examples of such wars with which the TRC could familiarise itself.

Any objective study of the military features of such wars would show certain extraordinary circumstances which the TRC would need to understand in order to order to deal with the expression of this phenomenon in our own country.

We believe that it is important for the TRC to understand these circumstances because, without such understanding, it would be impossible for the Commission to properly consider the conduct of the campaign of armed resistance to the system of apartheid.

In this context, there are four matters on which we will make detailed presentations.

The first of these is that as a movement we made a determined and sustained effort to ensure that we conducted an irregular war as far as possible according to international conventions governing the humanitarian conduct of warfare.

The second is that, nevertheless, cadres of the movement had to deal with varied objective and subjective situations that were presented to them by particular circumstances, without the possibility of abiding by stipulated rules and norms.

If any resultant behaviour was inconsistent with these rules and norms, at no stage could it ever be suggested that these cadres or the movement as a whole had thereby fundamentally betrayed the humane character of the movement for national liberation.

The third is that this movement had to protect itself from destruction and defeat by a determined enemy that was prepared to use any means to ensure the destruction and defeat of the movement for national liberation.

As a movement, we therefore had to take the necessary measures to defend ourselves. Many of these defensive measures had to be carried out in emergency conditions requiring a succession of immediate decisions, without which the movement itself might be destroyed.

The fourth consideration is use of the enemy of "false flag" - operations seemingly originating from within the movement, but, in reality, carried out on the instructions of the enemy's security forces in order to discredit the liberation movement.
In the end, the fundamental issue we would like to present to the TRC is that as a liberation movement, we engaged in a just war for national liberation.

The overwhelming majority of the actions carried out in the course of the just war of national liberation do not constitute "gross violations of human rights" as defined in the Act establishing and mandating the TRC.

Within this overall framework, there were particular actions carried out by cadres and supporters of our movement which we believe fall within the ambit of the work of the Commission, but must, nevertheless, be treated within the context we have described above.

The political and operational leadership of the movement accepts collective responsibility for all operations of its properly constituted offensive structures, including operations described in the preceding paragraph.

The ANC will therefore not be making any representation about those activities in its conduct of the struggle for national liberation which we deem to constitute legitimate actions carried out during a just and irregular war for national liberation.

With regard to those operations which we believe fall within the ambit of the work of the Commission, we will provide the Commission and the country with the necessary information, while encouraging those members and supporters of our movement where necessary to apply for amnesty.

In the context of what we have said above, it is necessary that we consider three questions relevant to the work of the Truth and Reconciliation Commission. These are:

- in what ways can the Commission, through its work, contribute to the achievement of the goal of national reconciliation?
- in what ways can it contribute to the realisation of the goal that our country and people should never again be exposed to the danger of institutionalised gross violation of human rights?
- what are the practical ways by which the concept of "reparation" can be realised? and,
- what is the place of the individual, in all these processes, be they perpetrator or victim?

National Reconciliation

The most important issue in this regard is that the grief of particular individuals, important as it is to the affected individuals and the nation, is relevant also to the extent that it contributes to the achievement of the larger goal of national reconciliation.

National reconciliation will only have meaning if it addresses the historic conflict in our country between black and white.

Through centuries of this conflict, the names of the players have changed continuously, regardless of their colour and the causes they served.

What never changed was the character of the conflict, which was between the white colonising forces and a black liberation movement, based on a social system which elevated the white at the expense of the black.

National reconciliation has to be between black and white.

Without transformation to end the disparities of privilege and deprivation which are the legacy we have inherited from our colonial and apartheid past, but which continue to define the present, national reconciliation is impossible.

Whichever way the TRC interprets its mandate, it cannot avoid the conclusion that the ghost that needs to be laid to rest is - the ending of the domination of the black by the white, in all spheres of social existence.

If our society does not achieve this, racial conflict will continue. The goal of national reconciliation will not be
achieved.

Clearly, this objective cannot be achieved by the TRC alone.

It also emphasises the obligation that rests on the Commission to make its own recommendations as to what the larger and varied society from which it is drawn might do, to contribute to the realisation of the goal of national reconciliation.

Protection from Gross Violations of Human rights

Systematic violations of human rights are a manifestation of a social system, rather than the exceptional faults of particular individuals.

To ensure that our country and people are never again exposed to such systematic violations of human rights as occurred under apartheid, it is necessary that we construct a constitutional, political and socio-economic order which inherently protects human rights, and has the means to defend itself against any tendency to limit or violate those rights.

The mandate for the construction of such a system of course rests with bodies other than the TRC. As a movement we are convinced that these institutions are carrying out their mandate.

But we also believe that the TRC has an important role to play in helping to ensure that the specialised institutions established by the apartheid regime to carry out a campaign of repression are completely dismantled.

We refer here not to normal state organs such as the police, the Defence Force and the intelligence services, but to other clandestine structures established under the National Security Management System, some of which continued to operate as part of the "third force".

The exposure and destruction of these structures is important to ensure that they are stopped from actually or potentially engaging in any acts of destabilisation.

This is particularly important in light of the fact that persons who belong to these structures have been trained and motivated as anti-democratic operatives and, in many instances, will not have changed their ideological colours.

It is also important that the nation as a whole should be familiar with this machinery as part of the process of raising the level of national vigilance so that it is difficult for any government in future to create similar structures for use against the people of our country.

Reparations

A crime against humanity, it is inevitable that the apartheid system will have had a detrimental effect on all black people in our country.

In this sense, all the oppressed people could correctly assert that they are entitled to reparation for harm caused to them by the apartheid system.

To come more narrowly to the issue of reparations as it relates to the TRC, it is important to bear in mind that millions of people were involved in the struggle for national liberation, whatever the particular form of their engagement.

To defeat this struggle, the apartheid regime carried out a widespread campaign of terror which affected hundreds of thousands of people to one degree or another.

What these masses sought by their engagement in struggle was not personal reward but the emancipation or our country. Their greatest reward is the victory of the democratic cause and the reconstruction and development of the country in a manner that radically improves the quality of life of the people in as speedy a manner as possible.

The TRC will therefore have to look for ways and means in which to extend reparations to the people as a whole. A lot
of creative thinking will have to go into this so that steps are taken which will inspire the people to accept that such reparation as is due is made.

Where reparations are made to individuals, whatever the form of such reparation, the point will have to be taken into account that the numbers of people entitled to such reparation are larger than anyone of us can imagine.

As the principles of equity will have to be observed in awarding these reparations, care should be taken that the new society does not assume obligations it cannot meet.

The Role of the Individual

Many individuals have appeared and will appear before the TRC both to apply for amnesty and to tell the truth about violations of human rights, as perpetrators and victims.

However we should bear in mind that any process which visualises all individual victims of the gross violation of human rights appearing before the Commission would have to take into account that this would require that the TRC sit for many years.

Consideration should therefore be given to how the hundreds of thousands or millions of affected individuals and families might be recognised, and how to draw the necessary lessons and examples from a wide variety of individual experiences, without it being necessary that everyone appears before the Commission.

We should not lose sight of the fact that one of the central objectives of the TRC is the achievement of national reconciliation.

An element of this is described as personal catharsis, and this should reinforce the achievement of the broader national goal which relates to the building of a democratic, peaceful and non-racial South Africa.

It is also important that, within its lifetime, the Commission should complete the amnesty process, to ensure that the democratic state is not left with the responsibility of instituting criminal investigations and the possible prosecution of people for actions that took place during the period covered in the mandate of the TRC.

If this were to happen to any significant degree, it would mean that the TRC had failed in its mission and had, by that failure, condemned our country to continuing conflict about events of the past rather than the reconciliation sought from the work of the TRC.

The ANC is ready to assist in the gathering of such information from individuals and families as might be relevant to the work of the TRC. We would do this to help ensure that the TRC process is as inclusive as possible.

At the same time we believe that it is important that the individual presentations should assist in dealing with the fundamental question of conflict among organised forces and between social systems, which is what the TRC must address if it is to discharge its responsibility to the nation.

Conclusion

The ANC is committed to doing everything in its power to help the TRC and the nation to know as much as is possible about the events of the period the TRC is mandated to investigate.

We believe that the TRC should conclude its work as quickly as possible so that we do indeed let bygones be bygones and allow the nation to forgive a past it nevertheless dare not forget.

3. The Historical and International Context
The approach of this submission is to identify the broad contours of gross violations of human rights during the apartheid era, with a particular focus on the period 1960 to 1993. Within this context, the concomitant responses of the ANC as the leading force in the struggle for democracy, freedom and human rights in South Africa will be explained. The forms of struggle embarked upon by the ANC were in response to the policies, laws and activities of the apartheid regime and at the same had an impact on them. In the final analysis, the reaction of a people to their subjugation will take forms dictated to by the conditions of that subjugation.

The thirty years beginning with the Sharpeville shootings in March 1960 (followed by the banning of the ANC and other organisations and the State of Emergency) up to the first democratic elections in April 1994, constitute an identifiable historical period. It was during these three decades that apartheid policies were most expansively and aggressively pursued; that the South African state made a decisive shift towards more overtly authoritarian forms of social control and political repression; and that massive transgressions of basic human rights in South Africa became commonplace, bringing international notoriety to apartheid South Africa.

3.1 Colonialism, dispossession and segregation

It is necessary to emphasise that formal apartheid was preceded by a sustained period of dispossession, denial and subordination. The process of colonial conquest in South Africa lasted for over two centuries; from the destruction of Khoisan communities in the seventeenth and eighteenth centuries, through the bloody century of warfare in the present day Eastern Cape Province, to the military defeats further north in the late nineteenth century. A further crushing assertion of imperial might occurred in 1899-1902 with the subjugation of the Boer republics by British armies.

Modern South Africa was built on the foundations of conquered territories, captive peoples, scorched earth and shattered sovereignties. The "colour bar constitution" of 1910, which brought the Union of South Africa into existence, affirmed white interests at the expense of the black majority. It not only took away some of the rights enjoyed by black voters in the Cape, but also denied any political rights to black people in the other colonies, thus establishing the framework for all-pervasive discrimination and conflict in later years. Government legislated a distinctive form of industrialisation based upon the cheap labour of a disenfranchised majority. Segregation policies divided access to housing, jobs, education and welfare along racial lines.

The 1948 white election saw the accession to power of the National Party. The apartheid policies of the new regime codified, intensified and extended existing disparities between "racial groups" within the South African population. [Further details appear in Section 4.1 below.]

Between 1948 and 1960 curbs upon freedom of movement and on where people might live and work were sharply intensified; racial classification provided the basis for the provision of separate facilities in almost every walk of life; the permissible forms of political behaviour were narrowed. Many political and trade union leaders were banned and/or banished to remote areas under terms of the Suppression of Communism Act of 1950, which denied them recourse to the courts. The arrest of 156 leaders of the Congress Alliance and the protracted Treason Trial was a further instance of the attempts by the state to outlaw the legitimate political demands of the disenfranchised majority.

But when one compares the 1950s with what followed, it is clear that in the 1960s there was a qualitative shift towards more repressive policies and practices by the National Party government. In the political arena, these policies and practices significantly intensified violations of basic human rights, abrogating the rule of law, criminalising a wide range of political activities, and vastly increasing the coercive powers of the state. At the same time, the overall administration of apartheid became increasingly disruptive of people's lives and more devastating in its effects. [For details see sections 4.1 to 4.3 below.]

The specificity of the 1960s is important, for it was also in this decade that the African National Congress was proscribed by the government and consequently turned to underground forms of organisation, and adopted the armed struggle. This response by the ANC is dealt with more fully in Section 5.1 below. For the moment, it is useful to view the early history of the ANC within the context of the South Africa sketched above.

3.2 The history of the African National Congress to 1960
Founded in 1912, the ANC is the oldest national political organisation in South Africa. From the start the ANC's core principles were to promote unity, counter racism and work towards equal rights for all South Africans.

Its formation was a direct response to the 1910 Act of Union which excluded black South Africans from citizenship rights, and constitutionally entrenched minority rule. At the time one of the early activists warned with great foresight:

"Equal Rights ... is the motto that will yet float at the masthead of the new ship of state which has been launched under the Union, and no other will be permanently substituted while there is one black or coloured man of any consequence or self-respect in the country, or any white man who respects the traditions of free government - so help us God."

Izwi Labantu, 16/02/1909; quoted in A. Odendaal, *Vukani Bantu! The Beginnings of Black Protest Politics in South Africa to 1910* (David Phillip, Cape Town, 1984)

To protect the interests of the disenfranchised in the new South Africa of that time, the ANC formed itself as a "Native Parliament". It consistently tried to promote the interests of Africans to oppose "by just means" the colour bar, and to call for "equitable representation" in Parliament and the extension of political and civil rights regardless of race. In a real sense its formation sowed the seeds which reached fruition with the creation of a united South African nation in 1994.

In the early decades of its existence, the ANC was conspicuously committed to act within the law; its methods strictly constitutional - petitions, legal suits, and deputations - even though its representations consistently fell on deaf ears.

Influenced by the international struggle against fascism, the growth of anti-colonial movements in other countries, the formation of the United Nations Organisation and both the intransigence of those in power in South Africa and a growing mood of resistance amongst the black majority, the ANC became more assertive in its demands from the Second World War onwards. The ANC's historic Africans' Claims document of 1943 underlined support for the Atlantic Charter adopted by the Allies as a guide to the creation of a new post-war world order and included a Bill of Rights for South Africa which would ensure full citizenship rights for all - the first such document in our country's history.

In 1949 the ANC adopted a Programme of Action which sought to realise the above objectives, using new methods of direct action such as boycotts, strikes and civil disobedience if necessary. In the Defiance Campaign of 1952 over 8,000 people were arrested for the deliberate contravention of apartheid laws. The Defiance Campaign won mass popular support for the movement and was followed by other protest campaigns in the 1950s - against Bantu Education, against the introduction of passes for women, against farm labour conditions, and against the destruction of Sophiatown.

The militancy that started to take root in this decade, was essentially in response to intensified oppression and repression introduced by the NP government. Instructively, the decade opened with the killing by police of 18 Africans on 1 May 1950. This trend was to continue, culminating in the 1960 Sharpeville massacre.

It is proper at this juncture to refer to an observation by former ANC President Oliver Tambo in 1983, which captures not only the essence of this period, but also brings out in bold relief the paradigm of debates in later years and even today:

"The ANC was non-violent for a whole decade in the face of violence against African civilians...No one refers to Africans as civilians and they have been victims of shootings all the time. Even children - they have been killed in the hundreds. Yet the word has not been used in all these years...But implicit in the practice of the South African regime is that when you shoot an African, you are not killing a civilian".

In 1955, the ANC and its allies convened the Congress of the People, which adopted the Freedom Charter - a powerful call for equal political and civil rights, as well as basic economic and social welfare provisions. Once again the ANC was the first to outline a clear alternative programme, based on non-racialism and universally accepted human rights principles, in opposition to the short-sighted and discriminatory policies of the National Party government.

Despite the new militancy of the 1950s, the ANC remained committed to non-violent, legal forms of struggle. Its dedication to political reform by persuasion rather than by violent means was most memorably, stated by Chief Albert
Luthuli in 1952:

"In so far as gaining citizenship rights and opportunities for the unfettered development of the African people, who will deny that thirty years of my life have been spent knocking in vain, patiently and modestly at a closed and barred door?"

Five years later, when he wrote to Prime Minister Strijdom, urging the calling of "a multi-racial convention to seek a solution to our pressing national problems", he reiterated that the ANC

"has always sought to achieve its objectives by using non-violent methods. In its most militant activities it has never used nor attempted to use physical force. It has used non-violent means and ways recognised as legitimate in the civilised world, especially in the case of a people, such as we are, who find themselves denied all effective constitutional means of voicing themselves".

If it is to be properly understood, the pattern of South African politics between 1960 and 1993, including the massive violations of human rights by the apartheid regime and the forms of struggle adopted by the liberation movement, need to be located within this historical context.

### 3.3 Just struggle in the international context

"Those who make peaceful change impossible make violent change inevitable."
- John F. Kennedy.

The African National Congress was internationally recognised as a liberation movement. It was accorded observer status by most international organisations including the United Nations, the Organisation of African Unity and the Non-Aligned Movement.

The traditional legal view of wars of national liberation was that they constitute a category of internal wars and as such are not subject to international legal regulation. However, from the early 1960s in a number of international legal fora, but more significantly in the United Nations General Assembly, a growing majority supported the view that struggles against colonialism and other forms of oppression in pursuance of the right to self-determination had an international character. The point of departure for most ex-colonial states in the UN was their recognition that this principle imposed an obligation on the colonising power, and established the right of all peoples to the exercise of self-determination. This trend culminated in General Assembly Resolution 1514(XV) of 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, the most important achievement in this respect is the Declaration on Principles of International Law Concerning Friendly Relations, adopted by the General Assembly Resolution 2625 (XXV) in 1970. This Declaration which was adopted in the General Assembly by acclamation, i.e. unanimously without a dissenting vote, gave universal recognition to the legal and binding nature of the principle of self-determination.

In view of these developments, wars of national liberation could no longer be considered as internal wars since they were now regulated by international law. As concerns the legality of the use of force in the context of self-determination, the Declaration provides that:

"Every State has the duty to refrain from any forcible action which deprives people... of their right to self-determination, freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such people are entitled to seek and receive support in accordance with the purposes and principles of the Charter."

This provision had significant implications for cases of armed resistance.

Firstly, it clearly stated that the "forcible action" or use of force which is prohibited is that emanating from a government in denial of the right to self-determination.

Secondly, armed resistance to forcible denial of self-determination - by imposing or maintaining alien domination by
force - is legitimate according to the Declaration. In other words, liberation movements have the right to go to war under the Charter.

Thirdly, the right of these movements to seek and receive support and assistance necessarily implies that they have a locus standi in international law and that third states can assist or even recognise them without this act constituting an intervention in the domestic affairs of the oppressor state.

Although South Africa was considered an independent state and not a colonial power in the strict sense of the word, it was argued and accepted in the United Nations that the self-determination of the South African people had not taken place because of their subjection to legalised racial discrimination by the government through the internal policy of apartheid. The ANC, frustrated in its efforts to achieve democracy peacefully, legitimately took up arms against the apartheid government.

Thus, it would be morally wrong and legally incorrect, for instance, to equate apartheid with the resistance against it. While the latter was rooted in the principles of human dignity and human rights, the former was an affront to humanity itself.

No issue before the United Nations has been more enduring than the discriminatory treatment officially accorded to black people in South Africa; in 1972 the Special Political Committee of the General Assembly devoted no fewer than 19 of its total 51 meetings to discussing apartheid. Between 1946-1948, the General Assembly passed no fewer than 215 resolutions dealing principally or exclusively with South Africa.

In 1965 the General Assembly also adopted the International Convention on the Elimination of All Forms of Racial Discrimination. It declared that the doctrine of superiority based on racial discrimination was morally condemnable, socially unjust and dangerous. In the following year the Assembly took an additional step in its campaign against apartheid, when it affirmed

"its recognition of the legitimacy of the struggle of the people of South Africa for human rights and fundamental freedoms irrespective of race, colour or creed."

At its twenty-fifth and twenty-sixth sessions the General Assembly adopted a series of Resolutions dealing with apartheid. Most important among the Resolutions was Resolution 2671 of 1970. Apart from declaring that the policies of apartheid were a negation of the Charter of the United Nations and constituted a crime against humanity, this resolution reaffirmed recognition of the legitimacy of the struggle of the people of South Africa to eliminate, by all the means at their disposal, apartheid and racial discrimination and to attain majority rule in the county as a whole, based on universal suffrage.

In 1973, the UN adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid, which also called on State Parties to adopt legislative, judicial and administrative measures to prosecute, bring to trial and punish persons responsible for the crime of apartheid.

As early as 1972 General Assembly Resolution 2852(XXV) on Respect for Human Rights in Armed Conflicts had reaffirmed that:

"Persons participating in resistance movements and freedom fighters in Southern Africa and in territories under colonial and alien domination and foreign occupation who are struggling for their liberation and self-determination should, in case of arrest, be treated as prisoners of war in accordance with the principles of the Hague Conventions of 1907 and the Geneva Conventions of 1949."

This was subsequently formalised by Protocol I of 1977 to the Geneva Conventions of 1949 which applied the totality of the Geneva Conventions of 1949 to wars of national liberation, which was signed by the ANC in 1980. The implication of this was that members of the liberation movements were protected from South African criminal law except where their activities could be characterised as war crimes or crimes against humanity such as genocide. The South African government consistently refused to ratify this Protocol. [Refer to Section 3.5 on the international status of the apartheid regime.]
3.4 Apartheid and human rights

Apartheid was founded on, and represented an intensification of, the colonial system of subjugation of Africans, Coloureds and Indians. The leadership of the National Party based their principles and programmes on doctrines of racial superiority, some of them derived from Nazism, an ideology with which they had identified through the Ossewa Brandwag and other activities during the Second World War. From the crop of OB leaders and operatives emerged political leaders, judges and other exalted persons of the apartheid era. The statement by former Prime Minister BJ Vorster that what in Germany was National Socialism was known as Christian Nationalism in South Africa, succinctly captures the NP's admiration of Nazism.

At the root of their doctrine was the single-minded pursuit of Afrikaner ethnic and white racial dominance, which placed these groups' rights and privileges above everything else. As such, individual interests and rights, let alone those of black people, were to be subsumed under this group mission. The constitutional order was adjusted and readjusted over the decades to pursue this objective: and even today, pursuit of exclusive group interests as pitted against the individual rights of all citizens, constitutes one of the real tensions in the country's body politic.

To entrench and defend such Afrikaner dominance, the NP set about transforming the judiciary, the army, the police, intelligence services, academia, the civil service, the mass media, economic and labour relations and parastatals. A web of secret organisations, primary among which was the all-male, all-Afrikaner Broederbond, was used to maintain a firm grip on the levers of political and economic power.

Apartheid oppression and repression was therefore not an aberration of a well-intentioned undertaking that went horribly wrong. Neither was it, as we were later told, an attempt to stave off the "evil of communism". Its ideological underpinning and the programmes set in motion constituted a deliberate and systematic mission of a ruling clique that saw itself as the champion of a "super-race".

In order to maintain and reproduce a political and social order which is premised upon large-scale denial of human rights, far-reaching and vicious criminal, security and penal codes were necessary. Those who sought to defend the system increasingly relied upon intimidation, coercion and violence to curb and eliminate the opposition that apartheid inevitably engendered. The spectrum of intimidation, coercion and violence is one with which the Truth and Reconciliation Commission is becoming familiar in all its gradations.

At the legal end of the spectrum are Acts of Parliament which defined large areas of political activism as sabotage and terrorism; placed the onus of proof on the accused; made offences retrospective; imposed harsh minimum sentences; equipped the police with sweeping powers and simultaneously subverted an already compromised judicial system. From there, the spectrum extends through psychological and physical abuse of detainees, including torture and death, the extra-legal harassment of individuals whose activities remained legal even within the context of the security laws, the sordid repertoire of "dirty tricks" conducted by statutory and clandestine organs of state, and ultimately to kidnappings, bombings, massacres and murders by hit-squads and "third force" agencies. An attempt will be made below to more systematically detail the repressive framework created under apartheid, and show how this changed in response to changing circumstances during the period under review.

3.5 Apartheid violations of human rights in an international context

The apartheid regime persistently tried to hide behind the idea that what it did to its population was simply a matter of domestic concern, and not the business of the international community. When this failed, the regime adopted a new approach, arguing that the legal and moral basis for international action did not exist and that the description of the apartheid regime as a pariah, an outcast, or an international outlaw was simply the result of a mischievous and malicious campaign by the Third World and its Communist allies.

In particular, the international community recognised that the workings of apartheid - killings, torture, mass removals, violation of basic rights such as freedom of movement, racial discrimination etc.- did not constitute a mere wrong but a crime against humanity, first identified at the Nuremberg Trials and subsequently applied to the apartheid structure
under numerous resolutions of the General Assembly and the Security Council, forming part of the practice under international law which is one element of the development of international rules.

Although the apartheid regime was in de facto control of South Africa, it acted without a proper mandate. The defective or illegitimate status of the South Africa regime did not mean, however, that the regime was not accountable in international law for its violent and racist policies, for as the international Court has said:

"Physical control of territory, and not sovereignty or legitimacy is the basis of State liability affecting other States."

The role of the Security Council in taking decisions binding on the international community was vital, in a legal sense. Since 1962, by increasing majorities, the General Assembly urged states to impose sanctions of various kinds and, since 1965, comprehensive sanctions. The Security Council, through the persistent use of the veto by certain permanent members, thwarted the opinion of the international community that any form of collaboration was, not only morally wrong because it provided aid and succour to apartheid, but was also contrary to the basic rules of international law.

Notwithstanding this, the Security Council unanimously passed resolution 556 in 1984, which encapsulated the legal and political basis for the illegitimacy of the apartheid regime. This resolution reiterated its condemnation of apartheid policy as a crime against humanity; demanded the dismantling of the bantustans, and demanded the immediate eradication of apartheid and the taking of the necessary steps towards the full exercise of the right to self-determination in an unfragmented South Africa.

In 1974 the General Assembly refused to accept the credentials of the South African delegation, in effect barring South Africa from participating in its work. No other state had faced this humiliation, including expulsion or suspension from nearly every inter-governmental and non-governmental international organisation. The reason for such disengagement from normal relations turned on the nature of the regime.

For not only was apartheid an egregious form of gross, flagrant and systematic violation of human rights, it also deprived the majority of the right to self-determination.

An examination of relevant international conventions, declarations, resolutions, judicial decisions and the practice of the United Nations and its organs, and the practice of regional organisations and states, yields affirmation of the following propositions of international law in relation to the apartheid regime:

- Gross and systematic violation of the provision of the Universal Declaration of Human Rights of 1948, especially those provisions which must now be regarded as part of customary international law;
- Control of the black population and their treatment resulted in policies akin to slavery, contrary to a peremptory norm of international law recognised by the World Court in the Barcelona Traction Co. case (1970);
- Apartheid often produced outcomes similar to those of genocide - a practice now proscribed by the international community, leading to criminal sanctions;
- The policies of apartheid were a negation of the United Nations Charter and a crime against humanity, thereby giving universal jurisdiction for its suppression and punishment, on general principles and by treaty;
- The policies and actions of the apartheid regime constituted a serious obstacle to the exercise of the right to self-determination by the oppressed people of South Africa; and the forcible denial of self-determination violated the Charter of the UN and constituted a crime against peace;
- The South African regime had no right to represent the people of South Africa; its illegitimacy arose from the systematic breaches of peremptory rule of international law.

International law was part of the armoury of opposition to apartheid. It validated activities and actions against apartheid and distinguished the correctness of the actions of resistance from the illegality of the regime.

While the ANC from its inception in 1912 articulated human rights for all South Africans in line with internationally accepted democratic norms, the trend on the part of white minority governments was towards a restriction of human rights.
Moreover, unlike the racist state, the ANC took special care after being compelled to take up arms in the 1960s to ensure that its conduct was in compliance with international conventions in situations of armed conflict. It argued, and this was widely accepted internationally, that the struggle against apartheid and white minority rule was comparable to other international struggles against tyranny, for example, the American War of Independence, the war against Nazism, and the numerous anti-colonial struggles in the 20th century.

International precedents support the notion that no equivalence can be made between the defensive violence of the disenfranchised majority and the institutional and overt or covert violence perpetrated in the name of apartheid; in everyday parlance, the violence of a victim fighting back cannot be equated with the malevolent aggression of the rapist.


Apartheid was premised on discrimination, denial and segregation in every area of South African life - social, political and economic. It grossly violated human rights in numerous ways, and on different levels. As time passed the system of human rights violations mutated into different forms, while retaining its essentially discriminatory and violent features. Below we try to highlight laws, policies, actions and the changing nature of apartheid, and show how these contributed to the gross violation of human rights during the period under review by the Commission.

4.1 The post-1948 legislative programme of apartheid

What the National Party did after 1948 was to make colonial segregation and discrimination more systematic, and more far-reaching, and more rigorously implemented and policed.

Thus the early years of National Party rule saw the passage of bedrock segregationist and discriminatory laws, including:

- The *Population Registration Act* (1950) which allocated all South Africans to a particular racial group, from which flowed differential privileges and prohibitions;
- The *Group Areas Act* (1950 and subsequent amendments) which gave the government power to proclaim residential and business areas for the sole use of particular race groups, which, together with forced removals constituted one of the most blatant violations of the property rights of black people since the early years of colonial domination;
- The *Separate Amenities Act* (1953) which wrote into law the principle that members of different races might not enjoy the same public amenities;
- The *Bantu Education Act* (1953) which redefined the content and purpose of African schooling and vested its direct control in the Department of Native (later Bantu) Affairs; as well as laws on Coloured and Indian education and on tertiary institutions.

Other early apartheid legislation introduced sharp new curbs over the urban residential rights and rights as urban workers of the African population:

- The *Native Labour (Settlement of Disputes) Act* (1953) excluded African workers from the formal system of industrial relations;
- The *Native Laws Amendment Act* (1952) and Natives (Urban Areas) Amendment Act (1955) tightened the terms under which African men and women might legally live in urban areas;
- The *Native Building Workers Act* (1951) and Industrial Conciliation Act (1956) extended the operation of job colour bars, and passes to women.
- A further set of laws passed by the new National Party government sought to restrict legally permissible forms of political behaviour and protest:
The *Suppression of Communism Act* (1950) not only proscribed the Communist Party of South Africa but created a series of offences under an extremely broad and vague definition of "communism";

- The *Criminal Law Amendment Act* (1953) - a response to the 1952 Defiance Campaign - made it a criminal offence subject to heavy penalties to break any regulation "by way of protest, or in support of any campaign against any law";
- The *Public Safety Act* (1953) which gave the Minister of Justice the power to declare a state of emergency during which the ordinary law of the country would be suspended;
- The *Criminal Procedures Act* (1955) which, among others, allowed the state to designate the location of trials anywhere in the country irrespective of the area of abode of the accused, and gave Attorneys-General the right to prevent the granting of bail.
- The *Prohibition of Interdicts Act* (1956) which denied Africans the right to lodge interdicts and stop actions that may cause harm.

These are just a few examples of the hundreds of laws that were put on the statute book to control the lives of black South Africans from the cradle to the grave. All these unjust laws also made it impossible to use the courts for redress against violations of human rights. Not infrequently, the whites-only parliament speedily passed amendments and new legislation to close legal loopholes, which further undermined human rights. This combination of social and repressive laws fitted the overall political and economic objectives of the apartheid government - taken together they reflected, cold deliberate, planning and calculation.

### 4.2 The repressive apartheid security state, 1960-1974

Yet, drastic as was the legislation of the 1950s, it is abundantly clear that in the 1960s the government became even more ruthlessly authoritarian. A battery of new laws were passed, transgressions of human rights became more blatant, and efforts at social engineering intensified dramatically, causing considerable social dislocation.

Central to the new authoritarianism were sweeping restrictions on political activity; increased the powers of the police, and further subversion of the independence of the courts; and sweeping provisions for detention without trial, creating conditions in which the use of torture during interrogation became widespread. Central to this shift was a barrage of security legislation, including:

- The *Unlawful Organisations Act* (1960) in the terms of which the ANC and PAC were declared unlawful in April 1960;
- The *General Laws Amendment Act* (1962, 1963, 1965) including the "Sabotage Act" which defined sabotage breathtakingly widely, so as to include tampering with property and the illegal possession of weapons and granted police the authority to detain people without charge and in solitary confinement for single or successive periods of 12 days (1962), 90 days (1963), or 180 days (1965);
- The *Terrorism Act* (1967) introduced the concept of indefinite detention without trial and provided startlingly broad definitions of "terrorism";
- The *Internal Security Act* (1972, amended in 1976) consolidated the legislation detailed above, retained the major "offences", provided for indefinite "preventive detention", and further restricted the jurisdiction of the courts.

The pattern of this security legislation is clear. It curtailed the sphere of legitimate political opposition by enlarging the definition of "criminal" offences, which was in some instances applied retrospectively, and presumed the accused guilty until proven innocent. It expanded the powers of police and jailers. It violated the normal tenets of the rule of law by its widespread abrogation of individual rights and denial of due process. The security legislation increased the coercive powers of the state in the maintenance of what was a fundamentally unjust social and political order.

More than this: in permitting detention without trial and solitary confinement for indefinite periods, the security laws drew new zones of penal licence which rapidly became blurred. From its inception during the early 1960s, security legislation and its implementation have generated widespread allegations of physical and mental abuse of people held in detention. Individual officers abused their powers of interrogation; interrogation became torture; torture became routine. The methods of torture, both physical and psychological, were honed to a fine art - not as an aberration by a few sadistic individuals, but as a result of training and indoctrination of police officers, both inside the country and with the help of
apartheid allies such as the colonial fascists in Mozambique and Angola, and the colonial administration in Algeria and elsewhere. Certain police officers who were torturers in the 1960s later rose to senior positions in the force, indicative of the degree of legitimacy accorded by the apartheid regime to this behaviour.

Survivors of torture continue to suffer for many years afterwards: as one victim put it recently,

"Twenty-six years have passed since I was among a group of seven women subjected to torture by mind breaking by the apartheid security police, and yet I often find myself back in the dungeon of solitary confinement ready to take (my) own life for no explicable reason. This all happens without any conscious thought on my part. I hate it when my mind brings those terrifying memories - but my mind just does it for me, it was orchestrated to destroy me..."

Many women detainees suffered sexual abuse and even rape at the hands of their captors.

A grim mountain of depositions and court evidence stands as record to abuses suffered by generations of detainees: at its apex are over sixty deaths - from Ngudle and Saloojee, to Timol, Haron, Biko, Aggett, Malatji and all the others.

The torment of prisoners and detainees did not end there: their families and friends were also frequently subjected to sustained harassment, surveillance, and mental torment which in some cases proved too much: there have been many tragic cases of spouses and relatives of prisoners breaking under this kind of pressure. Children of women detainees and prisoners in particular often suffered most: while some swelled the ranks of the liberation movement, others were thrown onto the streets to fend for themselves.

At the same time, the courts were obliged by means of law and other pressures to impose heavy sentences - at times on false allegations, as in the case of Vuyisile Mini, Wilson Khayingo and Zinakile Mkhaba, who were members of the Eastern Cape Regional Command of MK. They were hanged after being found guilty of sabotage and the murder of a member of MK who had turned state witness. Subsequently three other men - one of whom was found guilty of the actual execution - were also condemned to death for this murder.

4.3 The institutional violence and social consequences of apartheid

While the Truth and Reconciliation Commission is tasked with identifying the harshest violations of human rights during the apartheid years, it cannot remove the specific cases it will be dealing with from this broader context where the dispossessed and disenfranchised masses faced violence, discrimination and the violation of their human rights on a daily basis during the colonial and apartheid eras. As the ANC argued in 1969:

"South Africa was conquered by force and is today ruled by force ... When the gun is not in use, legal and administrative terror, fear, social and economic pressure, complacency and confusion generated by propaganda and "education" are the devices brought into play. (...) Behind these devices hovers force. Whether in reserve or in actual employment, force is ever present and this has been so since the white man came to Africa."

During the 1960s, concurrent with the creation of the new "security state" and new legislation, the apartheid rulers embarked on radical new forms of social engineering designed to defend and entrench white minority rule, which had far-reaching consequences. A social order already distinctive for deep-seated, legalised inequalities premised upon racial classification now experienced new levels of what has been characterised in authoritarian societies as "bureaucratic terrorism". In essence, bureaucratic terror in South Africa involved the use of state power against individuals and groups who are already economically subordinate, socially discriminated against, and politically without rights. Instances of the phenomenon included:

- huge numbers of arrests (in the 1960s hundreds of thousands annually) for contravention of pass laws;
- large-scale forced removals and resettlements, mainly to the Bantustans;
- the clearance of so-called "black spots" (pockets of land held in freehold by African farming communities);
- the endorsing out of urban areas of so-called "surplus people";
the redefinition of all Africans as "citizens" of ethnic homelands or Bantustans.

The implementation of basic apartheid measures (such as pass laws, influx control, urban areas restrictions, job reservation, separate amenities, and so on) meant that basic "first generation" human rights - such as the franchise, civil equality, freedom of movement or association - were denied systematically and massively. The brute bureaucratic reality of the apartheid era - an unthinking, everyday denial to individuals of their basic human dignity - is directly analogous to Hannah Arendt's famous characterisation of the "banality of evil" in Nazi Germany.

Secondly, the social order underpinned by apartheid also rode roughshod over "second generation" human rights, such as the right to education, health care, housing, security and social welfare. The statistics of racially inscribed inequalities under apartheid are too well known to require detailed recapitulation: whether the measure is infant mortality, nutritional intake, life expectancy, literacy, domestic or per capita earnings, employment levels or property ownership, the findings are the same. Academic studies have shown that according to internationally accepted measurements South Africa has the unenviable distinction of having the most unequal distribution of income for any economy for which data is available. Apartheid and the callous denial of basic rights that went with it are directly responsible for the fact that as much as half of South Africa's population lives below the "least generously drawn poverty line".

The cumulative impact of apartheid laws and government actions between 1948 and the late 1960s was immense. They allocated political, social, economic and cultural rights to individuals on the basis of their race. They inhibited such basic rights as freedom of movement, freedom of expression, freedom of assembly and freedom of association for millions of South Africans - and they did so, ironically, at the precise juncture that these and related rights were recognised as basic human rights across the globe. The Universal Declaration of Human Rights was adopted in the same year that the National Party won the whites-only general election on a platform embracing apartheid and swart gevaar.

In the final analysis all this rested on entrenching the dominance of, and accruing privileges for, the white minority in general and Afrikaners in particular. The group, and the group only, mattered: to improve its opulence, promote its languages, cultures, education and other amenities, at the expense of the black majority. In the inverse, the warping of white children's minds, their psychological and physical brutalisation in the security forces, the fear psychosis and denial of independent thought within the white community - all these mattered not, as long as the National Party elite consolidated its power.

4.4 The judiciary and other forms of repression

Whole sectors of South African society - the law courts, churches, media, education, business, sports and cultural sectors - both actively and indirectly reinforced apartheid exclusion, discrimination and the violation of human rights. It is not possible to deal in a comprehensive way with the different forms of the institutionalised gross denial of human rights under apartheid here, but the shameful behaviour of the medical establishment in the events surrounding the death of Steve Biko, and the distortion of justice which systematically occurred in the South African law courts are just two examples.

Tens of thousands of black South Africans were funnelled through the apartheid courts, usually without legal representation and with racially and ideologically biased white, male judges and magistrates in charge, and turned into criminals in the process, compounding racial polarisation.

At the highest level there was clear support for apartheid, as many judges were political appointees. As the National Association of Democratic Lawyers have pointed out, selected judges were in many cases put in charge of political trials and were responsible for the judicial murder of people fighting against apartheid. In many cases these judges allowed evidence that was extracted under torture or duress. Judges condoned the barbaric practises of the apartheid security police and gave apartheid terrorism laws a veneer of legal respectability. Together with magistrates and prosecutors they were quick to defend or cover up police brutality and thereby facilitate the work of the apartheid security system, for example in routinely finding (as in the case of Joseph Mdluli) that people who had undoubtedly been tortured and injured had died after "falling off a chair" or "slipping down a staircase".

Judicial commissions produced ideologically oriented reports which promoted the goals of the apartheid state or covered
up its culpability in cases of gross human rights violations, e.g. the Schlebusch Commission of the 1970s, the
Kannemeyer Commission investigating the Uitenhage massacre in 1985, and the Harms Commission. Law societies and
bar councils, which are supposed to be the watchdogs of law and legal standards, struck from the roll anti-apartheid
activists convicted of crimes against the apartheid state, including Bram Fischer, Ntobeko Maqubela, Kader Hassim,
M.D. Naidoo and Rowley Arenstein. In the 1980s, in particular, innocent people were charged with "public violence",
when in fact the violence arose from the police and not the public (as in the infamous Trojan Horse case in Cape Town).

In all of the state institutions referred to above, there were government appointees who, quite clearly, were carefully
chosen to advance the cause of apartheid. If they were involved in education, they religiously invoked Bantu education,
which subsequently led to the eruption in black schools in 1976. The Dutch Reformed Church, which provided
"biblical" justification for apartheid, became known as the "National Party at prayer". Courts of law meted out severe
punishments to opponents of apartheid and proponents of democracy.

What chance would a black person have of acquittal if, for instance, he or she were an anti-apartheid activist appearing
before Justice HHW de Villiers? This judge, who retired in 1961, wrote a book on the Rivonia trial. This is how he
characterised the African population of South Africa:

"The Bantu is still at the stage where the Roman people were at the time of the fall of the Roman Empire
when the populus shouted "Give us bread and the Circus!" (...) The primitive Bantu is still a killer. The
Zulu war cry "bulala!" can still stir them into a frenzy of uncontrolled aggression and murder. They can so
easily be persuaded to kill River and Paarl killings. One must always remember we have to do with a
primitive people; even higher education does not eradicate their superstitious beliefs in a generation or
two."

The judge's book was an argument for the death penalty in the Rivonia trial. Clearly, had he been on the bench, he
would have sentenced President Mandela and his co-accused to death.

The catalogue of legal and institutional discrimination that occurred under apartheid goes on and on and needs
acknowledgment if a human rights culture is to flourish in the new South African legal system. The ANC therefore
supports the call for judges, magistrates and prosecutors involved in gross travesties of justice to appear before the TRC.

4.5 Forced removals and forced incorporation: A case study of the further violation of black
people's property rights and the institutional violence of apartheid

Grand apartheid had at its core a vision of a South Africa that belonged to whites and where black people either lived in
bantustans or were temporary residents in urban areas, while working for whites.

Implementing this vision was a decades-long process that entailed large population removals as part of an elaborate
social and geographical engineering exercise. The Surplus People Project, which has produced the most authoritative
documentation of the history and scale of forced removals estimated that between 1960 and 1982 over 3.5 million South
Africans were moved as part of this policy. Tens of thousands of other people lived for many years under constant threat
of losing their homes, while yet others lost their South African citizenship as boundaries were redrawn to incorporate
them into homelands that were earmarked for "independence."

These processes resulted in untold human suffering and misery. Communities were broken up; families were separated
and lost their homes and productive resources such as livestock, trees and farming implements. In many cases people
were not compensated at all. Resistance to forced removals was met with severe repression by the state and resulted in
people being killed and jailed.

The social dislocation caused by forced removals and the destruction of viable and cohesive communities has arguably
been one of the most devastating consequences of apartheid.

In most cases communities were put in places far from their original homes and places of work. Jobs were lost, or
people forced to become migrant workers in order to support their families. Conditions in resettlement camps were
appalling. Often, people were dumped with little more than tents, tin toilets and trucked-in water. Poverty levels increased dramatically in these areas.

As a result of forced removal, many children and old people died from diseases related to malnutrition and poor living conditions.

The policy of forced removals was met with fierce resistance by the affected communities. In many cases long and expensive legal battles were fought. Most of these were lost as the legislation in terms of which removals took place was authoritarian and relied on the powers of administrative decree and did not allow for review, or recourse. Section 5 of the 1927 Black Administration Act for example, allowed the State President to order a community to move from any one place in South Africa to another within a specified period of time. Forced removals were implemented as a "normal" part of the running of government. Armed with an arsenal of authoritarian legislation and policy, and backed by the repressive arms of the state, civil servants carried out actions that destroyed lives, families and communities. In the process of each struggle against removal, the state used its repressive powers to a greater or lesser degree. In the forced removals and the resistance of the 1980's, detention without trial, torture, and shootings became a feature of many struggles.

Forced removals began in earnest in the mid 1950s and continued for over three decades. In recognition of the suffering and loss experienced by victims of forced removals, the Interim Constitution grants a right of restitution to specified individuals and groups. But the Restitution Commission and Land Claims Court only focus on land loss. They do not provide redress for other forms of loss and suffering experienced by victims of forced removals, or recognition of the victims' pain and suffering.

The following cases serve to give some indication of the level of human rights violations that accompanied the removal process.

**Bakubung** - The Bakubung live in the North West Province. They resisted removal for many years. In the process members of the community were arrested and detained without trial. Some of these people were severely tortured. Others were charged with treason and at least three leaders of the community were killed.

**Crossroads** - The Coloured Labour Preference Policy in the Western Cape meant that strenuous attempts were made to prevent African people from settling permanently in the area. Poverty and unemployment in the Transkei resulted in large numbers of people migrating to the Cape in search of work. Large informal settlements such as Crossroads were established and housed this population. Crossroads was destroyed by the authorities many times. Shacks were bulldozed and people left homeless, often in the middle of the wet Cape winter. The final destruction of Crossroads took place in the 1980's and was carried out by a combination of a vigilante force called the Witdoeke, the "kitskops" of the period, with the security forces standing by, and in some cases actively colluding with the attackers.

**Langa (Uitenhage)** - Langa was one of the oldest Port Elizabeth townships. Its location close to town meant that for many years its population was earmarked for removal to a new township further away from town. The community was well organised and resisted the removal. In June 1986, when the State of Emergency was declared, the township was removed. The use of emergency powers, including a gag on the press, was the only way that this could be carried out. In the early hours of the morning, the security forces cordoned off the township with barbed wire, any leadership figures who had not yet been detained were arrested, and the removal went ahead. In the process community members who tried to resist were brutally treated.

**Mogopa** - The Mogopa community was forcibly removed on February 14 1984 after a long period of resistance. The removal took place under Section 5 of the Black Administration Act. The farm was cordoned off and no outsiders were allowed into the area. The community was then ordered by the police to demolish their homes and pack their belongings. They were loaded onto trucks and had to sell their livestock at low prices. They were dumped at a place called Pachsdraai near the Botswana border. There, they were placed under the control of a discredited chief who had already allocated the arable land to the ten families who supported him. The Mogopa people fled Pachsdraai, rather than live in such misery. Their wanderings lasted almost ten years, before they finally managed to return to their homes. During this time, many old people died, a once prosperous community was reduced to poverty, and all that they had built up on their land was destroyed.
Mfengu - The Mfengu community was removed from their land in Tsitsikama to a barren dumping ground in the Ciskei at Keiskammahoek. Conditions were so bad, and the community so far from employment, that many old people and children died in the period following the removal. The leaders of the resistance to the removal were detained and harassed.

Driefontein - The community of Driefontein had its origins in a land purchase organised by Pixley Ka Seme in 1913. Over the years the landowners of Driefontein, the Council Board of Directors, built up their community, and also gave refuge to many evicted farm workers, who became tenants on the land. The community was identified as a "black spot" by the government and threatened with forced removal. This was strongly resisted by the entire community. Its leader Saul Mkhize was shot dead at a community meeting by a local policeman, Constable Nienaber. Despite the fact that this was witnessed by hundreds of people, the inquest into Saul's death found that nobody was to blame for the incident.

Moutse - For many years the Moutse community near Groblersdal successfully resisted forced removals. The Government then tried to strip them of their South African citizenship by redrawing boundaries to incorporate the community into the KwaNdebele bantustan, whose Chief Minister had agreed to opt for homeland independence.

The Moutse community vowed not to accept this and to fight for their right to remain South African citizens. On the day that the incorporation was gazetted, the area was attacked by a group of vigilantes named Mbokodo. This group, acting in support of the KwaNdebele government, unleashed a reign of terror on the Moutse community, and on KwaNdebele residents opposing independence. Mbokodo was then incorporated into the police force through the municipal police ("kitskop") system, and their violence and repression became institutionalised. During the two-year struggle many people were detained, tortured, maimed and killed. The homes of leaders of the resistance were constantly raided and their property destroyed. The names of particular policemen, as well as KwaNdebele politicians, feature over and over again in the statements of the victims. Despite this, cases were not followed up or investigated properly by the authorities.

Braklaagte and Leeufontein - As was the case with Moutse, the Braklaagte and Leeufontein communities, living 20km outside Zeerust were forcibly incorporated into Bophuthatswana. Due to their resistance community members experienced years of intense repression. The Braklaagte chief was deposed by Mangope and a more pliant person was put in his place. A mobile police station was set up in the village and the police based there conducted regular raids. Many youths were detained and taken to Motswedi police station at Lehurutse where they were viciously beaten and tortured. A number of people were shot dead during this period. A particularly cruel aspect of this period was the refusal by the Bophuthatswana police to allow funerals to go ahead. In one bizarre case, the police confiscated a coffin with the corpse in it and for over a week moved it from place to place to prevent the family from proceeding with the burial.

The Group Areas Act also destroyed and displaced Coloured and Indian communities: there were forced removals from areas such as District Six in Cape Town, Pageview and Fordsburg in Johannesburg, and Grey Street in Durban, to quote but a few examples. These removals were also accompanied by the seizure of property and the withdrawal of business licences; as well as the application of violence or the threat of it.

The above examples do not provide any of the details of human rights violations which accompanied forced removals. Nor do they reflect the countrywide spread of cases. It is clear that forced removals are in themselves a crime against humanity. People were removed from ancestral lands; dumped in the middle of nowhere; their community fabric destroyed; their places of worship vandalised, destroyed or left to stand in waste far away from the new settlements.

Those responsible for these crimes are the political leaders of the former regime and the civil servants who turned gross inhumanity into a bureaucratic system. The wholesale trampling upon first and second generation human rights of black South Africans reflected in this case study of forced removals happened on a massive scale at every level of South African society during the period being investigated by the Truth and Reconciliation Commission.

4.6 Mass repression by the regime in the face of mass protest

The early 1970s witnessed a slowdown in the economy and increased privations among the black population.
Spontaneous as well as organised mass resistance began to surface for the first time in a decade. The emergence of the Black Consciousness Movement, independent trade unions, and secondary school student organisations was accompanied by an upsurge of revolt in black tertiary institutions and workers' strikes.

These developments coincided and increasingly interacted with the reconstruction of an underground presence of the liberation movement. Regionally, the end of Portuguese fascism hastened the assumption of power by FRELIMO and the MPLA in Mozambique and Angola respectively; while in what was then Rhodesia, Smith's illegal UDI regime was under increasing pressure from ZANU and ZAPU. Internationally, hostility to apartheid deepened. In 1973 the United Nations General Assembly declared apartheid "a crime against humanity". Many states which did not support the resolution in 1973 adopted the same language after the revulsion engendered by the National Party's ruthless suppression of the youth revolt in 1976, the murder of Steve Biko in 1977, and the new wave of bannings.

The apartheid regime had, in this period, expanded its joint operations with the Rhodesian and Portuguese colonial regimes; and in 1975 invaded newly-liberated Angola, in an effort to secure the last bastions of white domination and colonialism in the subcontinent.

Faced with internal mass upsurge, the response of the regime was brute force: detention, closure of institutions, brutal suppression of demonstrations and strikes; and, in 1976, cold-blooded shooting of unarmed pupils. The actions of the regime on 16 June 1976, and in the 18 months following this eruption, brought out in bold relief the determination of the apartheid regime to deny human rights at all costs.

Notes taken during a Cabinet meeting by Jimmy Kruger, at the time Minister of Police, reveal an extraordinary level of self-delusion, or the deliberate denial of reality in order to justify murder:

"10.8.76.
Unrest in Soweto still continues. The children of Soweto are well-trained. (...) The pupils/students have established student councils. The basic danger is a growing black consciousness, and the inability to prevent incidents, what with the military precision with which they act. The Minister proposes that this movement must be broken and thinks that police should perhaps act a bit more drastically and heavy-handedly which will entail more deaths.
Approved."

As the decade came to a close, there was an attempt on the part of the state to employ a new approach grounded in "total strategy", an explicit commitment to mobilise military, economic, physical and psychological resources in defence of the existing order. It brought senior police, Defence Force and intelligence officers directly into the formulation and implementation of government policy, through the State Security Council and the National Security Management System.

4.7 The height of apartheid repression: Counter-revolutionary strategy and tactics, the National Security Management System, States of Emergency, and the extra-legal terror of the 1980s

In 1977, PW Botha (at the time Minister of Defence) mapped out the terrain in which the NSMS would be operating when he introduced the Defence White Paper:

"The resolution of the conflict in the times in which we now live demands inter-dependent and co-ordinated action in all fields: military, psychological, economic, political, sociological, technological, diplomatic, ideological, cultural, etcetera. We are today involved in a war whether we like it or not. It is therefore essential that a total national strategy (is) formulated at the highest level."

The National Security Management System (NSMS) was instituted in 1979 as the instrument to co-ordinate all state actions and implement reforms in line with "total strategy". Over the years the government had built a large network of Security Police and upgraded the police force in general to deal with mass protest. BOSS, the civilian intelligence agency, expanded its operations. Torture, recruitment of activists, employment of agents provocateurs, propaganda
against anti-apartheid forces, and the employment of vigilantes became the stock-in-trade. The NSMS aimed to achieve maximum efficiency and co-ordination of all these methods, and drew in the additional capacity of the SADF, particularly its intelligence wing.

The NSMS, and its later versions, were premised on the belief that it is possible to manage change through the redefinition of political, military and economic constructs in a manner to the advantage of those who hold the levers of state power. The underlying conceptual framework of the NSMS was that 80% of actions to contain the security threat should be political, and only 20% military; it was believed that the majority of people were politically neutral, and only a small radical elite of "agitators", "communists" and "terrorists" existed, who should be killed. In this scenario, there was nothing intrinsically wrong with the status quo. The apartheid state sought to create political stability through limited reforms to apartheid combined with a variety of measures to counter the influence of pro-democracy groups and the liberation movement; these ranged from setting up a range of "counter-organisations," to attempts to brainwash or psychologically influence target groups, to measures designed to defuse material grievances by upgrading infrastructure and the provision of services, particularly in those areas considered trouble spots or "oliekol" (oil spot) townships.

This period saw the genesis of the trend towards increasingly sophisticated covert operations, continuing into the 1990s, which included illegal methods (even by the regime's own standards) to suppress and disrupt the resistance movement. In addition to attempts to bolster the discredited bantustan and community councillor systems in general, there were renewed attempts to find or create "credible" alternatives to the ANC.

Such initiatives included psychological pressure and misinformation directed at the leadership of Inkatha to drive them further away from the liberation movement. These methods drew on theories developed on the basis of experiences of other wars against national liberation movements, and from methods to destroy dissent adopted by other right-wing regimes, particularly in Latin America.

The NSMS became fully functional in the mid-1980s as the apartheid state attempted to destroy the mass popular resistance which had taken root by this time. As the crisis deepened, the intelligence services, particularly Military Intelligence, increasingly assumed political influence and even executive control over this shadow bureaucracy, which in some respects duplicated the existing administration and displaced its decision-making structures. The State Security Council (SSC), although technically a committee of the cabinet, usurped many of the cabinet's executive functions. The SSC effectively ran the country as a super-cabinet without any such statutory power, giving credence to the notion that a creeping military coup was taking place in South Africa.

The 1980s saw successive States of Emergency in which all resources of the state were harnessed by the NSMS to smash new forms of popular resistance that had emerged. The leadership of the UDF and its affiliates was ruthlessly rounded up and restricted. Scores of thousands of people were detained without trial; and many more were shot dead, maimed, whipped, tear-gassed and baton-charged. Open political activity by legal anti-apartheid groups became virtually impossible.

Besides the more conventional forms of state harassment and repressive laws, anti-apartheid activists and organisations were increasingly subjected to new terror tactics: "vigilante" groups which sought out and murdered activists, or launched mass attacks on communities with the tacit or overt support of the SAP; pseudo-revolutionary groups which sowed confusion and death in communities; criminal gangs which appeared to operate above the law as long as most of their victims were pro-democracy activists; assaults, arson, slashed or over-inflated tyres, dead cats nailed to doors, bricks crashing through windows, bombed and burgled offices, kidnappings, increasing attacks on exiles and activists in neighbouring states, and the ever-present threat of death as mysterious "hit squads" stepped up their activities.

This extract from a paper titled Some Possibilities in Counter-Insurgency Operations, written in 1977 by SADF officer and writer on military affairs, Helmoed-Romer Heitman, is relevant; many tactics of this nature were adopted against the ANC:

"Operations can include the sabotage/doctoring of discovered arms or supply caches. The resultant difficulties will sap confidence and morale as well as creating distrust between the insurgency and its suppliers. (...) They could range from doctored foodstuffs, via mixing petrol with paraffin for lamps and tampering with medical supplies, to the placing of instant detonation fuses in, for example, every tenth hand
The intelligence services can also create some havoc by the supplying of false information, particularly the type to create mistrust. Thus a leader of the insurgency could be made to appear as a police informer (..) Further, some extra-legal operations may prove beneficial both in eliminating certain key members of the insurgency and in sowing suspicion. Needless to say, such operations would need to be well-disguised.

If resistance took on a mass character in the 1980s, so did repression and the deliberate flouting of human rights by the security forces and their masters.

4.7.1 The co-ordinating mechanism for repression in the 1980s: the NSMS

Ultimate control over the SSC and the NSMS was vested in the Office of the State President, who chaired the SSC.

The statutory functions of the SSC included advising the Government with regard to

"(i) the formulation of national policy and strategy in relation to the security of the Republic and the manner in which such policy or strategy shall be implemented and be executed;

(ii) a policy to combat any particular threat to the security of the Republic."

The SSC was served by a Secretariat consisting of around 100 full-time staff seconded from various state departments. This Secretariat was divided into four branches: the Strategy branch, the Strategic Communications Branch, the National Intelligence Interpretation Branch, and an Administration Branch.

The activities of this SSC Secretariat, particularly the Strategic Communications Branch, are of particular importance to investigations into gross human rights abuses in the 1980s and 1990s. The Strategic Communications branch, according to a former SAP officer who was seconded to this structure, was tasked with working out a total package of strategy alternatives in response to requests coming from Ministries, government departments, or JMCs. Such strategies could include tactics such as assassinations, attacks on neighbouring countries, economic sabotage, campaigns of character defamation, setting up front companies, propaganda campaigns - in general, the entire gamut of what have come to be known as "dirty tricks" operations. Such plans would be passed up the chain of command to the SSC which would select the appropriate strategy. Implementation would be carried out at the level of the Strategic Communications Branch, or sent down the NSMS chain for implementation at other levels, and any group, institution or individual considered appropriate could be drawn in to implement such plans. Every government department had "stratkom" committees, at times called "nodal points" or "special services."

Examples of work of this nature include the establishment of a network of state agents in the media, the diversion of trade union subscription payments into a private bank account, in order to disrupt the activities of the union and sow suspicion the members and the leadership, exploding a bomb outside a cinema showing a film about Steve Biko, followed by the use of agents in the media to implicate the AWB. Other operations were far more elaborate, crossed international borders and continued over an extended period of time. According to former SAP officer John Horak, who served on structures of this nature, stratkom operations, most simply expressed, aim to "rout the enemies of the government" and "give the government the space to do what it wants to do." Stratkom operations rest on the "principle" that it is perceptions, rather than the truth, which matter.

At the level of the SSC the actual operational details of any project were not discussed, specifically in order to make it technically true for political officials to deny all knowledge of many of these covert actions.

Under the overall direction of the SSC, thirteen Interdepartmental Committees co-ordinated the activities of relevant government departments. At a regional and local level it co-ordinated the work of 10 Joint Management Centres (JMCs) the boundaries of which coincided with the 10 Regional SADF Commands (and one other JMC for the Walvis Bay military area); 60 sub-JMCs with their boundaries corresponding to those of the SAP Districts, and over 350 mini JMCs existing at municipal / SADF Commando area level.
This singular network of JMC structures was tasked with the co-ordination of "social upliftment", security and intelligence-gathering functions. Every JMC structure consisted of four committees: welfare intelligence security and communications - more accurately, disinformation and propaganda. Government departments at all levels, parastatals, and business representatives were drawn into the network, and "community liaison forums" were set up in an attempt to extend the network to grassroots level.

The SSC therefore controlled a totalitarian national network which reached into every part of the country, identifying anti-apartheid activities, formulating a continuous national security profile, and making decisions on action at national and local levels which could then be implemented by the formal law enforcement structures backed by legislation, or by other structures acting covertly. As Max Coleman of the Human Rights Commission put it, "here we encounter, not acts of Parliament, no laws nor promulgated regulations, but centres of control receiving information, making decisions and issuing instructions. All without any constitutional status, but nevertheless supported by secret budgets and resources with no public accountability."

With the declaration of the first State of Emergency, the National Joint Management Centre (NJMC), chaired by the Deputy Minister of Law and Order, took over as the nerve centre for macro co-ordination of all welfare and security policies. Located in the Office of the State President, the NJMC was tasked with the executive co-ordination of the implementation of SSC decisions, and managed the Emergency on a day-to-day basis. Roelf Meyer took over this post from Adriaan Vlok at the beginning of December 1985.

By mid-1986 the State Security Council and the NJMC formed the apex of state power. These committees and their subsidiary network of co-ordinated structures that made up the NSMS bordered on constituting a separate arm of government, and became the vanguard of state action.

4.7.2 Formal repression

Formal repression in the 1980s was based on repressive laws passed by the apartheid parliament and the existence of a massive law enforcement machinery. In addition over 32,000 SADF troops were deployed in 96 townships in 1985 to support the SAP.

Using laws like the Internal Security Act (No 74 of 1982), the 1953 Public Safety Act and the Public Safety Amendment Act (No 67 of 1986), as well as bantustan variations of these laws, the apartheid authorities were able to place severe restrictions on legitimate political and social activities and invade every corner of public and private life. For example:

- Successive States of Emergency, covering a large number of magisterial districts, were in operation from 1985 to 1989.
- Over 80,000 people, including over 1,500 children were detained without trial, some for periods of up to two and a half years.
- According to human rights groups, over 10,000 detainees were tortured, assaulted or suffered other forms of abuse.
- Over 70 detainees died in detention during this period.
- At least 3,000 people were banned restricted and placed under house arrest.
- Hundreds of activists had their passports withdrawn.
- Over 500 people were gagged by the Consolidated List; they could not be quoted, even once deceased.
- Several newspapers and publications were banned, suspended or restricted - over 35,000 books were banned for possession and distribution in South Africa between 1960 and 1991, and in some cases newspapers were prohibited even from printing blank spaces where material had been censored.
- Thousands of people were prosecuted in numerous political trials. Many were jailed and others executed, 7 people in just 1988/9, for example.
- Over 100 organisations were banned as unlawful, or restricted either fully or partially.
- Outdoor political gatherings were banned and literally thousands of indoor gatherings were banned. Funerals were restricted. Such gatherings were frequently dispersed by violent means on the grounds that they were illegal.

In addition, "legal" measures were at times used for political reasons to deliberately disrupt attempts to halt violence,
particularly in KwaZulu-Natal. On the eve of peace talks between the UDF and Inkatha in mid-1989, Adriaan Vlok tightened restrictions on key UDF negotiators - effectively placing them under house arrest - thereby disrupting the process. According to lawyers acting for the UDF and Cosatu at this time, this was the seventh occasion since November 1987 on which Vlok had acted at crucial moments to derail peace moves in the region.

### 4.7.3 Informal repression and counter-mobilisation: surrogates, "vigilantes", hit squads, and "stratkom" operations

Under the States of Emergency in the 1980s, the government placed bans on every conceivable form of political protest, including work stayaways. In addition to these "lawful" repressive measures, a range of covert activities were conducted by the state or its proxies against the democratic opposition.

#### 4.7.3.1 Theories of counter-revolutionary warfare

It is worth revisiting the theories of counter-revolutionary warfare which underpinned state violence and covert activities in the 1980s and 1990s. The counter-revolutionary warfare tactics implemented during the 1980s were adopted from the writings of various Western military strategists; one of the most favoured for his "practical" approach was the American Vietnam veteran, Col. JJ McCuen, whose recommendations for the implementation of counter-revolutionary warfare tactics were used as the basis for a handbook titled The Art of Counter-Revolutionary Warfare, which was distributed amongst state officials. In essence, the tactics adopted were "hard" security measures against political opponents of the state, combined with WHAM ("Winning Hearts and Minds") tactics aimed at defusing political grievances and promoting right-wing ideologies among the general population. French theorist Andre Baufri's maxim that "wars are not won on the battlefield, but in the minds of men" was a guiding principle.

The manual contained the following framework for the implementation of WHAM tactics:

In order to ensure that "radical" movements cannot root themselves amongst the people, the following steps are to be taken:

1. "Annihilate" or "eliminate" the enemy
2. Restore effective administration
3. Implement a co-ordinated WHAM campaign consisting of the following components:

   3.1 Civil education:

      3.1.1 Create "a good working relationship with the masses" by "identifying problems locally...and implementing corrective measures"

      3.1.2 Implement an extensive programme to train "loyal leaders" and the youth for local administration

3.2 Counter-organisation:

   This, says the handbook, is the "main weapon against revolutionaries". Government must "take the lead under all groups, classes, clubs, and societies with the organisation of social, career, sport, education, medical, religious, and military activities." The population "must become involved and identify with the group's activities."

   3.2.1 "Self-defence" - this is "the most important part of counter-organisation of the masses."

   The recruitment of "local militia" must be undertaken with the help of local leaders. These militia must be armed and form "the bridge between the administration and the masses"; they should "therefore be politically oriented", i.e. they should "influence/mobilise the masses."

   3.2.2 Security forces must be "extremely mobile and able to support self-defence units immediately."
4. Intelligence

An effective intelligence system is vital, and government must have "a covert intelligence system with roots among the masses and all organisations."

4.1 To manage this intelligence-gathering process, joint committees of "security forces and administrative and political institutions" must be established.

5. Area Defence

This must be carried out by the military in close co-operation with the administration, and assist with the building of roads, dams, irrigation schemes, schools, churches, etc.

The theory of Low-Intensity Warfare (LIW) rests on much the same framework, but places far more stress on the use of proxy forces and propaganda. It is "low-intensity" warfare from the point of view of the regime engaged in a struggle against revolutionary or national liberation movements, in the sense that their direct involvement is minimised as far as possible. For those communities targeted in this manner, it is total war and terror at grassroots level.

The overall aim of LIW is the defeat of a national liberation movement, and this requires that a credible "moderate" alternative to such a movement be fostered or created. Examples of groups of this nature are provided by UNITA in Angola, and Renamo in Mozambique, which the Pretoria regime took over from the Rhodesian security forces at the end of the 1970s; attempts to build Inkatha into a political force to rival the ANC began in earnest in the 1980s. If it is not possible to build a credible alternative, then the emphasis in LIW strategy moves towards attempting to transform the liberation movement from within through massive destabilisation of its support base and a range of other measures aimed at so radically altering the political variables that the liberation movement becomes ineffectual, rather than by trying to defeat it in direct battle.

The aim was not just to restore law and order, at all costs, on the terms of the apartheid regime, but was considerably more sinister: it was about brainwashing and social engineering on all levels, an attempt to "recast the foundations of civil society so that political access points could at some future date be restructured in a way that (would) not threaten the system as a whole", and to this end the state attempted to "radically restructure the moral, cultural, religious, political and material underpinnings of civil society in the black townships."

4.7.3.2 Counter-mobilisation in action

Besides the case of Renamo, which was employed with devastating effect in the destabilisation campaign against the Mozambican government, the illegally occupied territory of Namibia served in important respects as a testing ground for certain counter-revolutionary tactics later applied in South Africa. By the mid-1970s, there was widespread, systematic and violent repression in place in this country, along with attempts to implement "hearts and minds" tactics. SADF members were deployed in schools, on agricultural projects, in training programmes, and a host of other civilian structures in the hope that assistance of this nature would defuse pro-SWAPO sentiment by addressing material grievances linked to poverty and lack of development. These tactics met with very little success, and were undermined by the systematic violence and terrorism visited against communities by easily identifiable members of the occupying force, such as (to give but one example) the practice of dragging the bodies of dead activists or members of SWAPO's armed wing through villages behind military vehicles.

By 1980, the Pretoria regime had set in place a range of paramilitary units, some of which would later be replicated or redeployed in South Africa with devastating effect. Units called the Home Guards were initially set up to protect bantustan leaders and tribal chiefs considered assets by Pretoria; they were generally despised for committing atrocities against their own people. The Special Constables were also widely feared, and were responsible for many murders of civilians. And the first reports on a covert SAP counter-insurgency unit known as Koevoet ("crowbar") surfaced in May 1980 along with a hit list of people to be assassinated by this unit. Koevoet had been established in 1978, and soon achieved notoriety for many murders and atrocities, particularly in the north of Namibia.
By around 1983 it was acknowledged that the relatively unsophisticated "hearts and minds" tactics adopted to date were not working, and that any suggestion of direct connections to the SADF were enough to guarantee the failure of projects of this nature. Far more elaborate, covert methods would have to be adopted to "counter-mobilise" the Namibian population against SWAPO.

To this end a unit code-named Etango was established, under the overall guidance of Dr. Louis Pasques. Etango included many of those SADF personnel, especially those linked to Military Intelligence Communications Operations units, and to the Directorate: Covert Collection, who would later surface in South Africa under the guise of "experts" working for Adult Education Consultants (AEC) and in fronts set up by the Directorate: Covert Collection. It appears that the primary aim of Etango was to establish a tribally based, conservative "Owambo movement" to counter SWAPO, while a similar project code-named Ezuva aimed to set up a "Kavango movement". During 1985 and 1986, operatives linked to Etango moved into South Africa and began setting up a range of front companies in order to pursue similar objectives inside South Africa against the ANC through the use of "black-on-black" violence of various kinds, the fostering of viable alternative "liberation movements", and spreading NP propaganda through a range of "Christian cultural" organisations particularly among the coloured community in the Western Cape.

A top secret memorandum dated 29/07/86, titled Extension of Counter-Mobilisation Strategy, sent from the Chief-of-Staff: Intelligence to the Head of the SADF, provides important information of relevance to the inquiries of the TRC. According to this memorandum, it was decided in 1985 to set up a front organisation to achieve the aims of Project Ancor, which had been approved by the Minister of Defence in the second half of 1985, and which included a wide range of covert projects. It has since emerged (in response to a question put to the Minister of Defence in Parliament) that the front organisation set up to carry out Project Ancor was the closed corporation Adult Education Consultants CC.

Project Kampong fell under Project Ancor, and was responsible for the "physical running of peoples' organisations and movements" - projects which attempted to manipulate civil society on a wide range of fronts. No fewer than 23 sub-projects in Namibia and South Africa were running in mid-1986, including Etango, Ezuva, the "Natal trade union" (a probable reference to the covertly-funded UWUSA), the Eagles Youth Club in the Free State, projects in KwaNdebele, Venda and QwaQwa, a project aimed at the "mobilisation of moderate Black leaders in South Africa", a project aimed at mobilising traditional healers, several projects aimed at influencing coloured people and MPs, a research project at the University of Stellenbosch, and two projects misusing religion in an attempt to cultivate support for the regime.

The head of AEC, Dr Louis Pasques, was (and perhaps still is) a member of the Broederbond. A former Assistant Director of education, he was seconded to the office of PW Botha in 1985, and served on the SSC. Pasques had also been Inspector of the compulsory "Youth Preparedness" brainwashing programme introduced in white schools in 1970. Dr. JL van der Westhuizen was the other most senior official heading AEC. By 1986 there were regional offices of AEC in Pretoria, Johannesburg, Louis Trichardt, Nelspruit, Pinetown, Port Elizabeth, Kimberley and Cape Town. Each office was headed by a manager and divided into three sub-sections: administration, training, and projects. Most AEC affiliates had military training grounds at their disposal. Another network of fronts set up by Pasques fell under the South African Christian Cultural Organisation (Sacco.)

During 1986, work of this nature gathered momentum as the state battled to contain the growing popular revolt in the country. As the memorandum in question puts it, "counter-mobilisation" is a "critically important component of the counter-revolutionary strategy of the RSA"; and notes that the Minister of Defence had ordered that "counter-mobilisation activities inside South Africa must be drastically extended, and actions in SWA must also be intensified." Such actions are described as "very probably the core on which will depend the continued existence of a free Western civilisation in South Africa." (p 5). According to this memo, Etango and Ezuva had already grown into a "force to be reckoned with in SWA politics". "If an election is to be won in SWA, a drastic increase in counter-mobilisation activities would be required", says the memo (p. 2). Control of these fronts had by 1986 been transferred to the Administrator-General of Namibia, although the SADF still acted in an "executive capacity."

Whilst we have focused on certain operations, there were many other fronts and projects which were covertly set up and financed with public funds. Project Vallex, running by 1987/8, was also specifically aimed at "removing the UDF from communities by means of violence using the colour-against-colour principle"; there were Projects Pippa, Kalmoes, Lambert, Lactone, Lion Life and Resource Corporation, and Project Christian Life Centre, to name just a few others.
Extensive as Project Ancor and its sub-project Kampong were, their 1987/8 budgets are listed as falling under *Main Project Orange*, about which no information has yet come to light; it is hoped the Commission will discover the full nature and extent of the activities carried out under the auspices of Main Project Orange, as well all other covert operations of this nature.

### 4.7.3.3 Vigilantism, surrogates, and the role of Adult Education Consultants

From mid- to late 1985 onwards, during the period in which Roelf Meyer chaired the NJMC, Adult Education Consultants (AEC) set up or reinforced a range of paramilitary anti-ANC/UDF/Cosatu groups across the country. In addition, they ran various seminars designed to promote right-wing "Christian" values, particularly targeted at the Western Cape. It appears that in some cases "seminars" amounted to little more than attempted brainwashing and incitement to violence against the UDF and other progressive organisations.

In early 1985, and in an extraordinarily high number of cases in October and November 1985, various "vigilante" and, to a lesser extent, pseudo-revolutionary groups suddenly appeared in townships all over the country, from Pietersburg in the north to Cape Town in the south. The "vigilantes" were responsible for massive bloodshed and misery as they launched their onslaught against pro-democracy groups. Often drawn from conservative traditional groupings, the ranks of the desperately unemployed and even criminal gangs (such as the Three Million, and later, the AmaSinyora, the Black Cats, the Toasters, to name a few), the vigilantes intervened in local politics when called upon or paid to do so. In all cases they violently attacked members of pro-democracy groups, acted in support of unpopular local or regional authorities which the apartheid regime saw as being essential to the success of its limited reform programme, and were allowed to operate brazenly by the SAP, who either refused to intervene or actively supported such groups. It appears the "vigilantes" were largely playing the role of "self-defence" units as envisaged in McCuen's blueprint. The Riot Squad (later renamed the Internal Stability Division) was particularly prominent in lending support to groups of this nature.

During the same period, in November 1985, Minister of Constitutional Development Chris Heunis announced that at least five thousand municipal police, also known as "kitskonstabels" (instant constables) would be trained over the next six months. Most were deployed to bolster unpopular community councillors - a re-run of the tactic used in Namibia in the early 1980s. A Black Sash report in 1988 on the municipal police noted that the "hidden agenda" of those deploying these officials was "revealed by the pattern of their abuses: they were intended to divide communities and disrupt organisations", rather than restore law and order. Their efforts complemented those of a range of other groups involved in "informal" or extra-legal repression.

In contrast with earlier footage showing white police shooting protestors armed with bricks and stones, which had so negatively influenced the attitudes of overseas television audiences, the state was no longer perceived to be in the forefront of the violence - now it was "black-on-black violence", a key propaganda term coined at this time and vigorously promoted. This was what was supposed to distinguish some of this violence from earlier clashes between the security forces and pro-democracy groups, (this violence was portrayed as the understandable backlash of conservative groups against the excesses of the youth or the "radical" policies of pro-democracy groups). In other cases, both antagonists were supposedly anti-apartheid movements.

A case study is provided by the **AmaAfrika National Front** or **Project Henry**, a group led by the self-styled "Reverend" Ebenezer Maqina, which adopted pseudo-radical "black consciousness" positions. This group was envisaged as forming the nucleus of "cultural front" organisations in the Eastern Cape, according to former AEC regional head Brig. Ben Conradie, who ran the project. Food parcels delivered by the Department of National Health and Population Development to the home of the regional AEC head were taken to Maqina for distribution among the needy. By March 1985, supporters of the AmaAfrika National Front, which was later linked to, and then expelled from, Azapo, were engaged in a bloody struggle with UDF supporters in townships in the Port Elizabeth area. Many civilians were killed; by June 1985 these areas were described as being like a war zone. The murders of Matthew Goniwe and his companions were ascribed to UDF/Azapo conflict by the propaganda machinery of the regime. Other vigilante Groups falling under the Eastern Cape branch of Adult Education Consultants were the Memesis and Kekanas, grouped around unpopular councillors.
In another key example from mid-1986, the Witdoeke of the Western Cape destroyed KTC in co-operation with local JMC structures, with the Riot Squad playing a particularly important role in backing up the attackers. During the court case brought by residents in March 1988, Roelf Meyer issued a certificate in terms of the Internal Security Act blocking access to all JMC documents from May-June 1986 "in the interests of state security."

**Operation Marion**

From late 1985 onwards, plans for what was later known as *Operation Marion* were being laid. A top secret memo titled *Report of the Work Group on a Security Structure for KwaZulu* was made public by the prosecution in the trial of former Minister of Defence Magnus Malan and others; the manner in which the concept of counter-mobilisation was understood and implemented by the former apartheid regime is bluntly expressed. On the second page of this report it is stated that from the point of view of the SADF, the strategic objective of these activities were as follows:

"(4) To limit UDF/ANC intimidation amongst the black population *by means of Inkatha.* (Our emphasis)

"(5) To establish *Inkatha* as a more effective organisation *against the ANC/UDF and related organisations* on political, social and psychological terrains. (Our emphasis."

"(6) To use *Inkatha*'s intelligence potential to maximum effect for the RSA."

This memo noted that according to decisions taken at a SSC meeting on 03/02/86, the Department of Constitutional Development and Planning was tasked with "overall co-ordination of the project", which underlines that Project Marion was not aimed solely at developing an offensive military capacity within Inkatha. The SSC had also decided that the successful implementation of the "paramilitary element" of this project "would pave the way for similar projects in other National States" (ie. bantustans.) In fact, by mid-1986 plans to set up a covertly run, anti-ANC "Xhosa Resistance Movement" in the Eastern Cape were in place.

It is clear that this Work Group was following the recommendations of McCuen and other theorists closely. The minutes show that it was proposed that a "paramilitary capacity" be established, consisting of six main elements; the first three are the most important. Firstly, a "counter-mobilisation capacity" to "neutralise the UDF in particular". This would entail increasing Inkatha's communications and propaganda capacity, and its "ability to organise the population with the KwaZulu culture (sic) as basis for mobilisation" through organisations based in various civil arenas: the youth, students, workers, women, sport, and culture are specifically mentioned.

Secondly, this paramilitary capacity should have "a defensive element, ie. a militia-type organisation" which would have a well-trained core group supported by part-time recruits who would have less specialised training. Members of these militia would be expected to recruit and train other units with assistance from the Department of Military Intelligence.

Thirdly, there should be a "small, full-time offensive element which can be used covertly against the UDF/ANC"; fourthly, assistance in the training of a group of loyal Inkatha members for the physical protection of senior Inkatha officials. It was envisaged that the same "offensive unit" would be used for both covert hit squad work and the protection of Inkatha officials (p.7). Other measures included the improvement of Inkatha's intelligence capacity and extending the powers of the KZP.

It was proposed that the Directorate: Special Tasks be tasked with managing the paramilitary aspect of this project since this sector of the SADF "has the most experience in handling similar tasks (externally)" (p.6). The Directorate: Special Tasks was that sector of Military Intelligence responsible for the Special Forces (*"Recces")* and the covert support of "contra" groups in neighbouring states, particularly UNITA and Renamo: support for Renamo was code-named Operation Milia, with 5 Reconnaissance Regiment in Phalaborwa the main source of training and support for this proxy force.

The Task Group proposed that a front organisation be established by Chief-of-Staff: Intelligence to take on these responsibilities. The counter-mobilisation work would be done "by DMI in co-operation with Ultra Ed (Dr Pasque)", says the memo (p 8.) Subsequent information made public by disaffected Inkatha official Mbongeni Khumalo has indicated that AEC's regional office in Natal known as Creed Consultants were responsible for arranging the
paramilitary aspects of this training as well as counter-mobilisation work in various sectors of civil society in the region.

**Operation Katzen: A "Xhosa Resistance Movement"**

In mid-1986, in response to orders from PW Botha to stabilise this region, plans were drawn up for the formation of a unified Eastern Cape region as an eventually "independent" anti-ANC "Xhosaland". This hare-brained scheme envisaged establishing a Xhosa Resistance Movement which would "operate under the cover of a front organisation."

In a memo outlining the plan dated 13/06/86 from Brig. CP ("Joffel") Van der Westhuizen (head of the Eastern Cape JMC at the time) to the Chief of the Army, it is stated (p.9):

"(4) (...) This XWB must in nature - and even extent - be similar to Inkatha and must together with our security forces form a counter-revolutionary front.

"(5) The co-option of existing (struggling) black resistance movements into the ranks of the XWB. This makes one think among others of the Kekanas of Cookhouse, Memesi of Somerset East, and Maqina's Black Crisis Centre of Port Elizabeth."

The memo states in point 19(d) "Covert, Xhosa-speaking forces (troops) must be assigned to the XWB so that the movement, especially in the beginning, can have teeth" (p 19.) By November 1986 the plan was being activated, and in February 1987 an attempt to "permanently remove" Lennox Sebe took place.

**4.7.3.4 "Hit Squads" extra-legal terror and assassination**

The successful implementation of WHAM tactics, according to the theories guiding the Pretoria regime, depended on "eliminating the enemy" and restoring effective administration. Units linked to the CCB and Vlakplaas tasked with "taking out" activists began operations in earnest during this period. Some information on a hit squad known as "Hammer", operating in the Eastern Cape by the mid-1980s, has come to light. By June 1985, the United Democratic Front listed at least 27 people as missing and 12 victims of assassinations. These acts of terror were aimed precisely at those areas where resistance was strongest; anti-apartheid activists were forced to flee or go into hiding. The role of the NSMS in co-ordinating actions of this nature was revealed in the "death signal" dated 07/06/85 sent to the SSC from the head of the Eastern Cape JMC, "Joffel" van der Westhuizen, recommending the murders of the "Cradock Four" - Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlawuli.

In October 1985, senior officials met Chief Buthelezi and falsely claimed that there were plans to eliminate him. By early 1986 the plans for Operation Marion were in place, and the first group of trainees to be given training in offensive, "hit squad" tactics were secretly sent to the Caprivi strip later that year, with the regional AEC affiliate, Creed Consultants, in charge of co-ordinating this training.


Assassinations were also a form of "armed propaganda". The state had all the means at its disposal to detain, restrict or imprison those who opposed it, yet adopted deliberate terrorist tactics in choosing to assassinate certain activists. The message was clear: those who were deploying these units would stop at nothing to crush dissent, and the degree of collusion in covering the activities of such units by the highest reaches of political, judicial and security structures, as well as the magnitude of the lies broadcast by the propaganda machinery at the disposal of the state, served to project the desired image of an enemy so efficient, amoral and ruthless that it was virtually suicidal to oppose it.

**The KwaMakutha Massacre**

It is our contention that the KwaMakutha massacre of January 20th, 1987, provides one of the clearest examples of the manner in which all these earlier initiatives of the apartheid state were drawn together via the NSMS to co-ordinate
action on the ground in accordance with its strategic interests, and the callous manner in which civilians were
slaughtered to achieve such political objectives.

Twelve women and children were killed in this attack by men who had been secretly trained on the Caprivi Strip in line
with Operation Marion. The attack was portrayed as the work of "ANC terrorists" by Pretoria's propaganda machinery
in an attempt to derail a crucial meeting between OR Tambo and George Schultze; this meeting was a major
breakthrough for the ANC in its continuing efforts to convince the international community to refuse all support for the
apartheid regime.

It is not reasonable to believe that the actual perpetrators of this massacre, or even higher command structures within the
security forces, could have independently devised a strategic communications operation of this nature. This case
provides a vital indicator of how easily the truth could be obscured unless the overall context in which violence took
place is kept in firm focus: to only identify the specific agents of the KwaMakutha massacre and other similar atrocities
will do nothing to expose the true perpetrators of violence of this nature, who co-ordinated political and military actions
in support of the apartheid state through the NSMS, renamed the National Co-ordinating Mechanism under FW de
Klerk in 1990.

4.7.3.5 Chemical War: use of poisoning

The apartheid regime did not shrink from the use of poison in its attempts to murder its opponents inside the country and
abroad; over the years several anti-apartheid activists have died from poisoning, while others had narrow escapes from
this fate. In addition, there is evidence that the former apartheid regime used chemical weapons in attacks in
neighbouring states.

Poisoning was a method adopted by the Rhodesian security forces, particularly the Selous Scouts. In his book Serving
Secretly Ken Flower described how Selous Scouts members would pose as ZANU guerillas, recruit activists and kit
them out with uniforms impregnated with poison similar to that used on anti-apartheid activists some years later. These
recruits would then be sent to training camps but would die a slow death in the bush before reaching their destinations.
In other cases a river and water reservoir were poisoned, causing hundreds of deaths.

These methods were adopted by the Pretoria regime. In an incident in 1977 popularly known as "Black September",
SAP agents who had infiltrated MK attempted to wipe out some 500 MK cadres undergoing training at Catengue camp
in Angola by poisoning their food.

In 1981, student activist Siphiwo Mthimkulu fell seriously ill shortly after his release from five months of detention. He
had been well-fed while in detention. Doctors at Groote Schuur hospital discovered he had been poisoned with a rare
substance known as thallium, which left him seriously ill and confined to a wheelchair. Mthimkulu sued the Minister of
Law and Order, but shortly afterwards disappeared, along with his companion, Topsy Madaka; their car was found near
the Lesotho border. Dirk Coetzee has said that he was ordered to kill Mthimkulu; although the order was withdrawn,
Coetzee says he was later told by SAP officers that the activist had been abducted and eliminated.

Coetzee has also stated that he was given poison on more than one occasion by former SAP forensics chief Lothar
Neethling; in one instance this was to get rid of an MK cadre, Selby Mavusu ("Vusi") who had been among those
captured during the 1981 raid on Matola, and who would not co-operate with his captors. Neethling sued two
newspapers which published these allegations; in January 1991 Supreme Court judge Johan Kriegler dismissed his
damages claims against these newspapers, and found he had attempted to mislead the court. Lothar Neethling appealed
against this judgement and won his case.

In the same year, the Committee of South African War Resisters (COSAWR) reported that information had been
received from a disaffected SADF soldier on the use of drugs (particularly scopolamine and morphine) to torture and
gain information from detainees at a base in Oshakati, in northern Namibia. It was further alleged that the SA Medical
Services had set up medical intelligence units under the guidance of Argentinean personnel who regularly visited the
base. It was also reported that the SADF was preparing to use nerve gas or chemical weapons in the region in the near
future. In another case involving Namibian activists, Irish national Donald Acheson, suspected of being involved in the
murder of Anton Lubowski, testified that he had been told by the CCB to contaminate personal toiletries belonging to Gwen Lister, editor of the anti-apartheid newspaper The Namibian, with a slow-acting poison.

Luke Lukwezi, recruited by the SAP in 1985, was sent to infiltrate the ANC and commit acts of sabotage, pass on information, and poison cadres. He had been given a box of poison by his handlers, and in September 1986 poured most of this powder into soft porridge being prepared for cadres at Cherlston transit camp in Lusaka; about forty people had to be rushed to hospital. Another SAP agent, Fika Gwala, was responsible for poisoning four people, including Richard Khambule in Dakawa, Tanzania; he was arrested by the ANC in 1987.

In 1987, Leslie Lesia was arrested in Zimbabwe after he had been caught in Mozambique by the ANC; he had a small bottle of poison in his possession. He testified in court that he had been given poison by the SADF’s Department of Military Intelligence to use on ANC members and officials. A booby-trapped TV set he had imported into Zimbabwe blew up, killing the wife of an ANC official. In 1988, there was an attempt to distribute poisoned sugar among ANC officials in Mozambique.

The current Minister of Justice, Dullah Omar, nearly fell victim to poisoning: Edward James Gordon, known as "Peaches", testified to the Harms Commission that his CCB handlers had given him a powder with instructions to sprinkle this over Omar's food to induce a heart attack. "Peaches" was subsequently assassinated.

Church officials were not exempt from such attacks - after an abortive attempt to poison Fr. John Osmers, he was maimed with a parcel bomb. In 1989, the Rev. Frank Chikane narrowly escaped death when he became violently and acutely ill on three occasions while on trips to Namibia and the USA. It was discovered that some of his clothing was impregnated with a poison of the organophosphate group - very similar to that used by the Selous Scouts. In the same year, ANC security department official Jackie Mabusa and a companion both died after drinking poisoned beer in a Lusaka nightclub.

Other ANC members who died of poisoning include Mandla Msibi, who died in 1982 in Swaziland, Samuel Phinda who died in Mozambique, and Themba Ngesi who died of poisoning in Mozambique in September 1986.

Thami Zulu died within a few days of his release from detention by the ANC's security department. He had been held whilst an investigation was conducted to determine why such an extremely high number of cadres in units falling under his command were being captured or killed. A post-mortem showed that Thami Zulu had ingested Diazinon, an organophosphate pesticide, shortly before his death. Whilst there is no certainty as to whether Thami Zulu was acting on behalf of Pretoria, in two similar cases the suspicion exists that agents of the apartheid regime, probably linked to the Department of Military Intelligence, poisoned Francis Meli in 1992 and former ANC Chief Representative in London, Solly Smith, in 1993. Smith had confessed to being linked to apartheid intelligence services, and it is suspected he was murdered because he had indicated that he was prepared to talk about his activities.

The use of "asphyxiating, poisonous or other gases" is outlawed by the 1925 Geneva Protocol, to which South Africa has been a signatory; and international law prohibits the use of napalm against civilians. In 1968 it was announced that the manufacture of napalm had begun, and this was used extensively in Namibia and Angola. There have also been reports on the use of demobilising gases in Namibia, and an investigation by the UNHCR and the World Health Organisation into the 1978 Kassinga Massacre in Namibia noted that a paralysing gas had been used to immobilise some of the victims before they were murdered.

There is evidence that Renamo was being supplied with poison gases. In 1983, when the Mozambican army captured a Renamo base at Tome, 40mm shells containing a toxic substance were found. As recently as January 16th, 1992, there was a chemical attack on Mozambican government troops which left at least 80 troops dead. Four commando companies were attacking Ngungwe, near Ressano Garcia, at the time one of the largest Renamo strongholds in Southern Mozambique. It is believed that Renamo was seeking to preserve an elite group of around two thousand troops who would remain outside a unified Mozambican defence force. In July of that year a report by British expert Dr JP Thompson produced a report commissioned by the United Nations, which found that the effects of the agent used were entirely consistent with a chemical warfare agent.

It has very recently been discovered that Project B, a top-secret, multi-million rand project run by the former SADF,
included chemical and biological weapons projects; these were still being run with public funds as late as 1993. It has been alleged by people close to these programmes that these projects were not only defensive, but were part of the ongoing "dirty tricks" campaign to murder anti-apartheid activists; that research on organophosphates and cancer-inducing agents was carried out, and even President Mandela was considered a target.

It is hoped that the current investigations by the Office for Serious Economic Offences, along with evidence presented to or gathered by the Commission, will shed light on these and other cases of poisoning and chemical warfare, outlawed in international law.

4.8 Apartheid and the destabilisation of Southern African countries in the 1980s

What the apartheid government called "Total Strategy" at home had its counterpart of "destabilisation" in neighbouring countries. In 1989 a Commonwealth report described this as having reached "holocaust" proportions. The report added that at that time the human cost was 1,500,000 dead through military and economic action, most of them children, while a further four million had been displaced from their homes. The economic cost to the six Frontline States was estimated to exceed 45 billion US dollars, not to mention the destruction of agriculture, industry, education and health care in countries like Mozambique and Angola.

Amongst the external destabilisation methods used by the apartheid state were the following:

- Armed action, ranging from sporadic commando raids into several neighbouring countries, to full-scale invasion as occurred in Angola
- Hit squad raids to abduct or assassinate political opponents, usually people connected to the ANC
- The promotion, backing or even creation of surrogate anti-government forces through logistical support, intelligence and training as in Mozambique and Angola
- Political pressures to promote the instalment of governments well disposed towards apartheid South Africa
- Economic pressures to create and maintain dependency on South African transport, harbour, custom and financial systems.

The reverberations of this past are still being felt today, as in the recurrent conflicts in Angola and the results of poverty caused by shattered economic infrastructures in neighbouring states.

The conflict in Mozambique, was portrayed as a "civil war" between the Frelimo government and an indigenous "anti-communist resistance movement" by the apartheid regime. In fact, the conflict was a low intensity covert war waged by Pretoria through a surrogate force, which served as a pilot project for similar operations against other neighbouring states. The experience of utilising surrogate forces in neighbouring countries influenced and informed similar tactics in South Africa such as Operation Marion. The domestic equivalent of calling covert aggression against neighbouring states "civil war" was to describe vigilante assaults on anti-apartheid activists as "black-on-black violence".

In both cases the role of the apartheid state was concealed; the deployment of force was cheap both in terms of security force casualties and resources; and the level of violence and brutality could be raised at a lower diplomatic and political cost than would have been the case if the regular armed forces of the state had been directly involved.

The Commission for Truth and Reconciliation is the first official inquiry into human rights abuses whose mandate covers events that occurred inside as well as outside the borders of South Africa. It is, therefore, imperative that the research and investigation arms of the TRC document in detail the full extent of South African destabilisation of the sub-continent during the apartheid years.

In addition, the ANC requests that:

- all murders of ANC cadres and leaders in neighbouring countries are listed;
- that those who authorised and carried out these killings are identified;
- that official documents referring to these operations of the apartheid state are made available.

Case study: Mozambique - questions requiring clarification:
We know that the former government supported Renamo's campaign in Mozambique. Former Foreign Minister, Pik Botha, admitted in parliament on April 24, 1985 (see Hansard column 4214) that such support was provided at least until the signing of the Nkomati Accord.

Information that emerged over the years suggested that this support was co-ordinated by the Department of Special Tasks 2 (DST 2) of the Chief-of-Staff-Intelligence of the SADF, through an operation codenamed "Mila". DST 2 was said to have operated out of the Zanza building in Proes Street, Pretoria and to have been commanded by Colonel Cornelius Johannes van Niekerk. Van Niekerk reported to Colonel Cornelius Jacobus van Tonder. Both men are among the accused in the current trial of Magnus Malan and others. Roland Hunter was jailed for exposing SADF support for Renamo, including the payment of salaries to Renamo members, the supply of weapons and the issuing of operational orders. Given this close involvement, and the many horrific atrocities committed against civilians by Renamo during the war in Mozambique, we need to know: who authorised this support and when; what, if any, were the orders given in relation to the conduct expected from those who took part in the operations.

The Gorongosa documents captured at Renamo headquarters in August 1985, the authenticity has never been denied, indicated that the SADF continued to supply weapons and provide support to Renamo even after the signing of the Nkomati Accord.

Among those specifically named in the Gorongosa documents as being involved in these activities after the signing of the Accord, in which the South African government committed itself to refraining from such activities, were Generals Constand Viljoen, Jannie Geldenhuys, P.J. van der Westhuizen, Kat Liebenberg, Colonels van Tonder, van Niekerk and Greyling, and a Major Phillips (who worked with Renamo in Malawi.) Who authorised this continued support for Renamo in violation of the Nkomati Accord? And since the Gorongosa documents belie claims that this support ended in March 1984, when, in fact, did such support for Renamo end?

There have been numerous eyewitness accounts of airdrops, sea-borne landings of arms and equipment, and the use of specialist saboteur teams to support Renamo operations, notably during a push in mid-1987 which resulted in the massacres of many hundreds of civilians at Homoine and Manjacaze in particularly brutal incidents. It is important to establish what role, if any, the SADF played in supporting these particular actions, and on whose orders they acted.

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The Matola raid in January 1981 was the first of a series of attacks on residences dubbed "ANC bases". This raid and others (in Mozambique and elsewhere) were characterised by a "shoot first, and cover up afterwards" approach, in which the aim appears to have been to kill everyone in the vicinity regardless of who they may have been. Since this modus operandi also applied to numerous operations inside South Africa, it is important to know what operational orders were given in these raids, by whom, and what rules of engagement, if any, applied.

It appears that raiders became indifferent as to whether they actually struck an ANC residence or a neighbour's house, possibly to deliberately heighten tensions between the ANC and the host community. An example of innocent bystanders caught in such raids was the case of the Pateguane family: the parents were murdered in Maputo in 1988 in front of their children (who are now being cared for by Luis Bernado Honwana, the UNESCO representative in Johannesburg) when an SADF commando unit apparently went to the wrong flat. Who was responsible for the murder of the Pateguanes? What operational orders with regard to the avoidance of civilian casualties were in force?

The apartheid state embarked on a concerted drive to murder as many ANC-linked personnel as possible in neighbouring countries as well as in South Africa. We call on the Commission to establish who gave the orders for this assassination campaign, the circumstances of each individual case, how targets were selected, and who was in operational command of such attacks.

The cause of the plane crash in which President Samora Machel and members of his entourage were killed in October 1986 has still not been determined to everyone's satisfaction. Allegations were made at the time that the plane had been diverted off course by a "false beam" device in South Africa. This matter was not resolved by the tri-partite official inquiry. The Mozambican government demanded that the investigating team continue its investigation to establish the source of the signal to which the plane responded, diverting it from its course, but this was refused by the South African authorities at the time. It is in the interests of the people of South Africa and Mozambique that the facts of this incident
We have selected Mozambique as a case study but the same pattern of destabilisation, though taking different forms and in various degrees of intensity, occurred in other neighbouring states: Swaziland, Lesotho, Angola, Zimbabwe, Zambia and Botswana.

What role was played in these campaigns by other government departments not directly tasked with armed actions?

In an SABC television interview former Minister of Foreign Affairs Pik Botha responded to questions about a raid in Swaziland in December 1986, in which a 13-year-old Swazi child was killed, as follows:

**Question:** Did you know beforehand that the raid would take place?

**Botha:** Yes.

**Question:** And you approved it?

**Botha:** Yes, I accept full responsibility together with my colleagues.

**Question:** Do you now regret that it happened?

**Botha:** I do not regret it. If the decision were to be made again, I would make the same decision, together with my colleagues.

The above questions clearly only deal with a fragment of the overall history of the apartheid regime's external destabilisation strategy. These are the kinds of questions we hope the TRC will ask, and answer, about the full range of cross-border destabilisation activities conducted between the early 1960s and 1993.

4.9 Covert action and state sanctioned gross violations of human rights in the negotiations era of the 1990s

State terrorism and covert operations did not end with the historic unbanning of the ANC and other organisations in 1990. Nor did they end once the formal commencement of negotiations for a new constitution had begun. While the ANC formally suspended armed actions in July 1990, the state covertly pursued a campaign of violence of unprecedented proportions which exploded on the Reef in August 1990. All the hallmarks of "total strategy", were in evidence combined with deliberate destabilisation, or Low-Intensity Warfare tactics, including intense propaganda campaigns - the same set of ideas or principles to be employed in efforts to defeat left-wing insurgents and national liberation movements in various parts of the world, and which the regime itself had used particularly in Mozambique. The violence against civilians in the post-1990 phase - during the so-called "peaceful transition" to democracy - was infinitely worse than anything experienced during the height of repression in the Emergency years of the mid-1980s.

A top secret document concerning plans to change the accounting procedures governing "sensitive defence activities" funded through the Special Defence Account, dated 13/03/90, was sent in March 1990 by the Chief of the Defence Force, General Jannie Geldenhuys, to the Minister of Defence, Magnus Malan; the document was co-signed by the Minister of Finance Barend du Plessis. It is stated in this memo that FW de Klerk was "briefed on a broad spectrum of sensitive projects" and had given his approval "in principle" on "the running of stratkom projects"; he had proposed establishing a central controlling body for such operations. This document also states that "covert stratkom projects are controlled and managed by the Secretary of the SSC. This includes the separation and allocation of areas to Departments. The Secretary of the SSC receives decisions and orders in this regard from the State President and passes them on to the departments concerned." Project Marion was one of over forty covert projects being funded at this time from the Special Defence Account.

According to the Department of Defence, Project Kampong was managed by Military Intelligence until 01/04/1991,
when it was taken over by the SA Army. These specific projects were only terminated at the end of October 1992; in the 1991/2 book year alone, over R21.5-million was covertly spent on these projects, aimed at countering the ANC. By this time it is believed that AEC had spent over R150-million and that various regional fronts would continue to be funded at an additional cost of R20-million until 1994. There is little doubt that other covert operations besides these also continued.

The violence was a calculated campaign with the objective of creating conditions which would assist the regime in weakening the hand of the liberation movement at the negotiations table, thereby manipulating the constitutional negotiations process to its advantage on various levels - in other words, an attempt to "manage" the transition to the advantage of the state. This so-called "senseless" violence against black civilians, often with no obvious political connections at all, exhibited certain operational features previously unknown in the country (particularly Renamo style violence on trains, drive-by shootings and massed attacks on township residents from hostels which had been deliberately converted into informal military barracks). This terror campaign against black civilians was ascribed to "political intolerance", in much the same way that covertly directed violence was deliberately portrayed as "black-on-black" violence in the 1980s.

Operations included a variety of actions aimed at influencing the perceptions of the ANC leadership, keeping the leadership under maximum pressure by extending ANC resources to breaking point, preventing mass action, and creating covers for assassinations. Other operations had the objective of dividing, weakening and destroying the organisational capacity and the image of the ANC and its Alliance partners on all possible levels through the destabilisation of their support base, propaganda portraying the ANC as being the main instigator of violence, the assassination of key leaders, and so on.

Former SAP operative Paul Erasmus has stated that his unit was told during their 1990 stratkom training that a key objective was to reduce the ANC to "just another political party" by 1994. Apart from a range of other actions designed to achieve this objective, using violence to project Inkatha as formidable political player, on a par with the ANC, was a critically important aspect of this campaign. Inkatha supporters were cynically used as the cutting edge of the NP's constitutional agenda, which was aimed not only at destabilising and weakening the ANC, but also at maintaining control of the negotiations process and producing a settlement that would have a semblance of change, but would leave the essence of the apartheid system intact.

These campaigns resulted in unprecedented bloodshed and misery, far worse than anything experienced at the height of state-sponsored violence in the Emergency years. As the ANC pointed out after the Boipatong Massacre, in the few short years in which De Klerk had been in power, more civilians had been murdered than in all the previous decades of apartheid rule.

Between July 1990 and the end of 1993, over 12,000 civilians were killed and at least 20,000 were injured in thousands of incidents, including scores of major massacres. Many were women and children - for example, between July 1992 and June 1993, 253 women and 58 children were killed, and 315 women and 211 children were injured; in the case of the Boipatong massacre, no fewer than 25 of the 46 dead were women and children, described by the Human Rights Commission in 1993 as "a clear example of deliberate intent." The Human Rights Commission also recorded the accelerating pace of assassinations of anti-apartheid figures: 28 in 1990, to 60 in 1991, and 97 in 1992.

To date there have been partial yet telling revelations of the nature and extent of covert operations in the post 1990-phase. To give just a few key examples drawn from many cases, there was the "Inkathagate" expose in 1991, which brought to light the ongoing covert funding of Inkatha by the De Klerk regime, with one of the key objectives being to prevent the Inkatha leadership "throwing in their lot" with the ANC.

In 1991, disaffected Military Intelligence communications expert Nico Basson alleged he had been part of a wide-ranging covert operation aimed at preventing SWAPO achieving the two-thirds majority necessary to draft the Namibian constitution alone; in addition, Basson claimed, Operation Agree included components designed to covertly manipulate the outcomes of the transitions to democracy in Angola and South Africa. Subsequent events appear to support these allegations, which should be the subject of intensive investigation by the Commission.

The Orde Boerevolk provides another key example. After their escape to the UK, "hunger strikers" Henry Martin and
Adriaan Maritz revealed that far from being radical white right-wingers, they were in fact working as agents of the Department of Military Intelligence with the specific brief of destabilising black communities in general and the ANC in particular: they had been responsible for the murder of Nick Cruise, an ANC-aligned computer technician, and the explosion of a bomb at a taxi rank in which many civilians had been injured. It is a matter of public record that one of the guns stolen by Orde Boerevolk leader "Pit Skiet" Rudolph in 1990 was used to murder Chris Hani. There have been press reports indicating that there are grounds for suspicion that Janus Waluz, convicted of this murder, was in some way linked to this network.

We call on the Commission to reopen investigations into the murder of Chris Hani, in the light of information which was not available at the time of the assassination, and which could come to light in the course of the hearings of the Commission or through applications for amnesty.

Agents posing as right-wingers connected to the Orde Boerevolk continued operations until the 1994 elections, the strategy being to absolve their handlers from certain heinous actions during a period in which the regime had committed itself to negotiations, and to exaggerate perceptions of the threat from the white and black extreme right in order to extract constitutional concessions from the ANC.

The November 1992 raid by the Goldstone Commission on Pan Afrik Industrial Investment Consultants (PAIIC), a front run by the Directorate: Covert Collection, succeeded in providing partial glimpses of other operations, such as those aimed at subverting Self-Defence Units, possibly falling under a more extensive operation code-named Project Echoes. Several senior DMI officers were suspended in the wake of this raid, and subsequent court action by one of them, Jan Anton Nieuwoudt, indicated that the Directorate: Covert Collection, and PAIIC, may have been involved in a range of covert actions considered crucial to the strategy of the De Klerk regime during the negotiations phase. It may also have taken over many functions of the CCB, including operations beyond the borders of South Africa. We call on the Commission to ensure that the nature and full extent of operations conducted behind the cover of this front are brought to light.

The final Goldstone Commission report referred to a "horrible network of criminal activity" involving SAP officials and elements within Inkatha and the KZP, and led to the suspension of top SAP officials. The trial of Eugene de Kock is beginning to shed more light on operations of this nature, which included the deliberate flooding of the country with arms, a grossly irresponsible tactic which has had a severe impact on the crime and security situation in the country to this day.

The ANC feels it is not reasonable to believe that extensive operations of this nature - which were all in line with the overall strategic objectives of the De Klerk administration - could take place without the knowledge of key officials at the highest level of the security and intelligence services, as well as the civilian administration, including those officials tasked with steering the negotiations process.

4.9.1 The vehicle: The National Co-ordinating Mechanism (NCM)

In 1990 the name of the NSMS was changed to the National Co-ordinating Mechanism (NCM). There have been attempts to propagate the idea that De Klerk abolished the NSMS; that it was stripped of its security and intelligence components, and became no more than an essential and benign co-ordinating structure. This is untrue, as even a cursory reading of the official Handleiding: Nasionale Koordineringsmeganisme (Manual: National Co-ordinating Mechanism) shows. In essence, the NCM remained the old NSMS. The security committees (veikoms) chaired by SAP or SADF officers from local to national level remained in place: as the official manual notes, "the principle of the application of the full powers of the state in order to resist the revolutionary onslaught is still valid" (p. 22). The NCM remained the vehicle for co-ordinating state action on political and other fronts, and structures tasked with strategic communications work remained in place at the highest levels of the NCM.

One of the most important structures within the "new" NCM was the Security Secretariat. According to the official Handbook, this structure replaced the former Secretariat of the State Security Council, and was "structurally integrated into the NIS". It had three branches: Administrative Support, Strategy, and Strategic Communication. Among the functions listed for this Secretariat is "the co-ordination of strategic communication", and "strategic documentation:
remark: the functional responsibility for the strategic and stratkom functions remain with the line functionaries." The Security Secretariat was represented on both the Joint Security Staff and the Security Committee, on which more detail appears below; and it also liaised with the State Security Council and the Cabinet Committee for Security Affairs.

A new structure called the Security Committee (national level) was established to replace the National Joint Management Centre (NJMC) and other committees, and was responsible for the "co-ordination of all security matters at national level, as well as reporting to the State Security Council (SSC) and the Cabinet Committee for Security Affairs." In 1990 the Security Committee had nine members: Neil Barnard (Director-General of NIS) as chair, an unspecified representative of the SADF (probably the Chief of the SADF), the Commissioner of Police, the Directors-General of the Departments of Constitutional Development, Justice, Foreign Affairs, the Director-General of the Office of the State President, a secretary from the National Intelligence Service (NIS), and the chief of the Security Secretariat.

One of the task groups retained from the NSMS was the Joint Security Staff (JSS), described as the "operational executive co-ordinator of the Security community". The JSS was responsible for "the co-ordination of the planning, execution and monitoring of all joint security actions on national level, and ensuring that this takes place on regional and local levels"; among other duties with which the JSS was tasked was "the handling of Administration Total War (the State War Book.)" According to the NCM Handbook, this key structure was responsible only to the Security Committee, and also liaised with the Security Secretariat, other "interdepartmental security task groups", and with the Joint and Local Co-ordinating Centres (the re-named Sub, and Mini-JMC's) lower down the NCM hierarchy. In 1990 the JSS was chaired alternatively by the chief of the SAP Operations branch and the SADF's Chief-of-Staff: Operations, and by April 1992 the Chief of the highly controversial, semi-autonomous Internal Stability Division (the re-named Riot Squad) took over as chair.

The official NCM handbook gives considerable detail for the procedure governing these "full meetings", which highlights the leading role played by the Security Secretariat, which was "structurally integrated into the NIS":

"The meeting is opened by a security briefing by the Security Secretariat and is (where necessary) supplemented by the other members; the need for joint actions are identified and the relevant functionary is tasked with the implementation; reporting on the functioning of the system (the NCM) on regional and local levels is done by the Executive; possible reports and/or recommendations to the Security Committee are considered."

By the end of April 1992, as the government and the ANC were gearing up for the next round of negotiations in Codesa II, the so-called Third Force had spread a trail of blood and terror through many Reef townships. On April 23rd, 1992, a milestone judgement was delivered in the Trust Feeds massacre trial: SAP Captain Brian Mitchell, who had been the head of the local JMC at the time of the 1988 massacre of eleven people, was convicted of murder along with four "kitskonstabels." On the same day, De Klerk stated in Parliament that the NIS, SAP and SADF had "terminated all special secret projects and were confining themselves only to the line function tasks entrusted to them by law"; he added that control was exercised over all secret projects by a Cabinet Committee, chaired by Barend Du Plessis, which "exercises control over the content of every special secret project, and overall control over covert expenditure in general." Barend du Plessis resigned two days later as Minister of Finance, Transvaal leader of the NP, and as MP for Florida.

In the wake of former SAP official Paul Erasmus's later revelations regarding the running of covert stratkom projects during the negotiations phase, the NP has admitted that Gerrit Viljoen and Kobie Coetsee were also members of this committee. This Committee cannot escape responsibility for their role in (at least) giving policy guidelines for special stratkom projects - their "control over the content" of such projects, to use De Klerk's words.

In what was titled a Study Brief, dated 23rd April 1992, which was sent to Military Intelligence structures (and presumably to other arms of the security and intelligence services), recipients were informed that the Cabinet had decided (as of November 1991) to transfer responsibility for the management and administration of the National Co-ordinating Mechanism from the Cabinet Secretariat (formerly called the Welfare Secretariat) to the Department of Regional and Land Affairs, to which the Deputy Minister of Law and Order, Johan Scheepers, had been shifted. The provincial administrations, under the guidance of a structure called the NCM Secretariat which had been created by this time, were to take over the running of the 10 Joint Co-ordinating Centres. There were changes in other key structures,
particularly the Joint Security Staff. The chair had been the SAP head of the Operational Branch, and was now replaced by Lt-General Johan Swart, the Chief of the Internal Stability Division (the Riot Squad was renamed the ISD at this time, in April 1992). Other permanent members of this key Task Group were the Chief of the Army (who acted as Deputy Chair), two representatives of the SAP's Unrest Control and Prevention unit, a representative from the CIS (the re-named Security Branch), and other officials, including a representative of the "Chief Directorate Welfare Administration (NCM Secretariat.)"

What this information highlights is the need to examine closely the complex manner in which the former De Klerk administration attempted to manage change, and the role played by a range of state structures, not only the security forces.

Certain elements within the National Party government realised that their destabilisation campaign was becoming counter-productive, or feared that the real risk of the truth being exposed would carry unacceptably high political costs. However, powerful elements within senior government structures believed it should continue. What one observer described as "the mother of all covert operations" continued until South Africa's first democratic government, elected in April 1994, began to assert its authority. Despite this, the "total onslaught" dirty tricks campaigns launched by the apartheid state during the 1980s and 1990s continue to impact directly on the day-to-day situation in South Africa, particularly in the province of KwaZulu/Natal.

To cite just two further examples of this nature, Dr Johan van der Westhuizen, who set up Adult Education Consultants with Louis Pasques, re-emerged in January 1994 as one of the founders of the African Christian Democratic Party (ACDP). Louis Pasques himself received lucrative contracts from the De Klerk government's Nutritional Development Programme, and by 1992 he had set up new consultancies, one of which purported to offer communication skills and training in "nation building" to governments in neighbouring states.

These concerns are more than a matter of passing interest but have direct relevance to the security of the democratic order today. Many of the operatives in such covert structures as AEC, the CCB, Vlakplaas and others were not only given golden handshakes, but "disappeared" with the infrastructure responsible for the violence in the post-1990 period.

The Goldstone Commission was told that AEC's Creed Consultants was "privatising" its operations. It is strongly suspected that some of them are still in operation in KwaZulu/Natal; others are part of the criminal network; yet others are involved in taxi violence. Part of this network, which included journalists and "agents of influence" in a range of organisations and institutions, is most certainly still in operation; some of them continue to serve the interests of their previous masters, and it cannot be ruled out that others may be activated at some time in the future.

There are a few key political officials, operatives and commanders who know exactly how these networks functioned, and who can provide information on how extensive it was, on what has happened to it, and what capacity it still has for destabilisation. We urge the Commission to invite these individuals to give evidence on this grave matter. But above all, FW de Klerk has the responsibility to inform the nation about the activities of the covert repressive machinery that he headed when he took over from PW Botha.

The process of reconciliation requires answers about the activities not only of the State Security Council, but also all key structures falling immediately under it in the NSMS and NCM hierarchies.

We call on the Truth Commission to examine the minutes and other relevant records of all these structures from the time of their inception.

In the pre-1990 phase, key structures included the Working Group of the SSC, the Secretariat of the SSC with its Strategic Communications and other sub-committees, the Inter-Departmental Committees, the sectors in every government department tasked with stratkom work, the National Joint Management Centre, and the Joint Management Centres.

In the post-1990 NCM, key structures resorting under the SSC included the Cabinet Committee for Security Affairs, the Security Committee (national level), the Security Secretariat (and each of its sub-committees tasked with Strategy, Administration and Strategic Communications), the Joint Security Staff, and all sectors within the security and
intelligence services, as well as civilian government departments, which were specifically tasked with covert operations and stratkom work.

We call on the Commission to determine who was responsible for developing guidelines which were implemented by these structures, and all other units tasked with operations geared towards manipulating the negotiations process in the favour of the NP. The Constitutional Development Service formed an important node of power in this regard, and was headed by former senior NIS officials. What role was played by the pre-eminent secret NP think-tank on strategic issues, the Afrikaner Broederbond?


5.1 New forms of struggle after Sharpeville and the banning of democratic opposition (1960-69)

The African National Congress announced its adoption of armed struggle on December 16 1961. It is relevant to quote from the flyer distributed on that day, issued by Umkhonto we Sizwe, announcing that sabotage attacks had been carried out:

"Umkhonto we Sizwe will carry on the struggle for freedom and democracy by new methods, which are necessary to complement the actions of the established national liberation organisations. Umkhonto we Sizwe fully supports the national liberation movement, and our members, jointly and individually, place themselves under the overall political guidance of that movement.

It is, however, well known that the main national liberation organisations in this country have consistently followed a policy of non-violence. They have conducted themselves peaceably at all times...But the people's patience is not endless.

The time comes in the life of any nation when there remain only two choices: submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all means within our power in defence of our people, our future and our freedom.

The government has interpreted the peacefulness of the movement as weakness; the people's non-violent policies have been taken as a green light for government violence. Refusal to resort to force has been interpreted by the government as an invitation to use armed force against the people without any fear of reprisals. The methods of Umkhonto we Sizwe mark a break with that past..."

The manifesto explained that armed activity was necessary because of the ways in which legislation during the 1950s and especially since March 1960 had curtailed the legal space for non-violent, extra-parliamentary political protest. The manifesto held that within the previous eighteen months "virtual martial law" had been imposed: the reference was to the State of Emergency of March-August 1960 and the massive show of force in May 1961 against ANC efforts to organise a general strike. It asserted moral legitimacy for the resort to violence on the grounds of necessary defence: "The choice is not ours; it has been made by the Nationalist government."

Significantly, the ANC was not the only organisation to conclude that the only choices were to submit or fight. Umkhonto we Sizwe (MK) was preceded by a Committee for National Liberation, subsequently calling itself the African Resistance Movement, which included members of the Liberal Party as well as individuals from splinter socialist groupings. The PAC launched Poqo. There were also attempts to set up armed units by elements which had broken away from the Unity Movement.

The Umkhonto we Sizwe manifesto, characterised by one scholar as "one of the most eloquent assertions of revolutionary morality in the period after the Second World War", was firmly grounded in the historical realities of the
day. The National Party government had drastically narrowed the arena of legal political activity available to the ANC; and then closed it by banning the organisation in April 1960. The use of police and army troops in May 1961 to defeat the planned national stay-away further emphasised that the politics of the 1950s - characterised by campaigns of non-violent mass mobilisation - would no longer be tolerated by the state. The impatience and mounting anger of many rank-and-file members of the ANC, particularly among the youth, exerted further pressure on the ANC leadership to turn to armed activity.

This statement by President OR Tambo, which makes it clear that the ANC was not only reacting to the closure of peaceful forms of demonstration but was also concerned to prevent undirected forms of mass violence, is relevant:

"Umkhonto we Sizwe was founded...in order to give coherence to the spontaneous revolutionary violence our people were beginning to assert in response to the repressive violence of the apartheid state. During the late 1950s, there had already been a number of armed uprisings in various parts of the country as the oppressed fought back to claim their rights, which were being ruthlessly suppressed by the Verwoerd regime. In the Northern Transvaal the peasants had risen against the imposition of the Bantustan system. In the Western Transvaal the rising of the peasants had been suppressed with great violence. (...) In the Transkei the imposition of the bantustan system had provoked the most sustained peasant uprising in six decades, and in many portions of that region the rule of the puppet chiefs and the regime had been superseded by popularly elected peasants committees. The struggle in the urban areas had also reached a high-water mark. The massacres at Sharpeville and Langa in 1960, the slaughter of a peasant demonstration at Ngquza Hill in Pondoland in 1960..."  

A statement issued by the NEC in 1963 explicitly referred to methods of struggle at that time, and warned of the dangers of believing that freedom could be achieved by "plunging the country into riots and terrorist acts":

"Some (spontaneous actions of the people) result from Government provocation, the people's patience becomes exhausted, and the masses become desperate in the absence of a strong militant organisation. In these circumstances people are likely to resort more and more to senseless and dangerous forms of action. If we embark on unplanned and misguided political actions, we are playing into the hands of the enemy."

When MK was launched, its activities took the form of sabotage attacks on government installations, police stations, electric pylons and similar targets. At the same time, a different form of armed struggle was envisaged: rural-based guerrilla war. This was spelled out in Operation Mayibuye, a draft under discussion in the National High Command of MK. It envisaged guerrilla struggle being "sparked off" by military operations carried out by small groups of combatants, professionally trained outside South Africa. It was envisaged that such operations would serve to recruit thousands of internal auxiliaries. Attacks on strategic state targets would be complemented by urban sabotage and political agitation.

From the very beginning, Umkhonto we Sizwe emphasised that armed actions took place within a broader political context. Not only did this apply to the need for cadres to fully understand the basic policy positions of the ANC - the first port of call in all military training - but they were also taught to ensure that the moral high ground occupied by the liberation movement due to the justness of the cause must be maintained in the actual theatre of battle, in the choice of targets, attitude to civilians, and treatment of captives.

However, during all stages of the armed struggle, the ANC had to constantly contend with the tension between two tendencies: a strict adherence to these policies, and taking the easiest route of terrorist attacks against white civilians. It also had to assess the extent of public anger and the spontaneous actions by groups not falling under its discipline, and ensure that the anger of the people was channelled in such a way that it served the long-term political objective of attaining a democratic and non-racial society. Within its own ranks, debate on these issues would rage unceasingly, especially following the many brutal actions by the regime against unarmed civilians. The temptation to resort to indiscriminate attacks was always there: but at all times, the principled approach of the movement would prevail.

The arrests at Rivonia, and subsequent trials, ended the first phase of MK activity - the sabotage campaign between December 1961 and mid-1963. By mid-1965, not only MK but also the ANC had effectively been destroyed within South Africa. It was to be another eight years before there was significant reconstruction of an ANC underground, and
eleven years before the resumption of armed activity inside South Africa. Immediately following this period, the major involvement of MK in armed activity took the form of a joint operation with ZAPU forces in then Rhodesia. The Wankie and Sipolilo Campaigns (1967-8) failed in their major objectives - to open a trail back into the country - but provided important lessons to the movement.

They also led to the new programme, *Strategy and Tactics of the ANC*, adopted at the Morogoro conference of 1969. This document, accepted the need for a protracted armed struggle before the "conquest of power" in South Africa by the ANC. Crucially, it asserted that successful development of armed struggle depended upon political mobilisation, an important precursor to theories of "people's war" developed during the early 1980s within the ANC.

In the 1980s the overall approach of the ANC was summed up in what was called the "Four Pillars" of struggle: mass mobilisation, armed operations, underground organisation and international solidarity work.

The circumstances which led to the ANC's decision to launch Umkhonto we Sizwe have been sketched broadly above. With more specific reference to the ANC's approach to the role of armed actions in the struggle for democracy, and which targets it considered legitimate, two continuous threads in all ANC policies and public statements on this issue have been that armed struggle is only one of a range of inter-related methods of struggle, with the political leadership at all times directing armed struggle; secondly, armed struggle would be waged in order to bring peace to the country: the apartheid regime had to be stopped, as quickly and effectively as possible, as it was bent on a path which would only result in racial war.

The MK Manifesto states:

"We of Umkhonto we Sizwe have always sought - as the liberation movement has sought - to achieve liberation without bloodshed and civil clash. We do so still. We hope - even at this late hour - that our first actions will awaken everyone to the disastrous situation to which the Nationalist policy is leading. We hope that we will bring the Government and its supporters to their senses before it is too late, so that both Government and its policies can be changed before matters reach the desperate stage of civil war. We believe our actions to be a blow against the nationalist preparations for civil war and military rule."

The same point was made by Nelson Mandela, first Commander-in-Chief of MK, during his trial in 1962:

"Government violence can do only one thing and that is to breed counter-violence. We have warned repeatedly that the Government, by resorting continually to violence will breed in this country counter-violence among the people, till ultimately, if there is no dawning of sanity on the part of the Government, ultimately the dispute between the Government and my people will finish up being settled by violence and force."

As outlined above, preparations were made for the possible adoption of guerrilla warfare should the sabotage campaign fail in its objective, which was to get the government of the day to agree to negotiations in a National Convention. As Nelson Mandela put it in his 1964 statement from the dock, the leadership at that time believed four forms of violence were possible: "there is sabotage, there is guerrilla warfare, there is terrorism, and there is open revolution." Sabotage was the first choice of MK as it did not involve loss of life, and would cause the least bitterness and division to develop among people. However, the leadership of Umkhonto assessed white response to their sabotage campaign with anxiety: "The whites and blacks were moving into separate camps, and the prospects of avoiding a civil war were made less."

The draft document, *Operation Mayibuye*, made explicit reference to targets considered legitimate in Part V, titled "Detailed Plan of Implementation". It was envisaged that various departments be set up with detailed terms of reference to submit plans to launch guerrilla warfare. The terms of reference for the Intelligence Department include the following sub-section:

"(e) Selection of targets to be tackled in initial phase of guerrilla operations with a view to causing maximum damage to the enemy as well as preventing quick deployment of reinforcements. In its study the Committee should bear in mind the following main targets:
I. Strategic road, railways and other communications.
II. power stations
III. police stations, camps and military forces
IV. irredeemable Government stooges."

As will be shown in the rest of this submission, this basic approach did not change over the years, even under extreme provocation.

5.2 A Changing Scenario and New Challenges (1969-79)

The Strategy and Tactics document adopted at the 1969 Morogoro Conference was the first comprehensive strategic guideline for the ANC in the period of armed struggle. A decision was made to shift the ANC's approach from sending armed groups of cadres into the country to "spark off" guerrilla warfare, and instead emphasised that a period of political reconstruction of the ANC inside the country was necessary, as this would provide the only secure base for successful military organisation. It was necessary to first extend and consolidate an ANC underground machinery and to generally mobilise the people, especially the black working population, into active mass struggle around both local and national issues. Military struggle was seen as forming only part of, and being guided by, a broader political strategy to ensure that the battle against apartheid was fought on all possible fronts, involving not just an army but all those oppressed by apartheid:

"When we talk of revolutionary armed struggle, we are talking of political struggle by means which include the use of military force (...) It is important to emphasise this because our movement must reject all manifestations of militarism which separates armed people's struggle from its political context. Reference has already been made to the danger of the thesis which regards the creation of military areas as the generator of mass resistance."

On the question of the relationship between the political and the military, it was noted that from the very beginning: "our Movement has brooked no ambiguity concerning this. The primacy of the political leadership is unchallenged and supreme and all revolutionary formation and levels (whether armed or not) are subordinate to this leadership." (Strategy and Tactics, 1969.)

The perspective guiding the ANC at this time was that of classic guerrilla warfare, concentrated mainly in the rural areas, as this was where the enemy's military structures were weakest; targets would include military bases, command posts and personnel.

Decisions taken at the Morogoro Conference resulted in changes to political and military structures. A new Revolutionary Council was formed. Over the next few years, the ANC began to implement some of the Morogoro recommendations. Procedures were set up to facilitate liaison between leadership and the rank and file, and the arduous task of infiltrating cadres back into the country and setting up a rudimentary underground organisation began.

Such re-entry was painfully difficult in the first half of the 1970s. The key problem was the absence of internal support structures for cadres attempting to infiltrate the country, there were no reception facilities for guerrillas, or reliable underground structures, whereas the state could call on a vast army of security personnel, government officials and informers.

By the middle of the decade, several factors tilted the advantage towards the ANC. Firstly, a new combativeness established itself amongst the people with the rise of Black Consciousness and the new independent trade unions. Secondly, the accession to power of MPLA in Angola and Frelimo in Mozambique shifted the regional balance of power. Thirdly, senior ANC organisers who had completed prison sentences began to rebuild ANC units in major urban centres. Fourthly, the centre of gravity of the exiled movement shifted to countries bordering on South Africa.

Again, in this period, when the movement was facing many difficulties in rooting its underground within the country, resisting the temptation to spread such structures and armed actions in an opportunistic fashion was a difficult challenge. One instance of this was when contact was made with members of the Black Consciousness Movement (BCM), when a
delegation of BCM leaders met with the ANC in the mid-1970s. They had come to appreciate the futility of student protest on its own as a means to liberate the country, and were seeking assistance to undertake armed actions.

Their submission was that they needed military training, and should then be allowed to operate independently within the country, with their own command structures. Given the difficulties the ANC experienced at this time, this was like a godsend. But the movement asserted its political position: that the politics of non-racialism and national liberation should guide whatever armed actions were undertaken, and that the politics of the ANC should guide whoever carried out operations on the basis of its training and supplies.

It was as a result of this interaction, over a long period, that the senior corps of BCM leadership started to co-ordinate their work with the ANC, and some of them became fully-fledged members of the underground. The brutality against Steve Biko in detention, leading to his murder in 1977, can partly be explained by the fact that he had made moves towards contact with the ANC, and was on the verge of a historic meeting with OR Tambo. Carl Edwards and Craig Williamson knew of the link between the ANC and Biko, and they are most likely to be responsible for his betrayal. But the murderers themselves should know better, and they should shed light on this matter before this Commission.

When Soweto erupted in 1976, thousands of young militants left the country and gravitated towards the ANC. Not only did the External Mission of the ANC double and redouble its membership; it also received one of the most precious assets that any exile force can receive - fresh links with organisations and individuals within the country.

During the years from 1976-1979 there was a marked escalation in armed actions: railway lines were sabotaged in many parts of the country, police stations in Soweto, Germiston and Daveyton were attacked, and Bantu Administration offices in Port Elizabeth were bombed. A number of notorious security police were executed, and for the first time battles between MK units and the police took place: the battle was slowly but surely being taken to the enemy. About 37 armed actions took place between the 1976 youth uprising and the end of 1978.

At that point - December 1978 - the ANC's National Executive Committee and Revolutionary Council held an important meeting in Luanda. Far-reaching strategic decisions stemming from this meeting shaped the nature of the armed struggle over the next decade, and paved the way for the ANC's resurgence within the country as the undisputed leader of the liberation forces.

5.3 Towards People's War and People's Power, 1979-90

The strategic emphasis which shaped struggle from 1979 onwards was the necessity for an organised underground political presence to complement armed activities. It was considered essential that ANC operatives should link up different forms of popular members from the generation of activists in youth and student bodies, in the trade unions, in township civics whose protest campaigns were redefining anti-apartheid politics. The "armed propaganda" of MK attacks would serve as a secondary means to deepen mass mobilisation.

The watershed 1978 Politico-Military Strategy Commission report under OR Tambo (also known as The Green Book/Theses on our Strategic Line), again stressed the primacy of political mobilisation:

"The armed struggle must be based on, and grow out of, mass political support and it must eventually involve all our people. All military activities must at every stage be guided by and determined by the need to generate political mobilisation, organisation and resistance, with the aim of progressively weakening the enemy's grip on the reins of political, economic, social and military power, by a combination of political and military action."

On the role of armed activity at that stage, the report stated that this served "to keep the perspective of people's revolutionary violence as the ultimate weapon for the seizure of power", and "to concentrate on armed propaganda actions whose immediate purpose is to support and stimulate political activity and organisation rather than to hit at the enemy".

In line with this approach, the Revolutionary Council, formed in 1969 and chaired by OR Tambo, was restructured to
consolidate not only the supremacy of political leadership but also to ensure that the task of mass mobilisation and underground organisation received the necessary emphasis. The senior organs formed in neighbouring countries consisted of senior leaders and specialists in the building of the political underground and mass mobilisation, as well as commanders of armed units. Within the country this translated into an effort to form Area Political Committees which would take ultimate responsibility for both political and military work in their areas of operation. Later, these were transformed into Area and Regional Politico-Military Committees.

A Special Operations group reporting directly to the President was formed with the mandate of undertaking high profile attacks on targets such as the Sasolburg oil refinery, Koeberg, and Voortrekkerhoogte - armed propaganda which would hit the South African economy hard and capture the imagination of the people.

In 1983 the Revolutionary Council was disbanded and the Politico-Military Council created, with a Military HQ and Political HQ falling under it. The detail of these structures is outlined in later sections; but their evolution again underlines the constant commitment on the part of the ANC to ensure that the armed struggle formed an integral part of the overall strategy of the movement, as defined in the "Four Pillars".

At the same time operations by other MK units mounted steadily; one study estimated that 150 cases of armed action took place between 1976 and 1982, overwhelmingly concentrated on economic targets, the administrative machinery of apartheid, as well as police and SADF installations and personnel.

In contrast to this highly disciplined and restrained approach to the use of violence, the South African regime committed countless atrocities against civilians not only within the borders of South Africa, but also through their support for the terrorism of UNITA and Renamo. Cross-border raids were launched against what were portrayed as "ANC targets" in neighbouring states - such as the attack on Matola in 1981, the Maseru massacre of 1982, the raids on Gaberone in 1985, Lusaka in 1987 and attacks in Harare and Bulawayo, to quote a few examples. Many of those civilians killed in these operations were nationals of the host countries. No distinction whatsoever was made between "hard" and "soft" targets. Anger against the perpetrators of these atrocities mounted.

Again, the words of Oliver Tambo on the avoidance of civilian casualties in the conduct of armed struggle, come into focus:

"In 1980 we signed the Geneva protocols and said that if we captured any enemy soldiers we would treat them as prisoners of war. The fact is we are not against civilians. We do not include them in our definition of the enemy. The ANC was non-violent for a whole decade in the face of violence against African civilians. What do we mean by civilians? It really means white civilians. No one refers to Africans as civilians and they have been victims of shootings all the time. Even children. They have been killed in the hundreds. Yet the word has not been used in all these years. Now it is being used, especially after the Pretoria (SAAF HQ) bomb. But implicit in the practice of the South African regime is that when you shoot an African you are not killing a civilian. We don't want to kill civilians. But some will be hit, quite accidentally and regrettably".

In mid-1983 MHQ produced a discussion document, Planning for People's War, which posed the question as to whether the time was ripe to move away from the 1979 approach towards people's war, defined as a "war in which a liberation army becomes rooted among the people who progressively participate actively in the armed struggle both politically and militarily, including the possibility of engaging in partial or general uprising". Among the conclusions were that the ANC should continue carrying out and even escalating those actions which had played an important role in stimulating political activity, mass resistance and mass organisation, but that "there should be more concentration on destroying enemy personnel". The concept of potential future guerrilla zones inside the country was raised.

This document noted that the policy of arming the people:

"cannot mean that we begin now to distribute arms to whosoever wishes to receive them among the oppressed. In the first place, we have neither the capacity nor the means to do this on any meaningful scale. In the second place it would be completely wrong to engage in a policy of merely distributing weaponry to people, trusting to luck that they will use them on the side of the revolution."
What does this discussion document signify? In the first instance, it reflects the continual debates that were taking place within the ranks of the liberation movement on how to respond to new situations as they emerged. Secondly, these debates essentially revolved around the tension between the restraint of the ANC in the face of the enemy's brutality - whether we should adopt the easy route, and ease control over the usage of weapons. Thirdly, at each stage of struggle, people on the ground would respond with anger to repression, and start to take initiatives themselves which were not strictly in accordance with the strategy and tactics of the ANC.

In this context, in addition to the imperative of intensifying the struggle, the constant challenge facing the ANC was how to channel anger on the ground to ensure that the strategic perspective of a democratic and non-racial society would not be sacrificed on the altar of quick-fix, dramatic and misguided actions. The tension between such intensification of struggle, and the need to avoid a racial war that the MK Manifesto eloquently expressed at the time of the founding of the liberation army, remained with the movement to the last day of armed struggle.

Debates at the highest level of the ANC's political structures during the 1981 anti-Republic Campaign provide an example. Reconnaissance units had been tasked to identify potential targets to register rejection of the 20th anniversary celebrations of the racist republic. One of our units had studied the government's programme for the occasion, and reported on the fact that a mass celebration was to be held at Bloemfontein, in which PW Botha and his entire cabinet would be present. The sketches of the venue and details on where a car-bomb could be placed to decimate the leadership of the NP government were drawn up. The operation needed only the go-ahead from the national leadership. What could have been the most dramatic operation ever, reinforcing the mass upsurge at the time and weakening the apartheid ruling structure, was set aside after much debate. The leadership concluded that there would be too many civilian casualties, and that the obliteration of the NP cabinet could start to blur the distinction between legitimate and illegitimate targets.

This restrained approach contrasts sharply with the attitude of the regime itself, which considered all members of the ANC, whether they were MK cadres or not, inside and outside the country, as fair game; which tried on many occasions to assassinate Oliver Tambo, Chris Hani and other leaders; which had killed diplomatic Chief Representatives of the ANC and bombed their offices.

In line with the doctrine of Total Strategy, the Botha regime attempted to introduce limited constitutional reforms aimed at defusing growing popular resistance to apartheid rule. In this context, the ANC's January 8th statement of 1984 explicitly identified targets as follows:

"the apartheid regime maintains an extensive administrative system through which it directs our lives. This system includes organs of central and provincial government, the army and the police, the judiciary, the bantustan administrations, the community councils, the local management and local affairs committees. It is these institutions of apartheid power that we must attack and demolish, as part of the struggle to put an end to racist minority rule in our country. Needless to say...we must select for attack those parts of the enemy administrative system which we have the power to destroy(...). We must hit the enemy where it is weakest. (...) Thus, through our efforts, the so-called Coloured Persons Representative Council ceased to exist; as a result of extensive mobilisation, the puppet South African Indian Council was brought in by an insignificant minority.."

"This year, Botha and Malan will be busy implementing the provisions of their apartheid constitution. (...) White South Africans alone should man the apartheid constitutional posts, which it alone has created, to its exclusive benefit. Those who elect to serve in these apartheid institutions must expect to face the wrath of the people."

The Kabwe conference was held in June 1985 to assess developments since the Morogoro conference of 1969. The day before it opened, Pretoria attacked several homes in Gaberone, Botswana, killing 12 people including Botswana citizens. Not one shot was fired in self-defence; all those killed were unarmed.

From early September 1984, in response to attempts to increase rent and electricity levies by the new Black Local Authorities introduced by the Pretoria regime, an unprecedented united front of trade union, political, civic, youth and
student organisations had mobilised against these moves; apartheid was in a state of general crisis, and the strategic initiative had unmistakably shifted towards forces for change. There was a growing sense that the country was approaching a crossroads.

At Kabwe consensus was reached on a number of major questions including the approach to military action. It was felt that the Strategy and Tactics document adopted at the Morogoro conference, which laid stress on the development of classical guerrilla warfare in the rural areas and designating a supportive role for urban warfare, was flawed. The primary perspective that emerged was that the ANC should step up the all-round political and military offensive sharply, and prepare for protracted people's war. A general insurrection was seen as the logical culmination of this struggle, necessitating preparation to take decisive action at the right moment in order to seize power. This would entail building combat forces inside the country, ensuring that they link up at all times with the people and draw the masses into people's war. It was decided that as many cadres as possible should be trained inside and outside the country and a detailed cadre policy was to be developed - a handing out of guns to anyone willing to shoot was never envisaged.

Conference reaffirmed ANC policy with regard to targets considered legitimate: SADF and SAP personnel and installations, and selected economic installations and infrastructure. But the risk of civilians being caught in the crossfire when such operations took place could no longer be allowed to prevent the urgently needed, all-round intensification of the armed struggle. The focus of armed operations had to shift towards striking directly at enemy personnel, and the struggle had to move out of the townships to the "white" areas.

President Tambo summed up the mood of the Conference. It represented, he said:

"...a turning point in the history of all the people of South Africa. Our Conference itself will be remembered by our people as a council-of-war that planned the seizure of power by these masses, the penultimate convention that gave the order for us to take our country through the terrible but cleansing fires of revolutionary war to a condition of peace, democracy and the fulfilment of our people who have already suffered far too much and far too long."

And later in his address:

"The apartheid system is in a deep and permanent crisis from which it cannot extricate itself. (...) Despite massacres and murders that are carried out daily by Botha's assassination squads, the masses of the people are engaged in a widespread struggle which the enemy cannot suppress and which is driving it ever deeper into crisis. Of decisive importance is the fact that this mass offensive is directed at the destruction of the apartheid state machinery, at making apartheid inoperative, at making our country ungovernable."

The questions of ANC policy towards "soft targets" and "taking the struggle to white areas" arose in the context of the massive increase in confrontation taking place within the country at the time.

In a press conference after the Kabwe conference, President Tambo dealt with the issue as follows:

"I will summarise the position taken by the Conference in these terms: that the struggle must be intensified at all costs. Over the past nine to ten months at least - at the very least - there have been many soft targets hit by the enemy. Nearly five hundred people have now died in that period. That works out to about fifty per month - massacred, shot down, killed secretly. All those were very, very soft targets. They belong to the sphere of the intensification of the struggle. What we have seen in places like the Eastern Cape is what escalation means for everybody. The distinction between "hard" and "soft" targets is going to disappear in an intensified confrontation, in an escalating conflict. (..)

"The question of soft targets was quite out of place during World War II, to mention a big war. Ours will be a small one, but we are fighting the same kind of system. It was Hitler who attacked, it is the apartheid system here which attacked, and we are fighting that system, our own version of Nazism. I think the distinction between hard and soft targets is being erased by the development of the conflict. I am not saying that our Conference used the word "soft targets". I am saying that Conference recognised that we are in it. It is happening every day. It happened two days before we started our Conference - a massacre in Gaberone."
We did not complain that soft targets were being hit, because they have been hitting them, as I say, all the time. What we did was to re-commit ourselves to intensify the armed struggle until that kind of massacre, until the system which makes massacres and conflicts necessary, is abolished...

The ANC's understanding of the need to carry the struggle out of black areas is succinctly expressed in an article which appeared in the November 1985 issue of the ANC mouthpiece *Sechaba*. Although a personal opinion, this extract captures the essence of the debate in ANC ranks:

"An outstanding lesson of this determined popular resistance is that revolutionary activity whose scope does not extend beyond the black township is a misdirected blow. It does not hit the established order at its soft spots. The townships are not the weak links, rather they are ramparts of the status quo, like the Bantustans. No strategic or significant government or economic installations are in the townships. There are only administrative boards, community councils, minor police stations and magistrates' courts. There are no businesses under ASSOCOM, FCI or AHI, the destruction of whose businesses can make political heads roll. Township upheavals reach the attention of white households through television screens, the radio and newspapers. This is the way whites come to know of Beirut car bombs or Israeli invasions of Lebanon and the carnage that accompany them. There is no sense of immediacy. Soweto, New Brighton, Alexandra township and so on are as far from PE or Johannesburg as Beirut is (...) To shake the regime, Soweto must come to Johannesburg, New Brighton to Port Elizabeth. (...)"

"The present mass action has by far outpaced armed struggle and armed propaganda. Armed propaganda at a time when the masses are stoning Casspir armoured vehicles is an anachronism.

"We have witnessed for a whole year sustained mass onslaughts against the enemy, that have reached fever pitch with every cruel blow that the bloodstained apartheid regime has unleashed... A critically urgent demand of the present situation is for the unarmed mass battles that have raged without cessation in the last year to be synchronised with co-ordinated, stunning armed blows against the enemy's armed personnel and installations."

By the end of 1985 an official ANC pamphlet titled *Take the Struggle to the White Areas!* was distributed inside the country. Targets were identified as "the racist army, police, death squads, agents and stooges in our midst", and the call to "take the war to the white areas" is defined as follows:

- Strengthening our workers' organisations and engaging in united action in the factories, mines, farms and suburbs.
- Spreading the consumer boycott to all areas of the country.
- Organised and well-planned demonstrations in the white suburbs and central business districts.
- Forming underground units and combat groups in our places of work and taking such actions as sabotage in the factories, mines, farms and suburbs, and disrupting the enemy's oil, energy, transport, communications and other vital systems.
- Systematic attack against the army and police and the so-called area defence units in the white areas.
- Well-planned raids on the armouries and dumps of the army, police, farmers and so on to secure arms for our units.

There was reference to the "special role" of "all anti-apartheid whites".

"Let us all act in unity against a system that has brought so much suffering to so many, and that continues to drown thousands in blood."

The period between 1985 and 1988 witnessed unprecedented violence, overwhelmingly directed at black civilians. As the regime fought to regain the strategic initiative it had lost, it employed unbridled terrorist violence and a range of overt and covert measures which are dealt with more fully elsewhere in this document.

MK attacks mounted steadily with most operations concentrated on targets as set out in ANC policy; there was an all-round intensification of efforts to destroy all organs of the apartheid state, to encourage the emergence of People's War (summed up in the 1986 slogan "Every patriot a combatant, every combatant a patriot!") and to promote the
establishment of organs of people's power. By the end of 1986, the regime had lost administrative control over large parts of the country.

It was during the mid-1980s that attacks on certain targets with no directly apparent connection to the apartheid state took place. In some cases these attacks resulted from the manner in which cadres interpreted the decision to sharply intensify the armed struggle, which would entail exercising less restraint, and the call to take the struggle to the white areas. Militant rhetoric in Sechaba articles reflected the mood of the times: "The attack on South African refugees in Botswana by the racist forces just before the conference emphasised the need for our movement to bleed the enemy."

Most of those cadres who carried out bona fide operations of this nature had reason to believe that they were operating in accordance with the political will of the leadership of the ANC. But the apartheid regime was very quick to exploit this tactical shift with regard to intensification of the struggle and shift in focus of armed operations, combined with the misinterpretation of these decisions by some cadres, and carried out a number of "false flag" attacks on civilian targets with the sole objective of destroying the ANC's claim to the moral high ground, considered strategically essential by the ANC leadership to the success of the national liberation struggle. The apartheid regime fought tooth and nail to destroy the ANC's image and damage the steady growth of international solidarity with the struggle for democracy, portraying the liberation movement as no more than a gang of bloodthirsty and cowardly terrorists with no popular support.

The ANC leadership took action to assert policy with regard to the avoidance of civilian targets, which had in some cases become confused with the need to intensify the struggle "at all costs." The January 8th, 1987 statement called on ANC supporters to:

"ensure that we build up our combat forces into a true People's Army in its national and social composition, in its size, effectiveness and the nature of its operations.

"It must continue to distinguish itself from the apartheid death forces by the bravery of its combatants, its dedication to the cause of liberation and peace, and its refusal to act against civilians, both black and white. But the People's Army, Umkhonto we Sizwe, must in all its elements, act boldly against the apartheid enemy and create the conditions when our superior forces will finally overrun and overthrow the apartheid regime of terror."

This statement called on ANC cadres to mobilise the white population, which should fuse with and become part of the motive forces of the democratic revolution:

"Our white compatriots have to learn the truth that it is not democracy that threatens their future. Rather, it is racist tyranny which poses a dire peril to their very survival. (...) Black mothers have to live with the agony of burying their children every day. (...) Across the barricades, white mothers see their children transformed and perverted into mindless killers who will not stop at murdering the black unarmed (...) These black and white mothers must reach across the divide created by the common enemy of our people and form a human chain to stop the murderous rampage of the apartheid system."

When attacks which did not accord with ANC policy started to become a trend in late 1987, MK commanders were instructed by OR Tambo and the NEC to go to all forward areas and as far as possible also meet with units operating inside the country to reassert ANC policy with regard to the avoidance of purely civilian targets. Failure to comply with these orders would be considered as violations of policy and action would be taken against offenders.

In August 1988 the NEC issued a statement specifically on the conduct of armed struggle in the country:

"The NEC further re-affirmed the centrality of the armed struggle in the national democratic revolution and the need to further escalate armed actions and transform our offensive into a generalised people's war. (...) However, the NEC also expressed concern at the recent spate of attacks on civilian targets. Some of these attacks have been carried out by cadres of the people's army, Umkhonto we Sizwe, inspired by anger at the regime's campaign of terror against the oppressed and democratic forces, both within and outside South Africa. In certain instances operational circumstances resulted in unintended casualties."
"Yet it has come to our notice that agents of the Pretoria regime have been detailed to carry out a number of bomb attacks deliberately to sow confusion among the people of South Africa and the international community, and to discredit the African National Congress.

"The ANC hereby underscores that it is contrary to our policy to select targets whose sole objective is to strike at civilians. Our morality as revolutionaries dictates that we respect the values underpinning the humane conduct of war. Any other course of action would also play into the hands of the enemy."

As we have indicated earlier the ANC's approach to armed struggle was underpinned by the fact that this form of struggle was part of, and not parallel to, the other "pillars of struggle": underground organisation, mass mobilisation and international solidarity. In addition, as the struggle intensified, it became clear that greater insecurity was starting to set in within the white community. Many individuals began to appreciate the inhumane and immoral nature of the apartheid system, and began to actively support the anti-apartheid cause. Resistance to forced conscription grew dramatically. Developments of this nature reinforced what had always been ANC policy: to mobilise as many South Africans as possible, from all backgrounds, against the system of apartheid.

The mass revolt and intensification of the armed struggle enhanced the ANC's efforts to mobilise international support against apartheid; the Western powers which had viewed our struggle through the narrow and distorted lenses of East-West conflict, began to acknowledge the justness of our cause and the legitimacy of the ANC. The organisation itself had intensified its attempts to make contact with these governments, and these initiatives were beginning to bear fruit. At last, what had long been acknowledged by Africa and other developing countries, by the governments of Eastern Europe, Scandinavia and a few developed countries within the Commonwealth, was starting to take root within the governments of the major Western powers.

This range of developments, coupled with the ANC's own firm policies, vindicated and reinforced the approach that the ANC had consistently maintained regarding conduct of struggle in general and armed struggle in particular.

The ANC is immensely proud of the bravery, discipline and selfless sacrifices of its MK combatants, many of whom laid down their lives in pursuit of freedom for all in South Africa. They worked in one of the most dangerous and difficult arenas of struggle for a non-racial and democratic South Africa. They were prepared to work under conditions in which, if captured or abducted, they faced the possibility of summary execution whether they surrendered or not. They faced being tortured to death, or coming under intense pressure to choose between death and collaboration. If brought to trial, they faced the death penalty or extremely lengthy prison sentences.

At times, particularly during the mid-1980s, our cadres worked under conditions of blanket state terrorism against a largely unarmed and defenceless civilian population, and indiscriminate, merciless attacks on any available ANC target abroad. Given these conditions, and also taking into account that a general state of people's war against apartheid was developing, it is remarkable that very few attacks by MK cadres violated ANC policy with regard to civilian targets.

Yet we do acknowledge that some incidents not entirely consistent with ANC policy did take place.

5.4 The ANC and internal mass revolt: The role of the Mass Democratic Movement in the 1980s

While the ANC pursued its concerted campaign against apartheid from exile and the underground, there were new internal political developments from the late 1970s onwards which reinforced the effectiveness of the organisation and slowly but surely helped shift the balance of power in favour of the disenfranchised majority in South Africa. The struggle became increasingly organised on three main fronts: the armed and underground struggle of the banned ANC, the rapidly expanding black trade union movement (membership jumped from 40,000 in 1975 to 247,000 in 1981 and to 1.5 million in 1985), and re-emerging legal, mass-based community and political movements. These strands of resistance on various fronts became increasingly interlinked in the 1980s, in the process enhancing the position of the ANC as the vanguard movement in the struggle for democracy in South Africa.

The formation of the United Democratic Front (UDF) as a broad internal anti-apartheid umbrella body transformed the
South African political landscape. Not only did it bring with it an unprecedented level of popular mobilisation, but it also marked a maturing of ideological orientation away from the Black Consciousness movement of the 1970s towards the more broadly-based non-racial struggle propounded by the ANC.

Most UDF supporters backed the Freedom Charter, the guiding document of the ANC adopted in 1955, and while the UDF emphasised its autonomy for legal and tactical reasons it became recognised by friend and foe alike as part of the ANC "congress tradition". Although it was illegal to identify openly with the ANC or express support for the armed struggle, the UDF stressed that it shared the broad aims espoused by the ANC. It opened a new front in the struggle for democracy that would complement and not, it emphasised, attempt to supersede the struggle of the respected exile movement. Imprisoned ANC leaders were made patrons of the UDF, and some joined the UDF in leadership positions on their release from prison. The UDF also appropriated many of the songs, slogans and symbols of the ANC.

Despite the identification of the UDF (and later, the Mass Democratic Movement) with the ANC, they were essentially separate bodies, not direct extensions of the ANC. While broad policy was often in line with ANC positions in exile and the underground, day-to-day activities and campaigns were based on local initiatives and conditions. The strength of the UDF was that it linked diverse organisations among youth, students, workers, township and village residents, took up bread-and-butter issues directly affecting the daily lives and living conditions of the people in the various sectors, and was able to organise successful non-violent mass campaigns around these concerns and grievances.

The mass struggles of the 1980s went through two main phases. The first was the legal, mass mobilisation on an ideological and organisational level to promote a non-racial alternative to apartheid and to discredit manoeuvres by the apartheid state to sell its sham tricameral "reform" programme, geared towards entrenching racial separation and privilege. The cross-section of groups which coalesced into the UDF succeeded spectacularly in their aim of creating an anti-apartheid platform for the democratic-minded majority, despite continual harassment and the closing of already limited legal avenues of expression by the state.

Then, on September 3, 1984, the day on which the racist tricameral system and the new executive state president of South Africa were inaugurated, the so-called Vaal uprisings broke out, ushering in a new phase of militancy and resistance in South Africa. Over the next few months urban revolt became endemic, spreading from the Witwatersrand to many other parts of the country. Spontaneous street clashes between township residents and the apartheid security forces superseded the organisational forms of response established by the recently-formed UDF.

Soon state authority collapsed completely in certain areas as angry crowds responded through direct action to economic hardships and the imposition of illegitimate black local councils as part of the new tricameral system. By mid-1985, in line with ANC strategy, which both influenced and was inspired by the popular revolt against apartheid, a situation of "ungovernability" existed in many areas. The distinction between legal forms of political activity and the underground struggle of the ANC was becoming blurred. Enthusiastic support for the ANC was expressed daily despite strict deterrent laws. The organisation could claim without contradiction at that stage that "the people are engaged in active struggle as a conscious revolutionary force, and accept the ANC as their vanguard movement". By the end of the 1980s the ANC had effectively been unbanned by the people despite all the efforts to demonise and crush it.

Recognising that it was in danger of losing control, the apartheid government decided in July 1985 to proclaim a State of Emergency in 36 districts throughout the country. Virtual martial law descended over these areas. The apartheid rulers were acknowledging the collapse of apartheid reform, and their ever-increasing reliance on violence to maintain control.

The country was plunged into the dark abyss of hit squads and extra legal state terror, bannings, army occupations and further states of emergency - a history which we trust the TRC will piece together bit by bloody bit, so that the jigsaw puzzle of what happened can finally be completed.

6. Did the ANC Perpetuate any Gross Violations of
Human Rights

6.1 The Approach, Standards and Conduct of the ANC in Relation to Human Rights

What considerations, during these years of intensified armed activity, did the ANC give to questions of morality and codes of military conduct? Civilian casualties are frequent and notorious consequences of irregular forms of military combat. There were instances in which the ANC's own policies in this regard were contradicted or ignored: these are dealt with later in this submission. At the same time, the historical record is clear. It was ANC policy - ever since the formation of MK in 1961 - to avoid unnecessary loss of life. The ANC has never permitted random attacks on civilian targets. Unlike many other liberation movements as well as resistance movements in the Second World War, the ANC scrupulously sought to ensure that civilians were not targeted.

In its first sabotage campaign, in the early 1960s, the High Command of MK sought to ensure that attacks on government installations would not lead to loss of life. When MK units were first sent into action they were under strict instructions not to jeopardise the lives of civilians and did not carry arms. Subsequently, when armed guards were encountered at possible targets, regional committees were instructed to arm units but cadres were ordered to shoot only in self-defence. Once MK camps had been established, part of the training of every MK combatant was political and included the insistence that the enemy should not be defined simply in racial terms. When the ANC became a signatory to the Geneva Convention on the conduct of war in 1977 it was the first liberation movement in the world to take this step. Adherence to the terms of the Convention confirmed the movement's commitment to avoid attacks on civilians and the "humanitarian conduct" of war.

At the ANC's Kabwe Conference in June 1985, this position was modified, but not abandoned. A resolution was adopted which acknowledged that there would be unavoidable civilian casualties as warfare escalated. The previous restraint in order to avoid such casualties, it was felt at Kabwe, should no longer be allowed to undermine the campaign to intensify the armed struggle against the regime.

It is worth noting that the armed struggle was conducted in circumstances which were never easy, and which at times seemed almost insurmountably difficult. The politics of exile is a notoriously testing terrain, pitted with insecurity and dependent upon the goodwill of others for resources. The main training camps and bases of MK were far distant from South African soil. Those countries which offered sanctuary to ANC and MK personnel were themselves hard-pressed, and the sanctuary frequently carried its own dangers. The efforts by the South African state to destroy the ANC and MK were unceasing, and massively financed. Besides military and police offensives against MK, methods included infiltration by state agents and spies; cross-border raids and kidnapping; pressure on the front-line states to expel ANC members; assassinations, torture and a wide repertoire of "dirty tricks".

Despite all these difficulties, the ANC retained its commitment to internationally acceptable forms of combat; it never sanctioned "terrorism", which could be defined as military attacks on civilians by armed groups or individuals. When some of its cadres transgressed this policy their actions were regretted and in some cases publicly repudiated. The ANC did not visit systematic violence and intimidation upon civilians; it did not use the military methods used in the defence of racism. When weighed in the scales of history, the ANC and the South African apartheid regime occupy opposite ends of the spectrum both in terms of policy and practical conduct.

Given the historical and political context provided above, it would seem natural to attempt to justify everything that happened within the context of struggle against apartheid as acceptable, and therefore not to be scrutinised in line with the mandate of the Commission. But the morality of the ANC, its objectives then and now, and the standards it set itself, dictate that we examine the conduct of struggle critically, and acknowledge where errors took place.

The logic of the Commission is that the truth should be acknowledged, no matter how painful, so as to ensure that conditions are created under which it is impossible for any terrible things from the past to recur. It is in this spirit that we approach this question.

6.2 Armed operations and civilian casualties
6.2.1 Political approach to armed struggle

As outlined in Section 5 above, the approach of the ANC to armed struggle hinged on its strategic objective of a united, non-racial, non-sexist and democratic South Africa.

To recapitulate. Firstly, armed struggle was forced on an organisation that had for many years espoused and practised peaceful methods of struggle. Secondly, it was part of the "four pillars" of struggle - as such, it had to be conducted in such a way as to reinforce rather than undermine these other "pillars". Thirdly, from the beginning, a narrow definition of targets was made, and maximum restraint was exercised. Fourthly, there was pressure to pursue options such as attacks against white civilians, and there were intense debates on these issues, especially in response to state repression; but the movement again and again reasserted its basic principles. Lastly, structures set up to lead armed struggle were adapted to concrete conditions, and in each instance, to strengthen political control of the military campaign.

Given the ever-increasing militarisation of white South Africa from the late 1970s onwards, and the unbridled violence used against civilians by the former apartheid regimes, we submit that the ANC always exercised exceptional restraint in the conduct of armed struggle. Since the founding of MK in 1961, the ANC never deviated from its belief that it was not only morally wrong but strategically senseless to attack civilian targets.

6.2.2 The politico-military chain of command

After the setbacks of the capture of the MK High Command at Rivonia, and subsequent trials, the process of building ANC and MK structures in exile began. Senior leaders of the movement trained and lived in the camps with the recruits, and were charged with the task of ensuring that the political objectives of the ANC were understood by all cadres, as well as maintaining discipline during the training process. After the Wankie/Sipolilo Campaign with ZAPU in 1967/68, the Morogoro Conference was held in 1969, and the Revolutionary Council (RC) was established. Chaired by OR Tambo, the RC included both political and military leaders, and was tasked mainly with establishing an underground political presence in the country, as well as with infiltrating cadres into the country to carry out military operations.

By the mid-1970s, as Angola was liberated, the ANC was in the position to command its own camps and a General Headquarters was established in Luanda.

The General Staff - that is, MK Headquarters - divided South Africa into a number of operational areas which were controlled from two major fronts: the Eastern Front from Mozambique into Swaziland, and the Western Front from Zambia into Botswana.

By 1978 the first MK operations by units of the Transvaal Urban Machinery took place. These were aimed at police stations in the PWV area. At the same time attacks were launched from the Western Front, aimed at establishing guerrilla bases in the Western Transvaal.

At this time the ANC's dilemma was that in order to be successful militarily, it had to establish a political base inside the country: yet a political base could not grow without military actions serving to reinforce people's confidence and motivate them to become involved in political and other forms of resistance. There was a need to capture the imagination of the oppressed through demonstrating that the enemy was not invincible, and to gain international recognition of the armed struggle.

To this end, Special Operations was established in 1979. Reporting directly to the President, this unit was charged with the task of carrying out attacks on major installations. These were carried out in such a way as to avoid loss of life. For instance, thousands of people worked at the Sasol Oil Refinery plant; a massive civilian death toll could have resulted from this attack, but it was specifically carried out at a time when no loss of life would occur.

A new Military Headquarters (MHQ) was established in December 1982, bringing together and reorganising the old General Headquarters, operating from the Eastern and Western Fronts at HQ in Lusaka, along formal military lines.

In an attempt to co-ordinate the activities between the military front commands and the internal political committee
structures, senior organs were set up in neighbouring countries, consisting of the political and military leadership in those areas.

A conference of all front commanders and commissars was held in Maputo in April 1983 to address the growing problem of a lack of effective co-ordination between the military and political aspects of the struggle. The Revolutionary Council was replaced by the Político-Military Council (PMC), which became the most senior structure after the National Executive Committee. The PMC consisted of a Secretariat, an Internal Political Committee, Military HQ, and Intelligence (also known as NAT), consisting of Intelligence, Counter-Intelligence and Security sections.

The PMC was charged with implementing decisions of the NEC with regard to political and military aspects of the struggle, and with providing overall political-military leadership. It was chaired by OR Tambo, and consisted of a Secretary from the NEC, representatives of MHQ, the head of the Internal Political Committee and other NEC members in this committee, the heads of the Intelligence and Security structures, and the secretaries general of the ANC, SACP and SACTU. Several other NEC members also served on the PMC.

The earlier senior organs were replaced by Regional PMCs in order to create a link between the PMC and structures on the ground. Those RPMCs in what were known as the "forward areas" were given greater freedom regarding decisions to carry out operations. Whilst the PMC was aware of the number of units on the ground in the country, for security reasons information on the actual identities of operatives was not available to this structure; the RPMCs dealt with information of this nature. RPMCs were charged with co-ordinating political and military activities in their areas of responsibility inside South Africa, and where possible setting up Area PMCs inside the country. The role of Area PMCs was to provide local-level leadership with regard to political and military matters, the gathering of intelligence, and screening of recruits.

In 1984 Special Operations was moved to MHQ.

For several reasons, including intense military and diplomatic pressure by the Pretoria regime on neighbouring states, and the movement towards a political settlement in Namibia which resulted in the ANC being obliged to close down its military training camps in Angola, the work of MK in general and RPMCs in particular was seriously hampered. In 1986, the top-secret Operation Vula was initiated with the aim of creating a national politico-military leadership inside the country, led by senior NEC and MK leaders.

All these changes represented increasing assertion of political leadership over armed struggle.

In addition, the political maturity of cadres was taken into account when appointments were made to structures such as the RPMCs. And the process of training was seen as critical in equipping cadres with the political understanding necessary to ensure that they acted in accordance with ANC policy.

6.2.3 Training and codes of conduct

MK training always emphasised the need for personal initiative, and sought to develop the capacity of operatives to use their own discretion based on strict political considerations. Except for major operations, senior commanders provided guidelines and a framework within which operatives were expected to execute their missions: hence the strong emphasis always laid in MK training on political education and the insistence that at all times the ANC and MK should occupy the moral high ground - nothing which consciously or unconsciously undermined this vital factor could be allowed.

The Umkhonto we Sizwe Military Code, which is attached to this submission, makes it clear that the political leadership was supreme, and "every commander, commissar, instructor and combatant must therefore be clearly acquainted with the policy with regard to all combat tasks and missions". Over twenty punishable offences are listed, many relating directly to military discipline. Among these offences are the following:

- Rebellion or revolt against the army command or part of it, or attempts to commit such an act of rebellion or revolt.
- Conduct that weakens the people's trust, confidence and faith in the ANC and Umkhonto.
- Assaults, rape, disorderly conduct, the use of insulting and/or obscene language, bullying and intimidation,
whether against a comrade or a member of the public.
- Ill-treatment of prisoners of war or persons in custody.
- Any act or speech that provokes tribal or regional animosities or spreads disunity by means of factionalism and/or racism.

We will now focus on categories of armed actions, particularly those which resulted in civilian casualties.

6.2.4 Conduct of war and civilian casualties

It has been established earlier in our submission that the ANC was fighting a just war, and that this was recognised in international law. The provisions of the Geneva Convention and subsequent protocols are relevant in this regard. The refusal on the part of former apartheid regimes to recognise that the ANC was waging an internationally recognised war, and their refusal to honour certain provisions of the Geneva Convention and Protocols, were directly relevant in certain cases in which there was unnecessary loss of civilian life.

After the December 1982 attack on Maseru in which 42 people were killed, including 12 BaSotho, Secretary General Alfred Nzo stated at a meeting on Heroes Day, December 16th:

"...Our popular army under the leadership of the ANC, heroic combatants such as Solomon Mahlangu, have not sought out white South Africa in its bedrooms, claiming that these bedrooms were military bases. We have not sought to attack the diplomatic missions of the apartheid regime as it has in our case when it assassinated Boy Mvemve in Zambia, Joe Gqabi in Zimbabwe, the Nyawoses in Swaziland, and now Zola Nqini in Lesotho - and bombed ANC offices here in London. We have done none of this because we are not terrorists. We are combatants for the emancipation of millions from racism, national oppression, super-exploitation, fascism and war. As such we shall continue to intensify the offensive against the Apartheid enemy of humanity on all fronts. In that offensive, the enemy will increasingly suffer the kind of losses in its personnel that it suffered during our attack on its Komatipoort garrison two weeks ago..."

The May 20, 1983 car bomb attack on South African Air Force (SAAF) Headquarters in Church Street, Pretoria, and the ANC’s use of landmines in areas which were designated as military zones provide examples of this nature.

In the attack on SAAF Headquarters just after 16h30, nineteen people were killed, of which at least eleven were SAAF officers. Over 200 people were injured, of which over seventy were members or employees of the armed forces. The car bomb was positioned precisely in front of the entrance to Air Force HQ, which took the direct impact of the explosion: many military personnel were killed. The toll may have been far higher as hundreds of military personnel would normally gather in the street to await transport only minutes after the bomb exploded. Both the cadres who set up the car bomb were killed in the blast; one was in the car at the time and the other standing across the road. MHQ believes that the remote trigger mechanism may have been affected by other signals in the area, or that the cadres made some kind of mistake.

There is no doubt whatsoever that this was overwhelmingly a military target. Many of those injured may have not been military officers but were employed by the SAAF, and had thereby directly associated themselves with apartheid military aggression.

The attack took place after a week in which the white Parliament had been debating the new tri-cameral constitution bill, from which black people were excluded. It also took place in the overall context of heightened military aggression by the apartheid state, most forcefully displayed in its raid on December 9, 1982, on Lesotho and the assassination of Ruth First in Maputo. In the Maseru attack no fewer than 42 people were massacred, many of them civilians. The ANC had decided that a highly visible attack against uniformed enemy personnel which the Pretoria regime could not cover up was necessary. Previously, no direct operations had been carried out against enemy personnel beyond a few skirmishes in which MK units had been involved in rural areas.

In a response to questions about the attack OR Tambo stated that "the policy of the ANC is to intensify the struggle, attack the enemy, avoiding civilians where possible." In the past the ANC had concentrated on sabotage of installations, "but intensification involves not just sabotage but attacking the enemy forces".
MK had very carefully weighed up the implications of launching an attack of this nature, had ensured that it must be an overwhelmingly military target, yet took no delight in the loss of life it entailed.

The regime promised to "avenge" the dead, "whatever their colour"; they attacked Maputo on May 23, 1983, hitting the Somopel jam and fruit juice factory and its creche, a storeroom in which the ANC had kept food and clothing, and three private homes. Only one of the dead, and none of the injured, were linked to the ANC. According to the Mozambican government, six civilians were killed and 40 injured. Two were children, and two were women - one of them pregnant. The British ambassador to Mozambique stated publicly that the targets hit by the Pretoria regime were unequivocally civilian after touring the area with other diplomats. The SADF claimed they had destroyed five "ANC bases". A spokesperson stated that "the SADF does not accept blame for civilian deaths that may have occurred. It puts the responsibility on the Mozambique government as a result of their ties with the ANC".

In some respects the attack on Air Force HQ - a decisive step towards waging urban guerrilla warfare - and the revenge raid on Maputo marked a turning point, a watershed on the path to intensifying conflict in the country.

The ANC's limited use of landmines, beginning in late 1985, provides another example of this nature.

Operatives were under strict instructions to carry out reconnaissance properly so that military patrols were the primary targets of landmine operations. In one case, a Casspir armoured vehicle detonated a mine in Mamelodi township. In the border areas, where nearly all landmines were detonated, the precise targeting of military patrols was easier said than done. Nevertheless, MHQ continued to stress policy regarding careful reconnaissance and avoidance of civilian targets, although white farmers in these areas were not defined as civilians even by the apartheid state itself: they were its first line of defence.

While regretting all loss of life, the ANC believes that the use of landmines on white border farms was justified because the apartheid regime had declared them military zones, with white farmers integrated into the security system and provided with the tools of war including automatic weapons, which were only legally possessed by members of the apartheid armed forces.

In 1979 the Promotion of Density of Population in Designated Areas Act, No. 87, was passed in an attempt to stem the exodus of white farmers from border areas, and increase the number of farmers in these areas to serve as a barrier against the infiltration of guerrillas from neighbouring states. At least R100 million was made available over a period of five to six years for the provisions of loans to such farmers, and for the construction of strategic roads and airstrips in these areas.

The Act stipulated that loans be given on condition that farms were managed according to SADF directives, and that all white farmers in the areas should undergo military training, be members of the regional and area commandos, and make themselves available to the SADF and Department of National Security to carry out reconnaissance and intelligence tasks whenever called on to do so. All were linked to the Commando system of part-time SADF forces and the military radio network known as MARNET. Many farm buildings were constructed in such a way as to constitute a chain of defence strongholds along the borders ready to be used by the SADF whenever necessary. The Act stipulated that the SADF was empowered to enter any property in the designated area to demolish or erect military facilities or any other structure without the consent of the owner.

The SA Agricultural Union, the SADF, SAP, Departments of National Security and Transport all participated in the sub-committee appointed by the Steyn Commission to look into how the white farmer population could be included in the defence strategy of the apartheid regime. These were not merely defensive measures; Messina and Louis Trichardt, Alldays, Ellisras, Thabazimbi and Zeerust, Piet Retief and Amsterdam were all key towns in the regime's military strategy to launch armed aggression against neighbouring countries.

In May 1983 regulations were introduced to tighten up the earlier legislation, and in late 1984 the 10km designated zone along the Zimbabwe and Botswana borders was increased to 50km. In addition, there was extensive deployment of military and police counter-insurgency units along the borders, and several operational bases were established.
To illustrate the ANC's approach to these matters: in an article published in the May 1986 issue of Sechaba extreme aversion was expressed at:

"the extent to which the illegal regime is prepared to go in the militarisation of white areas and the white population in the border regions at whatever cost, even if it means putting the precious lives of young children at risk as targets of guerrilla attacks, is shown by the inclusion of white school children between the ages of 13 and 17 in military programmes (...)

"The contempt in which the regime holds the lives of both white adult civilians and children (not to mentions black lives) can perhaps be understood better if one recalls that the Geneva Protocol of 12th August 1949 states that:

" 'The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.'

"Article 13 of the same document states that 'civilians shall enjoy the protection afforded by this Party unless and for such a time as they take a direct part in hostilities'."

While regretting all loss of life in the course of the armed struggle, the ANC contends that with regard to landmine explosions in which some farm workers and farmers, and their relatives were killed or maimed, it is undeniable that it was the apartheid regime itself which took steps towards obliterating the distinction between the civilian and military spheres from the time of its adoption of its "total strategy" programme in 1977, and its later declaration of these areas as military zones.

The much-publicised case of the car bomb explosion at the Magoos and Why Not bars on June 14, 1986 provides another example of an operation in which civilians were victims in the context of the intensification of the armed struggle. Three civilians were killed, and 69 injured. Robert John McBride, an MK operative attached to Special Operations, was convicted of the attack and sentenced to death and 82 years imprisonment.

The operation was carried out during a time of extreme political upheaval in the country, which had culminated in the declaration of a nationwide State of Emergency on June 12; this granted virtually unlimited powers to the Security Forces, and granted them indemnity from prosecution for any actions carried out during this period. The attack was also carried out to commemorate the June 16, 1976 uprising, in which hundreds of schoolchildren were killed by the police. It commemorated the anniversary of the June 14 1985 raid on Gaberone, on the eve of the Kabwe Conference, in which 12 people were killed, including two young women who were citizens of Botswana, a six-year old child from Lesotho, a Somalian citizen, and eight South Africans of whom only five were members of the ANC and none were MK combatants.

This attack was in line with the ANC's attempts to take the struggle out of the black ghettos and into the white areas: the Why Not bar was targeted precisely because it was frequented by off-duty members of the Security Forces.

Robert McBride was charged with "attempting to overthrow or endanger State authority in the Republic and/or to achieve, bring about or promote constitutional, political, social, industrial, and/or economic change in the Republic". The court accepted that the motives of all those involved in this operation were political, not personal.

Robert McBride spent four years on Death Row before he was granted indemnity and released in 1992 along with the racist mass-murderer Barend Strydom, in a transparent attempt to create the impression in the minds of the public that the actions of these men were indistinguishable in moral terms. McBride took personal initiatives to approach the families of those who had been killed, to apologise for the deaths of their relatives. Yet he has been consistently targeted for a vicious and strident campaign by those who, to date, refuse to acknowledge their responsibility for, or collaboration in, the murders of thousands of unarmed civilians over the years.
6.2.5 Operational difficulties leading to unintended consequences:

At times, operations were derailed when cadres unexpectedly found themselves in situations for which there had been no planning whatsoever.

The Silverton Bank siege, in which two civilian women and three MK cadres were killed, provides an example of this problem. This incident also illustrates the manner in which the regime's refusal to admit that it was involved in a state of war, and to accord MK cadres prisoner-of-war status - usually insisting on opening fire instead of taking captives - resulted in many unnecessary casualties.

On January 25, 1980 three MK cadres on their way to carry out a mission realised that they had been spotted and were being tailed by police. Stephen Mafoko, Humphrey Makhubo and Wilfred Madela tried to escape almost certain death by entering a bank; they moved all civilians present into one corner in an attempt to ensure that they would not be caught in the line of fire, and held them hostage in support of their demands. The Minister of Police refused to disclose these demands to the public but it was reported that they wanted to see the Prime Minister, the release of Nelson Mandela and James Mange, and an aircraft to fly to Maputo. A police unit stormed the bank and all three cadres and two civilian women, named Valerie Anderson and Anna de Klerk, were killed.

This was the only incident in which MK cadres, in contravention of ANC policy, seized hostages for political ends. The Pretoria regime sent out disinformation to the effect that the ANC had issued a statement in Lusaka saying that MK is involved in a "campaign to kill and seize hostages". This was vigorously denied by the ANC, and interpreted as not only an attempt to smear the organisation but also to prepare the ground for attacks on ANC targets.

On April 14, 1980 nine ANC members - all of whom had left the country in 1976 to join the ANC - appeared in the Pretoria Magistrate's court in connection with the Silverton Bank Siege, alleged plans to attack the Port Natal Administration Board, and an attack on January 4 on Soekmekaar police station in which no damage was caused and one policeman was slightly injured. They were charged with high treason, two counts of murder, and 21 of attempted murder. All pleaded not guilty, and also denied there were plans to attack the Port Natal Administration Board.

None of them was accused of being present at the Silverton siege but all nine were accused of murdering the two women (according to the "common purpose" doctrine). Benjamin Tau alone was also charged with conspiring with the three dead cadres to carry out the bank siege (although he had been in custody at the time), and of surveying the premises beforehand. Ikanyeng Molebatsi and Benjamin Tau were accused of conspiring with the Silverton trio to launch a rocket attack on petrol tanks at Watloo near Mamelodi, and also of planning to attack the Pretoria West and Villiera police stations.

Petrus Mashigo told the court that the attack on Soekmekaar police station had been intended as "armed propaganda" in protest against the forced removal of the community in the area. It was intended to show the ANC sympathised with the plight of the people and to demonstrate to police that what they were doing was wrong. Mashigo testified that during his training cadres were told not to use methods involving the killing of civilians, and that the ANC opposed methods such as the taking of hostages. Ikanyeng Molebatsi testified that they had decided against carrying out the attack on the Watloo tank farm because too many lives would be lost.

Benjamin Tau admitted he had infiltrated the country on a mission to attack the Watloo installations but denied he had reconnoitred the bank for attack; police had forced him to point at the bank and then photographed him. He said he would refuse to attack a bank because he knew it was against ANC policy.

Amid massive shows of public support, three cadres - Johnson Lubisi, Petrus Mashigo, and Naphtali Manana - were sentenced to death for the attack on the Soekmekaar police station, in which no one was killed; all were found guilty of high treason and those not sentenced to death received terms of 10 to 20 years.

Protest from a wide range of organisations and prominent personalities ensued, and there were calls on the Pretoria regime to recognise the men as prisoners of war. The UN Security Council sent an appeal "strongly urging" the SA government to avoid further aggravating the situation and to take into account "the concern expressed for the lives of these three young people". Eventually their sentences were commuted to life imprisonment. Many other cadres were not
as fortunate.

6.2.6 Operations at cadres' initiative in response to state brutality

From around December 1985, and particularly during the period from April 1986 to September 1988, a number of attacks on civilian targets (such as hotels and restaurants) with no connection to the state occurred. In some cases MK cadres were responsible for such attacks, but in other cases agents of the state carried out these actions in an attempt to damage the image of the ANC in the eyes of the local and international community.

With regard to those attacks on "soft targets" for which MK personnel were responsible, we do not seek to justify such attacks but insist that the context in which they occurred is relevant: the growing militarisation of every sphere of South African society and the massive, unbridled violence unleashed by the apartheid state against black civilians and anti-apartheid democrats in general.

The observation by then ANC President Tambo after the January 1981 attack on ANC homes in Matola captures such anger succinctly:

"...there have never been any ANC bases or camps in Mozambique. There are residences...and if the qualification to make a home a base is only that the people in it can use a gun, then let us be told now: because every white man in South Africa can use a gun and there are weapons in every white household. Are these bases too?"

We have acknowledged earlier in our submission that in a number of instances breaches in policy did occur, and deeply regret the loss of life caused by operations of this nature. The leadership did assert policy with regard to which targets were considered legitimate, and took steps to halt operations in conflict with policy. We contend that in the final analysis, the apartheid regime bears considerable responsibility for creating a situation of pervasive state terrorism, in which people tended to resort to increasingly violent and angry actions.

The case of the December 1985 blast in a shopping centre in Amanzimtoti in which five people were killed, including eight year old Corne Smit, and over 40 people injured, provides a clear example of the manner in which the behaviour of the apartheid regime was a significant factor in provoking certain attacks which were in breach of policy.

Andrew Sibusiso Zondo, aged 19, admitted to placing a bomb in a rubbish bin in the Sanlam Centre in Amanzimtoti on December 23, 1985. He said he had intended to blow up the South African Airways offices in the centre, and had not intended to kill anyone. He had attempted to telephone a warning from a public call box but this did not work.

Giving evidence, Zondo told the court that two incidents in 1981 marked a turning point in his life: an unprovoked police attack on a prayer service in KwaMashu during the schools boycotts, and the SADF raid on three ANC residences in Maputo on January 30, 1981, in which twelve people were killed. Of the attack on the KwaMashu gathering Zondo said: "We were doing nothing but we found ourselves the victims of the police. It made me ask myself why it had happened. From that day on, whenever I looked at police I would see them as the enemy."

He was recruited into the ANC and finally decided to leave the country.

Andrew Zondo was trained in Angola between August 1983 and late 1985. Of his experience in the camp, he stated that there were people of all colours undergoing training at the camp, and "it was the best experience I had in my life. I began to feel like a human being. I was not a native or a kaffir". His training, said Zondo, emphasised that he should not place civilians in danger.

After two years of training in Angola he returned to SA in late 1985. Of this period Zondo said: "Our work went very well. We were very careful about our targets. Our instructions were to avoid taking life and I insisted on this instruction. Sometimes the other comrades got impatient with me."

On December 20, 1985, the Pretoria regime launched a raid on Lesotho in which nine people were killed; they denied all responsibility for these murders (in which weapons with silencers were used), claiming the attacks had been carried
out by the "Lesotho Liberation Army". Among the dead were Leon Meyer and Jackie Quinn, murdered in front of their infant daughter, Phoenix. Quinn was not only not a member of the ANC, but was not even a refugee - she travelled to South Africa regularly and could have been arrested with no difficulty at all.

Zondo said he went to Amanzimtoti "for a target...a government installation". He checked the local police station but found he could not attack it on his own.

"Later in the day I found myself at the Sanlam Centre and went to the Toti Restaurant to buy something to eat. (...) While I was eating I saw people reading a newspaper which carried a picture of a woman shot in Lesotho, the mother of a nine-month old baby. I bought the newspaper myself.

"On returning home, I decided to go and put the mine in the centre. The decision I took that day was racial in character because I had seen that the area had a lot of white people. Before placing the mine I debated over it. But on Monday I decided to do it, racial as it was. I knew the people were innocent and had nothing to do with the government. I hoped it would not injure them, but I hoped it would bring the government to its senses."

Andrew Zondo spoke with unmistakably sincere regret for the deaths which had occurred. Those responsible for the Lesotho massacre received medals at a secret ceremony. On April 6, 1986, he was sentenced to death five times, and refused leave to appeal. On being asked whether he had anything to say before sentence was passed, Zondo stood up straight and spoke clearly to the court: "I wish to say this to the people who might have lost their friends, and kids and families, I say that I am sorry. Next thing I wish that my country be friendly to its neighbouring countries."

In an interview shortly after the Amanzimtoti blast, President Tambo said:

"Massacres have been perpetrated against civilians: Mamelodi, a massacre. Uitenhage, a massacre. Botswana, a massacre. Queenstown, a massacre... certainly, we are beginning see South Africans of all races (burying) their loved ones who have died in the South African situation. The whole of South Africa is beginning to bleed...If I had been approached by an ANC unit and asked whether they should go and plant a bomb at a supermarket I would have said, 'Of course not'. But when our units are faced with what is happening all around them, it is understandable that some of them should say, 'Well, I may have to face being disciplined, but I am going to do this'."

6.2.7 Deliberate disinformation, leading to mistaken attacks

In a few cases deliberate disinformation resulted in attacks and assassinations in which dedicated cadres lost their lives. In one of the most painful examples of this nature, a state agent with the MK name of "Fear" ordered two cadres to execute Ben Langa on the grounds that Langa was an agent of the regime. These cadres - Clement Payi and Lucky Xulu - carried out their orders. This action resulted in serious disruption of underground and mass democratic structures in the area and intense distress to the Langa family - which was the obvious intention of Fear's handlers. Once the facts were known to the leadership of the ANC, President Tambo personally met with the family to explain and apologise for this action.

Xulu and Payi were arrested and executed: a triple murder had been achieved by the apartheid regime without firing a single shot themselves.

6.2.8 "False flag" operations

In many cases which will come to the attention of the Commission, attacks on civilians and civilian targets for which the ANC or other mass democratic organisations were blamed were in fact the work of the apartheid regime - what it called "false flag operations".

A few examples in this regard will suffice: in 1981 the former Commissioner of Police, Johann Coetzee, lied to the public when he claimed that the SAP were aware of the ANC's "dissatisfaction" with Griffiths Mxenge's handling of funds sent to him from organisations abroad, and were investigating allegations that he had misappropriated funds. The
clear inference was that the ANC was responsible for the murder of Mxenge. This was carried out with perverted levels of brutality by members of the covert Vlakplaas unit, indicative of the extent to which the apartheid regime had dehumanised its own operatives. The similarly depraved murders of Matthew Goniwe and his comrades were ascribed to "UDF/Azapo conflict".

The 1987 KwaMakutha massacre provides another key example of the callous manner in which civilians were slaughtered to achieve the political objectives of the apartheid regime. Twelve women and children were killed in this attack, portrayed as the work of "ANC terrorists" by Pretoria's propaganda machinery. The ANC is convinced that this was part of an attempt to derail a crucial meeting between ANC President OR Tambo and US Secretary of State George Schultz - a meeting which was major breakthrough in the continuing efforts to convince the international community to refuse all support for the apartheid regime. Details on this matter have been the subject of the Durban Trial on the KwaMakutha massacre.

Former Minister of Law and Order Adriaan Vlok lied to the public when he claimed the SAP suspected that "trained guerrillas" had been visiting the South African Council of Churches headquarters (known as Khotso House) and insinuated that this building had been used to store arms and explosives. Shirley Gunn was accused of being responsible for the destruction of the building by taking a car bomb onto the premises which had exploded prematurely. As the public is now aware, it has been asserted by former Vlakplaas operatives that this attack was undertaken by them, and that Vlok in fact secretly congratulated the perpetrators of this attack on church property.

The Trust Feed massacre, which resulted in the prosecution of police officers is another example of a "false flag" operation: one of many launched on ANC or IFP-supporting communities to precipitate or perpetuate conflict in the KwaZulu/Natal Province. This factor is relevant not only to the post-1990 period, but also to the pockets of violence enduring in the province.

Certain attacks on civilians - including "necklacings" and attacks on a cinema and restaurants - were in fact carried out by agents of the apartheid state in their continuing attempts to damage the image of the ANC. It is expected that further evidence in this regard will be presented to the Commission.

6.2.9 People's Committees and Self-Defence Units (SDUs)

Over the years, much attention has been drawn to excesses and alleged excesses committed by People's Committees and Self-Defence Units. In many instances, such criticism was based on genuine concern on the part of human rights activists and community leaders, who nevertheless acknowledge the critical role that such committees and units played in the face of the regime's terror. In other instances, though, allegations regarding excesses were part of a deliberate propaganda campaign run by the regime and its sympathisers to discredit the ANC, immobilise these units, and conceal the state's own destabilising activities (as in "false flag operations"). To understand the SDU phenomenon, it is necessary to distinguish between units which had direct links with the ANC and those which operated entirely outside the political ambit of the ANC.

6.2.9.1 Community self-defence initiatives (pre-1990)

As has been outlined earlier in our submission, in the mid-1980s the apartheid state went on a full-scale offensive to crush democratic organisations through a combination of formal and informal (i.e. covert and largely illegal) measures which included unleashing extreme violence on communities through surrogate "vigilante" groups.

Communities began to take measures to defend themselves through establishing what were variously called defence committees, people's militia or self-defence units.

To quote one instance, in May 1986 residents of Diepkloof, Soweto, resolved to form people's militia in response to a series of violent attacks on activists and their homes. On the weekend of May 2-3, 1986, six people attending a night vigil were murdered and thirteen seriously injured after being shot and hacked with pangas by about 40 men wearing balaclavas.
The Soweto Civic Association issued a statement expressing concern that:

"the police, the SADF, councillors and their henchmen have been seen at the scenes of petrol-bombings and other savage acts of brutality...we can no longer stand idly by while our wives, children and property are being attacked. We have no option but to defend ourselves and it is in this context that we support the resolution taken by residents to form self-defence units."

During the height of violence in the Pietermaritzburg area in 1987, in which the state actively colluded with vigilantes, communities formed defence units in every street of their residential areas. Attempts to deal with the violence not only by means of armed defence but also through establishing political structures in the form of multi-party peace committees were set in motion.

Similar initiatives were taken in many other parts of the country - urban and rural.

6.2.9.2 SDUs in the context of "Peoples War"

Particularly from 1983 onwards, the ANC emphasised the need to destroy the administrative organs of the apartheid state as an essential element in the all-round struggle to overthrow the Pretoria regime. With regard to "ungovernability" and "people's power", it was made clear in many statements and discussion documents that the strategic objective of destroying apartheid-created organs of government was to pave the way for establishing popular democratic institutions. The aim was to work towards rendering the regime incapable of governing, and progressively replace repressive institutions and unelected authorities with structures serving the people.

The ANC actively encouraged initiatives of this nature on the part of the people. In an interview broadcast on Radio Freedom in June 1986, in which he assessed developments in the first six months of that year, President Tambo referred to combat groups and self-defence units "mushrooming" everywhere; and described these as important formations of the broad popular army. He called on the people to:

"multiply the formation of people's defence militia everywhere so as to meet more effectively the assault by the enemy's armed forces and the treacherous vigilantes and impis...which they employ. Our people's army, strengthened by the emerging popular militia, must intensify and spread its armed actions across the country."

An extract from the ANC discussion document titled Broad Guidelines on Organs of People's Power provides insight into the ANC's strategy at this time, and the manner in which the development of a People's Army - consisting of "layers" of cadres organised into Self-Defence Units, Combat Units and MK officers - was conceived.

"The forms of armed actions and self-defence activity vary: the mass revolutionary violence of the people; units to protect leaders of people's committees and democratic organisations; a system of patrolling the streets and warning signals; units to harass enemy patrols; attacks on enemy encampments; elimination of agents; procurement of weapons and so on.

"Each street should have a core of disciplined and trustworthy activists to supervise this work, to plan for action and to strategise. The core should have a tightly-knit structure...

"The Self-Defence Units and combat groups have to exercise initiative all the time: in all their actions including procurement of weapons. Secondly, these units are, above everything else, political units, guided by the politics of the democratic movement and in particular the vanguard formation, the ANC. Thirdly, the work they do should be systematic: they should have a thorough knowledge of the area in which they operate; know the enemy's bases, plans and movement; undertake actions suitable for the political moment and their capacity. The guideline should be: Plan, Plan, and Act according to Plan!"

With regard to the more militarily advanced and smaller combat units, it was envisaged that these would be clandestine and consist only of "the most disciplined, security conscious and politically advanced cadres", some whom would be
drawn from the self-defence units. These combat units would link up with fully trained "professional" MK guerrillas or be established with their assistance, and would be formally structured along military lines. The idea was to continue upgrading the military skills of these combat groups so that they would in time mature into fully-fledged underground combat formations of MK.

The state took extreme measures to disrupt the formation of such units, as in the case of booby-trapped hand grenades given to COSAS activists in Duduza by an SAP agent posing as an MK soldier: several young people lost their lives as the grenades exploded prematurely, and maimed survivors were put on trial.

In so far as any excesses of those combat groups set up by, and SDU's linked to, the ANC, these should be understood in the context of MK operations as outlined in earlier sections.

6.2.9.3 SDUs in the context of Low-Intensity Warfare (LIW) during the post-1990 negotiations phase

On August 6, 1990, the ANC formally committed itself to a cessation of armed hostilities. In the same month, Inkatha launched itself as a national political party; FW de Klerk repealed a century-old prohibition on the public carrying of so-called "traditional weapons", and unprecedented violence against African communities broke out in Reef townships. Between late August and late September 1990, over 700 civilians had been massacred in attacks on homes, trains, and gatherings such as funeral vigils.

The ANC recognised this violence for what it was: another version of the "vigilantism" of the 1980s, a tactic aimed at strengthening the hand of the government at the negotiations table through forcing a progressively weakened ANC into a reactive position in which it would be held hostage to the violence, and forced to make constitutional concessions.

By the end of the year, grassroots demands for protection against the onslaught were intense. In November, the ANC Alliance published proposals for the formation of organised and disciplined self-defence units guided by political leadership in communities under attack with the aims of protecting civilians and ensuring law and order in areas plagued with violent crime.

These proposals, which were later compiled into a document titled For the Sake of our Lives!, emphasised that political means to deal with violence had to be sought and that campaigns to improve understanding between communities were "imperative". Leadership figures who commented on the proposals reiterated the need to make every effort to win over hostile forces.

The need for avoiding party-political partisanship was strongly emphasised; if such units were set up as "armies of any political grouping or individual, without proper consultation among the broadest possible range of organisations, would be a prescription for 'Lebanonising' a conflict."

It was also recognised that highly disciplined and organised structures were needed in order to guard against a repetition of past experiences in which people had attempted to set up "loosely-formed defence units" which had "degenerated into sectarian or personal power bases (For the Sake of Our Lives).

By the end of 1990, at the time the ANC held its Consultative Conference, pressure for the formation of SDUs had reached fever pitch: over 1,800 civilians had been killed in political violence since July. Resolutions were passed to assist people in setting up accountable and non-partisan SDUs and to establish peace committees with all political organisations, in order to "preclude all violent confrontation and conflict that emanates from the fact that people hold varying political views".

By April 1991 there had been no respite from the violence: over 2,400 civilians had been slaughtered, and the ANC announced an ultimatum: unless certain actions were taken by the government to halt the bloodshed, it would withdraw from the negotiations process. Serious consideration was again given to the formal adoption of the programme outlined in For the Sake of Our Lives!. The July 1991 48th National Consultative Conference endorsed "without reservation" various peace initiatives in process at the time, and reasserted the right of people to self-defence: the incoming NEC was
tasked with ensuring "that the self-defence programme is put into action without undue delays."

President Nelson Mandela emphasised, at the 1991 National Conference of the ANC:

"Where [MK] can, it must, of course, make its expertise available to those communities that are engaged in the process of establishing self-defence units".

Some members of MK Military HQ were tasked to attend to issues relating to the SDU's, their organisation, training and the provision of weaponry. It was, however, made clear that the overall control of SDUs was to remain with community structures and MK cadres were to participate as members of the community. MK Command was to play a secondary role. Various clandestine units for the training and organisation of the various SDUs were set up; and some cadres were tasked to provide weaponry where possible.

The National Peace Accord recognised the legitimacy of self-defence structures in communities under attack. By around September 1991, when such units had been established in many areas affected by the violence, there was a shift in tactics by those responsible for this campaign. On the one hand, mobile specialist hit-squads increasingly took over the work previously done by large groups of men usually indentifiable by being aligned to Inkatha; the second major thrust of the state's offensive to prevent SDUs from defending their communities was to infiltrate and subvert SDUs through a variety of methods. Before long there were two kinds of SDUs in existence: genuine community defence groups, and violent gangs presenting themselves as ANC-aligned SDUs.

The deliberate subversion of SDUs by the De Klerk regime in order to ensure that people could not mount sustained resistance to state-sponsored violence, and to discredit the ANC in the eyes of grassroots supporters and the international community is illustrated in the case of the notorious Phola Park SDU.

6.2.9.4 A case study: the Phola Park SDU and the Directorate: Covert Collection

The Phola Park Residents Committee was a democratically elected structure, led by Prince Mhlambi, who was also head of the ANC branch in this settlement. The Residents Committee took steps to set in motion various ambitious community development projects, which were disrupted in early 1992 when the Residents Committee was "overthrown" by an "SDU", led by Mcungisi Ceba. Some of these new "leaders" claimed to be members of MK, and began a reign of terror.

Under Ceba and his small band of "comrades", the Phola Park unit began launching random attacks against the police, passing motorists and former leaders of residents of the Phola Park. The most credible Phola Park leaders were exiled from the settlement: three were murdered, including Prince Mhlambi. Criminals moved into the settlement and joined the "SDU". Violent confrontation between the Phola Park "SDU" and the police became the order of the day, and attempts by the ANC to normalise the situation were consistently frustrated by Ceba, who also always managed to evade arrest in the constant police raids on the settlement in search of MK cadres who were "perpetrating crimes against the police." Just before the signing of the National Peace Accord in September 1992, members of the Phola Park "SDU" opened fire on a crowd of Inkatha members, killing sixteen people.

On November 11, 1992, the Goldstone Commission raided offices of the SADF's Directorate: Covert Collection and seized various files. In a press statement released on 16/11/92, the Commission stated that it had found that Ferdi Barnard, a convicted murderer and former CCB member, was employed by the Directorate: Covert Collection (DCC), and had written up a project proposal in June 1991 for the task force he was to lead. His group was to "specialise solely on the activities of Umkhonto we Sizwe ("MK"), and concentrate on discrediting MK by involving cadres in criminal activities and syndicates. Where they could not be recruited, the unit would aim to ensure they were "criminally compromised. For that purpose use would be made, inter alia, of prostitutes, (...) and drug dealers." Barnard's plan was submitted to senior MI officials and approved.

On 17/11/92, the report on violence in the Thokoza area by a committee established by the Goldstone Commission was published. This report included an inquiry into the notorious Phola Park "SDU". There were striking similarities between the DCC proposal to criminally compromise MK members and the activities of this "SDU".
It was found that Ceba's "SDU", had been responsible for many criminal acts including the assassination of the highly regarded community leader Prince Mhlambi, and the attack on Inkatha members. Nearly all the actions of this "SDU" were criminal in nature.

The Commission found that Mncugi Ceba was a police informer and that the SAP "probably knew of the planned attack on hostel dwellers on 8 September", after which many other residents died in attacks and counter-attacks set off by this massacre. An ANC member, Michael Phama, was convicted of the murders of the Inkatha marchers, but Ceba was not brought to trial.

The Goldstone Commission also found that there was no evidence at all that MK was in any way involved with the establishment and command of this "SDU", and in no way knew about or sanctioned its criminal activities.

6.2.10 Managing the tension between ANC policy and mass pressures for retaliatory action

We should again emphasise that there were ongoing debates within the ranks of the ANC and MK about the narrow definition of legitimate targets. In some instances, views on these matters were aired publicly. As pointed out, this reflected the enduring tension between policy pursued since the formation of MK, and pressure from cadres and the masses for retaliatory action in response to state brutality. There were cases in which senior ANC figures made comments which could be described as creating a "grey area" with regard to which targets were considered legitimate. However, the movement remained steadfast to its principles.

It should also be emphasised that the fact that all ANC literature was banned by the regime made it difficult for the senior ANC leadership to get through to cadres and activists on the ground with regard to policy issues. Cadres were at all times subject to the mood and pressures from the people they lived amongst, and given the sometimes tenuous command and control links, policy could become diluted, or undermined.

Yet, senior MK commanders could testify to the fact that many targets were not attacked specifically because too many civilian casualties would occur. A unit which reconnoitred the Mobil Oil refinery in Durban in the late 1970s reported that it would be unwise to carry out an attack as the installation was too close to civilians living around the refinery, who would be endangered by gas exploding over their residential area.

The decision not to go ahead with an attack on PW Botha's cabinet during the 1981 Republic Day celebrations in Bloemfontein referred to earlier provides another example. Before the attack on Koeberg was approved, the ANC went to the trouble of employing reliable nuclear experts in Europe to determine without any shadow of doubt that there would be no danger to civilians as a result of the explosions.

As indicated earlier, this steadfast commitment to policy was put to the test in the 80s during the high noon of state repression. As the "Burger War" (attacks on Wimpy Bars and supermarkets) seemed to become a trend, President Tambo ordered a special meeting of the PMC and the whole of MHQ to debate and restate policy on the issue of targets. While a number of such attacks may have originated from MK cadres, evidence has started to surface that some of them were in fact "false flag operations" of the state: and for the lives lost on the altar of discrediting the ANC, those responsible should account to this Commission.

In virtually all instances where there was a violation of policy by MK cadres, disciplinary action was taken. In some cases commanders and operatives were recalled from the country and sent back to training camps. In rare cases, cadres became undisciplined and flouted all the rules by attacking personal enemies or getting involved in violent conflict in public places such as shebeens. In one case an MK cadre killed two people in a Soweto shebeen; he is currently serving a life sentence and the ANC has not called for his release on political grounds.

The TRC should also note that in many of the instances, the cadres responsible for some of these actions were arrested, tortured and sentenced to long terms of imprisonment. We submit that natural justice should be taken into account when matters pertaining to their cases are considered.

6.3 Excesses in relation to state agents
6.3.1 Context of security and intelligence operations

Security and intelligence structures of the ANC were established within the context of its adoption of underground forms of struggle. Any underground movement requires relevant mechanisms to protect those involved in it; to acquire information from the repressive state about its intentions and strategies; to carry out reconnaissance work for operations, and so on. At the same time it was crucial for the movement to ensure that its ranks were not infiltrated by agents of the regime, or at least, to minimise the damage that such infiltration would wreak.

During the 1950s it had become clear that the regime had begun to systematically infiltrate ANC structures in order to gather information, and also in order to deploy agents provocateurs tasked with undertaking actions that would discredit the ANC and create a basis for repressive actions against it. The acts of provocation during the Defiance Campaign in Port Elizabeth, and the so-called "Shisa-Shisa" gang in Kimberly during that period are examples of this approach. The use of agents became obvious too during the Treason Trial between 1956 and 1960.

This trend intensified in the early 1960s, as the intelligence and security arms of the regime were revamped with the formation of Republican Intelligence which later became BOSS, and the consolidation of the Security Branch of the SAP.

Such infiltrators were given various tasks. Often they were part of the regime's covert intelligence gathering machinery - moles to keep the regime informed on ANC strategies, tactics, intentions and the activities of leaders. Operational intelligence would also be gathered also in order to locate leaders and to accumulate evidence to be used against them in trials. Later, such operational information would be used to prepare for assassinations, the capture and murder of operatives, attacks on homes or ANC installations, and so on.

At other times, infiltrators were able to influence the plans adopted by underground cells or MK units with disastrous consequences - such as the unwitting deployment of cadres along routes previously agreed to with their handlers in the apartheid security forces. In other cases, information on the location of arms caches was passed on; at times weapons would be booby-trapped and replaced in the caches, resulting in fatal injuries to those who later retrieved and attempted to use them.

Most casualties among leaders and activists both within and outside the country derived from such infiltration, be it the MK High Command in Rivonia, leaders of the Black Consciousness Movement and trade unions in the early 70s, and more massively after the 1976 uprising.

There were various methods of recruitment. Special indoctrination centres were used to train prospective infiltrators in the policies of the ANC, its mode of operation, and to prepare them for various missions, including ingratiating themselves with the leadership in order to be deployed in responsible positions; in other cases captured combatants, underground operatives or activists would, under brutal torture, be given the option of certain death or working for the regime. Psychological harassment was common, aimed at making cadres lose confidence in the leadership and the struggle. Blackmail was also used. In many cases, people facing probable conviction for criminal activities were offered the option of working for the regime instead of prison sentences.

Building on its small underground security and intelligence structures of the early 1960s, the ANC set up a fully-fledged Security Department in 1969, tasked with the physical protection of the ANC human and material resources and the screening of new recruits. As the mass revolt to take root within the country, these tasks were broadened to include protection of the MDM leadership, and gathering such information as would help to protect the people as a whole.

With the influx of new recruits in the wake of the June 16 1976 uprising, and the ANC's realisation that the regime planned to thoroughly infiltrate the ANC, extra steps had to be taken to strengthen the ANC's security structures and to devise ways of handling captured agents.

Attempt to re-educate culprits and win them over to the people's cause formed the basis of the ANC's policy with regard to captured infiltrators.
An elaborate and excruciating process followed, premised on the moral superiority of the anti-apartheid struggle. Compared to other struggles, including anti-colonial liberation wars and resistance movements during World War II, this was out of the ordinary - and in many instances would astound our allies and hosts.

At the beginning, the ANC was faced with the real constraint that it was operating from abroad, with weak underground structures within the country and a mass movement that was only starting to emerge. This was to change when the situation improved, and it became easier to screen new recruits, using the wide network that the ANC and the MDM had established within the country.

In contrast to these difficult conditions, the regime had at its disposal a well-resourced apparatus, budgeted to the tune of billions of Rands a year, and spread over at least three arms of the state: the police, the SADF and civilian intelligence. Later, when the National Security Management System was put into operation, the entire apparatus of the state was geared towards security and intelligence work - both operational and strategic - at the political, propaganda and narrow security levels. The basic paradigm of these machineries was to destroy everything connected to the ANC, and all structures sympathetic to the struggle against apartheid.

Given these circumstances, the ANC wishes to submit that it conducted itself well: above all, by ensuring the survival of a liberation movement which, at the beginning, had everything stacked against it; by returning from exile with a solid and united organisation; by foiling assassination plots which would have deprived the ANC, the MDM and the country as a whole of the crop of leaders who which not only led the all-round struggle of the past three decades, but also helped steer South Africa through the extremely difficult transition we have, as a nation, accomplished with such distinction.

Yet we do acknowledge that, in the context of this work, excesses occured. This section will outline the circumstances under which they happened, and the evolution of ANC policy to deal with problems of this nature. Part of this submission are the reports of the Stuart, Skweyiya and Motsuenyane Commissions, as well as the report of the inquest into the death of Thami Zulu. Given the thoroughness with which these commissions pursued their work, this section of our submission will not repeat the details of these reports, but will identify major landmarks of relevance to the specific brief of the commission.

6.3.2 Structures of accountability

The ANC's National Executive Committee (NEC) is the most senior executive structure in the ANC, and as such was responsible for and establishing the overall political framework in which all ANC structures operate, including the Department of National Security and Intelligence.

The next most senior structure after the NEC was the National Working Committee, responsible for the day-to-day running of the ANC at NEC level. The Offices of the President, Secretary-General and Treasurer-General fell under the NEC and NWC. Under the President's Office were the National Security Council, and after 1985, the Review Board and the Office of Justice. The National Security Council consisted of the President, the Secretary-General, the Treasurer General and the head of the Security and Intelligence Department. Military HQ, Political HQ and sections of the Department of National Security and Intelligence (also known as NAT) fell under the PMC.

NAT was headed by a Directorate composed of the heads of the various sub-sectors of this structure: Intelligence, Counter-Intelligence, Processing or the Central Intelligence Evaluation Sector, Security, and VIP Protection. The overall head of the Department was appointed by the President.

Beneath the National PMC there were regional PMC's co-ordinating the work of units inside the country, composed of political, military and security personnel. Security units reported to a regional NAT directorate.

In what were considered Military Zones such as Angola (and later Uganda), virtually all the structures pertaining to cadre settlements fell under the PMC. Camps fell under a Camp Commander, with the second-in-command being the Camp Commissar; next in seniority were the Chiefs-of-Staff, Ordnance, Logistics, with the Recording Officer (from NAT) and guards making up the rest of the camp administration.

Structures to improve the accountability of NAT and to address abuses which had arisen were introduced at the time of
the Kabwe Conference in 1985. The Kabwe Conference agreed to adopt a Code of Conduct, which entailed setting in place a range of regulations to govern conduct within the ANC, and three new structures were established: the Officer of Justice; the National People's Tribunal; and the National Review Committee, which are dealt with in more detail in section 6.3.4.2. It was decided to restructure the Department and define its role more clearly; its activities were confined to the screening and investigation of recruits, and the collection of intelligence. Reports on persons suspected of unlawful activities or of being agents had to be handed to the Officer of Justice, whose duties included ensuring that investigations were carried out fairly.

A Commission was appointed to examine problems in the Department, and make recommendations regarding the future leadership.

Secrecy is in the nature of the work of all intelligence organisations, with the "need-to-know" principle providing one of the first lines of defence in the protection of information. It is also in the nature of such work that this reality can lend itself to the abuse of power, particularly in periods of heightened offensive by the enemy. Recognising this, the changes introduced by the ANC in the leadership of this Department, along with the establishment of structures to deal with all cases of human rights abuses within the organisation, and to act as checks against any misuse of power by the Department, were in line with continuing attempts by the ANC to narrow the scope for abuse and to ensure that justice prevailed.

6.3.3 Stages of security operations and experiences

6.3.3.1 A new paradigm in the context of mass revolt and mass exodus (1976 -1980)

In the period before the watershed of June 1976, the underground structures of the ANC deliberately recruited cadres for training and deployment within the country. The new phase after the upheavals of 1976 saw the mass exodus of youth, seeking contact with the ANC driven by the desire to acquire the skills necessary to respond to the brutality of the regime with military force. It was critical for the ANC to set up the necessary structures to process all these new recruits: for ensuring proper deployment of cadres; for utilising information they passed on to the ANC, which could be used to build the underground; and to ensure that agents of the regime were weeded out.

Though many of the new arrivals were known to one another, the ANC did not have a sufficiently developed network within the country to cross-check information they provided. A contributing factor was the difficult situation in which the ANC had to operate in certain frontline states as an underground outfit with few resources. In most instances, it had to rely on the bona fides of the new recruits.

At times, the regime would demonstrate a callous disregard particularly for its black agents by sending them en masse into ANC structures in exile, without much preparation and with little chance of escaping the clearance net. This, however, was also part of a red herring approach, to conceal its better trained agents and keep the ANC's security structures busy on inconsequential cases.

Some agents were exposed because they were known within the country. Others were naive and inconsistencies in their biographies which all recruits had to write were easily spotted. However, some were well-trained in the fields of political, military, and intelligence work. This included briefings on how to aim at being deployed in certain positions of strategic importance, how to rise within the ranks of the ANC, how to identify key moments at which agitation against the leadership could serve to undermine the ANC, how to gather information for necessary assassinations and other attacks, or to carry out such deeds themselves. A number of these agents were able to escape the clearance net, and were only discovered later.

The ANC's approach to those who were discovered was based on its policies to convert them to liberation politics. Besides, these individuals stood out as pitiful "square pegs" who needed help rather than maltreatment. For their own protection and in order to ensure the safety of others, most of these agents were placed in safe houses, and, in terms of food and other supplies, treated no differently from the rest of the new recruits. However, there were some who had been briefed to link up with counter-revolutionary groups or agents already deployed in the host countries; these agents were processed in conjunction with host governments and then transferred to local prisons.
Before mid-1977, there was little visible activity by agents beyond a few attempts to carry out their missions and the escape of some who were able to report back to their handlers. After this tentative period, the network became highly active. In September 1977, food was poisoned at the Catengue military training camp in Angola, the only major training centre of MK. Nearly 500 trainees were affected and had it not been for the timely action of doctors, most would have died, or have been finished off in their weakened state by these agents. The perpetrators of this crime were discovered some years later.

In 1979, the regime launched an air raid on the same camp. The timing and choice of targets indicated clearly that they had precise information on the outlay of, and routine in, the camp. Fortunately, the ANC had prior knowledge of the regime's intentions, and the camp had been evacuated.

UNITA and FNLA bandits began to target MK camps and convoys. Again some of these attacks indicated that they had inside information about the camps and movements of our units. Several casualties among cadres deployed within the country indicated that they had to be agents within certain commanding structures of MK.

It was during this period that the Security and Intelligence Department was consolidated; new recruits were trained and deployed, and in 1979, a formal detention centre was established at Camp 32 in Angola.

6.3.3.2 Covert operations intensify (1981 - 1985)

In 1981, efforts to destabilise the ANC began to take on the form of overt agitation against the leadership, particularly in Lusaka. In the camps, there was a rash of bizarre incidents of indiscipline by a minority of cadres - such as running dagga rings, the theft and sale of camp equipment and weapons, and the rape and murder of Angolan villagers. Attempts were made to deal with these developments politically, and to determine the root causes of the problems. At the time the ANC was not aware of the role of the regime's network in these developments, and in any case, they were exploiting real grievances and difficulties.

The network was discovered with the arrest of a group of these agents in 1981; the leadership at HQ was shocked at the extent of infiltration, as their links in Lusaka, Angola, Tanzania and further afield was uncovered.

The "spy network"

In 1981, a cadre named Ndunga (codename "Joel Mahlatini") was allegedly involved in dealing in dagga while posted at Pango Camp. The camp commander, whose MK name was Kenneth Mahamba, ordered cadres to beat him and authorised his detention in Camp 32, but Ndunga was certified dead on arrival at the detention centre. The ANC regional command instituted an investigation into this act of brutality; the findings were profoundly shocking.

Kenneth Mahamba had been recruited by the Security Police in 1976, and was linked to an extensive network of agents. Some of these agents had been groomed for deep and long-term penetration of the ANC, and had through exemplary behaviour attained highly responsible positions. Others had been given less complex but nevertheless highly damaging tasks by their SB handlers such as poisonings and sabotage of valuable equipment. Along with agents whose MK names were Thabo Mavuso, Rodgers Mayalo, Justice Tshabalala (a member of the ANC's security department), Tommy Shenge (physical instructor at the camp), Pharoah Mogale, and Vusi Mayekiso, Kenneth Mahamba had been involved in the poisoning of cadres at Nova Catengue camp and passing on intelligence which led to the destruction of the camp in the 1979 aerial bombardment.

In addition to attempting to murder cadres and passing on intelligence on military installations, this network and its various subsidiaries supplied information on the movements of leadership figures; carried out surveillance on ANC residences; sent the enemy detailed information on the children studying at Mazimbu and committed various acts of sabotage. Some operatives had been tasked to deliberately encourage indiscipline and stir up discontent through tactics such as the promotion of tribalism in camps.

The network had included the key operative Thabo Mavuso, who had been the Commissar at Catengue camp. When he was sent back into the country he immediately reported to his handlers, and became the first Askari. Pharoah Mogale
had been a political instructor at the camp, and was later deployed to the Youth Secretariat at HQ in Lusaka. Another operative was Oshkosh Khumalo, an immigration official who had been sending information on all cadres passing from Zambia to South Africa, leading to many arrests and murders. The network included Section Commander Escom Maluleka, a member of the ANC's treasury department Balili Mpila and several other agents, including Angolan nationals, and operatives located in various neighbouring countries. Some members of the network had been transporting MK recruits from inside the country to forward areas. Others were working for foreign police and intelligence services which were co-operating with the apartheid regime. Several members of this network were executed after their cases had been heard by a Tribunal.

It must be emphasised that some cadres who were arrested at this time were either falsely implicated, or had merely shown signs of ill-discipline. Many of them were later released.; Apologies were tendered for wrongful arrest, and they were reintergrated into the exile community, and in some cases provided with opportunities to pursue academic studies.

6.3.3.3 Some incidents of abuse

The discovery of this network of agentsand the missions that they had been pursuing within the movement came as a shock: while infiltration had been expected, the sophisticated nature and the extent of the network was beyond what anyone had imagined. It was clear that the leadership and the movement as a whole, had escaped by the skin of its teeth.

It is within this context that the work of the Department of National Security and Intelligence intensified - it was a matter literally of life or death. But this department was largely staffed by young cadres; faced with this new situation and aware of the threat posed to the ANC, and at times having to deal with agents who refused to divulge information despite being confronted with prima facie evidence, some of these cadres seriously abused detainees.

These excesses are detailed in the reports of the Motsuenyane and Skweyiya Commissions reports. These reports must read with the evidence that members of NAT submitted to both Commissions. It is clear that:

- some of the allegations of abuse are accurate, but others are exaggerated or entirely false, and represent deliberate attempts to mislead the Commissions;
- while certain cadres deployed as guards in detention centres may be directly responsible for these excesses in their zeal to deal with what they understood as the most critical threat in the history of the ANC, the leadership of NAT did not sufficiently intervene to correct the situation. The head of the Department at the time, Mzwai Piliso, accepted full responsibility for this in his evidence to the Motsuenyane Commission;
- when information on the conditions in detention centres reached senior organs of the ANC, lengthy meetings were held by the NEC to assess the situation and introduce corrective measures. The report of the Stuart Commission Report is relevant as was noted in the NEC statement in response to the release of the Motsuenyane Report.

"Violations of human rights must always be condemned, no matter by who, against whom. It is especially painful for us that the heroism of our combatants in exile should be tarnished by such unacceptable and tragic episodes as are revealed in the Motsuenyane Commission Report. Our movement has always held that the standard by which we judge ourselves has never been the same as the apartheid regime's. We therefore appreciate the fact that the Commission has judged us by the highest standards, according to internationally accepted norms".

The ANC deeply regrets the excesses that occurred. Further, we acknowledge that the real threat we faced and the difficult conditions under which we had to operate led to a drift in accountability and control away from established norms, resulting in situations in which some individuals within the NAT began to behave as a law unto themselves.

6.3.3.4 Detention - the case of the Morris Seabelo Centre:

There have been many allegations regarding conditions in the Morris Seabelo Centre, variously refereed to as Camp 32 or Quadro.
The government in Angola made it clear that it would prefer the ANC to manage its own centre, rather than be saddled with cases it could not process.

The conditions in this detention centre have been described in some detail in the reports of the Commissions which we have appended to our submission. Because these conditions have been described with no reference to the overall situation under which Mk had to operate in Angola, it is necessary to describe the situation in the training camps in more detail. These reminiscences of a former commander are relevant.

"Conditions in any military establishment are very difficult and abnormal. Countries that hosted MK were themselves underdeveloped without the necessary infrastructure for their own population, let alone guerrilla camps. Most of them, especially Angola, were under perpetual aggression from the apartheid regime. Poverty, disease, lack of facilities and other privations were the order of the day. MK camps were not immune from this; and they relied on food mainly from donors.

"Such supplies were never adequate. The main food supplies were beans, maize-meal, rice, flour, powdered eggs and canned food. More often than not, these supplies did not arrive at the same time to allow for a "wholesome meal". For instance, for months on end only beans would be available, or only beans and powdered eggs - one meal a day would be cooked powdered eggs and beans, or just beans.

"Most of the camps were hundreds of kilometres away from Luanda and other ports. And attacks by anti-government bands would target precisely these supply lines. All cadres therefore experienced serious dietary problems.

"Hospitals, especially in Angola, were mainly situated in the cities. MK camps, all-in-all with a minimum of about 1 200 cadres at any one time, relied for many years on one qualified doctor and a few poorly-trained medical orderlies. This doctor, Nomava Ntshangase, was herself killed in a truck accident, under circumstances that remain mysterious to this day.

"Medical supplies depended on the donors, and much of these supplies were of no use in combating the diseases prevalent in the camps. Cadres fell victim to malaria and other tropical diseases, and a number died".

It is under these conditions that all cadres lived for many years in MK camps in Angola. When the evidence on conditions in detention centres is considered, it must be weighed against this background.

However, to the extent that conditions in some of the detention centres might have been much worse than the norm, the ANC acknowledged, that things needed to be improved and steps were taken to do so.

6.3.5 Tension and dissatisfaction - dealing with mutiny

Several factors combined to produce dissatisfaction and tension among cadres in the camps: generally difficult conditions; the behaviour of some security personnel; and the slow pace of deployment of cadres within the country, given the different modus operandi of MK in comparison to other guerrilla struggles. In addition to these problems, MK combatants had been killed by bandits seeking to destabilise the Angolan government. Operations bordering on military campaigns had to be conducted to clear areas around MK camps.

These conditions resulted in protests in late 1983 and early 1984 in camps near the town of Cangandala, which were defused with no loss of life. But dissatisfaction continued amongst these cadres and others who had by this time been moved to Viana transit camp, and some refused to turn in their arms on arrival. This mutiny was put down with the assistance of Angolan government troops and resulted in the loss of two lives, an MK cadre known as "Babsy" and an Angolan soldier who was killed when an Armed Personnel Carrier was shot at by Dyasop, an MK cadre. Fortunately there was no further loss of life and the mutineers surrendered their arms. Like all other armies, MK had rules about dealing with mutineers, and this case was no exception. The leaders of this mutiny, popularly known as Mkatashinga,
were arrested, many of them were later released.

A far more serious mutiny broke out in Pango in 1984. Those responsible used machine-guns and other heavy weapons to kill the camp commanders and other soldiers, this mutiny had to be be suppressed mercilessly. A military tribunal was set up by the NEC and two groups of mutineers were tried: seven of those who shot officers and other cadres were given the death penalty. None of the second group of eight were executed, despite the fact that one of the mutineers had hunted down wounded cadres the morning after the mutiny began, and finished them off: The ANC released him but he later murdered a Tanzanian citizen and was imprisoned in that country.

There were isolated cases in which recruits were executed after they were tried and convicted of crimes such as raping and murdering local villagers. For example, Thabo Makhubethe (travelling name Ruphus Maphalie) was found guilty of raping an Angolan woman. A military tribunal ordered that he be executed by firing squad - sentence was carried out in 1984 in Luanda. In another case, Josiah Malhobane (travelling name Shaka Dumakude) and Jeremiah Maleka (travelling name Zweni Mdingi) indulged in heavy drinking in Milange and neglected the important assignments they had been given. In a drunken state they randomly shot at shoppers at a local market, killing two Angolan women and seriously injuring another woman and child. They were sentenced to death by firing squad - sentence was carried out in 1989 at Milange.

The full list of people executed during the years of exile is attached to this submission.

6.3.3.6 Political leadership and the judicial system

From reports of the Regional Command in Angola, as well the security department, the NEC was appraised of the gravity of the security situation, and was advised on decisions that would have to be taken regarding those captured. The work that the security structures had accomplished was, however, not matched by an equal enthusiasm to ensure humane conduct by the people responsible for arrests and detention centres. The NEC emphasised the need for cadres in security structures to operate within the ambit of movement policy; some of them did visit the detention centres to ensure that this happened, but not enough was done to prevent the reoccurrence of abuses.

However, when reports about dissatisfaction precipitating mutinies were received, and when decisions were required about appropriate sentences, the NEC acted swiftly. Senior NEC members were dispatched to ensure that the tribunals were conducted in a fair manner and that cases where execution was recommended were reviewed impartially.

The NEC realised that these reports reflected a more serious malaise; and a Commission of Inquiry headed by James Stuart which including senior non-NEC members such as Sizakhele Sigxashe, were tasked with investigating the causes of the mutinies and recommending measures to correct the situation.

The Commission Report, which is one of the appendices, acknowledged the problems and proposed political, administrative, logistical and other measures to rectify the situation. By the time the report was released, one of the recommendations - for a national conference of the movement - was already being organised, Issues raised by the Commission raised informed debate at the 1985 Kabwe Conference.

6.3.4 Post-Kabwe: Consolidation of ANC jurisprudence (1985 - 1987)

6.3.4.1 Debates on the treatment of captured agents

We have described the enduring tension between the ANC's policy on legitimate targets, and pressure for retaliation in response to state brutality. There were similarly heated debates within the movement on the treatment of captured agents. On the one hand, there was ANC policy on the humane treatment of prisoners of war, ie accordance with the Geneva Protocols; on the other, there was the anger at the havoc certain agents had wrought. As a result of their activities, cadres had been arrested inside the country; leaders such as Joe Gqabi, Dulcie September and Cassius Make had been assassinated, along with many others in exile and inside the country; ANChouses had been attacked, cadres poisoned, and valuable equipment had been sabotaged.
The question would be posed over and over again, were we not being too lenient in keeping such agents in settlements, feeding them and "wasting" resources on guarding them? But as always, the movement eschewed emotional responses and sought to approach matters rationally, asserting the supremacy of the ANC's politics and morality. While not enough was done in earlier years to ensure that these policies informed actual practice, humane norms governing the treatment of captured agents remained ANC policy.

At the Kabwe Conference, this matter came under intense scrutiny; and the result was not merely the reassertion of policy, but also the adoption of an elaborate Code of Conduct to ensure that the policies of the movement found clearer expression in actual practice. The Code set out standards for the treatment of detainees, emphasising that all its cadres, particularly those working in the field of security, should be trained accordingly, and that in its conduct, the movement should nurture "the embryo of the new justice system we envisage for a liberated South Africa".

In Section C of the Code of Conduct, titled "Investigation", sub-section (4) stipulates that "Torture or any form of cruel, inhuman or degrading treatment of a detainee or of a person on trial is forbidden," with this stipulation further reinforced by the regulations listed under Section D: "Procedure", sub-section (8b), which states that "the Tribunal shall at all times be attentive to the necessity to ensure that any confession or admission is genuine and that its content can be relied upon, and should normally not make a finding of guilty without some external and substantial form of corroboration."

In the section titled "Punishment" in the MK Code of Conduct, it is stipulated that "all members of the ANC and MK are required to respect the terms of the Geneva Convention on the Treatment of Prisoners of War in line with the formal acceptance by the ANC of these terms in 1981. Any violation of these terms shall be an offence. ( ...) The purpose of punishment is to deter members from committing an offence, assist offenders to rehabilitate ( ...) Punishments shall be administered humanely and without undue harshness or cruelty."

### 6.3.2 Structures for justice

The Code of Conduct called for the establishment of the post of Officer of Justice whose functions included ensuring that there was no abuse of persons in detention, that the goal of re-education prevailed, and that unreasonable delays in finishing investigations were avoided.

In addition, a Review Commission was consolidated, to ensure that sentences decided on by tribunals or any other structures would be examined by senior members of the NEC.

Despite the limited resources at the ANC's disposal, lawyers within the movement were tasked to ensure that those who were tried had a proper defence. Not only was this process excruciatingly difficult for an underground movement given the conditions under which the ANC had to operate, it also generated tension between various structures and individuals within the movement - all in defence of normal practices of justice, and not seldom, in the service of agents responsible for heinous acts against the people.

But the NEC insisted that this was the right course, and temptations to violate or undermine the rules were discouraged.

### 6.3.3 Revamp of Security and Intelligence Department and new culture

President Tambo decided to restructure the Department and bring in new personnel. Between 1986-7 a provisional Directorate was formed under the supervision of the Sg, Alfred Nzo. This Provisional Sdrectorate was tasked with restructuring the department in order to ensure its practices were in line with the new structures for justice established after the Kabwe Conference, investigating the style of work within the department, and assessing its ability to respond to the changed circumstances of struggle within the country and in the international arena.

A new leadership of the department consisting of senior members of the NEC, was appointed in 1987. The Department was restructured into more clearly defined sub-sectors of Intelligence, Counter-Intelligence, Processing and Security. The new leadership set about correcting other problems within the department, it tightened supervision of interrogation practices, and acted immediately against unacceptable methods; systematically investigated conditions in the detention
centres, and proposed corrective measures where appropriate. Plans were drawn up for a new detention centre in Angola, but before work could begin the majority of ANC cadres, detainees and prisoners had to be transferred to Uganda and Tanzania, where conditions were better.

The Thami Zulu case

Among the cases that have received much publicity in this period is the recall and confinement of Thami Zulu and the issue of circumstances surrounding his death. The details are sufficiently covered in the report of the Commission which was tasked with investigating the case. (the report is one of the appendicies). In order to fully understand the actual meaning of this case, both to appreciate the past and identify current and future challenges, the following issues need to be underlined:

- Investigations into the extremely high casualty rate within Mk structures under his command were accepted as constituting sufficient ground for his recall; within the context of international military norms, commanders under similar circumstances have been subjected to far worse treatment.
- Thami Zulu was not confined to a detention centre. He spent most of his time in residences, although separated from the rest of the ANC community. At no time was he tortured or subject to any undue pressure.
- When he was released, Thami Zulu was ill Independent pathologists found he had contracted the HIV virus and was suffering from AIDS-related Complex, and possibly pulmonary TB.
- However, Thami Zulu died of poisoning after his release - and to this day, it is a matter of conjecture as to who administered this poison and why this was done. The Department of Intelligence and Security has reason to believe that an agent or agents of the regime were responsible.

As in other cases, such as those of Francis Meli and Solly Smith, the question has been asked whether poison was administered to stop him from exposing deeper networks, on his death-bed, embedded in the movement. We hope that the TRC process will help to uncover the real facts the case of Thami Zulu and other such complex cases.

6.3.4.4 A new capacity in the underground

In time underground structures of the ANC, including security and intelligence units, struck root within the country; assisted by the MDM network throughout the country, it was easier to follow up accusations, investigate suspicious tendencies, and seek advice from cadres on the ground.

Many of the agents captured in this period were known to underground and MDM structures before they left the country; and when challenged with irrefutable evidence, they would have no option but to admit their guilt.

In addition, the Security and Intelligence Department developed networks within the regime's security structures, and valuable information on infiltration of the ANC and MDM was obtained in this manner. The ANC was able to identify the controllers activities of over 600 agents - in exile and deployed in internal ANC and MDM structures - from details of reports they had submitted to their handlers. Three cases illustrate this new intelligence capacity, and details of some of their reports (not necessarily accurate, but in the words of the agents or their handlers) are attached to this submission:

Maxwell Xulu (Report 1):

A former Treasurer-General of COSATU, his Security Police Source Number was PN645. He was controlled by Warrant Officers Brown and Twala of the Port Natal region. He submitted 23 reports, in which he is described as a "high level source holding a senior position in the labour movement" and having "high level contact with the leadership of the ANC in exile". He had penetrated COSATU, MAWU, NUMSA, the ANC and the UDF. Confronted with this damning evidence, Xulu conceded his guilt and agreed to leave the trade union movement.

Keith McKenzie (Report 2):

A former operative in an underground MK unit, his Security Police Source Number was NT395. He was controlled by
Lt. Momberg and Sgt. Goosen of the Northern Transvaal region. He is said to have submitted one report on contact he had with MK commanders in Botswana, and was characterised as a "high level source associated with leading members of the ANC MK Special Operations Group". McKenzie was apprehended by the ANC, and confirmed the information contained in the report.

Joy Harnden (Report 6):

"A high level source placed in the white left of the UDF structures", her Security Police Number was WWR 805, she was handled by Lt Palko of the Witwatersrand police. She is said to have submitted 6 reports. After making contact with underground structures in Maputo, she was put in touch with a unit inside the country. The leader of this unit was Iggy Mathebula, disappeared without trace after making contact with her. To this day, it is not known what happened to Iggy Mathebula, and we hope the TRC will discover the truth. The MDM was warned of her activities and she was excluded from their structures.

The moral of this information is that, besides the culture established in the revamped security structures of the ANC, it had become much easier to deal with accusations against individuals within the ANC, MDM and other organisations. Thus was no pressure to resort to harsh methods in order to establish the facts and extract information. Of course, there were other networks (apart from those indicated in the attached Security Branch reports) linked to Military Intelligence and the National Intelligence Service - and the TRC should help uncover these facts.

6.3.5 Some cases relevant to the post-1990 period

As the negotiations process opened, the ANC began to process captured agents for release and repatriation. A few years earlier, the ANC had sought to send some of these agents back to their handlers in exchange for cadres of the movement in state hands; but for propaganda reasons, and because they cared little for their own operatives, the regime had refused.

Of those released in 1990, several expressed remorse for their activities against the ANC and the struggle, and maintain friendly contact with the ANC. They have communicated their wish to be rehabilitated and fully reintegrated into society, and the ANC is doing all it can to assist. There are others who were wrongfully arrested. The ANC has apologised to them, and where possible has assisted them to re-establish themselves within the country; some are pursuing their studies. To them we once more apologise.

However, there are a number of agents who came back and were quickly reintegrated into the security apparatus of the regime. Two cases clearly demonstrate the character of these agents.

6.3.5.1 De Sousa - gang criminality and apartheid security

Joachim Jose Ribiero de Sousa was among the last group of detainees released by the ANC. He had been recruited by the NIS in the USA in 1983, where he was studying for a BSc degree. He reported on the activities of anti-apartheid groups in the USA, and after training in Pretoria passed on information on UDF campaigns against the tri-cameral Parliament. He also passed on information on ANC offices in New York, London, Lusaka and Harare. He was detained by ANC security in 1986.

De Sousa's group returned to South Africa in August 1991, within three months of his release De Sousa had tried to murder his estranged wife; he invaded her home, knocked her unconscious and then shot her in the neck, and had tried to murder two of her women friends by firing shots through the door of the room in which they were hiding. De Sousa became involved in the underworld in Eersterust, and came into conflict with organised gangs; it was alleged he was running two armed gangs himself. In late 1991 he murdered Warren Hartze; a few weeks later he tried to murder four more people in two separate attacks on their homes.

De Sousa was arrested, and a Pretoria magistrate ruled that he should be held at a police station until his next appearance. Outraged Eersterust residents demanded to know why he was not being treated like other prisoners and remanded at Pretoria Central. He was released on bail in February 1992 pending a decision by the Attorney General on
what charges should be brought against him. De Sousa and his heavily armed gang began a reign of terror in Eersterust.

From June onwards, the place was described as being like a "war zone" with constant shootings.

By July 1992, de Sousa had survived no fewer than three attempts on his life, apparently by members of rival gangs. In one of these cases three men were arrested and sentenced to various terms of correctional service or supervision.

In September 1993 De Sousa was charged with one count of murder, seven counts of attempted murder, four of damage to property, and five or unlawful possession of a firearm and ammunition. The trial was postponed until February 1994 and De Sousa was released on R2,000.00 bail. De Sousa was eventually sentenced to seventeen years imprisonment. But De Sousa never served his sentence: he was killed outside prison.

6.3.5.2 Patrick Dlongwana (aka Hlongwane) - a microcosm of the evolution of state security strategy in the 1980s and 90s

Patrick Dlongwana (police code number 446/8, later altered to OPJ 446/8) began his career of collaboration with the SAP in 1977. He passed on information about activists and anti-apartheid groups, and gave testimony for the state in cases against various activists, resulting in long prison sentences. In Port Elizabeth he was instructed to set up a "pseudo-revolutionary" group called "Roots" along with another SB agent masquerading as a PAC member. Activists at the time remember that Dlongwana always advocated militant and radical actions in the meetings of youth structures, and tried to incite violence. The real role of "Roots" was to disrupt the activities of grassroots anti-apartheid organisations, sow confusion and mount a disinformation campaign around certain prominent leaders, to violently disrupt PEBCO meetings and beat students boycotting classes. Dlongwana's group wore balaclavas to hide their identities when engaging in this kind of violence.

Dlongwana has stated that after receiving technical training by Lt. Gideon Nieuwoudt and other officers of the PE Security Branch, he was sent to Lesotho in late 1982 to photograph houses in which ANC activists and refugees lived. He completed this mission, returned to South Africa, and in December participated in the bloody raid on Maseru in which 42 people were killed. During 1984 he was involved in petrol-bombing the homes of prominent Eastern Cape activists including Sipho Hashi; he murdered a COSAS member who called him a spy; and then worked with Thamsanqa Linda, who was running a vigilante group (Linda was known as "Project Tommy" by the regional AEC office which handled him.) When deployed on the East Rand, he assisted in disrupting trade union activities and in the tracking down and murder of an MK cadre. By late 1986 his usefulness to the SB was waning and he was cynically sent to join the ANC in Lusaka, where he was immediately picked up due to the notoriety he had achieved inside the country. He made a full confession, available on videotape, which makes it clear that he was not subjected to duress. He was imprisoned by the ANC until early 1990.

On the return of Dlongwana's group of detainees to South Africa, they were met at the airport by Inkatha's Bruce Anderson, who told the media that "a campaign to expose the terror camps of the ANC and to prove the vulnerability South Africa would have if they elected an ANC government" would be launched. Dlongwana began to use the name Hlongwane, and immediately resumed his work for the apartheid regime by fronting for the Returned Exiles Committee (REC), largely co-ordinated by the SAP. Nico Basson, a former Military Intelligence communications expert who had been involved in the covert muti-million anti-SWAPo campaign before the elections in that country, had earlier made public details on a very similar campaign waged against SWAPO.

By late 1990 REC had cruelly sent out letters to many families falsely claiming that their children, relatives or friends had gone missing and had "probably been murdered by security members of the ANC." Over the next three years, REC mounted a sustained and vigorous propaganda campaign aimed at discrediting the ANC through a combination of selective truth and totally false or grossly exaggerated allegations on conditions in its former detention centres.

As in the case of the earlier front "Roots", Hlongwane was deployed as a stratkom tool to not only spread disinformation but also to serve as a cover for state-directed violence against the ANC which could be portrayed as the result of internal ANC disputes arising from the exile past.

In late 1992, on more than one occasion, he threatened to kill ANC leadership figures whom he falsely accused of being involved in the torture of former ANC prisoners, and by early 1993 a mysterious organisation calling itself the "SA
Republican Army" (SARA) had appeared, claiming responsibility for massacres and murders in which it is strongly suspected that elements within the Internal Stability Division (ISD) units or other arms of the security forces may have been involved, including that of Reggie Hadebe. A few months later Hlongwane publicly stated SARA was the armed wing of RECOC. At no stage was he questioned by the police on his claims. Not long after this, he was working as a "junior unpaid information officer" for the National Party's Soweto branch.

The International Freedom Foundation (IFF), a so-called international human rights organisation, set up a "commission of inquiry" into the allegations by certain former detainees. The IFF branch in South Africa at this time was headed by Russel Crystal, previously involved in stratkom projects such as the National Students Federation, set up to counter the influence of NUSAS. He was also a member of De Klerk's President's Council as late as November 1992. In 1991 the IFF had been exposed as being among those groups which had received covert funding by the apartheid regime, yet it continued to mount expensive propaganda blitzes and organise various costly anti-ANC stratkom operations overseas and in the country at taxpayers expense, and in total contravention of the terms of the National Peace Accord. In January 1993 the report of the IFF- sponsored Douglas Commission was published, purporting to present evidence establishing that the ANC had "put in place a systematic policy of depraved brutality and persecution against their own members in exile."

In July 1995 disaffected Security Police operative Paul Erasmus revealed details of various stratkom operations which had been running under the De Klerk regime; among the documents he exposed was an "information note" dated 08/11/90 from Lt-Col. Alf Oosthuizen, chief of intelligence at SAP HQ in Pretoria, bearing what appears to be the signatures of Adriaan Vlok and General Johan van Der Merwe, on a planned media conference where two RECOC members would "reveal the ANC's undemocratic policy, ethnic divisions in the organisation, and the existence of conditions(sic) in the Mbarara detention camp in Uganda. (...) RECOC as an organisation acts wholly independently, although this office co-ordinates its actions (...) the SAP involvement will in no way be revealed." At the same time it came to light that the IFF was in fact a front fully funded by the state via SADF's Military Intelligence since 1986.

There was a bizarre final twist: it emerged in October 1995, with the publication of the report by the Skweyiya Commission of inquiry into corruption in the former Bophutatswana, that R150,000 in taxpayer's money had been channelled to Russel Crystal's' Executive Research Associates for the publication of the Douglas Commission report via Lucas Mangope's secret "National Security Fund."

In retrospect, those who covertly ran and financed this anti-ANC propaganda campaign centred on the allegations of certain former detainees did achieve one positive result - although not one that they have welcomed: in its detailed response to the publication of the Motsuenyane Commission report, the ANC NEC called for the formation of a Truth Commission:

"In recent years, when there have been investigations into the abuse of rights that have happened in other national liberation struggles, like Chile or El Salvador, violations committed by the liberation forces have comprised only a minute proportion of the number of total transgressions by illegitimate and authoritarian regimes. There is no reason to believe that the situation in South Africa is any different. Only a broad national Truth Commission (...) to investigate the totality of human rights violations during the years of struggle, not only those committed by the liberation movement (will establish whether this is in fact true."

In so far as cases of abuse are concerned, the ANC concurs with the findings of the Motsuenyane Commission that, though there were a number of such excesses, it was never established that there was any systematic policy of abuse. Instead, the report illustrates consistent efforts by the leadership to establish mechanisms of accountability and oversight. The appointment of these various Commissions illustrates the ANC's candid and responsible approach to issues of human rights promotion. To quote the Motsuenyane Commission Report:

"It would be wrong to ignore the historic significance of the investigation the ANC, through this Commission, has undertaken, a first in the annals of human rights enforcement. By its commitment to this inquiry, the ANC seeks to breathe life into the lofty principles proclaimed in the Freedom Charter - to render fundamental human rights the Golden Rule, to be applied in good times and bad, peace and war."

To the extent that the Motsuenyane Commission found that some detainees were maltreated and recommended that the
ANC should apologise for these violations of their human rights, the ANC does so without qualification, within the context of the standards it has set itself - standards it wishes our country to attain and maintain, now and in the future.

6.4 ANC members who died in exile

Over the years the ANC sought to record all deaths of its members in exile, irrespective of the cause of death - whether they fell in battle, died of natural causes, accidents, were murdered by agents of the regime, or executed after being found guilty of serious crimes. In some cases cadres have disappeared, and have never been fully accounted for. There have been cases of cadres who were abducted by agents of the regime, and if not turned into collaborators through torture, secretly killed. Others were murdered once they had outlived their usefulness after being "turned". Many such abductions took place under clandestine conditions as cadres were either en route to link up with the ANC in exile or on their way back into South Africa to engage in struggle.

Keeping such records has not been an easy task, given the rigours of underground existence, raids on homes and offices, and the destruction of records in the process. Many of the names recorded could be combat or travelling names, which our cadres assumed in exile. Sometimes they were known by several such names, depending on the number of countries they traversed. This was in order to protect the families of cadres from harassment by the apartheid state, and for the safety of cadres themselves. Some of our cadres have taken their true identities to their graves.

It must also be noted that among the many people who left for exile there were those who never did make contact with the ANC: they either joined other organisations, acquired refugee status in various host countries, or disappeared. After the unbanning of the ANC in 1990 we tried to update our records. A full-time Bereaved Parents Committee was set up to take on this task by attempting to find more information on those who had died or disappeared. In addition this group was tasked with making contact with affected families nation-wide to inform them of the fate of their loved ones.

However it has not been possible to fill in all the gaps in the records, nor to contact all those families of those listed in our records of ANC members who died in this period. Some have not been traced because of forced removals, dislocation resulting from violence in regions such as KwaZulu Natal, and other problems. For this we express our regret.

For the information of the Commission and the people of South Africa, our record of those of our members who died in exile is attached to our submission.

We intend to continue filling in the gaps in our records; and we appeal to the Truth Commission and concerned families and individuals to assist in finishing this task.

6.5 The Mass Democratic Movement and human rights violations in the context of the mass revolt of the 1980

The emergence in the 1980s of the UDF and the Mass Democratic Movement (MDM) - a loosely constituted group of organisations established to give direction to the struggle after the UDF was effectively banned - introduced a qualitative change in the struggle against apartheid. These umbrella organisations, drawing together hundred of grassroots organisations, provided the ANC with important internal, legal allies which played a major role in the collapse of apartheid rule. As we submitted earlier, although the UDF/MDM were in broad agreement with the ANC on all major policy issues, they were separate entities and did not operate under the control of the ANC.

It is necessary to contextualise violations of human rights which occurred in the name of these organisations during the mass uprisings of the 1980s, when spontaneous resistance to apartheid broke out across the country. Many participants in this struggle did not fall within the formal structures and organisational discipline of the ANC, but believed they were acting within the broad parameters of struggle as outlined by the ANC.
Where activists of the democratic movement were involved in violence it was frequently in response to the violence of the state or its representatives. As harassment, detention, shootings and other acts of repression intensified, ordinary people took steps to defend themselves against the police, state-run "vigilante" groups, informers and other criminals.

*The context in which violence took place*

The generalised violent uprising resulted from the political intransigence and violence of the apartheid regime, together with intolerable economic conditions at local level. It was at this stage that the ANC called on oppressed South Africans to refuse to be governed by what was essentially an illegitimate and undemocratic regime [See section 5.3 above]. These mass-based struggles soon resulted in a situation in which the regime could no longer rule black South Africans in the same old way, but could only relate to them as an army of occupation. These struggles all contributed to making apartheid unworkable and forcing those in power to finally come to their senses and agree to a negotiated solution to the political impasse.

While the UDF and the Mass Democratic Movement campaigned actively against unjust laws to show up the illegitimacy of the South African government, and actively opposed apartheid-based structures of governance such as the councils, these organisations never shifted from their policy of non-violent forms of struggle.

The UDF was able to provide political leadership which helped contain and channel popular anger in ways which prevented a racial war.

But the state responded with increasingly repressive measures. Organisations were prevented from operating openly. Their activities were disrupted through overt violence or covert "dirty tricks" operations. Their literature and statements were censored or banned. Their leaders were banned, detained, forced into exile, or killed - often with extreme brutality which created intense anger. At times organisations were incapacitated and left without clear guidance through wholesale detention of their leadership, and other forms of harassment. The decentralised nature of the UDF as an umbrella organisation with hundreds of autonomous affiliates further precluded the possibility of asserting tight, centralised control over an accountable and disciplined membership. All these factors made it increasingly difficult to disseminate information on policy issues, ensure organisational discipline, and a non-violent approach in a situation of extreme provocation and blanket state terrorism against black civilians.

As with other forms of struggle, there were instances where individuals deliberately flouted ANC and UDF/MDM policy, at times out of anger.

By 1987 it had become virtually impossible for the UDF to function openly. After Murphy Morobe (UDF acting Publicity Secretary) emerged from a year in hiding to give a press interview, a journalist commented that Morobe had become "a public relations man who cannot be seen in public, representing a legal mass organisation that has to operate underground."

Given this situation it was clearly impossible for the UDF/MDM to actually control all activities carried out in its name by people and groups who, while supporting the broad aims of these organisations, were not directly linked to the leadership and discipline of the organisations.

In advance of campaigns such as consumer boycotts and stayaways, the UDF/MDM issued statements calling for discipline and laying down guidelines. Yet at times assaults and attacks occurred despite these directives.

To give another example of difficulties of this nature, people began setting up Street Committees, People's Courts and similar structures as an expression of their rejection of the apartheid system. These were rudimentary forms of popular government, emerging at first as a result of local initiatives and later with the encouragement of the ANC and MDM. However, while the motives guiding People's Courts were in essence good - to counter criminal activities on a community basis - a lack of resources often meant that no thorough investigations were conducted; as a result, judgements were often made on the basis of inadequate information.

On a number of occasions both the ANC and UDF/MDM leadership condemned violations of human rights which occurred as a result of "peoples' courts", "necklacing", and other unacceptable practices, whilst recognising the context
in which such actions took place. The most cursory research of the 1980s press and the archives of the UDF will confirm this fact.

In its attempts to suppress the mass uprising, the state relied on an extensive network of secret informers, and constantly attempted to turn activists into a fifth column within the mass democratic movement. In some cases these attempts were successful; such recruits passed on information on activists to their handlers in the security forces: this resulted in lengthy detentions, the smashing of organisations, and many murders of respected leadership figures and other activists. Other informers became state witnesses, schooled to give false evidence needed to convict activists of treason, terrorism and sedition under the Internal Security Act. Yet others were recruited into death squads, or deployed as agents provocateurs who incited or perpetrated violence and then claimed to have been instructed by the UDF and/or the ANC to do so.

In yet other cases, young activists who wanted to serve the cause of liberation by participating in the armed struggle were lured into fatal traps by agents of the regime posing as members of MK or the ANC, who gave them arms and ammunition and wrong instructions on how to use them, or booby-trapped grenades which killed or grossly maimed the users. These cynical killings were then attributed to the ANC's armed wing. These and other heart-rending experiences gave rise to a culture of extreme intolerance among the youth in particular for informers and those suspected of being agents provocateurs. In a situation where the forces of law and order were deployed to attack rather than defend the people, it is not remotely surprising that activists turned towards meting out summary justice against suspected agents, and those who openly sided with the apartheid system, including members of the hated security forces.

The use of extreme methods to neutralise the enemy, which included deterring and punishing collaborators, was perceived by many as an entirely justifiable act of self-defence, and the use of harsh methods in situations of this nature are by no means unique to the struggle for liberation in South Africa. The tactics of the underground resistance in Europe in the struggle against Nazism provide but one comparison. In South Africa, a particularly harsh form of retaliation was the "necklace".

"Necklacing" was never the policy of the ANC or UDF/MDM. The regime took every opportunity to use "necklacing" as a means to discredit the UDF and the ANC, at times in the same way that they sought to damage the image of the ANC by undertaking certain "false flag" operations for which MK was blamed: evidence is beginning to emerge that this gruesome form of reprisal may have been initiated by the state, and that on a number of occasions "necklacings" were the direct result of the work of agents provocateurs. The revelations of former Vlakplaas commander Dirk Coetzee and others have shown that the burning of the bodies of murdered activists was a common practice of this unit long before burning became a tool of popular retribution.

Recent revelations have implicated self-confessed Vlakplaas operative Joe Mamasela in the killing of Maki Skosana, the first recorded "necklace" victim in South Africa. She was involved in a relationship with him, not knowing that he was a police agent; the deaths and horrific injuries inflicted on youths by booby-trapped grenades supplied by Mamasela, resulted in intense anger in the community and it appears that activists believed that Maki was responsible for introducing the youths to him. An enraged crowd turned on her when she appeared at the funeral of some of those youths killed by the booby-trapped grenades.

"Necklacing" also reflected the objective conditions under which the intensifying mass struggle against apartheid took place: the majority of people were unarmed and still had to rely on the same weapons they could find in the 1970s; and as the mass revolt against apartheid spread, it was impossible for either the ANC or the UDF/MDM to exercise control over all aspects of the manner in which people chose to fight apartheid.

The concern expressed by President Nelson Mandela in his statement from the dock in April 1964 proved prophetic:

"How many Sharpevilles would there be in the history of our country? And how many more Sharpevilles could the country stand without violence and terror becoming the order of the day? And what would happen to our people when that stage was reached?"

Young people in particular lived under conditions guaranteed to breed violence; as President Tambo put it in an address in 1987 to a conference focusing on the plight of children under apartheid,
"Children have suffered electric shocks, beatings by fists, sjamboks and rifle butts, sever deprivation of food and sleep, sexual abuse and attack, attempted strangulation, solitary confinement and being submerged in sewerage water or doused with petrol and threatened with 'necklacing.' Members of the security forces carry out their duties with indiscriminate brutality and insensitivity. (...) The effects of arrest, detention and interrogation are deeply disturbing for any detainee but acutely traumatic for children. (...) These children are growing up virtually in a war situation. (...)"

"Children are moulded by what society offers and teaches them. They put back into society what society gives them. The longer this situation is allowed to continue the more the children are going to think that violence is necessary for survival and have no regard for life."

This extract from the memoirs of an MK commander, describing a visit to an MK training camp by Johnny Makathini, at the time the ANC's representative at the United Nations, provides further insight into the tensions between ANC policies and mass participation in the struggle by youths who had grown up under conditions of state terrorism:

"Pango had become our main camp in the Quibaxe area. It was filled with young recruits from the township uprisings which continued to engulf South Africa. Many were in their teens. They were enthusiastic and militant. Johnny was fascinated by their accounts of the street fighting at home (...) At the same time he was not in agreement with some of the methods of 'rough justice' being used against collaborators. One of these involved placing a tyre filled with petrol around a victim's neck and setting it alight. It was called 'the necklace.'

"While understanding the frustration and anger of the people, particularly with those seen as traitors and "sell-outs", Tambo and the ANC leadership unreservedly condemned the practice of "necklacing." Johnny argued with the youngsters about its cruelty and was surprised to find how vigorously they defended it.

"Give us guns and we will eliminate the izimpimpi (informers) nice and cleanly," one young girl responded at our table (...) "Yes, comrade Makhathini, necklacing is cruel, but it's helped us put the traitors to flight (...) What the izimpimpi have done to the people is even more gruesome."

"Johnny relied on the moral argument but failed to convince the young comrades. (...) I knew that one had to get away from simply the moral argument which was regarded as academic by those who were daily on the receiving end of bloodshed and betrayal. "The trouble with necklacing", I began, "is in its spontaneity and facelessness. Can you really be certain who has shouted out: 'That one is an impimpi? It could be an agent provocateur who levels the accusation. It means that necklacing can easily become a method used by the security forces to sow confusion. It is the same with attacks on civilian or "soft" targets. It gives the enemy the opportunity to discredit us. That's why we stress the need for disciplined operations, against clearly defined targets." (...) The young girl remained sceptical....."

*Armed and Dangerous*, Ronnie Kasrils; Heinemann, 1993 (pp 247-8)

The ANC has never sought to condone all cases of violence of this nature, nor to disregard the suffering of those targeted for such retribution. Yet we call on the Commission to consider the cases of those, accused of criminal activities such as "necklacing", informers, criminals or "vigilantes" with a full understanding of the highly abnormal circumstances in which such acts took place, the level of state-sponsored violence afflicting communities during this period, and of the consequences flowing from the refusal by agencies of law and order to act impartially.

### 7. Conclusion: Reconciliation, Reparations and the Challenges for the Future

#### 7.1 The ANC's own conduct
We believe that the masses of the people and the liberation movement waged a just struggle against apartheid, designated by the UN as a crime against humanity. This struggle was no different from other decolonisation struggles in other parts of the world, and developed in response to the policies and practices of the apartheid regime - political, social, economic and judicial - which had as their starting point the perpetuation and defence of a system which was in and of itself a violation of human rights. This fact has been accepted by all who pay allegiance to the interim and final constitutions, which represent a collective attempt to move away from such a system.

However, we do acknowledge that the fact that the ANC waged a just war against apartheid does not render us or anyone else immune from judgement on our conduct in the course of the struggle. We have set out the conditions under which violations of policy occurred. But we emphasise that none of these violations reflected official policy, or were in any case sanctioned by the leadership. There are instances where we could have acted more firmly and speedily to prevent or stop abuses; and for this the ANC accepts collective responsibility.

From its inception, the ANC sought to pursue a path of struggle that would persuade the powers-that-be to come to the negotiations table and accord the majority of the people the rights they deserved. Even at the height of repression, it was the ANC that initiated the negotiations process which culminated in the system of non-racial democracy we are building today.

Over the years, the ANC established rules and organisational procedures to ensure disciplined conduct among its members. It also set the foundation for such conduct through systematic education of its members about the objectives of struggle and the fact that these goals were not only just and moral, but required all members to conduct themselves as true custodians of these objectives. This was as much a matter of survival and winning over the majority of South Africans to the ANC's side, as it was simple moral logic.

To the extent that there may be questions on matters of detail, or the need for any elaboration on incidents perceived as gross violations of human rights referred to in this report, the ANC will make such additional input as is necessary. Where applicable, individual members will apply for amnesty.

7.2 An approach to reparations

An important role of the TRC is to ensure that justice prevails to the maximum extent possible. Justice is not only punishment. Justice is not revenge or retribution. Whether there is punishment or not, an important element of justice is restoration, restitution and reparation.

It must be appreciated that the new democratic state does not have the capacity or resources to fully compensate all those who have suffered. There are millions of families who have suffered under apartheid in so many ways who could justifiably say they should be compensated for the harm which apartheid has caused. There are others whose suffering stems from other causes who would be able to make similar claims. There needs to be restoration, restitution and/or reparation within the framework of such resources or capacity that South Africa can afford. And, in the final analysis, the creation of a democratic and prosperous society constitutes the primary form of reconciliation and reparations. The ANC submits that in making its recommendations, the Commission should take this fact into account.

Justice demands that the concerns of victims should take centre stage in the process of reconciliation. In this context all of us need to be creative in identifying ways in which the TRC, the South African government, the South African people and various local communities can together participate in a process of effecting restitution, restoration and/or reparation. Taking international experience and international human rights law as well as our situation into account and also taking into account the constraints imposed upon us, the ANC submits that the TRC should be able to make recommendations which would include the following actions:

- monetary awards, either by way of lump sum or monthly pension;
- other forms of material assistance and support;
- psychological support and provision of comfort and solidarity;
- steps to be taken to restore the dignity and honour as well as the good names of victims;
efforts to ensure that the communities become involved in the process of reconciliation;
• steps be taken to ensure that South Africa remembers.

This list is not exhaustive and the ANC will seek an opportunity to address the Commission again in greater detail on the forms which restitution, restoration and/or reparation could take.

The ANC is also of the view that the TRC should have the power to intervene on an urgent basis at any time even if such intervention would be on the basis of interim recommendations for requests or even orders in circumstances which the Commission may deem appropriate. They would all be designed to alleviate the plights of victims, help to restore their dignity and honour, end the humiliation and make them feel that reconciliation and justice has not been at their expense.

7.3 Lasting reconciliation

In approaching the issue of reconciliation and nation-building, it is critical to appreciate that human rights violations originated with the system of colonialism and evolved over centuries. The doctrines of racial superiority, the pursuit of narrow interests and privileges for the white minority in general and Afrikaners in particular - all premised on the exclusion of the majority - "naturally" had to be buttressed by a repressive regime. Under any and all circumstances, oppression and exclusion results in the revolt of the slaves at first tentative then open - and the oppressive state thus resorts to force to maintain unjust rule.

The system of apartheid and its violent consequences were not an aberration by a few individuals or a well-intentioned policy that went wrong. It was systematic; it was deliberate; it was a matter of policy. Over the years, a system of government was built in which accountability had been thrown out of the window; where security considerations ruled the roost; and where the individual rights of all South Africans, and particularly the black community, were trampled upon.

Therefore, the basic premise in correcting this historical injustice is for South Africans to pay allegiance to, to consolidate and defend the democratic constitution and the human rights culture that it espouses. It is for all citizens to promote and utilise to maximum effect the rights that we have attained, and ensure that open and accountable government becomes a matter of course in our body politic. It is for us to promote equal individual rights without regard to race, colour, religion, language and other differences; and at the same time ensure that equal collective rights pertaining to these issues are protected. And it is for us to work together to build a better life for all.

Combined with the work of the Truth and Reconciliation Commission - charged with exposing the evil deeds that have been committed; investigating the reasons why they happened; and the restoration of the dignity of the victims and the humanity of the perpetrators - all these efforts will afford us the confidence and resolve to say: Never Again! We appreciate the fact that the TRC is pursuing its work without fear or favour; and we hope that at the end of this process, South Africans will be the wiser, and better able to march into the future with confidence in one another and in their capacity to create a prosperous, peaceful and just society in which any violation of human rights will be fading memories of a past gone by, never to return.

Questions which require the attention of the Commission

1 INTRODUCTION

1.1 Arising from this submission there are many questions which need to be answered within the context of the hearings and investigations of the TRC. These questions are relevant not only to ensure that the country is fully appraised of past developments; but also to uncover any of the networks that may still be operational today and
which are therefore a danger to the fledgeling democracy.

1.2 The questions relate only to some of the developments and serve as indicators of areas that need particular attention. From this submission, as well as others, numerous other questions will arise. The critical task is to determine political responsibility, operational commands and lines of accountability, as well as the individuals who carried out specific acts of gross violation of human rights.

1.3 It should be emphasised once more, as underlined in the submission, that the aim is not retribution, but to bring about justice, reconciliation and nation-building.

1.4 These questions apply equally to the bantustan and other state structures, to the extent that some of their operations may have been independently executed.

2 STATE STRUCTURES AND LINES OF COMMAND

2.1 The basic question is: to what extent was each of the acts of gross violation of human rights sanctioned by the National Party (or bantustan) political leadership: the cabinet or structures to which executive powers were delegated! In this regard, the Commission will need to examine minutes and decisions of the cabinet in the period under review.

2.2 The Commission will also need to obtain documents outlining the structures, functions and decisions of the State Security Council, its predecessors and later versions, before and after 1990. It will also require evidence and input from minister(s)/deputy minister(s) who were directly responsible for these structures and the key officials in the hierarchy.

2.3 At the operational level, the following questions arise:

2.3.1 What is the full extent and nature of operations conducted by hit-squads linked to the CCB, Vlakplaas police unit, the Security Branch, JMCs, Military Intelligence and Directorate of Covert Collections, with particular reference to the gross violations of human rights such as assassinations and mass killings?

2.3.2 Who were the commanders and operatives of these structures, where are they currently located, and what has happened to the infrastructure they established or supervised?

2.3.3 What is the full extent and nature of operations conducted under the auspices of Adult Education Consultants and other such secret projects and front companies?

2.3.4 Who gave orders for the setting up of, and commanded operations of the vigilante groups, criminal gangs and hit squads identified in the submission?

2.3.5 Which of the armed actions were "false flag" operations, who gave the orders and who executed these operations?

2.3.6 To what extent were state structures involved in initiating or fanning violent conflict within the black community, including in particular between ANC and MDM structures or communities on the one hand, and such organisations as Inkatha and Azapo on the other?

3 AGENTS NETWORK

3.1 Which agents were deployed in the ANC, the MDM, Self-Defence Units and other community-based structures and in what way were they involved in the supply of information leading to, or in the actual execution of, gross violation of human rights?

3.2 Which of the agents who were brought back to the country by the ANC were reintegrated into the networks of
the state and what activities were and are they involved in?

3.3 Which agents were placed or recruited in the mass media, collaborating in the cover up or dissemination of state propaganda relating to these gross violations of human rights, and are any of them still operational today? In particular, what network existed linking stratkom structures and the state broadcaster, the SABC, and who among them are still operational today?

3.4 Which of the extreme "right-wing" groups, such as Orde Boerevolk were linked to state structures and which of their operations were at the instigation of the state or its agents?

4 MURDERS AND ASSASSINATIONS

4.1 Who authorised and who executed each of the murders of anti-apartheid activists in detention over the period under review?

4.2 Who authorised, who commanded and who carried out the murders in demonstrations, strikes or the random killings in the townships and villages?

4.3 Who was in charge of the project to manufacture and allocate the poison used in the cases identified in the submission, including Thami Zulu, Francis Meli and Solly Smith; and who carried out these operations as well as others that may not yet have been exposed?

4.4 Who authorised, commanded and carried out the assassination of leaders and cadres of the ANC (names are attached to this report) as well as members of other anti-apartheid organisations both within and outside the country?

4.5 The previous National Party government and its substructures should avail information on the fate of cadres of the ANC and other anti-apartheid structures who were captured and have "disappeared" (Names of ANC cadres attached to this report). What was their fate and who ordered and carried out the operations?

4.6 Which of the judicial officers and medical personnel co-operated in these gross violations directly or by means of cover-ups?

5 EXTERNAL DESTABILISATION AND AGGRESSION

5.1 Who ordered and who executed raids on ANC houses and other targets outside South Africa, including the Matola raid of 1981, the Maseru massacre of 1982, the Gaberone and Lesotho raids in 1985, the raid on Lusaka in 1987 and so on?

5.2 Who was responsible for the political approval, planning and execution of the destabilisation campaign in Angola, Mozambique, Lesotho, Swaziland, Zambia, Zimbabwe, Botswana and other neighbouring countries? In addition:

5.2.1 Who authorised and commanded the operations to assist Unita and Renamo; what forms did these actions take; and when were they terminated?

5.2.2 What are the true facts behind the crash of the plane which was carrying President Samora Machel and other Mozambican officials, and who was responsible for this action?

5.2.3 Who authorised and commanded the activities of Koevoet, 5 Reconnaissance Regiment, 32 Battalion and other such units; and what have been their activities since their re-deployment within the country?

5.3 Did the apartheid regime use chemical weapons in its operations in Angola, Mozambique and other neighbouring countries: who authorised this and who carried out the operations?
Umkhonto we Sizwe Military Code

[This document was released at the ANC National Consultative Conference at Kabwe in June 1985. It was part of a larger document titled "Report of Commission on National Structures, Constitutional Guidelines and Codes of Conduct"]

Preamble

Recognising that our army, Umkhonto we Sizwe, must define its aims and objects in clear and precise terms, and that the rights and duties of each member should be likewise defined without ambiguity, the Politico-Military Council, acting on behalf of the African National Congress of South Africa, has adopted and hereby decrees this code for the guidance of members in cell positions.

1. Umkhonto we Sizwe - a People's Army

The ANC and its allies created Umkhonto as a new and indispensable weapon in the struggle for people's power. Unlike the armed forces of the racist regime of South Africa, which we have vowed to crush and annihilate, and unlike all other armies of imperialism, Umkhonto we Sizwe is a People's Army organised and dedicated to waging a people's war for the liberation of our country.

Umkhonto is an army of volunteers. It consists of volunteers drawn from the revolutionary sections of our people. By joining Umkhonto, combatants commit themselves to the solemn and noble duty of serving our suffering and dispossessed people in the struggle that will continue for each and all of us until victory or death.

In the words of our founding Manifesto, published on the historic day of 16th December 1961: 'Umkhonto we Sizwe will be at the front line of the people's defence. It will be the fighting arm of the people against the racist government and its policies of racial oppression. It will be the striking force of the people for liberty, for rights and for their final liberation.'

The founding Manifesto of Umkhonto we Sizwe is our definitive declaration of intent, and an essential guide to the reasons for the creation and aims of this, the People's Army. We append the Manifesto to this Code, to be studied and understood by every Umkhonto combatant. It was no coincidence that MK's first operations were launched on December 16, Dingane's Day. Umkhonto will carry on the warrior traditions of our people under the conditions of modern guerrilla warfare.

Those who join Umkhonto we Sizwe, the People's Army, perform a sacred duty to our people, our nation and the South African Revolution. When we have liberated our country, Umkhonto will constitute the basis of the defence forces of our country and the Revolution, and will serve as an instrument of social progress.

An Umkhonto combatant has the opportunity to serve in the forefront of the liberation struggle, to meet the enemy and engage him with modern weapons, to become a steeled revolutionary who at all times is determined to serve and protect the people and his fellow comrades-in-arms.

We look back with great pride to the period of militant non-violent struggle waged by the ANC. During this period our people learnt through their own experience that they could not satisfy their aspirations except by means of armed struggle arising out of our mass political activity and culminating in a revolutionary seizure of power.

When time was ripe for violent forms of struggle, our people understood and supported the decision to take up arms. They clearly understood as long ago as December 1961, that our Movement had exhausted all peaceful avenues, and
that the oppressor had imposed on us a war situation. The alternative to armed struggle was submission. As the Umkhonto Manifesto declared: 'The People's patience is not endless. The time comes in the life of any nation when there remains only two choices - submit or fight. That time has now come in South Africa. We shall not submit and we have no choice but to hit back by all means within our power in defence of our people, our future and our freedom.'

2. Political and Military Struggle

Umkhonto we Sizwe is the fighting arm of the ANC and its allies. Our armed struggle is a continuation of our political struggle by means that include armed force. The political leadership has primacy over the military. Our military line derives from our political line. Every commander, commissar, instructor and combatant must therefore be clearly acquainted with the policy with regard to all combat tasks and missions. All of us must know clearly who the enemy is, and for what we are fighting. Thus MK cadres are not only military units, they are also organisers of our people. That is the major distinction between our people's revolutionary army and the army and wholly militarised authoritarian armed forces of the racists, imperialists and reactionary regimes. Umkhonto cadres, with arms in hand, are political activists and leaders, as well as warriors. This combination of political and military functions is characteristic of all popular, revolutionary armies especially in the phase of guerrilla warfare.

3. People's War

Umkhonto is a people's army fighting a people's war. We fight to liberate our oppressed and exploited people. We fight for their interests. Umkhonto has no mercenaries, no paid soldiers or conscripted troops. It consists of the sons and daughters of the most oppressed, the most exploited sections of our people. For these reasons we claim with pride and truth: Umkhonto is the Spear of the Nation.

We fight a people's war, not by armed struggle alone, but first and above all by political education, leadership and mobilisation. It is a people's war because the struggle is to win the active support and participation of all who resist oppression, discrimination, poverty and injustice.

The people support their army by providing it with recruits - their sons and daughters - food, shelter, and information about the enemy. The people open the way for our guerrillas and make the enemy's path hard. Everyone can become a freedom fighter. The struggle has many fronts and is not confined to trained soldiers alone.

The ANC mobilises the people in support of the revolution through skillful combination of all forms of struggle: violent and non-violent, legal and illegal, strikes and demonstrations, boycotts and non-collaboration, propaganda, education and sabotage. A people's war is fought by the people with arms and all other forms and methods of struggle. Without the organised support of the people, armed struggle is in danger of being isolated and strangled. The enemy attempts to isolated us by launching campaigns to win the 'hearts and minds' of the people - of our people, the oppressed and suffering workers and peasants. To defeat the enemy, we must involve the entire people in the National Democratic Revolution.

The enemy controls the state, its armed forces, police and courts. But he does not command the hearts and minds of the people. They are with us in a just war for national liberation. Their support is our chief weapon. What gives the guerrilla his advantage is his political superiority and people's support. As pointed out in Operation Mayibuye (1963) the most important guarantee of victory is 'the support of the people who in certain situations are better protection than mountains and forests'.

4. Our People's Army

a. Umkhonto we Sizwe fights to liberate our people from racial discrimination, national oppression and exploitation.

b. The common enemy is the racist minority which identifies with and gives aid to the National Party regime, the creator and driving force of apartheid.

c. Our programme is the Freedom Charter; it defines the goals of all democrats regardless of colour, race or creed.

d. The interests of the people and the demands of the revolution are inseparable and the main concern of the people's
army.
e. Our MK Manifesto declares that the army includes in its ranks South Africans of all races. But the overwhelming majority are members of the most oppressed and exploited people. By this dedication and commitment and training, they represent the vanguard of our people. In Umkhonto language, the army is the Spear of the Nation.

5. Umkhonto insists on a high standard of selfless devotion to the revolution on the part of all its members.

They are required at all times to:

a. behave correctly to the people;
b. respect their persons and property;
c. refrain from molesting or interfering with their legitimate activities;
d. assist them to solve their problems and where possible give material aid in their labour; and
e. demonstrate high moral qualities in word and deed.

6. Revolutionary Discipline and Consciousness

To defeat the enemy in combat, our soldiers must be disciplined, trained to obey commands promptly, and ready to spring into battle immediately when ordered. Vigilance, alertness and readiness to engage the enemy at a moment's notice are qualities that can develop only out of discipline, proper training and political consciousness.

Bourgeois and reactionary armies like the army forces of the racists, instil a mechanical and robot-like obedience in their units. The people's army has a different conception of discipline and loyalty. Umkhonto soldiers are volunteers, willing and trained to carry out orders in the knowledge that instant obedience is the only way to safeguard life, both of the individual and his comrades-in-arms, and to protect the people he serves.

Umkhonto soldiers pledge themselves to safeguard the revolution at all times regardless of personal hardships, suffering and danger. A soldier who breaks discipline, disobeys commands or by improper conduct betrays the high moral standards of our army will be punished. Such punishment is necessary to maintain the qualities expected of a people's army. Every attempt is made to correct bad behaviour and rehabilitate members who violate the army's code. But punishment is severe in cases of serious crimes, treachery and criminal neglect endangering the safety of others and the security of the army.

Our procedure and rules are well defined, precise and to the point. Military orders are issued with a definite purpose and must be obeyed. It is the duty and responsibility of every soldier to know and understand the army's code of conduct, to recognise his military commanders, to be clear about his own duties, and to carry out orders immediately and without question. Orders must be obeyed cheerfully, promptly and exactly. A soldier who does not understand an order has a right to have it explained. He must know when to raise problems, to whom he must report, and how to obtain clarification. He must not, in any circumstances, refuse to obey a command or argue over the execution of an order.

Outright disobedience and failure to obey an order promptly may have serious consequences. A soldier who thinks that he has been given a wrong order must obey it first and if need be complain afterwards to his commander. Our commanding officers, commissars, instructors and others who are entrusted with responsibility to lead must be above reproach. They are to be a shining example of modesty, sound moral behaviour, correct attitudes towards all members, respectful and helpful to every member of the army, regardless of his position. Commanders and Political Commissars occupy a central role in Umkhonto. Without them disorder can result. They are the principal target of the enemy and must be given maximum protection. Umkhonto is engaged in guerrilla warfare, against a powerful and remorseless enemy which resorts to torture, banditry and terrorism.

During the stage of guerrilla warfare, great initiative and resourcefulness are required of every combatant. Under such conditions, formalities such as the courtesy of saluting commanders are reduced to a minimum, while discipline and vigilance are maintained at the highest levels.
In our external training bases, however, we have conditions and facilities similar to those of a regular army. Here we insist on full military procedures, including the practice of saluting commanding personnel; higher ranks; parades; roll calls; and fall-ins. These are necessary for the orderly camp life and discipline and co-operation among guerrillas in combat zones.

The inner forms of discipline, arising from political maturity and consciousness of our struggle, are far more important and enduring than a discipline enforced from above. But a proud bearing, alertness and quick response to commands, a smart uniform, and respect of leadership, commanders and commissars are the hallmarks of a good soldier who is proud of his platoon, detachment and army.

With the triumph of our revolution, Umkhonto will be the official army of our country, the true shield of our nation, defending the people against external aggression and internal counter-revolution. To prepare ourselves for these noble tasks, we must live up to the army's code of conduct in all respects and at all times during the present phase of our struggle.

**General Regulations**

1. All army units shall preserve and safeguard political and military and organisational information relating to the army's security and well-being.

   The wilful or negligent disclosure of classified information to unauthorised persons, and the unauthorised acquisition and/or retention of secrets and classified documents shall be an offence.

2. All combatants must defend the ANC and be loyal to it, the army and the revolution.

   The following acts or omissions shall be an offence:
   
   a. Disloyalty or deception designed or likely to give assistance to the enemy.
   b. Rebellion or revolt against the army command or part of it or attempts to commit such an act of rebellion or revolt.
   c. Conduct which causes despondence, spreads a spirit of defeatism, or undermines morale in any member or section of the army.
   d. Cowardly conduct in the face of the enemy.
   e. Wilful disobedience or refusal of orders properly given by a commander.
   f. Desertion from the army.

3. All combatants shall act in such a manner that the people will put their trust in the army, recognise it as their protector, and accept the liberation movement as their legitimate and authentic representative.

   The following acts or omissions shall be an offence:
   
   a. Conduct that weakens the people's trust, confidence and faith in the ANC and Umkhonto.
   b. Theft from a comrade or the people, looting of property, or other forcible seizure of goods.
   c. Abuse of authority and/or power.
   d. Cruelty inflicted on a member of the army or public.
   e. Assaults, rape, disorderly conduct, the use of insulting and/or obscene language, bullying and intimidation, whether against a comrade or member of the public.
   f. Shameful conduct likely to disgrace the ANC, army or the offender, or bring them into disrepute, or provoke indignation and contempt against them, such as violating the rights and dignity of the opposite sex, whether in operational or base areas.
   g. Unjustifiable homicide.
   h. Ill-treatment of prisoners of war or persons in custody.

4. All combatants shall protect the leadership and property of the ANC and Umkhonto
The following acts or omissions shall be an offence:

a. Failure to protect commanders and commissars against assault or attacks.
b. Wilful negligent destruction, neglect or misuse of the property and/or funds of the ANC and army.
c. Failure to submit and hand over to the commanding authority property seized or acquired during military operations.
d. Negligence in handling, using or storing and loss of weapons.

5. All combatants are required to have the permission of a competent authority to travel, move from one place to another or leave a camp, base or residence to which they are assigned.

The following acts or omissions shall be an offence:

a. Absence without permission.
b. Escaping or attempting to escape from the custody of a competent authority.

6. All combatants and members of the ANC and Umkhonto shall observe high moral standards and show an adequate sense of responsibility.

The following acts or omissions shall be an offence:

a. Smoking dagga or using other harmful drugs or being in unauthorised possession of the same.
b. Neglect of duty.
c. Drunkenness on duty and/or in public.

7. All members of the ANC and combatants are required to promote and preserve the unity of the ANC, the army, the liberation movement and the people.

Any act or speech that provokes tribal or regional animosities or spreads disunity by means of factionalism and/or racism shall be an offence.

8. Punishment

All members of the ANC and combatants are required to respect the terms of the Geneva Convention on the Treatment of Prisoners of War in line with the formal acceptance by the ANC of these terms in 1981. Any violation of these terms shall be an offence. Subject to these proposals, the Commission recommended that:

i. The codes be accepted in their entirety.
ii. They come into force immediately.
iii. Their operation be reviewed after two years' experience.
iv. The Justice Officer be appointed as soon as possible and that amongst his first tasks be an investigation, in the light of the principles of the codes, of all cases of persons still serving sentences in terms of earlier proceedings, and of all cases awaiting trial.
v. The military code be strengthened by the inclusion of a section dealing with competence, hearings and appeals; the necessary drafting to be done by responsible officials in MK.

All members of the ANC and Umkhonto shall tactfully observe the general regulations and shall be liable to the penalties prescribed for offences under the regulations. The purpose of punishment is to deter members from committing an offence, assist offenders to rehabilitate and protect the ANC, Umkhonto, liberation and the revolution. In imposing punishment, the competent authorities shall be guided by high political principles to the exclusion of personal animosity or any trace of vendetta. Punishments shall be administered humanely and without undue harshness or cruelty.

The following punishments may be ordered for offences under the regulations according to the gravity of the offence and the circumstances under which it was committed:
1. Reprimand or rebuke administered in private or public.
2. Suspension from duty for a specified period.
3. Fatigue and drills.
4. Restriction with hard labour for a specified period determined by tribunal.
5. Demotion from a position of responsibility.
6. Restriction in a rehabilitation centre.
7. Dishonourable discharge.
8. Solitary confinement for a period determined by tribunal.
9. The maximum penalty.
10. Any other penalty not included herein but appearing in the schedule of penalties for grave or serious crimes and violations.

Rules and Regulations Covering the Handling of Weapons and Explosives of our Movement

Introduction

Amongst the most sacred duties of a soldier in MK is to protect and preserve the weaponry and other war material of our army - in certain circumstances even with life. The loss of a weapon would be regarded in the same light as the loss of a limb and has serious consequences for the body of our army.

Our weaponry and other war materials are there to be used against our enemy and must, at all times, be maintained in a proper state of combat readiness and must only be used to further our revolution. This is the duty of every organ and individual soldier entrusted with the task of handling such material.

In the interests of our revolution the following rules and regulations will be strictly enforced:

1. The Politico-Military Council under the direction of the NEC shall be the organ which decides on the distribution and use of all weapons and explosives in any given area.
2. All members of the ANC who possess a personal weapon or weapons are under obligation to declare it or them to the authorised organs or persons in the Movement for registration and for determining whether the comrade should be authorised to keep the weapon or surrender it.
3. All weapons not supplied by authorised persons in the hands of individuals or groups must be reported and declared immediately. Failing to fulfil this requirement constitutes a serious offence against the Movement and carries with it a heavy punishment.
4. Unauthorised possession and use of weapons is strictly prohibited.
5. It is strictly forbidden to point a weapon, loaded or otherwise, at any person other than our enemy.
6. It is a serious offence to abandon without proper cause, lose, misuse, neglect or damage weapons, ammunition and explosives.
7. Unauthorised exchange, barter or transfer of a weapon(s) is strictly forbidden.
8. All weapons, ammunition and explosives must be handled by authorised persons and must be totally concealed in public except during combat marches in our training camps and schools and where permission is granted to have weapons for the defence of ANC personnel and property.
9. All records, inventories of all war materials have to be kept by Ordnance, Security and by any organ entrusted with such material.
10. The use of war materials for emergency purposes has to be reported to the appropriate authority.
11. The security and care or all weapons shall be the responsibility of those entrusted with them.
12. All transfer and movement of war materials form one area to the other shall be entrusted to the Ordnance Department.
13. Safety measures must be observed when handling weapons and explosives.
14. Authorised persons are not allowed to handle weapons under the influence of liquor.
### List of ANC Members who Died in Exile

#### March 1960 - December 1993

**DIED AT THE HANDS OF THE ENEMY**

**ZIMBABWE - WANKIE 1967**

*1st Battle: 13/8/67 RECONNAISSANCE*

1. State
2. February, Basil (Paul Peterson)
3. Makgotsi, Jones
4. Mampuru, Christopher
5. Maseko, Don Donga
6. Masemeni, James
7. Mhlongo, John
8. Modumo, Ernest (Steven Maelebyane)
9. Motespe, Andries
10. Sharp, Alfred
11. Sibanyoni, Delmas

*2nd Battle 21/8/67*

12. Baloi, Robert
13. Masipa, Barry
14. Moloi, Sparks
15. Setsoba, Charles (Jack Simelane)

*3rd Battle 22/8/67*

16. Donda (from Natal)
17. Mahamba, Sparks
18. Mhambi, Charles (Rhodes Msuntu Ngamela)
19. Nduna, Eric

**WANKIE: 1967 (UNKNOWN BATTLE)**

20. Donga
21. Mbali, Jackson
22. Ndlovu, Joseph Spoe *
23. Nduku, Knox
24. Nondulo, Ernest
25. Theo, Mkhaliphi

### SIPOLILO 1967-1968

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<td>Biyela, Philimon</td>
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</tr>
<tr>
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**COMRADES KILLED IN RHODESIA IN 1979**

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<tr>
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<td>Sithole, Arthur</td>
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<td>13</td>
<td>Tengani, Johannes</td>
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<td>Zondo, Charlton</td>
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**ZIMBABWE POST-INDEPENDENCE KILLINGS**

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<td>15</td>
<td>Chiliza, Tsitzi</td>
<td>Bomb in TV</td>
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<tr>
<td>16</td>
<td>Gqabi, Joe Nzinga</td>
<td>Assassinated</td>
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**ANGOLA - LETTER BOMBED/SADF RAID**

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<tr>
<td>1</td>
<td>Patrick, Timothy (CN)</td>
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<tr>
<td>2</td>
<td>Schoon, Katryn Joyce</td>
<td>Letter bomb</td>
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<tr>
<td>3</td>
<td>Schoon, Jeanette Eva</td>
<td>Letter bomb</td>
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**BOTSWANA - ASSASSINATIONS/BOMBS/RAIDS**
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<td>1</td>
<td>Alpheus, Dlamini</td>
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<td>11/11/88</td>
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<tr>
<td>2</td>
<td>Geer, Ahmed Mohamed</td>
<td>SADF Raid</td>
<td>14/06/85</td>
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<tr>
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<td>Hamlyn, Michael Frank</td>
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<td>Kesupile, Gladys Kelape</td>
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<td>Kobole, Euginia Kakale</td>
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<td>Malaza, Joseph</td>
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<td>Phahle, Cecil George</td>
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<td>Phahle, Lindi</td>
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<td>Polokela, Matsela</td>
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**MOZAMBIQUE - ASSASSINATIONS/BOMBS/RAIDS**

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<td>30/01/81</td>
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<td>Dimba, Themba Francis</td>
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<td>6</td>
<td>First, Ruth</td>
<td>Parcel bomb</td>
<td>17/08/82</td>
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<td>Magubane, Bheki</td>
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**ZAMBIA - ASSASSINATIONS/BOMBS**

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**NAMIBIA - Caprivi, Katimo Molilo 1970s**

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**SWAZILAND - ASSASSINATIONS/RAIDS/BOMBS/POISON**

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FRANCE
1 September, Dulcie Assassinated 28/03/88

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4 Deyi, Gladman 20/05/88
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6 Dlamini, Patrick 03/03/88
7 Dludla, Reginald 26/12/83
8 Dlwathi, Siphiwe 13/10/88
9 Fihla, Thamsanqa 05/02/88
10 Flatela, Kgotsi 03/03/88
11 Frans, Mawethu D. 10/06/88
12 Gabela, D.Boy 03/03/88
13 Ganyqa, Gerald 03/03/88
14 Gxekani, Mzwandile 13/10/88
15 Hlatshwayo, Machocho 13/10/88
16 Hlobo, Mziwokolo 06/10/88
17 Jack, Samukele 13/10/88
18 Kelly, Mzolisi 03/03/88
19 Khosi, David 03/03/88
20 Khumalo, Florence 03/03/88
21 Korjas, Peter 21/12/88
22 Kuboni, Mvuleni J. 13/10/88
23 Kutwana, Abraham 11/08/87
24 Lebelwane, Barney 04/10/84
25 Mabaso, Alan K. 26/12/83
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27 Mahlangu, Solomon 18/11/87
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**COMRADES KILLED BY MUTINEERS - PANGO, ANGOLA**

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17 Mkhize, Thami 00/00/00
18 Mkgotsi, Motsei 30/04/80
19 Mkhwanazi, Eric 00/00/00
20 Molale, Kate 11/11/80
21 Morabe, Mosele Eunice 03/05/85
22 Mosala, Ernest 00/00/00
23 Mphuthi, Majoro Benedict 05/06/85
24 Msima, Msele 03/06/85
25 Ndlovu, Sithembiso 00/00/00
26 Ngubane, Mazwi 00/00/00
27 Nhlapo, James B. 03/06/85
28 Nxumalo, Mdu 00/00/00
29 Sekulu, Walter 03/06/85
30 Shandu, Thabani 00/00/00
31 Shange, Jerry 00/00/00
32 Shezi, Thando 00/00/92
33 Sithole, Peter 11/11/79

SENEGAL
1 Khalima, Maritsane Lukas Drowned 00/00/00

MISSING - As reported by the Motsuenyane Commission
1 Felix (cn) Missing in Natal 00/00/86
2 Jabu (cn) Missing in Natal 00/00/86
3 Pepe 00/00/00
4 Zola (cn) Missing in Natal 00/00/86
5 Boshomane, Abel 00/00/75
6 Ceku, Mvula 00/00/00
7 Dali, Sureboy 00/00/00
8 Galela, Champion Pebco 3 09/05/83
9 Godolozi, Qaqawuli Pebco 3 09/05/83
10 Gqirana, Mobbs 00/02/83
11 Hashe, Sipho Pebco 3 09/05/85
12 Jacob, Padi Vanished 11/11/85
13 Mapua, Tiro 00/00/00
14 Madondo, Ronald 00/00/00
15 Mlotshwa, Bokale 00/00/00
16 Molehe, Duncan 00/00/00
17 Monametsi, Dada 00/00/00
18 Mtimkulu, Siphiwo 00/00/00
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**DEATHS FROM NATURAL CAUSES**

**MOZAMBIQUE**

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**G.D.R.**

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**U.S.S.R.**

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22 Phillips, James 00/00/00
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24 Ramsdale, Eddie 00/00/00
25 Resha, Robert 07/12/73
26 Rosenberg, Issy 00/00/00
27 Routh, Guy 00/00/00
28 September, Peter 00/00/95
29 Tarshish, Jack 00/00/00
30 Williams, Cecil 00/00/00
31 Winter, Bishop Collin 18/11/81
32 Yengwa, M.B. 21/07/87

**YUGOSLAVIA**
1 Khayiyane, Sipho (Phillip Mangena) 01/01/86
2 Maboe, Eleanor 00/00/00

**HUNGARY**
1 Magome, David Magome 21/11/86
2 Moteka, Godfrey Suicide 21/11/86

**DENMARK**
1 Beck, Godfrey K. 07/06/86

**CZECHOSLOVAKIA**
1 Harmel, Michael 00/00/70

**INDIA**
1 Zikalala, Mbudi 11/11/88

**CANADA**
1 Lungiso, Musi 07/01/90

**CUBA**
1 Kates son 00/00/00
2 La Guma, Alex 11/10/85

**U.S.A**
1 Feni, Dumile 16/10/91

**ZAMBIA**
1 Mrs Mtsheni 00/00/00
2 Bawo-Dlamini, Albert 17/03/88
3 Bawo (Mphalala Albert) 09/04/88
4 Buthelezi, Gcina (Ngubane Lucky) 10/07/86
5 Bucibo, Boyce 08/11/82
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**ETHIOPIA**

1. Ngasi, Kholisile
2. Ndungane, James

**NIGERIA**

1. Karabo, Freda   19/10/92
2. Ketani, Stanley 25/09/92

**KENYA**

1. Aunt Mary       00/00/00
2. Bernad          00/00/00
3. Old Masilela    00/00/00
4. Eliana, Gertz   00/00/00
5. Lailaje, Charles 00/00/00
6. Lebele, Frank   00/00/00
7. Letladi, Patrick 00/00/00
8. Lubisi, Andy    00/00/00
9. Mabusa, Thoko   00/00/00
10. Make, Dairaley 16/09/92
11. Makhubu, Lawrence 00/00/00
12. Matela, Walter  00/00/00
13. Mngadi, Vincent Mngadi  00/00/00
14. Moegabudi, Sam  00/00/00
15. Mokatsane, Oupa 00/00/00
16. Moreng, Oupa    00/00/00
SUICIDES

ZAMBIA
1 Mabatla, David T 11/11/89
2 Modise, Majoba 11/11/79
3 Mgudlwa, Mackay Davashe 02/11/82
4 Phiri, Joseph 13/05/85
5 Sibanyoni, Diagon-Roderick 27/10/87
6 Yesiko, Sandile Danisile 1/11/79

ANGOLA
7 Dalamba, Siseko 00/00/81
8 Jona, Zakhele (Masupha Jonge) 16/11/84
9 Lethuso, Doctor 10/04/81
10 Madakeni, Leon 00/00/81
11 Mafika, Stanley 11/08/90
12 Mandlenkosi, Sifiso 11/11/90
13 Mangana, Tebogo 09/03/83
14 Maphetho, Moses 00/00/77
15 Maphumulo, Reginald 11/11/90
16 Mashaya, Solomon 00/00/81
17 Masuku, Sibusiso 00/00/00
18 Mayaka, Ndumiso 00/00/79
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20 Miya, Matthews 11/11/89
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22 Mohlala, Ceasar 22/01/84
23 Møjapelö, Ethel 00/00/77
24 Molani, Bolosha 00/11/88
25 Moloi, Thapelo 05/03/83
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27 Mosia, Michael 30/01/82
28 Ngcobo, Nkosinathi 07/02/84
29 Ngobese, Humphrey 11/11/83
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41  Wasa, Nkululeko  20/04/86

UGANDA
1  Zondani, Mkhuseli  10/10/90

LESOTHO
1  Ventloolo, Michael *  11/11/85

G.D.R.
1  Pitso, Sello  00/00/00

HUNGARY
1  Moteka, Godfrey  28/11/88

EXECUTED BY ORDER OF OUR MILITARY TRIBUNAL

ANGOLA
1  Bosigo, Mompati Godfrey (K Sipho Oshkosh)  00/00/84
2  Davids, Ephraim Ivan Adam (Lejoe Sibusiso)  00/00/80
3  Dintsi, Samson Isaac (Tshabalala Justice)  00/00/81
4  Dlamini, George Perm (Muntu Ndebele)  00/00/00
5  Duma, Gcina  00/00/84
6  Dumela, David (Dick P.D. Khumalo)  00/00/82
7  Hlongwane, B. Sydney (Mavuso Dick)  00/00/88
8  Hlophe, Joseph Arsenius(Jabu Zikalala)  00/00/81
9  Hoyi, Cekiso (Msomi Ronald)  00/00/84
10  Jele, Reuben Mandla(Nyembezi Stopper)  00/00/84
11  Joyce, Thoby Steven (Escom Maluleka)  00/00/82
12  Lafasi, Clifford Nqaba (Raymond Mavundla)  20/06/83
13  Leballo, Boithlomo Derrick (Mayekiso Vusi)  00/00/81
14  Mabaso, Daniel Crosby(Tommy Shenge)  00/00/84
15  Maga, Eric(Jongile Mzwandile)  00/00/84
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*Please note that while this list is as comprehensive and accurate as possible, it is not complete. There are a number of discrepancies and omissions which require further investigation and research.*
ANC QUESTIONS

1. QUESTIONS ALREADY GIVEN TO ANC

REQUESTS FOR CLARIFICATION OF MATTERS RAISED IN THE ANC SUBMISSION

I. ANC ACTIVITIES

DEFINITION OF GROSS HUMAN RIGHTS VIOLATIONS

In its submission the ANC uses a definition of gross human rights violations different from that in the legislation governing the TRC: "Actions carried out in the course of the just war of national liberation do not constitute gross violations of human rights" (page 18). This interpretation could restrict the cooperation of the ANC with the TRC to such acts which it perceives as being outside of the boundaries of the just war. It could also influence the "victim status" and the right to TRC reparations of victims.

- Would the ANC be prepared to accept the broad definition of gross violations of human rights as stipulated for the TRC, notwithstanding the fact that it does not take into account the morality of the struggle as perceived by the ANC (page 18)?

- On page 18 of the submission it is requested that acts carried out by cadres or supporters of our movement falling within the ambit of the TRC, ie acts perceived as gross human rights violations, "must, nevertheless, be treated within the context [of the just war of national liberation]." What does the ANC mean by this, especially with regard to amnesty application.

- It needs to be clarified whether the ANC's call on its members to apply for amnesty is valid only to those who did not adhere to ANC policy vis-a-vis just war theory. Alternatively, does the ANC encourage all those who committed gross human rights violations as defined by the TRC to apply for amnesty?

- How does the ANC communicate to its members, supporters or other freedom fighter the need to apply for amnesty, even if the individual acted in good faith.

DEFINITION OF JUSTIFIED TARGETS

- A further clarification of the definition of a justified target is needed. The ANC quotes a pamphlet identifying justified targets (page 52) as "the racist army, police, death squads, agents and stooges in our midst". Can this definition possibly be used to legitimise the killing of policemen, alleged informers, community councillors, and co-opted parliamentarians? Is there any other documentation or recorded instructions to further specify legitimate targets? Can the ANC elaborate what is meant by "stooges in our midst"?

MK ACTIVITIES WITHIN THE POLICY OF THE ANC

The ANC submission does not give detail about MK missions within the framework of the just war. For our research purposes we request information on scope and scale of legitimate MK operations. The information should contain type of action, time, damage caused, death or injuries to civilians and/or state agents, and chain of command. The victims classified as legitimate targets need to be specified (e.g. SAP, kitskonstables, SADF, community councillors). This information would include:

- attacks on security force infrastructure, e.g. police stations, SADF bases etc
attacks on government administrative offices and institutions
- attacks on individuals
- landmine attacks
- combat with SADF, SAP or other enemy units

**MK ACTIVITIES NOT IN ACCORDANCE WITH ANC POLICY**

It is suggested that the ANC fought a relatively "clean war". According to the ANC submission, attacks not in accordance with ANC policy became a trend in the late 80s (page 53). Some examples of such acts were illustrated in the submission.

- Can the ANC give a full indication of the scope of such attacks, with particular attention to time and place, intended target, loss of live and injuries, type of victims and chain of command?
- Can the ANC elaborate and substantiate efforts made to avoid such attacks on civilian targets? What steps were taken, after the incidents, to investigate them? Were ANC cadres disciplined for their involvement in such activities?
- According to the submission (page 53) MK commanders were instructed to visit the forward areas to communicate ANC policy. Which commanders visited which forward areas and units inside SA, and with what results?
- To what extent did militant rhetoric and ambiguous statements possibly lead to misinterpretations of ANC policy on soft targets?

**FURTHER ELABORATION ON THE CHAIN OF COMMAND AND COMMUNICATION CHANNELS BETWEEN ANC DEPARTMENTS**

The submission gives a basic outline of the command structures of the ANC in exile (page 57). More elaborate information is needed with particular focus on

- MK structures
- Security department
- Revolutionary Councils
- Politico-Military Councils
- Training camps
- Somafco
- Detention and rehabilitation centers, eg Quatro

How did these sectors interact? What were informal and formal channels of communication? How did the ANC in exile communicate with structures on the ground inside SA? Who received reports on incidents of torture and execution?

**DEATHS AND DISAPPEARANCES OF ANC MEMBERS**

- The TRC request an indication of the sources used for the compilation of Appendix 2 of the ANC submission (List of ANC members who died in exile). What other material collected by the Bereaved Parents Committee would be valuable? Is the Committee still in existence? Who is (was) the chairperson? Could contacts of people who were involved in compiling information be provided?
- Would the ANC be able to supply the TRC with the details of circumstances surrounding "mysterious deaths" of cadres in exile, e.g. the death of Nomava Ntshangase referred to on page 70?
Can the ANC supply any evidence substantiating the involvement of South African security forces in the death or disappearance of MK cadres and ANC members?

GOVERNMENT AGENTS IN THE HANDS OF THE ANC

- Can the ANC give more details on the failed attempt to negotiate an exchange of captured operatives with the South African government (page 73)? Who refused the exchange of captives?
- Who were the alleged government agents? What happened to them until their release in 1990?
- Can the ANC make available the videotape containing the confession of Patrick Dlongwana referred to on page 74? Is there any other similar material that could be useful to the TRC?
- Can the ANC supply the TRC with the names of people who were wrongfully arrested referred to on page 69? Can the ANC document the nature of the apology, ie a letter or note etc.?

II. STATE ACTIVITIES

COVERT ACTIONS AND STATE SANCTIONED ACTIVITIES

In the executive summary (page 7), the ANC refers to the "counter-mobilisation" strategy. Chapter 4.9 (pages 42 - 45) elaborates on covert actions and state sanctioned activities.

- Can the ANC provide documentation and evidence illustrating the restructuring of the NSMS and its subsequent activities (page 43 - 45).
- Can further information on government front companies, such as Adult Education Consultants (page 45) be provided. Information indicating involvement in gross human rights violations is of particular information.
- Does the ANC have records, documents or written evidence of the Xhosa-Resistance Movement (page 7)?
- Does the ANC have evidence and documentation assisting an investigation on the assassination of Chris Hani (page 43)?
- Can the ANC provide detailed information about the attempted food poisoning of 500 MK cadres in the Catengue camp in 1977 (page 8)? Who were the victims? What did they suffer as a result of the poisoning? What were the means of introducing the poison? What is the evidence leading to the perpetrators?
- Can the ANC provide material about subsequent attempts to poison water and food in ANC camps?
- Can the ANC throw new light on the death of Steve Biko by supplying information on the link between the ANC and Steve Biko (page 49)? What exact information did Carl Edwards and Craig Williamson have? How did the ANC obtain this knowledge?

FALSE FLAG OPERATIONS

- Is it possible to provide more examples and evidence on "mistaken attacks" and more information on "false flag" necklaces and other attacks as outlined in pages 62-63?
INfiltration of ANC Structures by the StateM

- Amongst the questions brought to attention of the TRC, agents network and infiltration of ANC, MK, SDUs and other community based organisations (page 82) are mentioned. Can the ANC supply material, evidence, contacts, and concrete examples to assist the TRC to address this matter?

- Does the ANC have evidence of the infiltration of SDUs by "De Klerk regime" referred to on page 65?

III. INVESTIGATIONS INTO CASES PRESENTED TO THE TRC

The TRC research and investigation departments follow up particular individual cases presented to the TRC. Individuals approaching the TRC have usually contacted the ANC already - usually Lusaka HQ or Shell House - but have not received adequate information. Whom can the TRC approach to get a detailed and speedy response on the fate of these people?

2. FURTHER REQUESTS RAISED BY THE TRC

HUMAN RIGHTS ABUSES BEFORE 1984

There are allegations of human rights abuses before 1984. For example, the amnesty international report "South Africa; Torture, ill-treatment and executions in African National Congress camps" claims, "the security department of the ANC ... throughout the late 1970s and early 1980s conducted crackdowns against alleged indiscipline, particularly the use of dagga (marihuana) by MK members and the expression of dissenting views". In 1981 Oupa Moloi died as a result of ill-treatment at Camalundi camp. Amnesty International also refers to Morogoro camp, where people were detained and on occasions tortured during the 70s.

- The ANC's views on these allegations would be helpful.
- Can documentation with regard to disciplinary problems and punishment be provided? Who executed such disciplinary sanction - MK structures or the security department?
- Can incidents of alleged infiltrators and cadres defying authority be specified?
- Was there an inquiry into the death of Oupa Moloi? If yes, can the documentation be made available?

HUMAN RIGHTS VIOLATIONS IN THE 90'S

Except for the section on SDUs, there is very little in the ANC's submission that deals with the period 1990 - 1993.

- Can the ANC elaborate, especially with regard to dealing with the IFP and the conflict in KwaZulu/Natal?

COMMISSIONS OF INQUIRIES

It needs to be acknowledged that in making available the reports of the various commissions of inquiry, the ANC has released highly sensitive information to the public. This indicates a commitment to deal with wrongs of the past. Would the ANC be able to make available the full evidence put to these commissions? Question will certainly emerge from this evidence.

In this context the TRC requests affidavits, memoranda, minutes, data files, information concerning identity of individuals, original edition of reports and recommendations, video material and transcripts associated with the following commissions of inquiry:
The Stuart Commission

The Skweyiya Commission (The confidential list of members of the ANC security department alleged to be responsible for the ill-treatment of detainees submitted to the President is of particular importance)

Inquiry into the Death of Thami Zulu

Motsuenyane Commission

Any other Commission of inquiry set up by the ANC

ANC STRATEGIES AND POLICIES

Can the ANC supply the TRC with the following documents:

- Planning for People's War, produced in mid-1983 by Military Head Quarters
- For the Sake of Our Lives which outlines the ANC's approach on SDUs
- The 1978 Politico-Military Strategy Commission report, also known as the Green Book/Thesis on our Strategic Line

INFORMATION WITH REGARD TO PERSONNEL

The TRC request personal detail - such as name, age, rank, training received - of the following ANC officials:

before 1985

- Composition of the Revolutionary Council from 1969 onwards
- Heads of regional structures
- Heads of military, security and political departments under the RC
- Commanders of MK training camps, Samafco, and detention/rehabilitation centers, eg Quadro

from 1985 - 90s

- Representatives from the MHQ, PHQ and NAT on the Politco-Military Council
- Representatives of the MHQ, PHQ and NAT on the all regional PMCs (Angola, Botswana, Lesotho, Mozambique, Swaziland, Tansania, UK, Zambia and Zimbabwe
- Representatives of the NAT Regional Directorate of the Internal Units or Operatives
- Commanders of MK training camps, Samafco, and detention/rehabilitation centers (Quadro)

TRAINING CAMPS AND REHABILITATION CENTRES

The TRC request the following information

- A list detailing the date of establishment and closure of all camps in exile
- An indication of the number of cadres living at the camps at various times

3. Questions raised by the IFP submission
Except for the section on SDUs, there is very little in the ANC's submission that deals with the period 1990 - 1993. There is very little information on the attitude of the ANC to the IFP - for example, was the IFP considered to be "the enemy" for military purposes, and if so, who within the IFP? Leadership? Armed members? Members of the KZP etc?

More specifically:

- What was the ANC's strategy vis-a-vis the IFP, especially from 1979 onwards? Are there any documents emanating from military or intelligence structures about strategy towards the IFP, or any policy decisions taken by political structures which were not made public at the time?

- How does the ANC respond to claims that MK - especially operating from the Transkei (presumably after Holomisa's coming to power there) - was responsible for the killing or assassination of IFP office-bearers? (Especially in early 1990s)

- How does the ANC respond to claims by the IFP about its involvement in gun-running?

- How does the ANC respond to claims by the IFP that its Intelligence and Security Departments were involved in a campaign to "smear" the IFP?

- The IFP refers to "internal violence" by activists in various ANC "front organisations". What does the ANC think the IFP is referring to in this instance, and how does it respond?

4. FURTHER QUESTIONS WHICH ARRIVED LATE

Questions on motives, context and perspective

The Promotion of National Unity and Reconciliation Act, No. 34, 1995 requires that we give expression in our Final Report to "the motives and perspectives" of persons involved. Our request is that you kindly make available to us a two to three-page statement on your views, motivations and perspectives on the nature of the South African conflict. We would like you to give expression again to the underlying ideology of your party. What were the values that inspired the leaders of your organisation over the years? What motivated the involvement of your followers? What inspired the sacrifices which many of your followers made? What drove those who (in the words of the Act) were "responsible for the commission of violations"? It is important for these views to be boldly, and yet sensitively, articulated in order to facilitate the reconciliation process.

Questions concerning alleged infiltrators, dissidents and disciplinary offenders

ANC Structures and Personnel

- 1. What were the structures and reporting mechanism within the Security Department? According to the ANC, what were the shortcomings of this department, which possibly led to violations of human rights?

- 2. What was the role of the National Security Council (NSC)? Which individuals sat on the Council in the 1980s and 1990s? Were the names of members kept secret? To what extent did this body deal with the allegations of violations of human rights?

- 3. Who were the members of the Directorate of NAT in the 1980s and 1990s? Who served on the body? What were the functions of this body? To whom did it report? To what extent did this body deal with the allegations of violations of human rights?

- 4. The TRC is interested in all tribunals, military or other, which had any bearing on human rights violations, i.e. those
dealing with offenses constituting gross violations of human rights, those leading to corporal punishment or capital punishment, and those where the accused were possibly ill-treated. What was the structure of the National People's Tribunal? The Motsuenyane Commission comes to the conclusion that other tribunals of a military nature existed. What were these?

5. Please describe the proceedings of all these tribunals. Who sat on the various tribunals? What type of legal representation was available to the accused? What type of evidence was produced? When and where were these tribunals held? Can documentation on these questions be provided? Beyond these general questions, several questions arise concerning specific tribunals:

- a) Who were those sentenced to death and executed in the tribunal after the 1981 infiltration of the ANC? Who was sentenced to death and executed? What other forms of punishment were handed down? The ANC submission admits some wrongful arrests in this case. Were there any wrongful or doubtful executions?

- b) How many people were executed after the military tribunal following the Pango mutiny in 1984? The ANC submission mentions seven executions, Chris Hani referred to eighteen or nineteen executions in an interview with Work in Progress, No 82, p 20). The Amnesty International Report mentions a certain Mbumbulu and one Mahero as being executed. These names do not appear in Appendix 2 of the ANC submission. Can the identity of these people be established?

- c) According to evidence given to the Skweyiya Commission by Mr Zola Skweyiya and Mr James Stuart, certain members of the security department appeared before tribunals and were disciplined (Skweyiya Commission, p 64). Who were the accused? What were the charges? Who was found guilty on what charges? What was the disciplinary action taken? Are there any other such disciplinary cases?

- d) The Skweyiya Commission refers to certain tribunals chaired by James Stuart. Mr Stuart corroborated evidence that confessions were extracted under force and dismissed several cases on these grounds (p 55). When were these tribunals held? Can further detail be provided?

- e) The Motsuenyane Commission refers to a tribunal held at Quadro in 1987, dealing with 32 - 35 cases. What was the outcome of these cases? Were there any executions? What was the history of the accused? For how long had they been imprisoned before trial?

6. What role did the Review Board play? Who sat on this board? With which cases did they deal? Can documentation be produced?

7. The Officer of Justice was instrumental in upholding a standard of human rights. What steps were undertaken to allow the Officer of Justice to perform his functions? What, according to the ANC, were the shortcomings of the work of the Officer of Justice? What was done to deal with the refusal of the Intelligence Department, especially Mzwai Piliso, to co-operate with the Officer of Justice? According to evidence by Mr Zola Skweyiya to the Skweyiya Commission, Mr Piliso prevented the Officer of Justice from visiting the camps, threatened him with arrest, and told him that he would never set foot in Angola. Was this reported to the NEC and suitably dealt with?

8. The various commissions of inquiries point to systematic and widespread violations of human rights by the ANC security personnel, especially with the head of security (Mzwai Piliso) being directly involved. Such an example by leadership obviously creates room for a culture of abuse. Various reports refer to changes and improvements under the leadership of Joe Nhlanhla since 1987. What steps were taken to deal with shortcomings of the security department and allegations of human rights abuse after 1987?

9. Critics of the ANC, from groups to "left" and "right" have suggested that the use of torture was caused not by inexperience and individual excesses, but rather as a consequence of the training of ANC security personnel by GDR and KGB officials. Comment is invited. To what extent was GRD and KGB training an integral part of ANC security policy? What initiatives, if any, were taken to counter undesirable aspects of such training, such as particular interrogation techniques (third degree interrogation), or methods dealing with infiltrators?
Attempts to prevent abuses

1. Which of the recommendations from the Stuart and Skweyiya Commission were implemented by the ANC? Two recommendations are of particular importance:

   a) Were the "notorious" security branch members re-deployed as recommended by the Stuart and Skweyiya Commission? Can names and details of re-deployment be given?

   b) Internal Commissions of Inquiry and Amnesty International recommended to the ANC to hold inquiries into allegations of killings, extra-legal executions, and disappearances. Why was the recommendation to establish a Commission to investigate the deaths of exiles not followed? For example, all Commissions of Inquiry and the Amnesty International report mention several deaths as result of corporal punishment. The Douglas Commission refers to executions at Camp 32 and dead bodies being buried at a Lusaka Revolutionary Council House.

2. What interventions did the NEC initiate into cases of violations of the Code of Conduct? What interventions were made by individual ANC leaders? To whom would such occurrences have been reported? Is additional evidence of Thenjiwe Mthintso's or other interventions to improve conditions in Ugandan prison camps (Skweyiya Commission) available? Amnesty International mentions Gertrude Shope as having intervened during the executions in Pango in 1984. Chris Hani claims that he intervened. What was the nature of these interventions? When and to whom did Comrade Mashingo give orders to prevent brutalities (Stuart Commission, p 12)? What were his exact orders? Who raised issues with the NEC and did the NEC deal with these matters?

3. Did ANC leaders who visited some of the detention/rehabilitation centers report to the NEC about inadequate living conditions for detainees? For example, according to evidence, Chris Hani, Joe Modise and Joe Nhlanhla visited 69 prisoners at Bukoloto Camp in Uganda. Oliver Tambo, Joe Modise, Moses Mabhida, Thomas Nkobi, Alfred Nzo, Chris Hani and Andrew Masondo visited Morris Seabelo (Quadro) on one or more occasions. Andrew Masondo visited detainees in Nampula (Mozambique). Were the conditions which apparently amounted to gross human rights violations discussed by the NEC? If so, when was this and what action was taken? Can minutes be produced?

Alleged responsibility for abuses

1. Some high profile ANC officials, mainly Mzwai Piliso and Andrew Masondo were named by the Stuart and Skweyiya Commission as directly responsible for gross human rights violations.

   Mzwai Piliso, the Head of the Security Department, allegedly testified reluctantly to the Skweyiya Commission. Quote from Skweyiya Commission Report (p 61 - 62): 'Mr Piliso was directly responsible for the establishment of Quatro. [...] Mr Piliso candidly admitted his personal participation in the beating of suspects in 1981. A plot to assassinate certain senior ANC members had been uncovered and suspects were interrogated over a period of two weeks. These suspects were beaten on the soles of their feet in Mr Piliso's presence. [...] Mr Piliso justified this treatment on the bases that he wanted information and he wanted it, in his words, "at any cost".' Mr Piliso also admitted beatings, strenuous interrogations and tying to trees to the Motsuenyane Commission.

   According to the Stuart Commission, Andrew Masondo, National Commissar, was aware of the deterioration in the camps, excesses of punishment were known to him and he failed to adopt corrective measures.

   Did the NEC take any action against Mr Masondo and Mr Piliso after receiving the Stuart and the Skweyiya Report? If so, what action was taken? How does the ANC justify that both officials retained senior positions within the ANC and positions in the new administration (A Masondo as Major-General in the SANDF, M Piliso as a senior ANC official in the Eastern Cape)?

2. What disciplinary action did the ANC take against members, especially security personnel, who engaged in excesses?
Civil authorities in Zambia and Tanzania prosecuted certain members of DIS for offences (Skweyiya, p 64). Who was prosecuted? When were these trials held? What were the charges? What was the outcome?

3. The Motsuenyane Commission gives names of personnel who seem to be responsible for repeated gross violations of human rights? Could the ANC assist in establishing their identity (many are only mentioned under their code name) and assist the TRC in contacting some of them for research and investigative purposes? The following people were named:

Quadro: Dan Mashigo, Kingsley, Fortunate, Donald, Stalin, Mayibuye, Fury, Stanley Brown, Sonwabo, Austin, Sipho Masela, Griffiths Sibone, Bheki, Lawrence Sekwalo, Maurice, Brian, Cetshwayo, Valody, Golden Rahupe alias Pro, Cooper, Kila, Sidney, Commissar Hammer, Camp Commander Johnson, Dextor Mbona, (Head of Security in Angola?)

Lusaka: Steve, Gibson, BM, Basil Mavuso alias Jomo (apparently in 1993 Nelson Mandela's bodyguard), Bongo, Kwesh Mokoen, Robert Moima, Stanley Brown, Jacob Sithole, JJ, Peter, Floyd Huna alias Spinks, Tim Williams, Gift, Willie

Viana: Itumeleng, Africa

Mazimbu: Gabriel Mthembu alias Sizwe Mkhonto, Keith Masemola, Doctor

Specific issues concerning alleged abuses

1. The ANC submission to the TRC expresses serious doubts about the validity of the evidence produced by the Douglas Commission and the allegation made by members of the Returned Exiles Coordinating Committee (RECOC). The ANC submission alleges that RECOC and the Douglas Commission were state sponsored campaigns to discredit the ANC. Can information to this extent be provided to assist the TRC in its investigations?

2. The Skweyiya Commission reports that ANC prisoners were kept at Angolan State prisons, especially Nova Instalacao. The ANC Security Department allegedly had free access to these prisons, prisoners were apparently taken out of prisons and brutally interrogated. Evidence suggests that Angolan security guards participated in assaults. What was the relationship and the nature of official agreements between the ANC Security Department and Angolan authorities? Does the ANC have records of such imprisonments?

3. The crushing of the mutiny in Pango in May 1984 gives rise to several questions:

Appendix 2 of the ANC submission only mentions loyal cadres killed by mutineers. How many mutineers died in the mutiny? Who were they? Under what exact circumstances did they die? For example, the Stuart Commission gives detail about the shootings of Diliza Dumagude and Salier Janemzi at the hands of security personnel on 7 February 1984. At the plot, Khotso Morena was shot and seriously injured when running away after exploding a handgrenade. Were mutineers travelling to Viana ambushed by ANC officials? If yes, how many and who was injured or killed? How many prisoners were taken after the mutiny? How many of them were transferred to Morris Seabelo Rehabilitation Centre? The Skweyiya Commission describes incidents of torture and ill-treatment of the mutineers. What is the response of the ANC to this finding?

4. A witness of the Douglas Commission alleges a mutiny in 1977, which was suppressed by Mr Ronnie Kasrils "by giving orders to an East German trained platoon to lock the comrades up". Can problematic events involving dissatisfaction of cadres in 1977 be described? How was the matter dealt with?

5. Who planned and conceptualised the establishment of Morris Seabelo Rehabilitation Centre? Why were the cells designed to be without windows and limited ventilation? Why were there no sanitation facilities planned and build for prisoners? What was the motivation behind the building of the Centre? Comment is invited on the allegation from some quarters that it was primarily a torture centre.
6. Further information is requested on the death of Bartholomew Hlapane? Does the ANC take any responsibility for his death? In his autobiography, Joe Slovo said of Hlapane's death: "In 1983 he was executed for his treachery by a unit of Umkhonto we Sizwe." (Joe Slovo, "The Unfinished Autobiography", p. 158)

Questions related to the armed struggle and related matters

Responsibility for armed attacks

1. What was the level of ANC involvement in UDF structures at national and regional leadership level as well as in local affiliates? To what extent should ANC leadership take responsibility for acts of violence committed by UDF supporters (eg necklacings, petrol bomb attacks)?

2. To what extent do MK commanders in the front line states take responsibility for actions - especially those involving civilian targets - of cadres inside the country? Discussion is invited on the chain of command.

3. Did MK operatives submit reports after all actions? To whom would they be sent? Can the ANC submit such reports to the TRC?

The question of "legitimate" targets

1. In the ANC's submission to the TRC the use of landmines is justified on the basis that the targeted rural areas were military zones. It is indicated that cadres tried to avoid placing them where civilian life could be lost. The international debate, however, portrays landmines as indiscriminate weapons. Casualties of such attacks often include children and other civilians. How many children, farm labourers, peasants and other civilians were killed by ANC landmines? What was done by the ANC to avoid such casualties?

2. Can detail about the planning, chain of command and execution of the Ellis Park car bomb and limpet mine in Roodepoort in 1988 be provided? Did ANC leadership condone such action of killing and injuring civilians? Steve Tshwete appeared to defend the Roodepoort mine in an interview he and Chris Hani gave on 3 June 1988. Hani was asked if the implications of taking the war into white areas meant taking into places "where whites enjoy the good life." His response included the following:

'We shall select those targets which are within white areas and there is no way the whites won't open their eyes and ears and hear an explosion or get to know that so-and-so has been eliminated by an MK unit because he is an officer in the special branch or the SADF. That is the kind of armed propaganda which shows that we can hit and that it is dangerous to hang around the Carlton Centre because there might be an office there that would be a target for the ANC. So the best thing is to move and to barricade myself in my nice house in lower Houghton.'

Steve Tshwete then added: "Or even to hang around Standard Bank as was the case with the Roodepoort bomb because there might be an office of the security branch on the top floor of the Standard Bank."

This seems to imply that any inner city location could represent a legitimate target because of the possibility that the police or army might have located an office in an ostensibly innocuous-looking building. Did such statements not confuse the definition of a legitimate target? Were there different perceptions on the definition of a legitimate targets among ANC leaders?

Violence between 1990 and 1994

1. The submission showed limited focus on the 1990-1994 conflict. It is clearly stated that violence was largely due to Third Force activity. While this may be true, indications are that ANC members and cadres were involved in the
ongoing conflict. What level of responsibility should ANC leadership take for these actions?

2. The ANC submission deals with the formation and in some cases the "subversion" of SDUs in Gauteng after 1990. Is there any record of MK's role in these SDUs and instances where their actions may have resulted in gross human rights violations - even where actions were understood to be in self-defence? Can the ANC supply detail about the training, instruction, report back structures of the SDUs?

3. Can the ANC give a more detailed account of MK activities in the Transkei in the early 1990s? How does the ANC respond, for example, to claims that MK - especially operating from the Transkei - was responsible for the killing or assassination of IFP office bearers, especially in the early 1990s. The Amnesty International Report states "the Sipho Phungulwa (killed in April 1990 apparently by ANC officials) case underlines the fear of many returning former prisoners that ANC officials in Transkei enjoy immunity, both from their own organisation and from the local authorities."

The conflict in KwaZulu Natal

1. What was the ANC's military policy towards the IFP in the years before its unbanning from the beginning of violent conflict in 1984 until 1990? Were IFP personnel perceived to be legitimate military targets? Did MK play any role in the violent conflict between the UDF and the IFP in KwaZulu or Natal? What was the role of Harry Gwala, who has been alleged to have been involved in violence?

2. Can the ANC disclose the names and fate of IFP supporters that were killed or severely injured by ANC members? Although apparently more ANC than IFP supporters died in this conflict, the ANC needs to account for those IFP supporters who were killed by its members.

3. What role did MK play in the SDUs in KwaZulu Natal, specifically in operations against the IFP and KZP members after February 1990. Is there a record of such MK actions?

4. Were there other conflicts in other parts of the country between ANC supporters or UDF structures and other forces in which MK played a role, either before or after 1990? (For example, MK member's attack on Maqina in Port Elizabeth; actions against other vigilante forces?)

Questions on reparation and rehabilitation

1. What specific contribution can the ANC offer to support applications for amnesty?

2. The Promotion of National Unity and Reconciliation Act, No. 34, 1995 also requires that we make recommendations on the reparation and rehabilitation of victims. The views of your party on this matter will be appreciated. The nation has limited resources, there are a range of initiatives included in the Reconstruction and Development Programme - and yet, there are individuals and communities who suffered in a specific way as a result of gross human rights violations. What is the obligation of the nation towards these people? What forms of memory, rehabilitation and reparation are reasonably possible?

ends
Manifesto: Nature of the South African Conflict

The TRC has asked the ANC to make a statement on our "views, motivations and perspectives on the nature of the South African conflict. (...) What were the values that inspired the leaders of your organisation over the years? (...) What inspired the sacrifices which many of your followers made? What drove those who (...) were responsible for the commission of violations (of human rights)?"

In stating its views on the nature of past conflict, the ANC seeks to promote the objectives for which the Commission for Truth and Reconciliation was established. We do so keenly aware that if nursed and not lanced, the boil of past conflict will fester in our body politic, slowly infecting it and finally possibly destroying the nascent democracy.

The liberation of South Africa has come with pain: pain of the victims of colonial policies that decreed the majority of South Africans sub-human; and pain of the victims of an ideology that could not be sustained forever because it was inherently iniquitous - thus forcing its proponents and its beneficiaries, like humans possessed, to resort to brute force in defence of the indefensible.

At the root of South Africa's conflict was the system of colonial subjugation. Like other colonial countries, South Africa was victim to the rapacious licence of an era that defined might as right; an epoch of an international morality that justified dispossession and turned owner into thief, victim into aggressor, and humble host into ungodly infidel.

And so history was re-recorded in the image of the mighty, seeking to persuade the subjugated that they were fortunate beneficiaries of philanthropy; occasional victims of a well-intentioned experiment gone awry; a hapless people who should be thankful that, because only a few million among them were being killed and because they were experiencing...
population growth, a crime against humanity was not being committed.

Such was the system of apartheid, a natural continuation of this rapacious licence.

It defined those of our fellow South Africans from Europe, who had chosen to settle in this country, as superior human beings, with the right to lord it over others; and with the holy writ to declare all but 13% of the land the court of the upper caste, in which their fellow human beings should be temporary sojourners, humbly to serve and to obey.

It fashioned a basic law of the land whose mission was to protect the ill-gotten privileges of the chosen few: with the land and the riches in its bowels, and the flora and fauna of its beautiful landscapes, the property of a white minority that had the sole prerogative to make laws and to choose the government of the day.

The cry of desperation of the majority and the hunger pangs of their children were the fodder upon which fed the laughter and comfort of the tormentors.

And the state - the army, the police, the civil service, the judiciary, and other organs - were built and rebuilt to serve the master and protect their privileges.

With each passing phase, new constitutions, new laws, new proclamations, new regulations, new orders were issued to keep the kaffir, the hotnot and the coolie in their place. And force became the stock-in-trade to maintain and defend injustice.

Where new constitutions, new laws, new proclamations, new regulations and new orders failed, the architects of apartheid legality themselves worked to subvert their own writ: to electrocute their captives to death, to throw bodies into rivers, to shoot and blow bodies up, to murder children and their mothers in their sleep, to kill their own in order to discredit the enemy, and to dispose of those among themselves who dared to question even a single deed.

Such was apartheid: a crime against humanity.

Yet it would have been nature gone berserk, had the subjugated accepted their station without protest, without resistance, without struggle and indeed without war.

It is the decree of millennia, that an oppressed people will rise to reclaim what is rightfully theirs, precisely because they are not less than human.

South Africans were no exception.

Their humanity accorded them the natural right to revolt; their sense of justice obliged them to stand up and seek a system where all could be equal before the law, and where all could have the right to determine their destiny.

It is this humanity that infused the oppressed with the conviction that "South Africa belongs to all who live in it, black and white." And it is the trust in the humanity of others which fed their humility, for half a century, to write petitions, to march, to gather, to refuse to obey unjust laws, to withdraw their labour, to boycott puppet institutions...but not to lift a finger in retaliation.

But alas, it came to pass that their humanity was met by sub-human deeds in the name of a self-declared superiority. And thus ranged against one another, in intensifying conflict, were the oppressor and the oppressed, the rightless and the privileged.

The ANC was a product of this history and this conflict, not their creator. It was born out of the desire of a proud people that sought dignity and justice in the land of their birth.

Its historic mission was and remains to give expression to these desires of the majority of South Africans. It led their peaceful protests, and when the avenues for such protest were closed, it took up arms to achieve the same objectives. To
do otherwise would have been to acquiesce and indeed, by omission, to help perpetuate a crime against humanity.

In declaring that South Africa belongs to all who live in it, the ANC and its allies recognised that the anti-thesis to racial subjugation was the liberation of all South Africans; that the system it fought against was racial, but the solution to it was the unity of all irrespective of race, colour or creed. It sought to liberate the oppressed as well as the oppressor.

These politics guided the ANC's struggle over the years; and when it took up arms, they guided its definition of the enemy as the system and those who propped it up rather than a specific race group.

In its strategy and tactics, the ANC put politics at the fore, and it defined itself and its army, Umkhonto weSizwe, as an instrument of a people in political motion; the barrel of the gun as one of the means - and not the means, least of all, an end in itself. It mobilised the people to revolt in an organised fashion; it mobilised the international community to act decisively against apartheid.

These billions united in the struggle against apartheid, each contributing in their own way to the demise of this iniquitous system.

The legitimacy and legality of this struggle were written in numerous covenants of the international community. They were written on the ballot papers in April 1994.

The legitimacy and legality of the revolt of the oppressed are written in the constitution which defines the kind of society that the ANC and the overwhelming majority of South Africans fought for, and to which they pay allegiance. Above all, they are written in the hearts of millions of South Africans who were in essence their own liberators; and who today are taking active part in the reconstruction and development of the country.

In its conduct of armed struggle, the ANC sought to avoid civilian injury and loss of life. It ensured that its combatants understood the reasons behind the armed struggle as well as the tactics required to win to our side the overwhelming majority of South Africans. In its treatment of captured agents and combatants of the apartheid regime, it emphasised the need for their rehabilitation. It committed itself to international norms in this regard.

And, even at the height of massive repression, the ANC initiated negotiations with the apartheid regime; and it persisted over many years despite being arrogantly spurned, with these efforts culminating in the transition at the turn of this decade.

Yet, as indicated in the main submission and further elaborated in this document, mistakes were made, which we sincerely regret.

We are also mindful that armed conflict meant that combatants on both sides confronted one another in various terrains and under various circumstances. That is in the nature of war; and for such legitimate acts of war, we expect a balanced appreciation of the circumstances that obtained at the time.

Yet this appreciation cannot detract from the need to handle with compassion the victims of the conflict in general, whatever the circumstances which spawned their privations.

In the final analysis, through the new democratic order, we seek to make conflict and war unnecessary.

In our new constitution and its recognition of individual rights and rights of communities; in socio-economic development; in open and transparent government; in new doctrines and through supervision of the security services; in the judiciary and other institutions charged with enhancing democracy; in the media whose independence is guaranteed; and, above all, in an informed, active and organised citizenry, we have the wherewithal to build a society in which violent conflict and the excesses that go with it are forever eliminated.

This is what inspired the members, combatants and supporters of the ANC. This is what inspires us today as we strive to build a better life for all South Africans.
INTRODUCTORY REMARKS

In our first submission we concentrated on providing the TRC with an overview of ANC policies, strategy and tactics within the context of the struggle for national liberation in this country. We paid particular attention to those issues which are central to the mandate of the TRC: the nature, causes and extent of gross violations of human rights, as defined in the Act which brought the TRC into being.

The questions we have received from the TRC in response to our first submission indicate that at present your primary areas of concern include establishing a clearer understanding of ANC policies; of the ANC's structures and lines of accountability; and of who was responsible for ensuring that ANC policy was adhered to by the general membership of the ANC. Several questions indicate the related concern of the TRC to establish a better understanding of what actions were taken by the leadership of the ANC to deal with instances where there were deviations from policy. Concern has been indicated regarding the need for better understanding of the ANC's policies with regard to Inkatha, particularly in the context of the violence in Kwa-Zulu Natal since 1984, and the post-1990 explosion of violence in Gauteng.

In addition to several questions reflecting these key areas of concern, the TRC has asked for detailed information on the activities of Umkhonto we Sizwe and the ANC's former Department of National Intelligence and Security (NAT). More information on the activities of the former apartheid regime has been requested, particularly with regard to the National Co-ordinating Mechanism and other covert activities.

Our response to these major areas of concern is presented as follows:

- a submission concentrating on questions concerning ANC policies, structures of accountability within the ANC, other relevant institutions and procedures, and actions taken by the leadership to halt deviations from policy. Our responses to questions from the TRC relating to the activities of the former apartheid regime are also included in this document.
- two operational reports which aim to provide the TRC with a clearer understanding of the mandates and activities of MK and NAT.

We wish to emphasise that this is a supplement to, and not a substitute for, the main submission presented to the Commission in August 1996. As such, there are many areas regarding ANC policy, our general approach to struggle, the context in which our actions took place, the policies and actions of the apartheid regime, which are not covered in this operational report. The two submissions should be treated as complementary.

In instances where there is insufficient detail, this is either because the information is not available, or because the relevant issues will be covered appropriately and adequately in individual applications for amnesty.

1. ANC STRUCTURES

The TRC has asked for information on the functions and composition of a range of structures, political and military, at national and regional levels. This information, with diagrams, is attached to this submission as Appendix 1.

A full list of all MK camps, a list of rehabilitation centres, and the names of the commanders, is provided in Appendix 2.

The TRC has asked how these various sectors interacted, and which formal and informal channels of communication were in place. These questions, we believe, will be answered in the context of the detailed operational reports.

2. ANC POLICIES

2.1 ANC POLICY REGARDING "JUSTIFIED TARGETS"

The TRC has requested "further clarification of the ANC's definition of a "justified target". We have been asked whether..."
there were any recorded instructions defining justified targets besides the pamphlet circulated in 1985 in which the ANC called on the people to "take the struggle to the white areas", and in which targets were inter alia defined as "the racist army, police, death squads, agents and stooges in our midst." The TRC wants to know whether this definition of targets could be "used to legitimize the killing of policemen, alleged informers, community councillors, and co-opted parliamentarians", and what we mean by the term "stooges in our midst." Elsewhere we were asked "to what extent should ANC leadership take responsibility for acts of violence committed by UDF supporters, (eg. necklacings, petrol bomb attacks)?" The TRC has asked for more information on Bartholomew Hlapane, and whether the ANC takes responsibility for his execution. The TRC has asked what was the ANC's "military policy" towards Inkatha, and whether the ANC leadership considered members of Inkatha "legitimate military targets."

**Defining targets, 1961 - the early 1980s**

In our main submission, we referred to this subject on a number of occasions. The draft document *Operation Mayibuye* (see p 48) defined targets as "strategic road, railways and other communications; power stations; police stations, camps, and military forces; and irredeemable government stooges."

In 1978, after the Politico-Military Strategy Commission, a report was produced in which it was stated that the role of armed activity at that time was to "concentrate on armed propaganda actions whose immediate purpose is to support and stimulate political activity and organisation, rather than to hit at the enemy."

In November 1980 the ANC declared its adherence to the Geneva Conventions.

In his statement at this time, OR Tambo said "We have always defined the enemy in terms of a system of domination and not of a people or a race...As we have done in the past, so shall we continue, consistently and unreservedly, to support, fight for and abide by the principles of international law."

In 1983, the document *Planning for People's War* noted that there should be "more concentration on destroying enemy personnel", universally understood within the ANC to mean members of the SAP, SADF, other security structures, and their collaborators.

In the light of these quotations illustrating the ANC's definition of justified targets, it is clear that action against the machinery of repression - SAP and SADF members and informers - was considered legitimate. These people had chosen to act in the front-line of repression in defence of the apartheid regime.

In most cases those who were attacked by MK were notorious members of the Security Branch, or those involving themselves in a particularly direct manner in acts of violence against communities. There were also many petrol-bomb attacks on the homes of members of the SAP which were carried out by local activists. A survey of ANC statements will show that we consistently called on members of the SAP and SADF to turn their arms on the oppressor, and come over to the side of the liberation struggle.

Informers were essential tools of the security forces; without them, the apartheid regime would have been seriously hampered in their attempts to crush resistance. Many informers and "turned" cadres were directly responsible for the imprisonment, detention and deaths of literally thousands of activists and ANC leaders. An example of a particularly dangerous informer is provided by Bartholomew Hlapane, about whom the TRC requested more details. Hlapane was the most senior office-bearer to betray the struggle - he had been a member of the ANC's NEC and of the Central Committee of the SACP. Hlapane gave evidence in the trials of Braam Fischer, and compounded this treachery by giving evidence for the state in a number of other trials.

Hlapane crowned these deeds by playing a central role in the March 1982 Denton committee hearings in the USA, which produced "witnesses" supplied by the apartheid regime. This propaganda exercise sought to seriously damage the reputation of the ANC in the international arena, and to set back the liberation struggle, by portraying the Movement as a terrorist group under the control of the Soviet Union, carrying out depraved acts such as infecting South Africa's water supplies with cholera. He was shot by an MK unit.
Defining targets in the context of People's War

There have been recent attempts to portray the 1983 constitutional changes - against which the UDF mobilised millions of South Africans - as evidence of progress towards a more equitable society, a process in which the ANC should have participated, rather than intensifying the armed struggle.

We feel it necessary to review this period briefly in order to ensure that our understanding of the context in which the general uprisings of 1984 onwards took place, and in which the ANC called for the intensification of the struggle on all fronts, is conveyed to the Commission.

In the late 1970's the NP had begun to realise that it needed to extend the base for military conscription; the SADF was in favour of extending the call-up to "coloured" and Indian communities. However, it was generally recognised that it would be difficult to conscript people who did not have the vote.

A perceptive editorial published in the Rand Daily Mail commented on the issue as follows:

"The growing challenge to the South African state must inevitably push matters to the point where further military mobilisation will seriously damage the economy with its endemic shortage of skilled labour. Yet manpower constraint is not the only factor. (...) Equally important is the public relations aspect. For propaganda purposes the state clearly needs growing numbers of non-whites in the Defence Force to project the view that the military build-up is not part of a racial and class struggle, but rather a case of all South Africans preparing to fight shoulder to shoulder against the forces of "communism and chaos." A third reason for Coloured and Indian conscription concerns the National Party constituency. All along, the Nationalist leadership has made it clear to its followers that the extended rights and privileges the Coloureds and Indians will receive in the new dispensation will carry with them increased responsibilities of "full citizenship". That means, quite simply, also sharing the burden of defence."1

The majority of South Africans - those not classified "white", "coloured" or "Indian" - were explicitly barred from the new racist "tricameral" parliamentary system, which unashamedly sought to further entrench apartheid by drawing allies into the laager to assist in preventing democratic change.

These moves were combined with the three Koornhof Bills, which also aimed to further entrench - not dismantle - existing apartheid institutions: two aimed to bolster the community councils, while the Orderly Movement and Settlement of Black Persons Bill, which became known as the "Genocide Bill", proposed the tightening of influx control so that those in the impoverished bantustans would be permanently frozen out of the urban areas. The regime made it clear that it wanted these councils to form the basis for whatever "Bantu" political expression it would tolerate outside the "homelands"; in essence, the councils were to be the urban equivalents of the bantustans!

The ANC called on people to mobilize against and destroy the structures created in terms of these laws, as did many community-based organisations within the country which rallied under the banner of the United Democratic Front. There were mass boycotts of elections to these puppet structures. Many councillors were elected on pathetically low polls, and there was intense pressure from communities on councillors and MPs to resign from these structures. In many cases councillors resigned and were welcomed back into their communities.

The quote we used from the ANC's January 1984 annual statement (p 51 of our first submission) was chosen because it provides a clear example of the ANC's understanding that military struggle could not occur in a political vacuum, and was one of a number of inter-related forms of struggle against apartheid. "The system" in all its manifestations was the target of mass-based struggle.

These institutions of apartheid are identified as the "organs of central and provincial government, the army and the police, the judiciary, the bantustan administrations, the community councils, the local management and local affairs committees." The statement continues: "It is these institutions of apartheid that we must attack and demolish...Thus, through our efforts, the so-called Coloured Persons Representative Council ceased to exist; as a result of extensive mobilisation, the puppet South African Indian Council was brought in by an insignificant minority. (...) White South
Africa alone should man the apartheid constitutional posts, which it alone has created, to its exclusive benefit. Those who elect to serve in these apartheid institutions must expect to face the wrath of the people."

The TRC has asked us to define what we meant by "stooges in our midst". These could be described as those among the oppressed who chose to directly assist in apartheid oppression and repression. Councillors and those who chose to serve in the tricameral parliament and participate in repression, certainly fell into this group of collaborators with apartheid.

A critical point which must be made is that a **guarantee for conflict at local level was built into this new legislation**: the new community councils had to be self-financing.

As a study by Haysom noted, resistance to these structures at grassroots level intensified "as community councils imposed the predicted rent rises on impoverished townships in a futile bid to balance the books of their "autonomous" local authorities, as they employed their own police to act against squatters, as they evicted people from their homes, as they participated in talks on removals.

"It was in this context, rather than in straightforward political campaigning, that physical attacks on councillors and on their property were launched by angry crowds of residents. Attacks on policemen's homes became commonplace at a much later stage of the...resistance, after fatal clashes between police and residents had become commonplace and mass arrests and detentions had become the order of the day. Political reservations about community councils and the councillors would not have touched ordinary residents had not the worsening economic situation in South Africa forced residents into direct conflict with the community councils...Allegations of corruption levelled at community councillors have been numerous and widespread.²

"It is thus not surprising that in September 1984, civil unrest commenced with a protest march against the rent increases imposed by the community council at Sebokeng. As a result, several people, including two community councillors, were killed on that fateful third (day of) September. Unrest spread from the PWV-Free State area to the Eastern Cape and the Western Cape. In nearly all these areas, the increasing role of community councillors (and police) in administering these deprived areas, and the material benefits they enjoyed as a consequence, were identified as one of the problems and pressure of various kinds was placed on them to resign.³

This passage from an eyewitness account of the Sebokeng uprising of September 1984 gives insight into the attitudes of many township residents towards the councillors:

"(The Apostle) Paul has said that not all of us should be leaders, as leaders are more punished than anybody else. So, referring that to our situation, no man should just agree to be a leader if he has no true qualities of leadership, and no-one should feel easy on the throne he has been nominated to occupy, if he has not been freely elected by the public. This I say because, if you keep on ruling defiant hearts, the time they revolt against you not one piece of your belongings together with your life will remain yours. If people are dissatisfied with you, it is better for you to resign before the terrible dark clouds overwhelm you in your wilderness; if you defy their needs, then you ask for a brutal retribution.

"This I say to the remaining councillors: that they should never regard their own opinions as more weighty than those of the people they rule; and that the well-being of the community should not be ignored, or the response will be more horrible than the conflagration that destroyed Sodom and Gomorrah."⁴

A survey of available information shows that the overwhelming majority of attacks on the homes of town councillors (or members of the tricameral legislature) were carried out by local activists, and were often in the context of explosive anger on the ground in response to initiatives by councils or brutalities by the security forces. The number of deaths and injuries which resulted from these attacks were extremely limited when compared with the deaths and injuries inflicted on members of anti-apartheid organisations. Whilst the ANC (and UDF) leadership did not order such attacks, and took no pleasure in any loss of life resulting from such actions, it certainly did not condemn them in principle. Although the ANC leadership did not at all times approve of the methods adopted by people, actions of this nature were in essence the result of state repression, and they were in line with the ANC's stated policy to mobilise people against institutions...
designed to yet further entrench apartheid.

A brief review of statistics published by the SAIRR in its annual surveys covering the years 1983 - 1986 will serve to illustrate these points.

In 1983, there was one attack at a community council office in New Brighton, which resulted in one death and five injuries. In 1984, of the 175 people killed in "unrest related incidents" during the year, four were councillors who were "killed by enraged crowds." 149 of these 175 deaths in 1984 took place after the 3rd of September - the day which signalled the beginning of serious civil unrest, when residents of Sebokeng marched against a rent increase imposed by the council.

By April 1985, according to the Department of Constitutional Development, twelve councillors had died since the beginning of September 1984. The SAIRR annual survey for 1985 lists several petrol-bomb attacks on councillor's homes across the country, and a few incidents in which grenades were used. There were (according to the SAIRR survey) four cases of attacks on the homes of tricameral MPs; no injuries or deaths are mentioned. All of these attacks were petrol bomb attacks, with hand grenades used as well in two cases.

The SAIRR's statistics for 1985 show that twenty-six members of the security forces were killed by residents of townships, while one was killed by "guerillas." In the same period, 441 township residents had been killed by members of the security forces. These statistics do not include a breakdown of the large numbers of deaths and serious injuries caused by state-sponsored "vigilante" groups which intensified suddenly in the latter half of 1985. MK units were encouraged to support communities in ridding the country of these violent collaborators with apartheid.

According to the SAIRR's 1986 annual survey, it was difficult to compile accurate statistics for this year because of heavy censorship of the media by the apartheid regime. Adriaan Vlok claimed that 18 members of the SAP were killed and 192 injured in "rioting" during the year. This included attacks on "special constables" who had been introduced to stamp out popular organisations and prop up the councils. There are no statistics for the number of attacks on councillors during this year; there were "spates" of attacks on councillors and others perceived as collaborators in February in Alexandra, in May in Thokoza, and in September in Soweto. Besides these incidents, the SAIRR survey lists seven attacks on councillors in which one councilor was hacked to death and the child of a councilor was similarly killed "by a group of five men". Nearly all the attacks listed are described as being carried out by "mobs" or as petrol bomb attacks. In a few cases hand grenades were used and in one case a limpet mine exploded at a block of flats in Fordsburg, which was used to house Soweto councillors.

This survey lists one (1) petrol bomb attack on the home of a Labour Party MP. In contrast, according to the SAIRR, at least 1,298 deaths in "political violence" took place during the year, with activists, trade unionists and religious leaders the targets of petrol bomb, hand grenade and hit squad attacks.

According to the SAIRR Annual Survey for 1988 (p. 602), "speaking in Parliament In March 1988, Chris Heunis declined to say how many community councillors and members of black local authorities had died as a result of their holding these offices. Mr Heunis said that although these people had been "attacked and killed or injured in 1986 and 1987, it cannot beyond doubt be attributed to their holding these offices.""

It would be most accurate to say that the ANC did not define councillors as targets - they themselves chose whether or not to define themselves as particular enemies of their communities, and it was usually members of their own communities who acted against them. There is also the possibility that some attacks on targets of this nature were "false flag" operations. In 1988, the home of Allan Hendrickse, leader of the Labour Party, was the target of a hand grenade attack. In 1992, the SAP took legal action against the Afrikaans weekly Vrye Weekblad to prevent it publishing allegations that police were directly involved in this attack. Hernus Kriel then twice avoided answering questions put to him in Parliament by Michael and Peter Hendrickse, as to whether the state had been responsible for this attack. It appears this case remains unsolved.

The ANC's definition of justified targets - and conflict in general in the 1980s - should also be understood in the context of the parameters defined by the regime's counter-mobilisation tactics and the harnessing of the National Security
Management System (NSMS) to crush resistance.

The growth of popular and effective grassroots organisations, which successfully resisted evictions and rent increases, and took up other bread-and-butter issues in their communities, threatened and marginalised the community councils. It was critically important to the state to support the community council system, at all costs: a revealing statement in this regard was made by Magnus Malan in late 1987. Speaking in Parliament, he identified what he called six factors which affect security: law and order; structures in the black community; housing; employment opportunities; education; and strike activity. By "structures in black communities", he said, he meant tertiary levels of government, that is, the town councils. "If things go wrong on this level, the top cracks", he said. This provides some insight into the reasons behind the degree of ferocity with which the apartheid regime sought to prop up these utterly discredited structures.

The National Joint Management Centre of the NSMS co-ordinated a network of Joint Management Committees at local, sub-regional and regional levels; each JMC had various sub-committees, including an intelligence sub-committee. At local level, these committees brought together the security forces, pro-government black figures and township administrators with the aim of securing political and security control in their areas. Many councillors were therefore directly collaborating in the violence of the apartheid state.

Attempts by the state to "counter-mobilise" against popular organisations to prop up the community council and bantustan systems resulted in the emergence of the "vigilantes", particularly in the latter half of 1985. Along with municipal police, the regime used "vigilantes" in an attempt to destroy popular, legal organisations in the townships; they were also deployed to crush resistance to the "independence" of KwaNdebele. In KwaZulu, the same period saw the emergence of a related phenomenon - the "warlords." Ebenezer Maqina's counter-mobilisation group, the AmaAfrika National Front (code-named "Project Henry" by the government's covert operation, Adult Education Consultants, which was responsible for handling him) provides a key example of the degree to which the state was involved in fuelling violence at grassroots level during this period.

Maqina served on the local Joint Management Centre in Port Elizabeth, and was in the forefront of violence against grassroots organisations in the area, generally portrayed as "UDF/Azapo conflict." SAP agents such as Patrick Dlongwana were deployed to assist. Another example is provided by the DMI-run programme of support for the mayor of Zwide, Thamsanqa Linda, which was code-named "Project Tommy" - also falling under the control of the local AdEd structure. It is more than probable that all "vigilante" leaders and councillors were directly linked to these covert intelligence and security structures.

This violence was cynically and deliberately portrayed as "black-on-black" violence, and is now dishonestly presented as the result of the ANC's refusal to participate in the regime's legislative programme to further bolster apartheid.

Just a few other examples of these "vigilante" groups include the "Phakathis" or "A Team" of Thabong, in which it was alleged several councillors were involved and which used council property; vigilantes in places such as Leandra and Huhudi were responsible for hacking to death and shooting many activists and popular leaders. There were many others, such as the Memesis and Kekanas in the Eastern Cape, also grouped around unpopular councillors, which the regime hoped could become part of their covertly-run "Xhosa Resistance Movement" along with their "AmaAfrika National Front."

The death of Councillor Kinikini in Uitenhage provides an example of the circumstances under which a number of councillors were killed, and of how the state itself was directly involved in fuelling violence at grassroots level through its attempts to counter-mobilise communities and prop up the administrative pillars of apartheid. All the councillors in Kwanobuhle resigned, except for Benjamin Kinikini. He was hated in his community because he, together with a man named Jimmy Claasen, had surrounded himself with an armed "vigilante" group calling itself "the Peacemakers."

This gang was mentioned in a number of trials at the time; they "arrested" people, "tried" them, assaulted them, and handed them over to the police. They often held people prisoner in Kinikini's funeral parlour. In one case a sixteen-year-old girl was abducted, raped, and forced to lie in a coffin all night by this gang of thugs. Counsel for defence in one public violence trial stated that it was well-known the "Peacemakers" were in the pay of the SAP. On Sharpeville Day, March 21st 1985, the Uitenhage massacre took place when police shot dead seventeen civilians. Anger was running...
very high in Kwanobuhle and other townships. On the morning of March 23rd, Jimmy Claasen and at least one Kinikini kidnapped four youths at gunpoint from their homes, and held them captive in the mortuary section of Kinikini's funeral parlour; they then took them to the bush and sjambokked them. People gathered at Kinikini's business to demand the release of the youths, attacked the building, and eventually an enraged crowd hacked Kinikini and five male relatives to death.

An article published in Sechaba (April 1987) on the Sharpeville Six, who had been convicted on the doctrine of common purpose for the killing of a councillor, expressed the ANC's attitude in this way: "The ANC stands absolutely with the Six, and with all others facing the same fate, and does not discriminate between those who identify themselves consciously with the ANC and those who do not. Because it has won the support of the masses and thus has the responsibility for providing a disciplined structure and leadership for that struggle, the ANC has the duty to defend unhesitatingly those who ally themselves with its objectives. (...) Further, the evidence in the trial showed beyond all doubt that the councillor identified himself with the regime, and was willing to enforce its oppressive laws. In fact, the judges of this regime made this very point, and attached importance to it."

The phenomenon of "necklacing"

As the mass-based resistance against apartheid took root in the mid-eighties, the ANC leadership strongly disapproved of some of the methods chosen by people to kill informers and other collaborators, particularly the "necklace", and stated this on more than one occasion. UDF leaders also condemned the use of the "necklace" on several occasions. But the ANC leadership refused, and will always refuse to condemn those who believed they were part of the struggle for liberation led by the ANC and the UDF, and were making their contribution by ridding communities of informers and those amongst them who directly collaborated in apartheid violence (please refer to our first submission, pp 77 - 78).

The extent to which the NP has consistently tried to use the phenomenon of "necklacing" to damage the ANC and divert attention from their own atrocities has always raised the suspicion that they were involved in some of these incidents. It was certainly their agent, Joe Mamasela, who was centrally involved in creating the conditions under which the first recorded "necklacing" took place, which was conveniently filmed in horrific detail, immediately sent out world-wide, and portrayed as "evidence" of the savagery of the ANC. A number of covertly-funded fronts were prominent in propaganda campaigns focused on "necklacing." There has also recently been a profoundly dishonest attempt to create the impression that Chris Hani expressed approval of, and claimed ANC responsibility for, the phenomenon of "necklacing" by quoting one sentence from a lengthy response he made to a question on the ANC's attitude towards "necklacing". Here is the reply he gave in 1986:

"You know for a long time South Africa, being a colonialist power of a special type, has depended on the continued repression of our people through active collaboration by puppets. We know that even in the classic colonial situation in countries like India, Kenya, the old Tanganyika and elsewhere, the colonialist has always depended on the African askari. Similarly, in our country, we know ourselves that the colonialist, the racist regime if you like, has always depended on the active collaboration of the oppressed on the recruitment of the Black policeman, the Black special branch. Because the Black policeman the Black special branch and the Black agent stay in the same township as we do, they have been the conduit through which information about our activities, about our plans has been passed to the enemy. This has made the process of organisation and mobilisation very difficult.

"So the necklace was a weapon devised by the oppressed themselves to remove this cancer from our society, the cancer of collaboration of the puppets. It is not a weapon of the ANC. It is a weapon of the masses themselves to cleanse the townships from the very disruptive and even lethal activities of the puppets and collaborators. We do understand our people when they use the necklace because it is an attempt to render our townships, to render our areas and country ungovernable, to make the enemy's access to information very difficult. But we are saying here our people must be careful, in the sense that the enemy would employ provocateurs to use the necklace, even against activists. We have our own revolutionary methods of dealing with collaborators, the methods of the ANC. But I refuse to condemn our people when they mete out their own traditional forms of justice to those who collaborate. I understand their anger. Why should they be cool as icebergs, when they are being killed every day?"
"As far as I am concerned, the question of the necklace and how it should be used belongs to all of us, to the ANC, to the democratic movement. We should sit down and discuss amongst ourselves how we should mete out justice. What is revolutionary justice? One fact is that, where agents and collaborators are concerned, we should establish, where it is possible, our own revolutionary courts where justice should be meted out. And in those courts we should involve some of our best cadres so that our forms of justice do not degenerate into kangaroo justice. We would like to maintain revolutionary forms of justice. But South Africa is not a normal society; the situation is very very abnormal. People are angry because we are fighting fascism in that country.

"The ANC will never abandon its leading role. We are saying to our people, whatever method you devise, there should be democratic participation, there should be democratic discussion, and whatever method we use, that method should conform to the norms of the revolutionary movement. As I say we understand why the necklace has been used. We know even the negative and positive aspects of the necklace. There is a lot of discussion now going on the question of the necklace. But it is not this silly conclusion that it is Black on Black violence. The necklace has been used against those who have been actively collaborating with the enemy. We say the movement should be vigilant to ensure that whatever sentence is passed on anybody, it is a result of participation by the revolutionary elements of our struggle." (Sechaba, December 1986.)

In October 1987, the Botha regime refused to grant The Sunday Tribune permission to quote OR Tambo after he had made a speech in which he stated that the ANC was strongly opposed to the practice of "necklacing." Helen Suzman commented that this was a "shameless use of selective prohibition. (...) A statement where "necklacing", one of the most outrageous acts attributed to the ANC, is strongly discouraged, yet the government does not allow this to be published."

In yet another example of dishonest attempts to exploit the issue of "necklacing", untrue statements by bank robber Lucky Malaza, who somehow was "mistakenly" released by the De Klerk administration as a political prisoner after falsely claiming to have been involved in a necklace murder, have been quoted at some length in the NP's latest submission to the TRC.

We trust that as the work of the Commission continues, the truth in regard to the lengths to which the stratkom structures of the apartheid regime went to use "necklacing" to discredit the ANC and the UDF, and to promote the perception that covert state-sponsored terrorism was "black-on-black" violence, will be brought to light.

**Targets in the context of violence in KwaZulu in the 1980s**

The TRC has asked what was the ANC's "military policy" towards Inkatha, and whether the ANC leadership considered members of Inkatha to be "legitimate military targets." The ANC had no "military policy" with regard to Inkatha. The ANC has never considered Inkatha members or officials as targets simply because they aligned themselves with Inkatha.

The predominant feature of the violence in KwaZulu-Natal in the 1980s was attacks on whole communities. "Warlords" played a pivotal role in this violence, assisted by elements within the SAP who either refused to intervene or actively supported the aggressors. Those communities (or sections of communities) who did not actively support Inkatha were regarded automatically as being ANC- or UDF-aligned, and became the target for violence. In essence this was the same pattern of violence experienced by urban communities in other parts of the country at this time, when the "vigilantes" were armed and deployed in defence of the administrative pillars of the apartheid state.

These activities were not unique to KwaZulu Natal, Inkatha or any other organisation in the overall context of the struggle to end apartheid, and the activities of the former apartheid regime to counter this threat through a range of illegal covert methods based on the theory of counter-mobilisation.

In Natal, and in KwaZulu in particular, the violence against anti-apartheid organisations and individuals intensified in the mid-1980s with the emergence of the "warlords" and "vigilantes" in rural and urban areas. These included gangs such as the AmaSinyora in KwaMashu, the core of which consisted of criminals who had been recruited in prison. Others were the Amakwebi in Chesterville, and the A-Team in townships such as Chesterville and Lamontville. In
addition, the NP covertly set up UWUSA (one of several projects running under the umbrella of Project Ancor), which operated in the labour field and concentrated on violent strike-breaking and the destabilisation of COSATU-affiliated unions; in several incidents people were killed. The Caprivi trainees were organised into hit squads and deployed in 1986-1987.

All these sources of violence against the enemies of the apartheid state were deliberately created by the NP government, in line with the counter-mobilisation tactics they had adopted to crush resistance. They were trained, armed, managed and covertly funded via the NP's security and intelligence agencies, particularly the Department of Military Intelligence, the Security Branch, and the Kwa-Zulu Police. Some of this training was done under the cover of "white right wing support" for Inkatha.

According to a top secret report to the State Security Council prepared by a "work group" consisting of "Kat" Liebenberg, Joep Joubert (in command of the Special Forces at the time) and "Tienie" Groenewald (a stratkom specialist in DMI), the central objectives of Operation Marion were (to quote from the report) "to limit ANC/UDF intimidation amongst the black population by means of Inkatha", and to "establish Inkatha as a more effective organisation against the ANC/UDF" - in other words, to use Inkatha to "counter-mobilise" against the mass democratic movement, in the same way that other groups were covertly set up or manipulated, as described above.

Given the active involvement of the NP government (via its security forces) in this conflict, communities were left defenceless; it was up to them to try to defend themselves. A key example is provided by the formation of SDUs in Edendale in 1987 in response to wholesale and arbitrary attacks on the community. In some cases particular Inkatha officials or members distinguished themselves through violence against leaders or communities whom they perceived as a political threat, and themselves became targets for attacks, carried out by members of local communities. Many "warlords", if not all, were directly supported or controlled by handlers in the NP's intelligence and security establishment. Possibly at times MK cadres based in these areas participated in counter- or pre-emptive attacks. Such attacks were almost invariably motivated by the need for self-defence, or to protect communities under threat.

Allegations to the effect that MK has been engaged in "serial mass murder" of hundreds Inkatha officials are part of a long-running stratkom operation with the objectives of creating confusion with regard to the true perpetrators of violence in KwaZulu Natal, whipping up maximum levels of enmity and fear at grassroots level, and ensuring that reconciliation is as difficult as possible.

The accuracy of this so-called "death list" has been called into doubt on more than one occasion by violence monitors and investigative journalists, who point out that the compilers of this list have tended to claim that anyone killed in certain areas was an "Inkatha leader", and in some cases those on the list were not members of Inkatha at all.

Attempts by the UDF and other organisations to halt this violence over the years must be mentioned. These attempts have been consistently derailed or spurned by elements within the leadership of Inkatha, presumably on the advice of their handlers. Whilst the late Harry Gwala was in prison, and also immediately after his release, he advocated peace and negotiations with Inkatha. On his release, Chief Buthelezi wrote him a letter congratulating him, which was cordially responded to by Harry Gwala. However, as the violence in the Natal Midlands took off - which was characterised by indiscriminate killings of even elderly people and children - Harry Gwala increasingly urged communities to defend themselves. As he put it, were communities to fold their arms and passively accept attacks? He encouraged people to form SDUs and resist attacks, rather than run away and be forced to live as refugees.

Operation Marion was not terminated when De Klerk took over. The SAP report written in March 1990, and which came to light at the time of the "Inkathagate" scandal in 1991, made it clear that a key objective of the continued covert support afforded to Inkatha at this time was to prevent the Inkatha leadership "throwing in (their) lot with the ANC" as the negotiations phase began. This is the context in which conflict in KwaZulu Natal since the 1980s, and the violence in the post-1990 phase, should be seen.

Information regarding the role of police agent Sifiso Nkabinde in ensuring that violence continued in the Midlands has very recently come to light, and will no doubt yet again underline the pivotal role of the NP in this conflict and bloodshed - the "ANC/Inkatha conflict" in this region was largely yet another version of "black-on-black" violence (ie.
the results of counter-mobilisation) elsewhere in the country as described in our earlier submission.

2.2 ARMED OPERATIONS AND CIVILIAN CASUALTIES

The TRC has asked for detailed information on "the scope and scale of legitimate MK operations" as well as attacks not in accordance with ANC policy which had "become a trend in the late 1980s." In a separate question the TRC asked "to what extent do MK commanders in the Front Line States take responsibility for actions - especially those involving civilian targets - of cadres inside the country?"

The TRC has asked us to assess to what extent "militant rhetoric and ambiguous statements" led to possible cases of misinterpretation of "ANC policy on soft tagets."

In a separate section on the Ellis Park bomb of 1988, the TRC has quoted Chris Hani and Steve Tshwete at some length, commenting on this blast. The TRC says their comments appeared to imply that "any inner-city location could represent a legitimate target because of the possibility that the police or army may have located an office in an ostensibly innocuous-looking building. Did such statements not confuse the definition of a legitimate target?" They underline this point by asking whether the leadership condoned "such actions of killing and injuring civilians", and whether there were "different perceptions on the definition of legitimate targets among ANC leaders."

The TRC has asked what steps were taken by the ANC to avoid civilian casualties in landmine explosions, and how many civilians were killed in these incidents.

The scope and scale of MK operations

Whilst regional ANC structures (RPMCs) had a greater level of autonomy in the post 1983 period, and did not have to clear all operations with Lusaka before going ahead, all ANC members and officials were bound by ANC policy with regard to the armed struggle, and did not develop their own policies.

We feel it is very important to point out that attacks not in accordance with ANC policy did not become a trend in the late 1980s, in the sense that such actions became the dominant form of all MK attacks. This is shown clearly in the lists of armed actions during the period in question. Attacks resulting in primarily civilian casualties represented a very small proportion of all armed actions: the majority of MK actions continued to be in line with ANC policy during this period, which is testimony to the degree of discipline amongst our cadres in the face of extreme provocation.

The attached MK Operations report includes two lists of armed operations. The first of these consists of a list of armed operations, arranged chronologically and according to nature of target, which we believe were carried out by legitimate MK units.

The second list consists of incidents of armed action which fall into a grey area with regard to the nature of the intended target, which we believe were carried out by legitimate MK units.

The ANC did not keep records of all operations carried out by our cadres - this in any event would have been a suicidal breach of elementary security procedures - and as we have tried to show, given the nature of guerrilla warfare, cadres had to make decisions for themselves at times; they did not constantly report to their commanders. We must emphasise that we cannot be certain that these lists are entirely accurate or comprehensive. The information was drawn largely from press reports and similar sources, and given the degree of censorship practiced by the government at the time, it is possible that many incidents were deliberately prevented from reaching the press. Where questions arise on specific incidents, the ANC will make every effort to assist the TRC.

Armed actions and civilian casualties

The ANC, of which MK was an integral part and entirely subordinate to the political leadership, did not approve of attacks on "civilian targets". Attacks on civilian targets would be morally indefensible, and strategically senseless: they
would not only be in contradiction to the ANC's work to avert racial civil war, but would alienate domestic and international support for the struggle against apartheid.

As indicated in our first submission, a number of attacks did take place, carried out by MK, which were not in line with ANC policy. What were the reasons behind this, and what was the attitude of the ANC towards these incidents?

Some attacks occurred because of anger. The period between late 1984 and 1988 witnessed unprecedented violence directed at black civilians. This behaviour of the regime was a significant factor in provoking certain attacks which were in breach of policy. Anger on the ground was explosive: the atrocities committed by the apartheid regime demanded retaliation. In some cases, cadres responded to state brutality by hitting back in anger, as soon as possible - as in the case of the Amanzimtoti bomb, described in detail in our main submission.

The attitude of the apartheid regime, which refused to take prisoners of war, was another factor. When unexpected difficulties arose, cadres had to decide on their feet: and sometimes they made wrong decisions. At times, the situations they faced were desperate to the extent that it is highly unlikely that there would be a peaceful outcome, even if they had surrendered - the Silverton bank siege and the Goch Street incident are cases in point.

Gathering tactical intelligence was the responsibility of units on the ground; this was exceptionally difficult given the conditions in the country. At times attacks which appear to be aimed at civilian targets were nothing of the sort - the cadre may have had information to the effect that an SADF or SAP group would be present at a particular railway station or hotel or restaurant at a particular time, but due to a range of difficulties - ranging from faulty intelligence to devices which malfunction and go off at the wrong time - an explosion occurs, apparently senselessly, in a civilian area. The Magoos Bar attack falls into this category, as indicated in our first submission to the TRC. It is also possible that some of these incidents occurred through deliberate disinformation, in which infiltrators into MK units set up attacks of this nature.

Technical difficulties accounted for a number of these incidents. At times insufficient training could have resulted in situations in which cadres were not able to ensure that explosions took place at the intended time, and made mistakes in setting timing devices. At times accidents occurred. Defective timing mechanisms accounted for some of these incidents, and resulted in unintended civilian casualties - the Krugersdorp Magistrate's Court bomb is a case in point, and there were probably others.

At times, an operation would take place in support of campaigns or other struggles taking place within the community - such as strike action, mass retrenchments, a rent or bus boycott. An explosion at an office block, a railway line, factory or supermarket makes sense in this context. Civilians were never the targets in these cases - they would in most cases be our supporters or potential supporters; however, it did happen in some instances that the timing of a blast went wrong for a range of reasons and resulted in unintended civilian casualties.

We feel it is important to also bring to the attention of the Commission certain relevant factors which flow from the essential character of a guerrilla army.

In contrast with a conventional military force, in which virtually all planning takes place at HQ level by experienced officers, in guerrilla warfare most of the initiative is with the unit, and detailed planning takes place at the lowest level. Each cadre has to be trusted to make decisions with regard to choice of target within ANC policy, whilst keeping a close eye on developments and feelings among the people in his/her community - a responsibility which no soldier in a conventional force ever has to face.

There were long and insecure lines of communication, command and control. There was no "hotline" to higher structures to ask for guidance; the vulnerability of clandestine communication could - and at times did - result in the arrests and deaths of cadres. Consequently, a great deal depended on the political maturity, general experience, and immediate situation in which each cadre operated. Many of the established MK units had been allowed a degree of initiative in executing their operations, as long as these remained within policy guidelines; training in MK camps took this reality into account. In fact it was in part to deal with these problems that Operation Vula was launched, to establish senior political and military leadership inside the country.
Maintaining discipline in guerrilla and conventional armed forces is also fundamentally different. In the case of a guerrilla force, discipline flows from a thorough understanding of the political objectives of the armed struggle - not from threats of court-martial or punishment.

MK cadres conducted crash courses for eager volunteers inside the country. Some of these recruits had sketchy political understanding of the nature of the struggle in comparison with those cadres who had gone through the intensive political and military training provided in camps in exile. Some supporters had loose connections with MK units, and drifted in and out of structures; they were never thoroughly under the discipline of the ANC and MK, yet commanders on the ground sometimes found their contributions indispensable.

We have described the conditions under which the Kabwe conference was held in our first submission. The struggle had to be intensified; in the period after the Kabwe Conference, less emphasis was placed on avoiding civilian casualties at all costs in pursuit of attacks on legitimate targets. As ANC President at the time, OR Tambo, put it:

"I will summarise the position taken by the Conference in these terms: that the struggle must be intensified at all costs. Over the past nine to ten months at least - at the very least - there have been many soft targets hit by the enemy. Nearly five hundred people have now died in that period...massacred, shot down killed secretly. All those were very, very soft targets. They belong to the sphere of the intensification of the struggle. What we have seen in places like the Eastern Cape is what escalation means for everybody. The distinction between "hard" and "soft" targets is going to disappear in an intensified conflict, in an escalating conflict. (...) "I am not saying that our Conference used the word "soft targets". I am saying that Conference recognised that we are in it. It is happening every day. It happened two days before we started our Conference - a massacre in Gaborone. We did not complain that soft targets were being hit, because they have been hitting them, as I say, all the time. What we did was to re-commit ourselves to intensify the armed struggle (...) until the system which makes massacres and conflicts necessary, is abolished..."

With regard to the quotes from Steve Tshwete and Chris Hani on which the TRC has requested comment, it is clear to us that their statements do not depart from stated ANC policy in the post-1985 era on the issue of legitimate targets. In fact, they are in line with what the President of the ANC emphasised after the Kabwe Conference: that because of the pressing need to intensify the struggle, the growing viciousness and use of terrorism by the regime, the ANC was going to relax the single-minded preoccupation with avoiding civilian casualties in the course of armed actions against legitimate targets.

This is a quote from Chris Hani, at the time MK Commissar, from a speech broadcast on the ANC's Radio Freedom on March 1st, 1986:

"We are saying comrades (...) that our country is in a state of civil war. It is true that so far the brunt of suffering has been borne by our people. Our people are attending funerals, our people are mourning for their dead, but comrades. Umkhonto we Sizwe, instructed by the leadership of the ANC, is gearing itself to step up activity in white areas so that the entire country should be ungovernable.
I want to elaborate on this question of extending the struggle to the white areas. We don't want to be misunderstood. Unlike Botha. Le Grange, Malan and Chris Heunis, who go out of their way to butcher children, defenceless and unarmed children, old people, black civilians, Umkhonto we Sizwe is a revolutionary army and is not going to embark on mayhem against white civilians, against children, but we are going to step up our attacks against enemy personnel. We are referring to the members of the police force, to the members of the SADF, to those in the administration terrorising and harassing our people, to those farmers and other civilians who are part of the defence force of this country, the military, paramilitary and reserves. The theatre of these actions is going to be in the white residential areas, and it is inevitable that white civilians will die." (BBC Monitoring Report)

A factor which should not be underestimated is that the banning by the regime of all ANC literature and jamming of broadcasts from Radio Freedom made it difficult for senior ANC leadership to get through to cadres and activists on the
ground to ensure a proper understanding of policy. Every effort was made to block and distort the ANC’s message, or anything which could be remotely construed as supportive of the message of the liberation movement. An extraordinary range of items were banned; possession of ANC publications such as a pamphlet or a copy of Mayibuye or Sechaba could result in a lengthy jail sentence.

Whilst the above statement provides a clear articulation of the ANC’s position, as we indicate elsewhere in this document, it is quite possible that ambiguity in some of the formulations on this subject may have given the impression to some cadres that they should totally disregard the possibility of civilian casualties in the course of their operations. To the extent that this occurred, we regret it. However, as again stated elsewhere in this document and the main submission, where such impressions were created resulting in operations out of kilter with the ANC’s policy, statements were issued and senior cadres tasked with clarifying the position to commanders in the Forward Areas, and through them, cadres on the ground.

Increasingly in this period, attacks took place in urban areas, in which civilians were caught in the crossfire. Bona fide cadres and supporters who carried out attacks of this nature believed they were fulfilling the general direction to intensify the struggle and carry it into the white areas in accordance with the political will of the leadership of the ANC.

With regard to the Ellis Park car bomb in 1988, about which the TRC has asked a number of questions, the information required is contained in an amnesty application. With regard to the explosion in Roodepoort outside a branch of Standard Bank in 1988, at this stage the ANC does not know who was responsible for this attack, and none of our cadres have applied for amnesty in this regard. It was reported at the time that an ANC official in Lusaka stated that a nearby SAP station, not civilians, had been the target of this explosion; we have no details as to what operational problems arose.

**Anti-tank landmines and civilian casualties**

With regard to landmines, it must be emphasised that the ANC never used anti-personnel mines, specifically because we were concerned to avoid civilian casualties. The ANC used only anti-tank mines, which require at least 300kg to detonate, because our primary targets were the military patrols on roads immediately next to borders. The mines were laid overnight so that they would be triggered when the SADF patrolled early the next morning. It was reasoned that because farmworkers generally did not have transport and moved around on foot, they were unlikely to be affected.

As we stated in our main submission, cadres were under strict instructions to do careful reconnaissance in order to avoid civilian casualties, but it was often more difficult than anticipated to ensure that civilians were not caught in these explosions; in some cases farm workers travelling in heavy vehicles were killed or injured.

It is a fact - not an allegation or opinion of the ANC - that farmers in Designated Areas (that is, declared military zones) were not considered civilians by the regime itself, and were all active participants in overt military networks. We provided considerable detail on the relevant legislation in our first submission, on pp 59 - 60.

We do not have reliable statistics on how many people were killed in landmine explosions for which the ANC was responsible. A rough estimate based on available press reports shows that approximately thirty explosions took place between November 1985 and July 1987 resulting in about 23 deaths in total, including two cadres who were killed whilst laying a mine. We reiterate our sincere regret that any civilian deaths and injuries occurred.

**Response of the leadership**

In late 1987, all members of MK HQ were called in by OR Tambo, who expressed his concern at the number of unnecessary civilian casualties which had occurred in certain attacks, particularly those involving the use of anti-tank landmines. He tasked MK HQ with ensuring that all cadres fully understood ANC policy with regard to legitimate targets. In addition, MK HQ ordered that the laying of anti-tank mines should be halted.

MK HQ sent senior commanders to the forward areas to meet with MK structures there, and convey the concerns of the national leadership. When possible these senior commanders also met with units. In cases where meetings could not be
held with units, command structures in the forward areas were told to contact all command structures of their units, whether they may have been involved in operations of this nature or not, and ensure that all cadres were entirely clear on ANC policy regarding legitimate targets. Chris Hani, Aboobaker Ismail and Keith Mokoape visited structures in Maputo; Lambert Moloi, Chris Hani and Julius Maliba ("Manchecker") met with Zimbabwe structures, and Chris Hani, Aboobaker Ismail, and Lambert Moloi visited Botswana structures. Ronnie Kasrils visited structures in Swaziland.

In most cases cadres responsible for these actions had not deliberately set out to flout ANC policy, but had believed they were acting in accordance with the wishes of the leadership, or had acted in anger. Conveying the instructions of the leadership in this unequivocal manner through the most senior officials of MK HQ was sufficient action, as the overwhelming majority of MK cadres were disciplined soldiers and activists.

We remain convinced that some of these attacks were not carried out by our cadres, but were the work of the regime itself. We again urge the TRC to use its powers to obtain information of this nature from those who would have been responsible for any actions of this nature, with the objective of damaging the domestic and international image of the ANC. As previously noted, Stratkom structures at national, regional and departmental levels should be intensively investigated.

**Conclusion**

Given the conditions in the 1980s, it is remarkable that so few armed attacks took place in which there was a high rate of civilian casualties. MK certainly had the capacity to kill many thousands of civilians. This would have been easy to do; but we never took this route, even under extreme provocation. When compared to the policies on armed actions adopted by other national liberation movements on this and other continents, the degree of restraint exercised by the ANC and MK is extraordinary.

The humanity of the ANC's approach has never been acknowledged - nor reciprocated - by the apartheid regime, which always defined black civilians in general (and all those who opposed the regime) as "enemy forces", whether they were armed or not.

The ANC largely concurs with the remark that landmines (particularly anti-personnel mines) are indiscriminate weapons, although efforts were always made by our cadres to avoid the deaths and injuries of civilians. The thousands of anti-personnel landmines planted in Angola and Mozambique by the former apartheid regime and its surrogates continue to take their toll on civilians to this day. The recent banning of the sale and manufacture of all anti-personnel landmines by the new government is testimony to our belief that the use of these weapons is in conflict with a society committed to the building of a human rights culture.

As stated in our main submission, the ANC takes collective responsibility for all bona fide MK actions. We regret the deaths and injuries to civilians arising from MK's armed actions. We apologise to their families and next-of-kin for the suffering and hurt that these actions caused. Where applicable, MK cadres have their applications for amnesty with regard to these actions.

3. ALLEGATIONS REGARDING EXCESSES AGAINST CADRES AND CAPTURED AGENTS, AND STEPS TAKEN TO HALT THESE PRACTICES

*The Commission has asked what, in our opinion, were the weaknesses of the Security Sector of the Department of National Intelligence and Security (NAT) which may have led to violations of human rights. We have also been asked a number of questions regarding specific incidents, and on action taken by the leadership of the ANC to correct these problems.*

*The TRC has asked us to whom cases of abuse of certain prisoners, and the steadily deteriorating physical conditions of this camp, were reported. The NEC discussed these problems on a number of occasions before 1985, and has asked whether documentation to this effect is available.*

*The TRC has also asked several questions regarding the functioning of all tribunals, and the cases they considered.*
The TRC has asked how many mutineers died in the Pango mutiny; their names; the exact circumstances under which they died; they cite the Stuart Commission, which gives details about the shootings of two people by security personnel on 07/02/84. They refer to Khotso Morena, who was shot and seriously injured when running away after exploding a hand grenade. Were mutineers travelling to Viana ambushed by ANC officials? How many prisoners were taken after the mutiny? How many of them were transferred to Morris Seabelo Rehabilitation Centre?

Introduction

In our main submission to the Commission, we acknowledged that some excesses had occurred in the treatment of captured agents, and apologised for these incidents. The matter of violations which did take place in Camp 32 (also known as the Morris Seabelo Rehabilitation Centre, or Quatro) and other camps had been a source of serious concern within the ANC, when information reached the leadership and other structures. The reports of four past commissions of inquiry appointed by the ANC leadership to look into allegations of abuse provides concrete evidence of their concern.

The perception that abuses which took place were systematic or widespread is wrong. Those members of the security department of the Department of National Intelligence and Security (NAT) who abused prisoners did so in violation of ANC policy: there was nothing "systematic" about such acts. NAT personnel were given comprehensive and professional training in security and intelligence work in socialist and other countries. The suggestion that any cadre of the ANC was trained specifically in torture is rejected with contempt.

In addressing the questions raised by the TRC, we will use the reports of past commissions of inquiry appointed by the ANC as a primary point of reference, and occasionally augment the findings of these commissions with other available information. (These reports were presented to the TRC with our first submission, and were also released to the public.)

We will concentrate on presenting our understanding of how circumstances arose in which excesses in violation of ANC policy took place, in line with the mandate of the TRC to establish the truth and ensure that conditions under which such violations took place are never allowed to recur.

First, we will briefly sketch the backdrop against which some of these excesses took place. Agents infiltrated into our structures carried out acts such as the attempted mass poisoning of cadres, supplying intelligence which led to the bombardment of one of our camps, sabotage of equipment and deliberate attempts to encourage indiscipline and internal conflict of various kinds. There were a number of cases in which agents supplied their handlers with information which led directly to the assassinations of leaders and the ambushing or arrest, torture, and imprisonment of cadres.

NAT uprooted the regime's most prized network of infiltrators in 1981. Analysis of the activities of some of these agents in the political context in which they took place indicated that they were not merely involved in various attempts to disrupt or damage the ANC, but were actors in a far broader and more ambitious operation by the regime to eliminate and replace key leaders of the ANC, thereby setting the movement on a new route which would culminate in its destruction. (A copy of the "Shishita report", which covers this investigation in detail, has been submitted to the TRC.)

This was a severe setback which thoroughly rattled the regime. Their response was a desperate attempt to "jam" our screening procedures by throwing large numbers of infiltrators into the field. Many if not most would-be infiltrators in the post-Shishita period were hopelessly ill-prepared for the missions their handlers had assigned to them. For example, one confessed that he had been told to attempt to assassinate OR Tambo - but had not been supplied with a weapon, or any other form of logistical support such as a plan to retreat after the operation. Others - such as Patrick Dlongwana - had been so thoroughly exposed inside the country, that his handlers must have known he would be picked up immediately. It appears the regime hoped the ANC's machineries would be overwhelmed by this influx, which would to some extent serve to divert our resources away from prosecuting the armed struggle inside the country, and create conditions under which the more professional infiltrators they deployed might slip through the net.

Means to deal with this influx of agents had to be devised. As the NAT Operations report shows, nearly 40% of confessed agents were never imprisoned. But others were dangerous, or had committed such serious crimes that they had to be isolated. It is in this context that Camp 32 was established, and cases in which excesses on which the TRC has
3.1 LINES OF COMMAND AND ACCOUNTABILITY

As the organigrams accompanying this document show, the National Executive Committee (NEC) has always been the ANC's highest policy- and decision-making body. The National Security Council and the Revolutionary Council fell under the Office of the President, with the various military, political and security structures, committees or departments reporting to the Revolutionary Council. NAT - as the Department of Intelligence and Security was generally known - was no exception.

In the 1970s and the early 1980s there was significant overlap between MK and NAT structures, particularly in Angola. Mzwai Piliso was the most senior leader in charge of all camps in Angola, and was also appointed head of NAT, of which the Security department was one sub-sector, in 1981.

NAT slowly developed towards more clear-cut lines of command, specialisation of work, and separation of functions; more details in this regard are supplied in the operational report. In the early 1980s, confusion set in as the role of the Security Department (and NAT in general in Angola) veered away from what should have been its central function - gathering intelligence and screening recruits to protect MK and the ANC as a whole - towards taking on largely disciplinary roles and, at Camp 32, guard duties.

In dealing with the question of the weaknesses that emerged over time, it is therefore necessary to also look at the situation in Angola in general.

3.2. ANGOLA, 1977 - 1984; DISCIPLINE IN MK

Discipline is the cornerstone of any army. MK was guided by the ANC's Code of Conduct, a copy of which was attached to our first submission. Breaches of discipline common to most armies were usually handled at camp level by the camp command structure; these were cases such as fighting between cadres, abuse of authority, disregard of camp rules, going AWOL, petty theft, exchanging camp property for liquor, drug abuse (mostly dagga) and illicit liquor brewing. Punishments for offences of this nature were laid out in the Code of Conduct (see p. 89 of our first submission.) Sometimes the punishments meted out for contraventions of the MK Code of Conduct were entirely out of proportion to the deed.

This is a regrettable feature of many armies. While we would never wish to compare MK - a guerrilla army composed entirely of volunteers - with the SADF, which relied on forced conscription, we feel it should be pointed out that a number of SADF conscripts are known to have died after brutal beatings; other forms of punishment and ill-treatment (such as excessive "paal PT") resulted in deaths. There were a number of minor mutinies; in 1979, there was a mass walkout of over 60 SADF soldiers from their base in Upington in protest at the treatment they were receiving.

In six cases between 1979 and 1981, MK cadres died as a result of being beaten. (A list of these names has been submitted to the TRC.) Reports on these incidents would be sent to the Camp Commander, and senior officials would meet with the Camp Administration to hold an inquiry into the incident to prevent recurrence of such excessive actions. Measures such as demotion or redeployment would be taken against perpetrators of excessive punishments.

The case of Joel Mahlatini provides a good example of the manner in which the ANC leadership handled cases of this nature. Mahlatini was severely beaten on the orders of his Camp Commander, Kenneth Mahamba; he was dead on arrival at Camp 32. The leadership took this incident so seriously that an inquiry was instituted, which facilitated the uncovering of the spy network some years later, of which Mahamba was a leading member. After exhaustive investigations of their cases, trial by Tribunal, and a final decision by the NEC, Justice Tshabalala, Jabu Zikalala, Vusi Mayekiso and Kenneth Mahamba were executed. Other members of this network - Dick Khumalo, Escom Maluleka, John Maleke, and Drake Chiloane were executed later after the same process had been followed. There were other cases over the years of executions of agents after investigations into their cases, the sitting of a tribunal, and a final decision by the political leadership. A list of these names has been submitted to the TRC.
Serious breaches in discipline by MK cadres at times resulted in capital punishment. It must be emphasised that there were no cases of summary or unauthorised execution.

Before a tribunal was held, Military HQ in Lusaka would be informed of the case by the Regional Command structures. The NEC would appoint at least one senior official to sit on the tribunal with officials from MHQ and the Regional Command. In some cases local authorities were also involved in this process. The tribunal would report its findings to HQ, where a final decision would be made.

Between 1981 and 1989, four cadres were executed for murder and rape of Angolan women, four for murder, and in 1989, one was executed for rape. (A list of these names has been submitted to the TRC.) Those who were executed for rape and murder were imprisoned for around two months whilst the leadership consulted with the Angolan authorities on the manner in which these crimes should be handled. They were publicly executed with fellow-villagers of the murdered women and local government officials present.

The only other occasion on which capital punishment was carried out on MK cadres was at the time of the Pango mutiny in 1984. Before dealing with the questions posed by the TRC in this regard, we will deal with the background to this incident by describing the situation as it developed in Angola.

**Growing tensions in the camps**

Many of the problems which arose in military camps in Angola at this time were the result of the tensions between the ANC's policy on armed struggle, and the intense frustration felt by recruits who had flocked to MK in the wake of the 1976 uprising when they were not immediately deployed inside the country after initial military training. Since 1979 the ANC had elaborated its policy perspectives in this regard, and believed that military struggle was secondary to building the base for mass political struggle within the country.

To quote from the "Green Book":

10a) (...) the armed struggle must be based on, and grow out of, mass political support...All military activities must, at every stage, be guided and determined by the need to generate political mobilisation, organisation and resistance...

b) The forms of political and military activities, and the way these activities relate to one another go through different phases as the situation changes. It is therefore vital to have under continuous survey the changing tactical relationships between these two inter-dependent factors in our struggle...The concrete political realities must determine whether, at any given stage and in any given region, the main emphasis should be on political or on military action."

Many recruits wanted desperately to just go home and fight, underestimated the difficulty of the logistics involved in infiltrating them safely into the country, and did not appreciate the rationale behind the leadership's approach.

In late 1977, a group of fourteen cadres who had just completed their initial six-month military training at Novo Katenge camp demanded to be sent to the front immediately. They refused all orders, and also refused to go on an advanced training course. They were sent to Quibaxe, where they were excused from classes but had to contribute to normal camp duties. Again, they refused to obey orders.

A Tribunal was convened, and seven of them were sentenced to one month's imprisonment, the others to two months. In addition, they had to carry out tasks such as digging trenches. After they had completed their sentences they were accepted unconditionally back into MK structures. Sworn affidavits (made in 1993) from all of these cadres have been submitted to the TRC. These expose allegations that a serious mutiny was put down by troops trained in the GDR, and that cadres were subsequently ill-treated by Ronnie Kasrils, as deliberate disinformation typical of the propaganda in the report of the Douglas "commission", a stratkom exercise covertly funded with taxpayers' money.

A similar incident took place in 1979 at Fazenda, when about fifteen cadres demanded to go to the front, refused to be disarmed, and fired shots at night. They wanted to go to Luanda to meet the ANC leadership to demand immediate
deployment. This "mutiny" was solved politically by Mzwai Piliso and Moses Mabhida, who talked to the cadres. There was no violence and these cadres were allowed to remain in MK structures. For some cadres, a deep sense of depression set in after spending too many years in camps in Angola. In the words of the Stuart Commission report:

"The Commission believes that the conditions in the camps, the total isolation from the outside world, the desperation and frustration of not being deployed, make it practically impossible for cadres to survive (politically, morally, and psychologically) in the camps for several years."

This problem was exacerbated by steadily decreasing attention to the camps in the early 1980s - both political and in terms of providing basic resources - by the seriously overstretched national leadership in Lusaka. In the words of the report of the Commission, "over the years, visits to the camps by the leadership has decreased significantly. This has affected not only the national leadership but surprisingly also the regional leadership. The latter tend increasingly to spend more time in Luanda than in the camps."

Apart from these problems, general conditions in the camps were at times difficult. Food supplies were at times inadequate, and bandits specifically targeted supply lines from Angolan ports, exacerbating the situation. Medical supplies and other essential items were not always readily available. Tropical diseases, particularly malaria, were rife, and there were too few doctors in Angola to adequately service all those in the camps - cadres and prisoners alike. Access to clean water supplies was almost always a serious problem.

Angola was a war zone. The constant threat to ANC camps and cadres from UNITA bandits was yet another source of tension and difficulty. Many cadres were killed in operations against UNITA, and these deaths and injuries were a factor which had direct bearing on the 1984 mutiny. Certain agents also deliberately played on these incidents to create demoralisation and mistrust of the ANC leadership.

The delays in committing the majority of cadres to battle affected not only recruits but commanders as well, particularly after the destruction of Nova Katengue, which had been in many respects a model of the kind of camp the ANC wanted to maintain.

In addition to these factors, by the end of 1983, according to the report of the Stuart Commission, a range of practices had set in which had seriously corroded the ANC's vision of its army, and which had direct bearing on the mutinies. Some members of camp administrations had begun to abuse their powers; cadres felt they were no longer being consulted sufficiently, and that their concerns were not being properly conveyed to the leadership in Lusaka; an intolerance of valid criticism had developed. In addition, there was insufficient provision for cultural activities and regular briefing on current events inside the country. There was poor management of human resources, and a belief that unfair decisions regarding deployment were being made; this resulted in much frustration.

One of the key factors which contributed to a drop in standards in general in Angola in the early 1980s was the deployment of many senior and experienced cadres out of Angola into machineries in the Forward Areas or inside the country to develop the armed struggle. This meant that much younger cadres with less experience had to take over their positions.

As a result of all of these factors problems arose in the camps, and disciplinary measures also fell short of the ideals the Movement had always aspired to.

**The Pango mutiny, 1984**

The lead-up to the Pango mutiny, particularly the mutiny at Viana transit camp in February 1984, has been described in considerable detail in the report of the Motsuenyane Commission (pp. 37 - 40.) The question asked by the TRC regarding the exact circumstances in which the mutineers died, making reference to the cases of Diliza Dumakude, Zihlangu Zanempi (referred to as Salier Janemzi), and Khotso Morena indicates that some confusion has arisen. The Pango mutiny could be described as having two phases.

In the first phase, cadres who had been refusing to accept military discipline and firing in the air were sent to Viana
transit camp after senior officials spoke to them. The allegation made in the report of the Douglas "commission" to the effect that some cadres were "ambushed by ANC officials" is untrue. Some of those who arrived in Viana remained mutinous and refused to be disarmed. When a second, larger group of cadres arrived, they too refused to be disarmed. Subsequent events are described in some detail in the report of the Stuart Commission on p 22. Vuyisile Maseko and Khotso Morena were captured but the security personnel were unaware that Maseko had a grenade; he set it off in the car, but all the occupants were able to escape. Morena ran straight for a tent in which arms and explosives were kept; both Chris Hani and Joe Modise were very close by, addressing cadres, and it was clear that their lives could be in danger. Morena refused to stop when he was ordered to give himself up and was shot.

After intervention by Angolan security forces order at Viana camp was restored. The mutineers were disarmed and agreed to be relocated to Pango. There a group of them secretly planned to seize the camp arsenal and mutiny again.

The Pango mutiny occurred in mid-May 1984. The mutineers systematically killed most members of the camp administration, using heavy calibre weapons. In all, eight MK cadres were killed by the mutineers, in some cases in cold blood the morning after the mutiny had begun, when they hunted down those who had been wounded and were hiding in the bush.

The camp was recaptured by loyal cadres; in the shoot-out seven mutineers were killed. Others fled the camp; one was found dead some days later when cadres were fetching firewood; he had committed suicide with a pistol, which was found next to his body. One captured mutineer died of malaria before the military tribunal was convened; he refused to accept treatment for his illness. Two cadres escaped from the camp when it was recaptured, and have not been heard of since.

A military tribunal was appointed and convened on 22/05/84. Available documentation on the deliberations of the tribunal have been submitted to the TRC.

Sixty-six people testified before the tribunal. Of these, the tribunal recommended that sixteen mutineers should receive the death penalty, while the others were either recommended for demobilisation or were acquitted and referred to the camp disciplinary committee to face lesser charges.

Seven mutineers were executed by firing squad. The others were spared after the leadership reconsidered the decision to execute them, and were instead imprisoned at Camp 32. In all, twenty-three mutineers were imprisoned until 1989, while four were imprisoned for a short time and released in 1984. A list of the names of all those who died during the mutiny and those who were executed has been submitted to the TRC.

Response of the leadership: the Stuart Commission of Inquiry

As a result of these events, the Stuart Commission was appointed to inquire into the causes of the mutinies, consisting of Hermanus Loots ("James Stuart"), Aziz Pahad, Sizakele Sigxashe and Mtu Jwili. (The latter two later became heads of Directorates in the restructured NAT.) The Commission presented its report to all members of the NEC in March 1984 (before the more serious mutiny erupted at Pango.)

By this time, the preliminary briefings of the Commission had already convinced the leadership about the need for a National Conference of the ANC to discuss matters pertaining to the intensification of struggle generally, as well as the problems in the camps.

The Commission found that while some of those most directly involved in the mutinies had long histories of disruptive and destructive behavior, and also had "illusions of power and leadership", the mutinous behaviour which had occurred by February 1984 could not be described as "an organized act of conspiracy on the part of the enemy".

In its painfully incisive assessment of conditions in Angola, the Stuart Commission report noted that since 1979 nearly all petty offences had been dealt with in a destructive manner "as distinct from the earlier revolutionary constructive punishment" which sought essentially to rehabilitate offenders rather than crush them. The report of the Commission notes that the "tragic fact is that it was at its worst in the training camps."
Grievances against the Security department also came to the fore in this report. In the words of the report, "interviews carried out by the Commission in all our camps reflect one unanimous response: that the security department carried out tasks which are not supposed to be theirs - the task of disciplining offenders." Instead of concentrating on its role as an intelligence service, dedicated to exposing agents and protecting the ANC in general, it had become a "military police" force within the camps. At times such actions took place "without consultation or approval by other (members of the) camp administration."

It is also clear from this report that a lack of clear policy guidelines, and clear lines of command, contributed directly to the ANC's failure to halt abuse. It recommended that the NEC should "clearly define the tasks and powers" of the Security Department, draw up a Code of Conduct to govern the behaviour of these cadres and ensure it was enforced, and "formally and categorically prohibit(s) the use of violence and torture by the Security Department (as well as other officers in camps)", re deploy "notorious security men", and "adopt a coherent policy with regard to captured enemy agents."

Excesses in relation to captured and imprisoned agents and mutineers

Both the Skweyiya and Motsuenyane Commissions were told that prisoners at Camp 32 had been subjected to serious abuse. It is necessary to point out that while some of the allegations made to the Skweyiya Commission were true, others were deliberate attempts to mislead the Commission, and members of the Department accused of abuses were not given the opportunity to reply to these allegations; hence the establishment of the Motsuenyane Commission.

The report of the Skweyiya Commission notes that Mzwai Piliso, head of Personnel and Training as well as of the Security Department at the time, "candidly" admitted that he had personally participated in beating a suspect in 1981 on the basis that a plot to kill members of the leadership had been discovered and he wanted information "at any cost."

It is clear that setting an example of this nature would have affected the behaviour of other members of the security department. These factors are also relevant:

- some of these cadres had themselves been subjected to very brutal treatment by the apartheid security police before leaving the country for training;
- the need to obtain information quickly was at times a factor which led to the beating of unco-operative captives, such as Keith McKenzie, who had placed a car bomb somewhere in Botswana: in this case the urgency to obtain information was fuelled by the desire to prevent deaths by locating the bomb in time;
- there was anger against some of these prisoners, who have tended to be all uncritically portrayed as innocent victims: several had committed vicious, cold-blooded acts of murder, usually in the service of the apartheid regime, against anti-apartheid activists inside and outside the country.

It is unreasonable to expect people to deal with situations for which they have no training, particularly when they are young and inexperienced. Most members of staff at various rehabilitation centres were very young cadres who had left the country to join MK. They were not trained as Military Police or prison warders. The training they received was the same as that of all MK cadres, while some underwent more specialised training in intelligence work from the late 1970s onwards. But none were trained specifically for the roles they had to take on - very unwillingly at times.

It was necessary but undesirable work; as a former member of staff at Camp 32 put it, most cadres in these postings had "joined the ANC and the army with the sole purpose of training and getting back home to engage the enemy for the liberation of the country, but because of the tasks they were called upon to perform in this camp, had to lose all those possibilities of ever going to the front, going for further training, and enjoying other privileges enjoyed by others." Structures in Angola had to rely on other structures in the forward areas and inside the country to provide information necessary to carry out proper investigations. Because of the weakness of some of these structures, and the long lines of communication, several persons classified as suspects took a long time to be cleared.

Conclusions
To summarise, the report of the 1984 Stuart Commission makes it clear that in some respects Angola, "generally regarded as a reliable rear base of our struggle...had) been used as a dumping ground for enemy agents, suspects, malcontents and undisciplined elements". The report also shows that in some respects the ANC leadership did not take adequate steps to ensure effective management of its military camps, which included ensuring that cadres deployed in these camps had policy guidelines to work by, understood their "line functions", and were under clear lines of command and control.

Whether this kind of management was possible given the conditions under which the ANC was working at the time - particularly in Angola, which was a war zone - is questionable. Nevertheless, stronger action to halt the excesses described in the report of the Stuart Commission could have been taken, and in this regard, the ANC again expresses regret at this state of affairs and its consequences.

3.3. MEASURES TO HALT EXCESSES AND CONTINUING PROBLEM AREAS, 1985 - 1990

As we noted in our first submission, the ANC took a range of steps to halt abuses. Within a few weeks of the tabling of the report of the Stuart Commission, nearly all its recommendations had been adopted and were in the first stages of implementation.

Most critical in this regard, and as the first major policy action, the 1985 National Consultative Conference in Kabwe took a range of decisions on all these matters. (It is worth noting that 40% of the delegates at the Conference were from the camps, and they submitted presentations on problems in Angola.) The ANC elaborated the existing Code of Conduct, and established the Office of Justice, reinforced the existing Review Board, and established the National People's Tribunal.

Mzwai Piliso was removed from his post as head of NAT to concentrate on other duties. Andrew Masondo was censured by the leadership, and the post of National Commissar was abolished; in addition, he lost his post on the NEC. Both performed well and with loyalty to the ANC in their new postings.

**Procedures of the new structures for justice**

Previously tribunals had been constituted as needed. They had been convened to try suspected agents, to decide on punishments for cadres who had committed offences as defined in the MK Code of Conduct, and to deal with the mutineers. In all cases, senior political office-bearers would be appointed to tribunals by the NEC, who served along with high-ranking MK officers such as regional Commanders and Commissars. The report of the Stuart Commission recommended that a formally constituted, independent and specialised structure was necessary. As a result, the National People's Tribunal was established.

The TRC has asked several specific questions on the functions of the new structures for justice. The first **National People's Tribunal** was appointed soon after the Kabwe Conference. Hermanus Loots was the chair, with Shadrack Pekane, and Z.N. Jobodwana as the other members. The latter two were lawyers. This structure was tasked with overseeing and making judgements on the basis of investigations carried out by NAT. It was fully independent: there was no formal link between the Tribunal and any other ANC structures, including the Office of the President.

The Tribunal followed procedures laid down by lawyers in the ANC's Legal and Constitutional Affairs department, which were in essence the same procedures followed in South African courts. Persons accused of offences would be summoned to the Tribunal. There were prosecuting lawyers, and every accused would be represented by one or two lawyers, who had access to the charge sheet in order to prepare their defence. At the end of the proceedings both sides would summarise the evidence presented and the Tribunal would adjourn. This process often took two to three days to complete.

The Tribunal could recommend one or a combination of the following lines of action:

- that the accused be released; in these cases, the person concerned would be handed over to the Office of Justice,
which would ensure that s/he was taken to the place of her/his choice; for example, some would prefer to leave Angola and be re-established in Zambia or Tanzania in the ANC civilian community. In some cases those who decided they wanted to leave the ANC would be handed over to the Chief Representative in the relevant country, who would assist the person concerned to apply for asylum in a host country.

- that the suspect be expelled from the Movement; in these cases, the suspect would be handed over to the host government by the Office of the Chief Representative, and the host government would hand the person on to the UNHCR.

- in cases where the accused was found guilty s/he could be sentenced to a period of imprisonment at the Rehabilitation Centre

- in cases where the accused was found guilty of a capital offence, the death sentence could be recommended.

The sentence recommended by the Tribunal was referred to the President, who would usually refer the case to the Review Board, which was tasked with acting as a court of appeal with the powers to confirm or change the decision of the Tribunal as the members of the Board saw fit. Only after the Review Board had considered the case would sentence be confirmed (or set aside) by the President.

The Review Board was also tasked with regularly reviewing cases and making recommendations to the NEC as to whether prisoners should be released or not. Their work was considerably facilitated by the adoption of the elaborated Code of Conduct.

The chair of the Review Board was Dan Tloome; Ruth Mompati and John Motshabi made up the rest of the Board. The Board would from time to time set up groups of senior ANC figures to conduct inspections and report back to the leadership. We regret that we have not been able to locate the documentation relevant to the work of the Review Board; if specific questions regarding the work of the Review Board arise, the ANC will assist the TRC in this regard.

In addition to these structures for justice, there was a Presidential Council to which those whose cases had been considered by the Tribunal and Review Board could appeal if they were unhappy about the decisions of these structures. This council, which consisted of the President, John Nkadimeng, Dan Tloome and later, Joe Slovo, could set aside sentences and grant pardons.

Steps were also taken to ensure that clearer lines of command were in place over NAT personnel working in Angola. At a meeting held in Lusaka in 1986 between NAT and MK delegations, chaired by OR Tambo, it was agreed that NAT cadres fell only under the authority of the NAT Directorate, and that MK structures in the region should not make any unilateral decisions affecting NAT line functions. Whilst MK structures did not usually issue any orders directly affecting the welfare of prisoners and suspects, tensions had arisen due to confusion in the lines of command.

The NAT Directorate itself also took steps to improve the conditions under which prisoners were held in response to the directives of the leadership. A report written by the head of the Recording Department in November 1987 which highlights the difficulties of extending Camp 32 facilities given the physical terrain, and argues that the camp should instead be closed altogether and transferred to a more convenient place, has been submitted to the TRC. A report on a visit to Camp 32 in December 1987 by a member of the NAT Directorate has also been submitted to the TRC. Three deaths took place in Camp 32 during the first half of 1987, and a Commission was appointed to investigate the circumstances in which these deaths took place; the report of this Commission has been handed to the TRC.

The report of the Skweyiya Commission notes that it took some time before the measures provided for in the Code of Conduct were implemented properly. Zola Skweyiya was appointed Officer of Justice in 1986, and also had the responsibility of established in the ANC's Legal and Constitutional Affairs department. He reported directly to the President.

He experienced considerable difficulties in fulfilling all these roles for a range of reasons, including a shortage of staff, and a degree of unco-operativeness from the head of NAT. Whilst Mzwai Piliso fully accepted the decisions taken at the Kabwe Conference, given the degree of pressure he was under on various fronts, he was distinctly unenthusiastic about dealing with the complex and time-consuming logistics involved in flying staff of the Office of Justice into Angola to interview all prisoners and review their cases. However, when Zola Skweyiya approached the President to facilitate this
visit, the President took immediate action to "unblock" bureaucratic channels, and Joe Nhlanhla in his capacity as Secretary of the Politico-Military Committee (PMC) played a central role in ensuring that the Office of Justice received all necessary support.

**The 1988 Tribunal in Luanda**

In May 1988 (not 1987, as stated in the report of the Motsuenyane Commission) the Office of Justice arranged a sitting of the National People's Tribunal in Luanda (not at Camp 32, as stated in the report of the Motsuenyane Commission.) This Tribunal reviewed the cases of twenty-five prisoners held by the ANC at this time, including some of those who had confessed to being enemy agents. Hermanus Loots chaired the Tribunal. Penuell Maduna acted as defence lawyer for the prisoners, and pleaded on their behalf. Mr Loots has pointed out that members of NAT who worked with this Tribunal had a "very positive attitude" towards the committee and gave their full co-operation.

In seven of the cases heard, the Tribunal concluded that the "possible sentence" would be imprisonment; in the view of members of the Tribunal, the evidence against them left no doubt that they were guilty of the crimes for which they had been imprisoned. In two cases the "possible sentence" recommended by the Tribunal was capital punishment; in seven cases judgement was reserved; and they recommended that two cases be re-investigated.

In seven cases, the Tribunal recommended release as it was felt that there was insufficient concrete evidence against these accused. Six had been imprisoned in 1987, whilst the seventh recommended for release had been imprisoned since 1982. With regard to the group of six, members of the Tribunal privately felt it was very probable that these prisoners were indeed guilty; the NAT investigators were entirely convinced of this, and were very unhappy at this recommendation for release.

However, the Tribunal stuck rigidly to its mandate and argued before the NEC that they should be released, since the evidence against the six had not been led properly. The group was released. This case is a good illustration of the tensions between the ANC's desire to act in accordance with accepted legal procedures and the abnormal circumstances in which we were attempting to put such high standards into practice. (A report-back by NAT structures on the procedures of this Tribunal has been submitted to the TRC. This document also answers the TRC's questions regarding the background of those released.)

**Post 1987: a new NAT**

By the time of the appointment of a commission of inquiry into the death of Thami Zulu in late 1989, the new NAT leadership had been in place for some time.

In the words of the report, "there has been a process of major reorganisation of the security department, with notable improvements in the conditions of detainees." Violence was expressly forbidden, and a member of the department who had assaulted a detainee had been recently sentenced to a five-year term of imprisonment by the Tribunal, which sat in Lusaka. The commissioners inspected the rehabilitation centre and noted that "the general conditions for detainees, poor as they were, had improved immeasurably compared with their truly parlous situation before Comrade Nhlanhla had taken over."

The report also notes that according to a friend of Thami Zulu's, although he was indignant about the investigation, "he made no mention of physical abuse (...) We have no reason to believe he was subjected to torture or to cruel, inhuman, or degrading treatment." In fact, Zulu told his colleagues in the military that he had not been tortured, and his parents and family visited him on more than one occasion during the period that he was confined.

The commissioners also questioned "at length and with some rigour" members of the department who had been responsible at various times for interrogating Zulu, and generally undertook a thorough review of the investigation and the methods used. They concluded that they were "satisfied that the investigation panels worked in a systematic and objective manner, probing all the pros and cons of every question. They were not clumsy cops, but skilled interrogators who prepared carefully, basing themselves on logic, probabilities and attention to detail. What impressed us particularly was their willingness to take into account factors which could prove favourable to TZ's position." The commissioners
also noted cases in which the department had "carefully cross-checked" allegations by taking action such as arranging an identification parade. (Documents relevant to the investigations carried out by NAT in this case have been submitted to the TRC.)

Two months after Zulu had been confined, the panel reported that although it had found no conclusive proof that he had been collaborating with the enemy, there were "some matters in relation to which he had been unable to give convincing answers" but these could only be cleared up by obtaining information from the Swaziland special branch - probably an impossible task at the time. It recommended that Zulu be disciplined for criminal neglect in the case of the June 1988 deaths of nine cadres under his command, who had been ambushed and shot dead by police soon after crossing the Swaziland border near Piet Retief.

The report notes that despite many improvements, some of the critically important measures introduced after the Kabwe Conference were not functioning as well as it had been hoped: "while considerable progress has been made, the Code has not been fully implemented and the situation of legality inside the ANC falls short of what the Conference called for." In addition, there was no regulations to govern periods of investigation; as the report puts it, "witnesses from Security themselves asked for a clear set of norms governing detention, since they feel torn between the conflicting objectives of not giving up their investigations until irrefutable proofs or disproofs existed and not prolonging their inquires in an undue manner."

**Conclusions**

Among the findings and conclusions of the Motsuenyane Commission, appointed in 1993, and which examined the period from the late 1970s to 1985, were the following:

- "Concerns (of MK cadres in Angola) were voiced but not properly addressed by the leadership, which resulted in mutinies."
- "Quatro was conceived without proper deliberation. It was located in Angola, a country at war, and was staffed by inadequately trained youths of insufficient experience. The first camp commander was only 19 years old. The failure to train adequately and supervise the staff, the lack of clear authority between Mbokodo and MK, and the breakdown in communications between the prison and the Officer of Justice resulted in many abuses of human rights."
- "The leadership did implement mechanisms to address these problems, mainly the Code of Conduct and the Office of Justice; this "system of justice represented by the structures in the Code of Conduct was unique among liberation movements in Southern Africa", comments the report elsewhere, and "represented a large step forward in respect of human rights protection within the ANC"; however, "the leadership did not follow these measures through sufficiently."
- "The absence of clear lines of demarcation between the powers and responsibilities of Umkhonto we Sizwe and Mbokodo resulted in a lack of accountability for the excesses that occurred at Quatro (...) The failure to incorporate Mbokodo properly into the structures of the ANC created a degree of independence and unaccountability for the Security apparatus which was detrimental to the overall interests of the Organisation."

The ANC concurs with these findings, which largely confirm the findings of earlier inquiries appointed by the ANC itself.

It is perhaps necessary to remind the Commission of the conditions under which the ANC was operating. The ANC was a banned organisation, and every effort was made to destroy it. The Movement did not have the resources of a state; it had limited material means, and was operating in impoverished and developing countries where apparently elementary necessities were very difficult to organise. Communications were unreliable and intensively monitored; transport was always a problem. Angola was in the grip of a devastating civil war in which UNITA bandits were receiving the support of South Africa and certain Western countries. To travel in Angola in certain areas was a life-threatening exercise. All these factors contributed significantly to the lack of effective management of structures in general, particularly in Angola.

With regard to various questions asked by the TRC on interventions by individual leadership figures, all officials,
whether specifically tasked to or not, were obliged to halt any activities which were in conflict with ANC policy on the treatment of prisoners. We have tried to describe to the Commission how the ANC's policies evolved to ensure that justice was done and the human rights of prisoners were protected; in this regard the ANC acted collectively, not as a result of individual interventions.

Various phases in the ANC's attempts to deal with the problems which arose must be distinguished. It was between 1981 - 1985 that most of the excesses took place: this is the period covered by both the Skweyiya and Motsuenyane Commissions. As noted in the findings of the Motsuenyane Commission, the adoption of the Code of Conduct at the Kabwe Conference "showed that the leadership of the ANC was gravely concerned with the need to correct the indentified wrongs once these had been properly investigated." Steps were taken but there was weakness in implementing these decisions. Between 1985 - 1987, codes of conduct and policy guidelines had been adopted and mechanisms were set up to ensure implementation of these decisions. While the ANC had limited resources, we submit that we used what we had well, and that there was steady improvement in the structures established to ensure justice was done.

The period from 1987 - 1990, when a new leadership was in place - provisionally under the Secretary-General, and later on a permanent basis under Joe Nhlanhla - was characterised by ever-greater vigour in ensuring the protection (at great expense) of the human rights of hard-core agents who had been involved in atrocities within and outside the country.

With regard to the ANC's decision to appoint the Motsuenyane Commission in 1993 - which cost us R3 million - the Commissioners commented in their conclusions "It would be wrong to ignore the historic significance of the investigation the ANC, through this Commission, has undertaken, a first in the annals of human rights enforcement. By its commitment to this inquiry, the ANC seeks to breathe life into the lofty principles proclaimed in the Freedom Charter - to render fundamental human rights the Golden Rule, to be applied in good times and bad, peace and war" (p. 171.)

The ANC acknowledges that more could have been done in all the periods under review. And, to the extent that we violated the human rights of prisoners and suspects, the ANC again expresses regret and apologises to those who were subjected to ill-treatment, to their families, and to the nation. Above all the ANC apologises to all who were wrongfully accused of working with the apartheid regime and other hostile agencies.

3.5. ADDITIONAL NOTES RELEVANT TO SPECIFIC QUESTIONS RAISED BY THE TRC

3.5.1 The Commission has asked how the ANC justifies the fact that Mzwai Piliso and Andrew Masondo retained senior posts in the post-1994 administration.

Both Mzwai Piliso and Andrew Masondo were seriously censured by the leadership of the ANC, as described above. These officials both performed well and with loyalty to the ANC in their new postings.

In addition, an ailing Mzwai Piliso had to testify to both the Skweyiya and Motsuenayane Commissions in 1993, where he publicly admitted that he had to take responsibility for allowing certain abuses to continue. To continue punishing these officials endlessly would be contrary to humane practice, and to the ANC's belief that after rehabilitation those members who had erred should be reintegrated fully into structures. In addition, these officials had not acted with personal vindictiveness; they had acted within the broader context of weaknesses and problems afflicting the ANC as a whole, as outlined in this section of our submission.

As the architect of the policy of reconciliation and nation-building, it is the view of the ANC that all those who have made mistakes in the past are capable of mending their ways and contributing to the building of a new society.

We wish to bring it to the attention of the Commission that there are a number of former agents and champions of the apartheid regime who now occupy senior positions in public and private institutions. To hound loyal anti-apartheid fighters who made mistakes in the course of struggle would be to perpetrate a gross injustice.

3.5.2 The TRC has asked a number of questions concerning action taken against members of the Security Department
of NAT who were or who have been accused of being guilty of ill-treating prisoners and suspects.

The names of those members of the Department who were imprisoned for offences by host governments have also been requested. The TRC has also asked for the list of NAT personnel which was submitted to the President by the Skweyiya Commissioners. The full names of all NAT officials mentioned in the Motsuenyane Commission have been requested by the TRC "for research and investigative purposes."

Our answer to these questions is informed by the approach above. Those who have already been severely punished not only by the ANC or the authorities of host countries should not continue to be punished endlessly.

The list of names produced by the Skweyiya Commission was based on a fundamentally flawed process. Some members of NAT were falsely accused of abuses by people who testified to the Skweyiya Commission. This Commission did not even give those accused the right of reply, let alone properly examine the allegations made by witnesses. This is precisely why the Motsuenyane Commission was appointed. The Motsuenyane Commission followed a far more rigorous process of inquiry, and drew conclusions regarding the behaviour of certain members of the Security sector of NAT.

Certain members of the former Security department will be approaching the TRC with amnesty applications. If in the course of the investigations of the TRC, more information is needed regarding any specific incident, the ANC will provide appropriate assistance to the TRC.

3.5.3. The TRC has requested the "full evidence" on the basis of which the Stuart, Skweyiya, Motsuenyane and Thami Zulu inquiries came to their conclusions, as well as all evidence presented to any other commission of inquiry set up by the ANC.

The ANC has already supplied the TRC with transcripts of the Motsuenyane Commission hearings, but does not have access to all the other items of evidence requested. We regret that we have not been able to locate all the evidence placed before the 1984 Stuart Commission. All available information connected with the Thami Zulu inquiry has been submitted to the TRC.

The only other commission of inquiry into incidents of relevance to the mandate of the TRC was a commission appointed to investigate the circumstances under which three prisoners had died in Camp 32 in 1987/8, and to generally review conditions. It was found that two had died of natural causes but one had been beaten so badly that he died of his injuries. A copy of this report has been submitted to the TRC.

3.5.4. The TRC has asked several questions regarding the procedures of all tribunals, military or otherwise, held in the past. All relevant documentation has been requested.

We trust that most of the questions asked by the TRC in this regard have been answered adequately in this section. We regret that we have not been able to locate all the documentation requested by the TRC. If further questions arise regarding the procedures of specific tribunals, the ANC will make every effort to assist the TRC by ensuring (as far as this is possible) that those who served on tribunals will give oral evidence to the TRC.

3.5.5. More information has been requested to support our "allegation" that the Douglas "Commission of Inquiry" and the Returned Exiles Coordinating Committee (Recoc) were state-sponsored campaigns to discredit the ANC.

We believe we have already given the TRC all the information necessary to allow a thorough investigation of the activities of Recoc, the front called the International Freedom Foundation, and the Douglas "commission" by going directly to those responsible for running these stratkom operations.

These include the Strategic Communications committee of the SSC; Adriaan Vlok, Johan van der Merwe, Lt-Col. Alf Oosthuizen of the former SAP (who appears to have been the main co-ordinator of this stratkom operation among others), and whoever else was tasked with stratkom operations within the former SAP; Paul Erasmus (who has, as we pointed out, given official documentation on the Recoc operation to the press); the former head of Military Intelligence,
"Joffel" van der Westhuizen, and the former head of DMI's Communications Operations (renamed Command Communications), Brig. Ferdi van Wyk; Russel Crystal, who has been involved in stratkom operations since the 1980s and who fronted for the IFF; evidence gathered by the Skweyiya Commission into corruption in the former Bophutatswana, which found that Advocate Douglas had been paid with taxpayers' money secretly routed through the Bophutatswana "national security council."

There is also the agent who fronted for the SAP's Recoc, Patrick Dlongwana (who later called himself Hlongwane.) Dlongwana has yet to explain why he publicly claimed that the "armed wing" of his organisation (the "South African Republican Army") was responsible for the murder of ANC Midlands leader Reggie Hadebe, and a massacre in Daveyton in which nine civilians were killed.

In this regard, it is clear that the Recoc stratkom went well beyond merely discrediting the ANC, and was used as a smokescreen for certain so-called "third force" violence.

Advocate Douglas himself, who is currently representing illegal gambling houses in KwaZulu Natal, could also possibly assist.

3.5.6. The TRC has asked for the names of those who we described as having been "wrongfully arrested" in the wake of the discovery of the spy network in 1981, and in what form apologies were tendered to them.

With regard to the TRC's questions concerning those who were "wrongfully arrested" in the wake of the discovery of the spy network in 1981, we would like to make the following points: firstly, the term "wrongfully arrested", as used in our main submission, means that people were arrested because there were grounds for suspicion that they may have been involved in the network, and were released when it was found that insufficient evidence existed to confirm this suspicion. They were not arrested for malicious reasons.

Secondly, we feel that listing the names of these people would be a serious invasion of their privacy, which could result in unjustified suspicions arising against them in their communities. Apologies were tendered to these people in different ways; there was no standard form of redress. Some received personal, verbal apologies from senior leadership figures such as Joe Modise and/or Joe Nhlanhla. In some cases people were provided with bursaries to further their studies. In other cases, they were assisted with reintegration into various ANC structures.

3.5.7. The TRC has asked why the ANC did not establish a Commission to investigate all the deaths of exiles (including "killings, extra-legal executions, and disappearances")?

We reiterate that no "extra-legal executions" were carried out in areas where the ANC leadership had control over its structures and membership. We have shown earlier that the ANC leadership acted in accordance with our Code of Conduct and procedures which were refined over time. Executions were only carried out after the cases had been considered by a tribunal or other structure composed of senior leadership.

In fact the ANC did set up a structure to gather information on all deaths in exile: the Bereaved Parents Committee, which is continuing its work; and the list submitted to the TRC with our first submission is the product of their labours.

3.5.8. The TRC's requested more information on attempts to exchange prisoners

The apartheid regime was not interested in attempting to free its agents, presumably because they felt this would mean acknowledging that our imprisoned cadres were prisoners of war. They cared very little for those who had served them.

4 VIOLENCE BETWEEN 1990 - 1994

The TRC has asked these questions with regard to what they call "ongoing conflict" in the post-1990 phase: "It is clearly stated (in the ANC's submission) that the violence was largely due to Third Force activity. While this may be true, indications are that ANC members and cadres were involved in the ongoing conflict. What level of responsibility should the ANC leadership take for these actions?"
They have also asked whether there is "any record of MK's role in SDU's and instances where their actions may have resulted in gross human rights violations - even where actions were understood to be in self-defence? Can the ANC supply detail about the training, instruction and report-back structures of the SDU's?" In a closely related question they ask "what role did MK play in the SDUs in KwaZulu Natal, specifically in operations against the IFP and KZP members after February 1990? Is there a record of such MK actions?" The TRC wants a "more detailed account of MK activities in the Transkei in the early 1990s". They want our response to "claims that MK - especially operating from the Transkei - was responsible for the killing or assassination of IFP office bearers, especially in the early 1990s."

The nature of violence, post-1990

The TRC has commented that our first submission "showed limited focus on the 1990 - 1994 conflict. It is clearly stated that violence was largely due to Third Force activity. While this may be true, indications are that ANC members and cadres were involved in the ongoing conflict. What level of responsibility should the ANC leadership take for these actions?"

We feel that certain misconceptions which may have arisen should be addressed. Firstly, our first submission did not show "limited focus" on the period in question. A careful reading of our document will show that considerable care was taken to highlight the "anatomy" of state repression in the 1980s, in describing the concept of counter-mobilisation which underpinned the thinking of the security establishment, in identifying critically important covert projects (Ancor, Marion, etc.), and in as precisely as possible, indicating the key structures tasked with work of this nature, rather than producing endless examples of the tactical expression of these strategies.

The section on the post-1990 violence should be read as a continuation of the earlier section on the 1980s. We concentrated on identifying key features of this period, such as the continued existence of the National Security Management System, renamed the National Co-ordinating Mechanism (NCM), the continued existence of covert fronts and projects carried over from the 1980s in some cases, and what we know of the activities of key units such as the Directorate: Covert Collection, rather than giving many examples of the thousands of acts of brutality which characterised this bloodiest period of South Africa's history, in which around 12000 civilians were killed. We stated unambiguously that we believe the violence was in essence a continuation of the violence of the 1980s, and exhibited many of the features of the violence during that earlier period as described above in this submission, although it was now projected as "political intolerance" - or the work of a mysterious "third force" which was supposedly against both the state and the ANC, intent on derailing negotiations.

According to a recent report, official documents show that the State Security Council first mooted the idea of a "third force" on 04/11/85. Cabinet minutes of a meeting held in May 1986, which was chaired by PW Botha, and at which FW de Klerk was present, show that the creation of this "third force" was discussed again. It would be complementary to the existing security forces, it was decided, "so that they will not be unnecessarily compromised". It is difficult not to conclude that illegal, covertly-managed violence was being contemplated, for which a specialised unit would possibly be required. In other words, those engaged in developing plans for this covert force were fully aware that they were going to break their own laws, and were attempting to make provision for the principle of "plausible denial" on the part of both the political leadership and the upper echelons of the security establishment.

According to SSC and Cabinet minutes, final approval was given for the setting up of an operations centre from which the "third force" would be commanded on 22/09/86. But the model for this "third force" - which had been developed by Niel Barnard, Adriaan Vlok, General Johan Coetzee, and General Jannie Geldenhuys - was not implemented. According to these minutes, the Cabinet was informed that structures were already in place to carry out the tasks envisaged for the "third force". These included the CCB, Unit C10 of the SB, and the Directorate: Covert Collection of the Department of Military Intelligence.

In addition to these structures, we urge the TRC to investigate the role of the Internal Stability Division (the re-named Riot Unit) since the 1980s, and the Reconnaissance Regiments, particularly 5 Recce, which has been involved in providing support to Renamo for many years and which was, according to former member Felix Ndimene, involved in some of the train massacres in the post-1990 phase.
We again urge the TRC to thoroughly investigate the activities of key NCM committees including the Cabinet Committee for Security Affairs, the Security Secretariat (with its various sub-committees, particularly the one tasked with Strategic Communications), the Security Committee (which replaced the National Joint Management Centre), and the Joint Security Staff. (More detail in this regard appears in our first submission on pp. 43-45.)

The former NIS, headed by Niel Barnard until early 1992, was a critically important role-player at the highest strategic level, and we urge the TRC to call on Mr Barnard to provide more information in this regard.

If we understand the term "third force" in this sense, the ANC would agree with the TRC's interpretation of our submission to the effect that most of the post-1990 violence was "third force" violence. As the official manual of the National Co-ordinating Mechanism puts it, "the application of the full powers of the state in order to resist the revolutionary onslaught is still valid." The post-1990 violence was the work of the state, was organised at the highest level, and was aimed at strengthening the hand of the government at the negotiations table by forcing a progressively weakened ANC into a reactive position in which it would be held hostage to the violence, and forced to make constitutional concessions.

In this regard, the cynical use of Inkatha in particular remained critically important. Operation Marion was not terminated when De Klerk came to power. According to a document dated 12/03/1990, written by General Jannie Geldenhuys, it is stated that the State President had been briefed on "a range of sensitive projects" and had given "approval in principle for the running of Stratkom projects." According to this memo, "covert Stratkom projects are controlled and managed by the secretary of the State Security Council. This includes the allocation of areas of work to departments. The secretary of the State Security Council receives directives and assignments in this regard from the State President and conveys this to the relevant department. The Stratkom projects in the attached appendices are managed in consultation with, and on the request of, the secretary of the SSC." Operation Marion is listed among the "covert Stratkom projects" in the appendix attached to this memo.

The key question which must at all times be kept in mind is this: who stood to benefit from the violence?

The ANC was not engaging in "ongoing conflict", nor were the majority of people on the ground embroiled in "ongoing conflict": they were being attacked by covert units operating in accordance with the wishes of the apartheid regime, and by organised, armed "vigilantes" which had, with the assistance of the NP's intelligence and security forces, established informal military bases in several hostels from which to launch attacks on civilians in their homes, on trains, or at bars and vigils. This was fully in line with the original objectives of Project Marion, and the determination of the De Klerk administration to maintain control over the pace and content of the negotiations process.

Further information with regard to the use of Low-Intensity Warfare tactics of this nature - which has not by any means been unique to South Africa - is provided in an article, from the publication Challenge accompanying our submission (appendix 8.)

We again urge the TRC to investigate those covert operations and key structures we identified in our first submission, which we are confident will expose the true nature of the post-1990 violence, and assist in eradicating clandestine structures still in place to this day. As far as possible, covert units or fronts were self-financing; some raised funds through illegal activities such as vehicle theft, the smuggling of ivory and rhino horn, and drug dealing.

**SDUs in the context of post-1990 state-sponsored violence**

With regard to SDUs, we dealt with this question in considerable detail in our first submission (please refer to pp. 63 - 66.) SDUs were formed in response to state-sponsored violence which was devastating many communities, with certain SAP units directly involved in these attacks by omission or commission.

As the violence which exploded on the Reef in July 1990 intensified, there were repeated calls by communities under attack for MK units to be deployed to defend them. The ANC (and MK Military HQ) felt that the negotiations could be jeopardised should MK become formally involved in attempts to defend people from these attacks, but approved the
involvement of MK members based in communities under threat. in SDU structures.

The ANC also set up a Peace Desk, which included representatives from COSATU, the SACP, Sanco, and other community organisations. The Peace Desk gathered information on the violence and participated in structures set up in terms of the National Peace Accord. The ANC also took the issue of violence to the negotiations table, and called on the De Klerk regime to take action to halt the carnage. We took the issue to the United Nations. Despite these efforts, the violence continued to intensify.

SDUs were established in communities under attack as a joint project between the ANC and the community concerned. It should also be noted that the legitimacy of SDU structures was recognised in terms of the National Peace Accord.

As we stated in our first submission, some members of MK Military HQ were tasked to attend to issues relating to the SDUs, their organisation, training and the provision of weaponry. The draft document "For the Sake of Our Lives" clearly states that allowing units of this nature to operate with party-political bias would be highly dangerous and should be avoided at all times. A full copy of this document, as requested by the TRC, accompanies this submission (appendix 9). The units should have been controlled by the communities in which they operated, but many communities were entirely destabilised by LIW violence, and organised structures at grassroots levels were almost non-existent.

It was made clear that the overall control of SDUs was to remain with community structures, and MK cadres were to participate as members of the community: MK Command would not play a leading role. Various clandestine units for the training and organisation of the various SDUs were set up, and some cadres were tasked to provide weaponry where possible. We do not have records of MK's role in SDUs since they were not HQ-controlled structures.

Members of SDUs were drawn primarily from the communities in which they were established. Often they were youths, and in some cases SDUs included members of MK who lived in those communities.

A dilemma arose with regard to the arming of SDUs. MK members came under increasing pressure from communities to obtain arms. The ANC called on communities to make contributions towards the purchase of arms; this was largely unsuccessful, and the regime refused to issue weapons licences to members of SDUs. In addition, people could legally only buy hand guns, which were futile given the nature of the violence.

The perpetrators of violence were organised and equipped with automatic rifles and machine guns, including AK 47s. Official spokespersons of the De Klerk regime pointed to the use of AK's and blamed the ANC; however, the Cameron Commission discovered that the SADF had approximately 38 000 AK 47s at its disposal. Eugene de Kock has testified that in late 1993 he and former undercover SB agent Philip Powell of Inkatha collected truckloads of weaponry from an Armscor subsidiary, Mechem, including hand grenades, light machine guns, land mines ammunition and assault rifles (including AK 47s.) Powell narrowly missed obtaining a further thousand assault rifles from Eskom (at a cost of R2.1m) this deal had been authorised by the Commissioner of Police, Johan vander Merwe.

Senior ANC leaders decided that selected SDUs should be assisted in those areas of the Reef which were hardest hit by destabilisation. Selected members of MK, including senior officials from the Command structures, were drawn into an ad hoc structure to assist with the arming of units and to train and co-ordinate efforts in self-defence in these communities; this was done on a need-to-know basis. At MK's conference in Venda in August 1991, the President called on MK to fulfill its responsibility in defending communities under attack.

Selected units of the Ordnance structure of MK provided weaponry to certain SDUs through dead drops or by providing sketches to senior personnel, which were then passed on. These Ordnance units did not know to whom the materiel was passed on.

SDUs that had been trained patrolled townships at night, setting up roadblocks and checking on unusual movements. In some instances, the units carried out attacks on known warlords in their townships.

Tensions arose between HQ and Natal ANC structures, where some leaders called for an offensive approach to deal with Inkatha warlords and others who had been perpetrating violence with impunity for years. The ANC had to take a
very firm stand to prevent offensive action and to maintain a self-defensive posture.

In a few areas, such as the Vaal, problems arose between "rival" SDUs. Because of the principle of need-to-know being applied, in areas where a number of SDUs had been established some SDUs became suspicious of others. The ANC had to occasionally intervene in an attempt to defuse these tensions.

In addition, as we pointed out in our first submission, the state made every effort to subvert SDUs in order to prevent any form of sustained resistance to the state-sponsored violence inflicted on their communities, and to discredit the ANC. Some SDUs became little more than gangs of criminals, at times led by police agents, and inflicted great damage on popular, ANC-aligned community structures: this was well illustrated in the case of the notorious Phola Park SDU, which was led by an agent of the SAP, and which we referred to in some detail in our first submission. Another instance of this nature is provided by the activities of police agent Sifiso Nkabinde in the Midlands.

We saw the familiar pattern of the state countering the ANC's initiatives by turning them against us, and against the people in general.

With regard to questions the TRC has asked about MK cadres in the Transkei: ANC and MK cadres returning from exile and prison, or emerging from the underground, went to settle in or near the areas where they originally came from, including the Transkei. Because of the relatively stable security situation in that territory in comparison to other parts of the country immediately after the unbanning of the ANC in 1990, some cadres who were in danger of being killed by apartheid agents, or arrested in the uncertain period of 1990 - 1991, may also have settled in this area.

As was the case in other parts of the country, MK cadres were tasked with ensuring the security of the leadership and their own security, and where applicable, to assist the people in their own self-defence.

With regard to the TRC's request for information on the case of Sipho Phungulwa, this is contained in an amnesty application.

5. RESPONSES TO QUESTIONS RECEIVED FROM THE TRC WITH REGARD TO ACTIVITIES OF THE FORMER APARTHEID REGIME

5.1. THE NCM (FORMERLY THE NSMS)

The TRC has asked us to "provide evidence illustrating the restructuring of the NSMS and its subsequent activities."

An original copy of the official handbook on the National Co-ordinating Mechanism (the renamed National Security Management System) is available in the set of appendices released with this submission (appendix 10). We also attach official documents issued in 1992 setting out changes to certain key structures in the NCM hierarchy (appendix 11).

It is not possible to provide information on the activities of the restructured NSMS, since this was not a specific unit or department, but a co-ordinating mechanism at strategic level designed to ensure that a range of activities by various government departments (including the SADF, SAP and NIS) were carried out in the desired manner. However, a study of the NCM Handbook will show that various structures at the upper level of the NCM had distinct mission statements.

We urge the TRC use its powers to obtain information on the activities of these structures, which is crucial to an understanding of the nature of the post-1990 violence, from those who were actually responsible for running them. The activities of the Secretariat of the SSC, which included a Stratkom branch, and of the Joint Security Staff are of particular importance; in this regard we refer you to p. 45 of our main submission in which we explicitly identified the most important structures which, we believe, should be the focus of inquiries by the TRC.

5.2. ADULT EDUCATION CONSULTANT SAND OPERATION KATZEN

The TRC has requested more information on the activities of Adult Education Consultants, and the proposed Xhosa Resistance Movement.
A translation of the document in which what was called the "main plan" for Operation Katzen accompanies this submission (appendix 12).

With regard to Adult Education Consultants (AEC), a memorandum from the Chief-of-Staff: Intelligence to the Chief of the SADF, titled "Extension of Counter-Mobilisation Strategy" accompanies this submission (appendix 13). This memo lists over twenty projects running at this time under the NP's Project Ancor and sub-project Kampong. Adult Education Consultants was established in order to implement Project Ancor.

With regard to the activities of AEC affiliates, considerable information on the activities of this group of front companies is readily available from a range of print media sources. Again, we would urge the TRC to request information directly from those at SSC Secretariat level who were responsible for conceptualising these and all other fronts, and those who were tasked with running such fronts - or to subpoena people if necessary. We specifically identified key people responsible for these particular operations in our main submission: see pp 35 and 38. These individuals include Louis Pasques (who was and possibly still is a member of the Broederbond), Dr. Johan L. van der Westhuizen (who went on to found the ACDP), Tertius Delport, "Joffel" van der Westhuizen, "Kat" Liebenberg, Magnus Malan, Louis Pienaar, Ben Conradie, and the chief of the Army in 1986. After April 1991, responsibility for Project Ancor was passed to the Chief of the Army, Georg Meiring. It is highly improbable that Niel Barnard, as head of the NIS, was not involved in these projects as well.

There were many other fronts, a number of which we mentioned in our main submission; we trust the TRC intends to ensure that this information comes to light by actively obtaining information from key officials.

5.3. STEVE BIKO

The TRC has asked what information did Carl Edwards and Craig Williams have which makes the ANC believe they were involved in his death. We trust the TRC will question these agents in this regard as they have all relevant information.

5.4. COVERT OPERATIVES INFILTRATED INTO ANC/MK STRUCTURES, SDUs, AND COMMUNITY-BASED ORGANISATIONS

With regard to the TRC's question as to whether the ANC can supply any evidence substantiating the involvement of South African security forces in the deaths and disappearances of MK cadres and ANC members, we feel that the TRC itself has the investigative and research resources available to pursue this matter, and that this is in fact part of the mandate of the TRC. Investigations by the TRC have already led to some cases of this nature coming to light, and we urge the TRC to continue this work.

6. REPARATION AND REHABILITATION

"The Promotion of National Unity and Reconciliation Act...also requires that we make recommendations on the reparation and rehabilitation of victims. The views of your party on this matter will be appreciated. The nation has limited resources, there are a range of initiatives included in the Reconstruction and Development Programme - and yet, there are individuals and communities who suffered in a specific way as a result of gross human rights violations. What is the obligation of the nation towards these people? What forms of memory, rehabilitation and reparation are reasonably possible?"

The mandate of the TRC with regard to reparations is to make recommendations to the President about the type of reparations required, and to determine the number of people entitled to reparations.

The ANC firmly believes that meaningful reparations to the victims of the system of apartheid are necessary, and in particular to the victims of gross violations of human rights. Unless there are meaningful reparations, the process of ensuring justice and reconciliation will be flawed.

The finalisation of the forms, quantum, and implementation of such reparations must be the responsibility of the State.
The State is our only instrument to ensure that decisions in this regard are related to available resources, both now and in the foreseeable future.

Further, the State has access to various capacities and instruments within several line function departments and Ministries which will have to be mobilised to ensure effective and systematic implementation of sustainable reparations. For example, special pensions, educational grants, skills training, medical aid, welfare, the issuing of special medals, the erection of memorials, and the possibility of a museum in remembrance of those who suffered these injustices. It is along these lines that we believe the TRC should look for the forms that reparations and rehabilitation should take.

The ANC has ensured that government has set up a Ministerial body to look at the forms reparations could take, and the capacity of government to implement reparations. This committee has been mandated by the government to hold discussions with the TRC's committee on reparations. We would at the same time urge the TRC not to lose sight of the crucial necessity to identify those who qualify for reparation and rehabilitation.

We take into account the fact that available resources can never match what would be required to ensure reasonable reparation and rehabilitation for the gross violations of human rights which arose under apartheid and in order to bring apartheid to an end. Nonetheless, there is widespread recognition that there are individuals and strata both within our society and abroad who have directly benefited from the system which was sustained by apartheid repression. It would be useful if the Commissioners could apply their minds to considering the necessity and viability of ensuring that the doctrine of Odious Debt is given recognition in mobilising some of the resources that would help make the reparations more feasible.

3. Ibid; page 16

APPENDIX ONE

ANC STRUCTURES AND PERSONNEL, 1960 - 1994

Please note: In this document we have concentrated mainly on those structures which are of direct relevance to the mandate of the TRC. There has been no attempt to cover our diplomatic structures, or departments which fell under the offices of the Secretary-General or the Treasurer-General over the years.

Most of the information contained in this appendix is drawn from memories. There may be minor mistakes and omissions.

1. ANC STRUCTURES AND PERSONNEL: PRE - MOROGORO (1969)

Following the banning of the ANC in 1960, OR Tambo was sent out of the country to represent the ANC abroad; Yusuf Dadoo was deployed to represent the SACP. After the arrests of most members of MK's National High Command, some of those who had evaded arrest left the country. Internal ANC (and SACP) leadership ceased to exist.

Under the leadership of OR Tambo, offices were established in Dar-es-Salaam in 1964 to organise training of MK cadres. From 1964 onwards an office was established in Lusaka; by 1965 the ANC's HQ was in Morogoro, Tanzania, and its main military camp was at Kongwa.

In 1966 the leadership group moved to Morogoro, which became ANC HQ, with MK becoming the ANC's military wing. In 1967, OR Tambo became Acting President, after the death of Chief Albert Luthuli. The ANC's Secretary-
General was Duma Nokwe, Moses Kotane filled the post of Treasurer, and Joe Modise commanded MK. The primary task before them was the reorganisation of the ANC’s severely disrupted structures.

1.1. The NEC in exile, 1963 - 1969

There were no elected members of the NEC until the 1985 Kabwe Conference. People were co-opted to this structure as the leadership saw fit. During the 1960s, the following people were NEC members:

Chair: OR Tambo
Treasurer: Moses Kotane
Secretary General: Duma Nokwe

Other members: Mzwai Piliso, Mendy Msimang, Moses Mabhida, Themba Mqota, Mark Shope, JB Marks, Tennyson Makiwane, Ambrose Makiwane, Jimmy Hadebe, Joe Matthews, Alfred Nzo, T.T. Nkobi, Johnny Makathini, Mzwai Piliso, Robert Resha, Dan Tloome, and Joe Modise.

2. ANC STRUCTURES, 1969 - 1976

At the Morogoro Conference it was decided to form the Revolutionary Council (RC), tasked with concentrating on the home front, developing internal structures, creating publicity for the ANC, and waging armed struggle.

The NEC was reduced to eight members after the Morogoro Conference, and during the period between 1969 - 1985, the NEC and RC (later the PMC) co-opted additional members as seen fit by the leadership.

The RC expanded over the years by co-opting new members and developing structures or portfolios, including Communications, Ordnance, Intelligence and Security.

2.1. The NEC, 1969 - 1976

Acting President: OR Tambo
Treasurer: Moses Kotane, followed by JB Marks
Secretary-General: Duma Nokwe, succeeded by Alfred Nzo in 1969

Other members: John Motshabi, Mzwai Piliso, Moses Mabhida, Themba Mqota, JB Marks, Tennyson Makiwane, Ambrose Makiwane, Jimmy Hadebe, Joe Matthews, Alfred Nzo, T.T. Nkobi, Johnny Makathini, Robert Resha, Dan Tloome, Joe Modise.

Members who were co-opted to the NEC during this period included: Thabo Mbeki, Chris Hani, Joe Jele, Jacob Zuma, Joe Gqabi, John Nkadimeng, John Gaetsewe, Robert Manci, Andrew Masondo, Henry Makgothi, Florence Moposho, Simon Makana.

The Makiwane brothers and Themba Mqota were expelled in 1972.

2.2. The Revolutionary Council, 1969- 1976

Chair: OR Tambo
Deputy Chair: Yusuf Dadoo
Secretary: Joe Matthews (until 1970), followed by Moses Mabhida
Assistant Secretary: Simon Makana

Military Operations fell under Joe Modise.

The Department of National Intelligence and Security (NAT) was first established in April 1969 under the leadership of Moses Mabhida.

3. ANC STRUCTURES, 1976 - 1980

In 1976 a Central Operations Headquarters of MK was set up, and the process of establishing MK training camps in Angola began.

3.1. The NEC, 1976 - 1980

President (as of 1969): OR Tambo
Treasurer: Thomas Nkobi
Secretary General: Alfred Nzo
Administrative secretary of the NEC: Joe Nhlanhla (in 1978)


3.2. Office of the President

Special Operations was set up in 1979 to undertake high-profile acts of sabotage on key economic installations. This structure reported directly to OR Tambo.

The first Special Operations Command consisted of Joe Slovo, Montso Mokgabudi ("Obadi"), and Aboobaker Ismail ("Rashid".)

3.3. The Revolutionary Council, 1976 - 1980

Chair: OR Tambo
Secretary: Moses Mabhida
Assistant Secretary: Simon Makana, followed by Job Tlhabane ("Cassius Make") in 1977

Other members: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Jele, John Motshabi, Robert Manci, Steve Dlamini, Florence Moposho, Gertrude Shope, Duma Nokwe, Thabo Mbeki, Johnny Makathini, Duma Nokwe, Joe Slovo, Yusuf Dadoo, Jacob Masondo, John Motshabi, Chris Hani, "Lennox" Tshali, Peter Dlamini, Bogart Soze

The following members of the RC were co-opted to the structure after 1977: Joe Gqabi, Mac Maharaj, Godfrey Pule, Jacob Zuma, John Nkadimeng, "Peter" Tshikare, Sizakele Sigxashe, Andrew Masondo.

The following structures fell under the Revolutionary Council:

3.4. The Internal Political Reconstruction Committee, 1976 - 1980

This committee was charged with re-establishing the political underground and organising ANC propaganda inside the country.

Chair: John Motshabi
Secretary: Mac Maharaj

Other members: Ray Simons, Reg September, Dan Tloome, John Gaetsewe, Ruth Mompati.
3.5. MK Central Operations HQ, 1976 - 1980

The role of Central Operations HQ was purely to develop armed struggle internally, and did not control all aspects of MK activities.

Central Operations HQ Personnel: Joe Modise, based in Lusaka, was responsible for the Western Front (operations via Botswana). He was assisted by Keith Mokoape and Snuki Zikalala.

Joe Slovo, based in Maputo, was responsible for the Eastern Front (operations via Swaziland.) He was assisted by Sello Motau ("Paul Dikeledi") and "Lennox" Tshali and Jacob Zuma.

Communications: Jackie Sedibe


Commanded by Chris Hani and Lambert Moloi. Lesotho reported directly to the RC. It was in practice run as a separate area, with its own joint command consisting of political, military and intelligence components.


Angola was a special case; it was considered a military zone because of the war in the country. Various structures, all directly reporting to the RC, were established in Angola during this period.

The Regional Commander was Mzwai Piliso. Julius Shekeshe took over the post of Regional Commander in 1979.

Personnel and Training (1976 - 1980): Headed by Mzwai Piliso. This post entailed responsibility for all MK camps and arranging MK training abroad. He was assisted by Andrew Masondo (National Commissar), Ronnie Kasrils (Regional Commissar) and Julius Shekeshe (Regional Commander.)

Commisariat: Headed by Andrew Masondo as of 1976. Political instructors included Mark Shope, Ronnie Kasrils, Wellington Madolwana ("Francis Meli"), and Jack Simon. Ronnie Kasrils was Regional Political Commissar between 1977/78 - 1980


Security and Counter-Intelligence (Angola, 1976 - 1980): Godfrey Pule and Sipho Dlamini were key figures in Angola intelligence structures. Mike Themba ("Mike Sandlana") was in charge of security in Angola from 1977 - around 1984.

The Morris Seabelo Rehabilitation Centre (originally called Camp 32) was established in late 1979.

3.8. MK Operations: Regional Structures, 1976 - 1980:

3.8.1. Eastern Front

Four "machineries", or military structures, operated from the Eastern Front (Maputo via Swaziland):

Natal Urban:
Commanded by Mduduzi Guma, Lionel Hadebe, Krishna Rabilal, Cyril Raymonds ("Fear"), Zweli Nyanda, "Oscar", Sonny Singh (Bobby Pillay)

Natal Rural:
Commanded by "Pass Four" (Johannes Pungula), Henry Chiliza, Mandla Msibi, Edwin Dlamini ("Chris")
Transvaal Urban:
The Transvaal command consisted of Selaelo Ramusi, Siphiwe Nyanda, Ntsie Manye and Solly Shoke.

Eastern Transvaal Rural:
Commanded by Gilbert Ramano ("Robert Moema"), and then by Glory Sedibe ("September"), Julius Maliba ("Manchecker"), and Thabo Gwamanda ("Thabo Mosquito"), Zaba Nkondo was commissar.

3.8.2. Western Front

Two machineries operated from the Western Front (Lusaka via Botswana). The Botswana Command consisted of Snuki Zikalala and Keith Mokoape.

Transvaal Urban:
Commanded by Zakes Tolo and later Thabo Gwamanda ("Thabo Mosquito")

Western Transvaal Rural:
Commanded by Victor Modise

3.9. IPCs at regional level, 1976 - 1980

3.9.1. The Botswana IPC (1976 - 1980) was led by Henry Makgothi and Dan Tloome. At various times, Jenny and Marius Schoon, Patrick Fitzgerald, Magirly Sexwale, Zakes Tolo and "Negro" also served on this structure.

3.9.2. The Swaziland IPC (1976- 1980) was led by John Nkadimeng and Judson Khuzwayo.

It had two sub-sectors:

- Natal: led by Judson Khuzwayo, Ivan Pillay and T. Tryon
- Transvaal: led by John Nkadimeng, Graham Morodi, Chief Mampuru and Billy Whitehead ("Archie"), and "General".

3.9.3. The Maputo IPC (1976- 80) Indres Naidoo, Jacob Zuma, John Nkadimeng, Sue Rabkin, Sonny Singh, John Nkadimeng (Swaziland to Maputo)


3.10. NAT (1976 - 1980)

Director: Simon Makana took over from Moses Mabhida.

Other members of the Directorate were Godfrey Pule, David Motsweni ("Willy Williams"), "Peter" Tshikari, and "Ulysses" Modise.


This was led by. Yusuf Dadoo with Aziz Pahad as Secretary. Other members were Reg September, Solly Smith, Ronnie Kasrils, Jack Hodgson.

4. ANC STRUCTURES 1980 - 1983

In 1981, in line with the ANC's ongoing attempts to better co-ordinate political and military activities, Senior Organs consisting of military and political personnel were established in the Forward Areas.
4.1. The NEC, 1980 - 1983

President: OR Tambo
Treasurer: Thomas Nkobi
Secretary General: Alfred Nzo
National administrative secretary of the NEC: Joe Nhlanhla

Other members: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Je le, John Motshabi, Andrew Masondo, Joe Nhlanhla, Robert Manci, Joe Gqabi, Jacob Zuma, Steve Dlamini, John Nkadameng, Simon Makana, Florence Moposho, Gertrude Shope, Thabo Mbeki, Johnny Makathini, Chris Hani.

4.2. Office of the President 1980 - 1983

Special Operations:
Commanded by Joe Slovo, Aboobaker Ismail, and "Chris" Nungu until his death in 1982 in an ambush.

4.3. The Revolutionary Council, 1980 - 1983

Chair: OR Tambo
Secretary: Moses Mabhida
Assistant Secretary: Job Tlhabane ("Cassius Make")


4.4. MK Central Operations HQ, 1980 - 1983

Commander Joe Modise, based in Lusaka, was responsible for the Western Front (operations via Botswana). He was assisted by Keith Mokoape and Snuki Zikalala.

Joe Slovo, based in Maputo, was responsible for the Eastern Front (operations via Swaziland.) He was assisted by Sello Motau ("Paul Dikeledi") and Tshali (""Lennox" Tshali").

Communications: Jakie Sedib e
Logistics: Jacob "Mawiele" Masondo

4.5. The Department of Intelligence and Security (NAT), 1980 - 1983

The following appointments were made in 1981:
Director: Mzwai Piliso
Deputy Director and head of Intelligence: Joe Gqabi
Deputy head of Intelligence, and attached to the RC: "Peter" Tshikare
Head of Processing and Information: Simon Makana
Head of Security: Jan Mampane ("Reddy Mazimbu")
Deputy Head of Security: "Ulysses" Modise

After the assassination of Joe Gqabi in Zimbabwe "Peter" Tshikari took over as head of Intelligence.


Each S.O consisted of a joint political/ military committee and the following substructures: a Political Command, a Military Command, and a NAT structure.

Chair: John Nkadimeng  
Secretary: Jacob Zuma  
Other Members: Joe Slovo, R. Manci, Bogart Soze, "Lennox" Tshali, "Peter" Tshikare, Ronnie Kasrils, Sello Motau ("PaulDikeledi"), Julius Maliba ("Manchecker")

4.6.1.1. Maputo SO: Political Committee

Chair: Jacob Zuma  
Secretary: Ronnie Kasrils - Also Mandla Msibi, John Nkadimeng, Indres Naidoo, Sue Rabkin.  
The following structures resorted under the Maputo Political Committee (1980 - 1983)

Transvaal Urban:
Led by Graham Morodi ("Tati Mashego"), Oupa Mashinini, and "Comrade Musa."

Transvaal Rural:
Led by John Nkadimeng, Chief Mampuru, and Billy Whitehead as secretary

Natal Urban:
Led by Judson Khuzwayo, with Ivan Pillay and Terence Tryon

Natal Rural:
Led by Shadrack Maphumulo and Jabulani Nxumalo ("Mzala")


Chair: Joe Slovo  
Secretary: Sello Motau ("Paul Dikeledi")  
Members: Julius Maliba ("Manchecker"), Siphiwe Nyanda, Edwin Dlamini ("Chris")

The following machineries / military structures resorted beneath the Maputo SO Military Command:

Transvaal Urban:
Commanded by Siphiwe Nyanda and Ntsie Manye

Eastern Transvaal Rural:
Commanded by Julius Maliba and Glory Sedibe ("September")

Natal Urban:
Commanded by Henry Chiliza and later Thami Zulu, Zweli Nyanda, Cyril Raymonds ("Fear").

Natal Rural:
Commanded by "Pass Four" Pungula, and Edwin Dlamini ("Chris")

4.6.2. Botswana Senior Organ, 1980 - 1983

Chair: Henry Makgothi, succeeded by Lambert Moloi

Leading figures in this SO during this period were Billy Masetlha, Keith Mokoape, Dan Tloome, Marius and Jenny Schoon, Patrick Fitzgerald (the latter three were forced to leave Botswana during this period), Wally Serote, Thabang
4.6.3. Lesotho 1980 - 1983

Until the coup, Chris Hani, Lambert Moloi, Linda Mti.


For the first time a full formal Regional Command with established structures was created in 1980. The Regional Command was composed as follows between 1980 - 1989.

**Regional Commander:**
Simon Shekeshe, followed by Graham Morodi in around 1982; then Godfrey Ngwenya who was injured in a UNITA ambush in around 1985, then Ali Makhosini.

**Regional Chief-of-Staff:**
Successively, Thami Zulu (Mzwakhe Ngwenya), Timothy Mokoena (Godfrey Ngwenya), Raymond Monageng (Robert Mandita), Thabi Mofokeng (Steven Kobe), David Ngwezane (Ben Senokoanyane)

**Regional Commissar:**
Successively, Mike Temba, Edwin Mabitse (Edward Mabitsela), Che O'Gara (January Masilela), Herbert Malinga, Rufus Mbilini.

**Regional Chief of Security:**
Successively, Alfred Wana (Mdala), Captain Lentsoe (Moeketsi), Morris Seabelo (Dantili), Zolile Zosi ("Dexter Mbona"), Caeser Kate (Mphakamisi Ncumani).

**Regional Chief of Personnel:**
Successively, the late Joseph Vooki (Arios Molefe), Peter Seeiso (Phillip Sebothoma), Tony Montori (Jeremiah M. Nyembe.)

**Regional Chief of Logistics:**
Successively, Theodore Mothobi, Reid Ngake, Albert Mabeleng.

**Regional Chief of Transport:**
Successively, Reid Ngake, Graham Morodi ("Dan Mashego"), Frans Dibakwane

**Regional Medical Officer:**
Successively, Dr Peter Mfelang, Dr Sipho, Dr. "Hagar McBerry" (Davidson Masuku.)

**Regional Chief of Communications:**
Solly Mokgatle

5. ANC STRUCTURES 1983 - 1985

The Senior Organs in the forward areas had not been particularly effective in improving co-ordination between the political and military aspects of struggle. In April 1983 a conference of all Front commanders and commissars was held in Luanda to address the continuing problem of a lack of effective co-ordination between the military and political aspects of struggle. It was felt there should be joint planning, command and control in all operations; and the ANC had to move towards building military structures inside the country, taking a longer-term view and preparing the ground for peoples' war in order to sustain military operations, rather than carrying out a string of one-off "pot boiling" actions.

The NEC resolved to intensify its work both inside and outside the country. External work was to be co-ordinated by a newly-created External Coordinating Committee.
The Revolutionary Council was replaced by the Politico-Military Council (PMC), which became the executive arm of the NEC in relation to all matters pertaining to the conduct of the political and military struggle inside South Africa. The PMC co-ordinated the activities of the Political HQ, Military HQ, and NAT, and was supported in its activities by a small Secretariat. By 1983 a new Military Headquarters (MHQ) had been established, bringing together and reorganising the old general HQ along formal military lines.

The PMC met once a month and was tasked with the overall strategic planning for internal ANC/MK work, and to assess the state of the nation. The executive committee of the PMC, the Secretariat, met between full PMC meetings on a weekly basis.

The Senior Organs were replaced by Regional Politico-Military Committees (RPMCs), and were also given the authority and responsibility for making operational decisions. The RPMCs were charged with co-ordinating political and military activities in their areas of responsibility, and (where possible) setting up Area PMCs inside the country. Area PMCs would be responsible for providing local-level leadership on political and military matters, the gathering of intelligence, and the screening of recruits.

### 5.1. The NEC 1983 - 1985

- President: OR Tambo
- Treasurer: Thomas Nkobi
- Secretary General: Alfred Nzo
- Administrative secretary of the NEC: Joe Nhlanhla.


### 5.2. The External Co-ordinating Committee, 1983 - 1985

- Chair: Alfred Nzo
- Secretary: Hermanus Loots

Other members: Thabo Mbeki, Johnny Makathini

### 5.4. The Politico-Military Council (PMC), 1983 - 1985

- Chair: OR Tambo
- Treasurer: Reg September

The Secretary of the PMC was Joe Nhlanhla, until 1987

MHQ representatives on the PMC: Joe Modise, Joe Slovo, Chris Hani.
PHQ representatives on the PMC: Joe Jele, Mac Maharaj, Jacob Zuma, John Motshabi, Ruth Mompati
NAT representative on the PMC: Mzwai Piliso

Other members included: Alfred Nzo, T.T. Nkobi, Job Tlhabane ("Cassius Make"), Sizakele Sigxashe, Andrew Masondo, Moses Mabhida, John Nkadimeng.

The following structures fell under the PMC:

### 5.5. Political HQ (1983 - 1985)

John Motshabi, Joe Jele, Mac Maharaj, Jacob Zuma, Jabu Molekane, Joel Netshitenzhe, Vusi Mavimbe, Ellen

Commander -in -Chief: OR Tambo
Army Commander: Joe Modise
Chief of Staff: Joe Slovo (1983 - 1985);
Deputy Army Commander and Commissar: Chris Hani (1983 - 1985)
Chief of Communications: Jackie Molefe (1983 - 1992)
Chief of Ordnance / Logistics: Job Tlhabane (1983 - 1987);

Special Operations no longer reported directly to the President. Aboobaker Ismail was appointed overall commander of Special Operations, and reported to Joe Slovo at MHQ.

5.7. NAT National Directorate (1983- 1985)

Director: Mzwai Piliso
Deputy Director and head of Counter-Intelligence: "Peter" Tshikari
Head of Intelligence: "Ulysses" Modise
Head of the Central Intelligence Evaluation Sector (CIES): Sizakele Sigxashe

5.8. Regional Politico-Military Councils 1983 - 1985


Joe Slovo, Jacob Zuma, "Lennox"Tshali, Bogart Soze, Sello Motau ("Paul Dikeledi"), Siphiwe Nyanda and John Nkadimeng.

After the signing of the Nkomati Accord in 1984, the Maputo RPMC was replaced by a co-ordinating mechanism in Swaziland.

This was chaired by Ronnie Kasrils (1984), then Ebrahim Ismail Ebrahim (1985 - 86) Other members included Thami Zulu, Siphiwe Nyanda, and a NAT representative.

Two regional PMCs reported to the co-ordinating mechanism in Swaziland: the Natal Regional PMC, led by Shadrack Maphumulo, Ivan Pillay, Thami Zulu, Cyril Raymonds ("Fear"), Terence Tryon, and Doris Skosana. the Transvaal Regional PMC, led by Siphiwe Nyanda, Sello Motau ("Paul Dikeledi"), "September", Ntsie Manye and "Archie" (Billy Whitehead)

Each of these RPMCs had Military, Political and NAT structures.

Politico- Military machineries resorting under this RPMC were as follows:

**Natal Urban:**
Led by Ivan Pillay, Thami Zulu, and Terence Tryon

**Natal Rural:**
Led by Shadrack Maphumulo and Doris Skosana
Transvaal Urban:
Led by Siphiwe Nyanda, Sello Motau, and Solly Shoke

Transvaal Rural:
Led by "Archie" and Glory Sidebe ("September")

5.8.2. Botswana RPMC, 1983 - 1985

Botswana structures went through a number of rapid changes in the 1980s because of a number of cross-border attacks and severe infiltration by the enemy.

In 1983, Lambert Moloi headed the Botswana RPMC. In 1984, a Co-ordinating Committee was established, consisting of representatives from military and political structures.

Chair: Thabang Makwetla, followed by Thenjiwe Mthintso
Political representative: Wally Serote
Military representative: Lambert Moloi - Also Rogers Nkadimeng (killed in a car bomb in Gaborone, 1985)

The political machinery resorting under the Botswana RPMC at this time was led by Wally Serote and Thabang Makwetla.

The military machinery was led by Thenjiwe Mthintso, Patrick Mavundla ("Naledi"), and "Dan".

5.8.3. Lesotho RPMC, 1983 - 1985

This RPMC was headed by Judson Khuzwayo, with "Wana", Linda Mti, Skenjana Roji and Thenjiwe Mthintso (between 1982 - 1983.)

5.8.4. London RPMC, 1983 - 1985

Chair: Aziz Pahad

5.3.7. Angola, 1983 - 1985

Angola was a military zone under a Regional Command.

Angola Regional Command:

Commander: Timothy Mokoena (Godfrey Ngwenya) (1984 - 1987)
Commissar: January Masilela (1985 - 1986)
NAT: "Morris Seabelo" Dantili

6. ANC STRUCTURES, 1985 - 1990

The Kabwe Conference was held in May 1985. In response to the sharp increase in mass struggle inside the country, Political HQ was replaced with a strengthened Internal Political Committee (IPC) in 1987.

Operation Vula was launched in 1986, with Joe Slovo assisting the President. Mac Maharaj and Ronnie Kasrils were among the leading figures in this project. By 1988, Mac Maharaj and Siphiwe Nyanda had been infiltrated into the country.

MHQ was also extended, with the appointment of a number of deputies at HQ level.
A Code of Conduct was adopted. In terms of the general (civilian) Code Of Discipline, three offices were established specifically to better regulate disciplinary procedures, and halt abuses that had been occurring. These were the Review Board, the Officer of Justice, and the National Peoples' Tribunal.

A Provisional Directorate of Intelligence and Security was created to run NAT, and action was taken to clarify the command structures over NAT personnel deployed in Angola. A President's Council (also referred to as the National Security Committee) was established in the latter half of 1987, and was chaired by OR Tambo; this committee had the brief of overseeing the functioning of NAT and dealing with security issues in general.

6.1. The NEC, 1985 - 1990

For the first time the ANC had a fully-elected NEC, consisting of 28 members.

President: OR Tambo
Secretary-General: Alfred Nzo
Treasurer: Thomas Nkobi


Other NEC members were co-opted in 1987: Ronnie Kasrils, Jackie Sedibe, Aziz Pahad, and "Bra T" (Godfrey Ngwenya), and Sindiso Mfenyane.

6.2. The Office of the President, 1985 - 1990

The President's Committee

This committee was established in late 1987.

Chair: OR Tambo

Other members: The Secretary-General, Alfred Nzo; the Treasurer General, Thomas Nkobi; the head of NAT, Joe Nhlanhla; Joe Modise.

The Office of Justice

This Office also reported to the President.

Chair: Zola Skweyiya (appointed by the NEC in 1985.)

The National Review Committee (the Review Board)

The Review Board reported to the President and the NSC.

Chair: Dan Tloome

The National Peoples' Tribunal (the Tribunal)

The Tribunal was appointed for a period of three years by the NEC. The President appointed the Chair from among the members of the Tribunal. The Tribunal would recommend sentences to the President, who would usually refer such cases to the Review Board. After the Board had dealt with a case, sentence would be confirmed by the President and
carried out.

Chair: Hermanus Loots ("James Stuart"): appointed in late 1985

Other members: Shadrack Pekane; Z.N. Jobodwana.

### 6.3. External Co-ordinating Committee 1985- 1990

Chair: Alfred Nzo; also Thabo Mbeki, Johnny Makathini, and Hermanus Loots as Secretary.

### 6.4. The PMC, 1985 - 1990

Chair: OR Tambo

The Secretary of the PMC Secretariat was Joe Nhlanhla (1983/84-87), followed by Joe Jele (1987-90)

MHQ representatives on the PMC: Joe Modise, Joe Slovo, Chris Hani, Steve Tshwete, Ronnie Kasrils, Job Tlhabane (until 1987)

PHQ was replaced by the Internal Political Committee in 1987. PHQ/IPC representatives on the PMC during the period from 1985 - 1990 were: Mac Maharaj, Joe Jele, Jacob Zuma, Ruth Mompati, Steve Tshwete, and Joel Netshitenzhe.

NAT representatives on the PMC: Mzwai Piliso (until 1987); and then Joe Nhlanhla and Sizakele Sigxashe

Other members 1984 - 1987 included Moses Mabhida and John Nkadimeng.

The following structures resorted under the PMC

#### 6.3.1. Political HQ until 1987, when it was replaced by the Internal Political Committee in 1987:

PHQ was led by Joe Jele, with Mac Maharaj, Jacob Zuma, Ruth Mompati, Steve Tshwete and Joel Netshitenzhe.

#### 6.3.2. Military HQ, 1985 - 1990

Army Commander: Joe Modise
Chief of Communications: Jackie Molefe (1983 - 1992)
Chief of Ordnance and Logistics: Job Tlhabane (1983 - 1987)

In 1987 Ordnance and Logistics were separated into two separate sections:

Logistics: Bogart Soze

Special Operations: Aboobaker Ismail until August 1987; then "Tommy Masinga"

#### 6.3.3. The NAT Directorate, 1985 - 1990
After the Kabwe Conference, the NEC appointed a Provisional Directorate of Intelligence and Security to run this Department.

Director: Joe Nhlanhla (confirmed in 1987)
Deputy Director and Head of Intelligence: Jacob Zuma (1988)
Administrative Secretary: M. Timol
Head of CIES/ Processing and Analysis: Sizakele Sigxashe
Head of Counter-Intelligence and Security: "Peter" Tshikari" (until 1986); then Jan Mampane

6.4. Regional Politico-Military Committees (RPMC's), 1985 - 1990

6.4.1. Swaziland RPMC, 1985 - 1990:

Chair: Ronnie Kasrils (chair, 1984); Ebrahim Ismail Ebrahim, until 1986 when he was ab ducted; Siphiwe Nyanda (1986 - 87/88); Silumko Sokupa (1988 - 1989)


These committees resorted under the Swaziland RPMC:

Political Committee:
"Ivan" chaired the Natal structure
Billy Whitehead ("Archie") chaired the Transvaal structure

Military Committee:
Siphiwe Nyanda headed Transvaal structures
Thami Zulu headed Natal structures

6.4.2 Lesotho RPMC, 1985 - 1990

The RPMC which had previously been working in Lesotho was structured as follows during this period:

Chair: Charles Nqakula
Chair of the Political Committee: Mzukisi Gaba
Chair of the Military Committee: Skenjana Roji
Chair of the Labour Committee: Tony Yengeni.

In 1987 - 1988 this RPMC was restructured as follows:

Chair: Charles Nqakula
Chair of the Military Committee: James Ngculu
Head of Special Operations: Edwin Mabitsela

Security and Intelligence structures remained in place. Additional members taken on in this period were Lindinto Hlekani, Steve Tshwete, and Chris Pepani.

6.4.3. Botswana RPMC, 1985 - 1990

Botswana RPMC, mid-1985
After the Kabwe Conference, an RPMC was established to replace the Co-ordinating Committee.

Chair: Thenjiwe Mthintso, until 1987; then Thabang Makwetla
Military representative: "Naledi" (Patrick Mavundla)
Political representative: Wally Serote

Structures resorting under the 1985 RPMC in Botswana included the following:

Political Committee: chaired by Thabang Makwetla
Military Committee: chaired by Thenjiwe Mthintso

**Botswana RPMC, 1986:**

In 1986, the RPMC had to change; Wally Serote was withdrawn to Lusaka.

Chair: Barry Gilder (temporarily), then Thenjiwe Mthintso
Secretary: Thabang Makwetla
Military representative: Dan Hatto and Patrick Mavundla ("Naledi")

Structures resorting under the 1986 Botswana RPMC were as follows:

**Political machinery:** Thabang Makwetla, Thabo Kubu, James Raditsela, Mapule Raditsela, Hassan Ebrahim, Kgomotso Jolobe.

**Military machinery:** Patrick Mvundla ("Naldei Sehume", who was killed in the SADF raid of 28/03/88); Boy Molokoane (who was killed in an ambush outside Francistown in January 1988); "Itumeleng" Tsimane, and Dan Hatto.

**Botswana RPMC 1987**

After 1986, structures had to change again and the RPMC was composed of the following cadres:

Chair: Thabang Makwetla

Other members: January Masilela, Zakes Tolo, James Ngculu, Barry Gilder.

During this period a specialised structure concentrating on the Western Cape was set up and was composed of the following cadres: James Ngculu, Dick Ngomane, "Blah" Riekets, and later Miranda Ngculu.

6.4.4. Zimbabwe RPMC, 1985 - 1990

This RPMC was only set up in 1985.

Chair: Julius Maliba ("Manchecker")
Secretary: Garth Strachan

Other members: Ngoako Ramatlhodi, Linda Mti, Jabulani Nkabinde, and "Oliver"

The Zimbabwe RPMC had three committees:

**Political Committee:**

Chair: Ngoako Ramatlhodi (1986 - 1987)
Secretary: Garth Strachan

Other members: Derek and Trish Hanekom; Jimmy Corrigall; Pete Roussos

**Military Committee:**

Other members: "Ali", "Oliver", Benjamin Mongalo

There were also NAT representatives.

Ordinance: the head of the regional Ordnance structure was Benjamin Mongalo, who reported directly to Lusaka. An additional structure was set up under J. Modimo, tasked with infiltrating arms into the country, which also reported directly to Lusaka.

6.4.5. London RPMC, 1985 - 1990

Chaired by Aziz Pahad; also Wally Serote.

6.4.6. Angola, 1985 - 1989

Regional Command:

Regional Commander: Timothy Mokoena (until 1987)
Deputy Commander: Mike Sandlana (until 1989)
Regional Commissar: January Masilela (until 1987/8)

Regional NAT structure:

Head: Dexter Mbona (1985 - 1989)
Deputy head: Gabriel Mthembu ("Sizwe Mkhonto"), 1984- 1986


Commander: Thabi Mofokeng
Head of Regional NAT Directorate: Quesh Dlamini

7. ANC STRUCTURES 1990 - 1994

With the unbanning of the ANC, the release of the ANC leadership from prison and the return of exiles, many changes took place. A range of new structures had to be set up to meet the challenge of negotiations and the return of exiles. Tokyo Sexwale was tasked with attempting to take care of the need of MK cadres until MK HQ personnel arrived in the country. Key structures set up during this period included the Negotiations Commission. In response to the state-sponsored violence which took off in July/August 1990, a Peace Desk was established.

Political structures at HQ were re-organised into an internal re-organisation committee, which Ronnie Kasrils, Steve Tshwete and Sue Rabkin as key officials.

Here we concentrate only on those structures which are of relevance to the mandate of the TRC.

7.1. The NEC, 1990 - July 1991

The NEC as constituted after the Kabwe Conference was reinforced by released leaders.

The NEC, 1991 - 1994
At the National Conference in July 1991, the following people were elected:

President: Nelson Mandela  
National Chairperson: OR Tambo  
Deputy President: Walter Sisulu  
Secretary-General: Cyril Ramaphosa  
Deputy Secretary-General: Jacob Zuma  
Treasurer-General: Thomas Nkobi

The rest of the NEC:


This was closed down after 1991.


Commander-in-Chief: Nelson Mandela  
Army Commander: Joe Modise  
Deputy Chief-of-Staff: Siphiwe Nyanda (until late 1992)  
Chief of Personnel: Godfrey Ngwenya  
Deputy: Johannes Modimo  
Chief of Communications: Jackie Molefe (1983 - 1992)  
Logistics: Bogart Soze  

(Note: most of these posts were no longer operational posts in accordance with the ANC's commitment to suspend armed actions in 1990.)

7.4. The NAT Directorate, 1990 - 1994

Director: Joe Nhlanhla  
Head of Intelligence: Jacob Zuma, until 1993; Terror Lekota, 1993; Alfred Nzo, 1993 - 1994  
Head of Counter-Intelligence: Daniel Oliphanti  
Deputy Head, CI: Lizo Njenje  
Head of Security: J. Mampane  
Head of marshalls/  
During the period from 1976 - 1980, camps in Angola fell under the command of the late Mzwandile Piliso, at the time head of the department of Military Training and Personnel. In 1980, Simon Shekeshe ("Julius Mokoena") was appointed Regional Commander. He was succeeded by Graham Morodi ("Mashego") in 1982. Godfrey Ngwenya ("Timothy Mokoena") was the next Regional Commander until 1985 when he was injured in a UNITA ambush, and then Ali Makhosini took over this post. The following MK camps were maintained by the ANC in Angola; all camps were closed down in 1989, when military structures were shifted to Uganda and Tanzania.

**Gabela Training Camp**

This was the first training camp to be opened in Angola by the ANC, in 1976. It catered for the first group of 40 MK cadres to receive military training in Angola, and was under the command of FAPLA and Cuban instructors. Gabela Training Camp was merged with Benguela Camp in 1977.

**Engineering Luanda (Transit Camp)**

This camp opened in late 1976 and was closed in mid-1977. It catered for only two intakes of cadres who were in transit to training camps. The average number of cadres present was 200.

Commander: Simon Shekeshe, then "Castro" Ramokgopa

**Benguela Transit Camp**

This transit camp was established in mid 1977 for cadres who had been at Engineering Camp and Gabela camp, and who were on their way to open Nova Catengo Training Camp. The numerical strength was around 300 cadres. The camp was closed in 1982.

Commanders: Simon Shekeshe, followed by "Dlokolo."

**Nova Catengo Training Camp**

Established in 1976, this camp accommodated around 500 cadres from the transit camps listed above. The camp was destroyed in an aerial bombardment in 1979, based on intelligence supplied to the apartheid regime by infiltrators within MK.

Commander: Simon Shekeshe.

**Quibaxe Training Camp**

Originally a transit camp established in September 1977, it became a training camp in 19.. It accommodated around 200 cadres. The camp closed in 1989.


**Funda Training Camp**

Established in 1976, this camp usually had fewer than 100 cadres present at any time. It was closed in 1988. This camp provided specialised training.

Commanders: Zakes Tolo, then Seeiso Morapedi.
Fazenda Military Camp

Fazenda camp was established in 1978. It catered for trained cadres who were undergoing further training courses, including "survival" training. The numerical strength was around 200 cadres at any time. It was closed in 1980 or early 1981 when it was merged with Quibaxe camp.

Commander: Livingstone Tom Gaza

Pango Camp

Founded in 1979 after the destruction of Nova Catengue in April that year. The numerical strength was around 400 cadres at any time. It closed in 1989.


Viana Transit Camp (also known as Camp 001)

Established in 1979, this camp catered for newly recruited members of MK on their way to other camps for military training. The average strength of the camp was around 400 cadres. It closed in 1989.

Commanders: Sucessively, Dan Hatto, Golden Rahube, Steven Kobe, Johnson Langa, Lawrence Madi, Leepo Modise.

Hoji Ya Henda (also known as Camalundi)

Founded in 1980, the camp was short-lived and was closed in January 1981, when it was shifted to Caculama and became known as Caculama Camp or Malanje. It catered for around 300 - 400 cadres at any time.

Commanders: Mzwakhe Ngwenya, then Godfrey N. Ngwenya

Caculama (Malanje)

Established in January 1981, as described above. Around 400 cadres were accommodated at this camp. It was closed in 1989.

Commanders: Successively, Godfrey N. Ngwenya, Sipho Binda, Thibe Lesole, Dumisane Mafo, Themba Nkabinde, Steven Kobe.

Caxito Training Camp

This camp replaced Funda camp in 1979. The number of cadres varied from time to time but seldom more than 100 were present. Caxito was in a malaria infested area and was for this reason closed down in 1984.

Commanders: Successively, Andile Ndzanga, Robert Mandita, Dumile Thabekhulu, and Ben Senokoanyane.

APPENDIX THREE

REHABILITATION AND DETENTION CENTRES

1. The Morris Seabelo Rehabilitation Centre
(also known as Camp 32 or Quatro)

This facility was opened in 1979 and closed down in 1989, when inmates were moved to a government facility in Uganda.

The commanders of Camp 32 were successively: Sizwe Mkhonto, Morris Seabelo, Afrika Nkwe (for a few months only), Mzwandile Damoyi and William Masango.

Note: more information on Camp 32 appears in the NAT Operations report.

2. The RC, Lusaka

Initially this building was used by Military HQ, and MK cadres who had been found guilty of disciplinary offences would be confined here for limited periods as punishment - a kind of "detention barracks." Later, it was used to hold discovered agents or definite suspects in transit to Camp 32. It was closed in 1987 when Sun City was opened to take its place. Conditions at the RC were good, and very few people were held here at any time; it is not possible to give an estimate, as requested by the TRC, for the number of inmates at the RC at any one time. The RC did not have a commander as such; those responsible for people held at the RC would be senior MK and NAT officials in the region.

3. Sun City, Lusaka

Sun City was opened in 1988 and closed in 1991. It was not like Camp 32, with a command structure - it was largely a holding facility, as described above. There were one or two guards, and Jan Mampane ("Reddy Mazimba") of the Regional NAT Directorate was responsible for people held at Sun City. Most of those held were definite suspects who had been isolated for purposes of investigation, and some who could not be held at Camp 32 because it was so badly overcrowded.

4. Various holding facilities and the rehabilitation centre known as "The Farm" in Tanzania.

A brief description of the ANC's facilities in Morogoro and Dakawa is necessary to clear up confusion which may have arisen. The Solomon Mahlangu Freedom College was built in Morogoro in the late 1970s. There was a primary school, high school, day care centre and also an adult education centre, with staff houses and other facilities. Unit 1 was part of the dormitory and kitchen area, and a small office was used here to briefly confine people who had committed serious breaches of discipline before they were sent to Lusaka for their cases to be considered. It was not a prison in any sense of the word.

The Tanzanian government also had an office and representative at the entrance to the complex, where there was a temporary holding facility since there was no police station in the immediate area. People who had broken the laws of the land would at times be held here by the Tanzanian government before being taken to the nearest police station, after which the law would take its normal course. This too was not in any sense a prison.

The Farm was established in late 1987 as a rehabilitation centre for ANC members based in the area who had committed offences in terms of the ANC's code of conduct, but whose cases the Tanzanian government considered too petty to be dealt with in their courts of law (for example, stealing and selling clothing.) It was also at times used as a holding facility for confessed agents and definite suspects whilst the security structures in Tanzania were waiting for tickets to arrive from Lusaka so that these agents or definite suspects could be flown out of the area. Conditions were not harsh; the centre consisted of proper buildings with tiled rooves; there was running water and flush toilets.

In 1989, when all camps were closed down in Angola, a batch of six dangerous agents who had in fact been sentenced to death by tribunal, but who had not been executed, arrived in Tanzania. The local NAT structures had no information as to why these agents had arrived in Tanzania and were alarmed at their appearance in this civilian area; they temporarily confined these agents at the Farm whilst seeking clarity from structures in Lusaka. The Tanzanian government assisted by clearing a wing of a local prison to confine these agents. Conditions in the prison were not harsh.
The regional NAT structures responsible for these holding facilities and the rehabilitation centre during the 1980s were headed successively by Daniel Oliphant ("Mtu Jwili"), Gabriel Mthembu ("Sizwe Mkhonto"), and David Motshweni ("Willy Williams").

5. The Ugandan prison

By the time Camp 32 was closed down, there was a total of 69 prisoners. After negotiations with the Ugandan government, they were transferred to a small prison in the town of Kayunga, where conditions were considerably better. The number of prisoners was further reduced by releases until only 32 of the most hardened agents remained; these too were released in 1991.

The head of NAT structures in the region was Wandile Dlamini; Lister Mooi along with Ugandan prison officials were responsible for guarding the prisoners.

Return to Contents

Umkhonto we Sizwe (MK) operations report

1. THE OBJECTIVE OF THE ARMED STRUGGLE

"The time comes in the life of any nation when there remain only two choices: submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all means within our power in defence of our people, our future, and our freedom".

The objective of the armed struggle was the overthrow of the apartheid state in order to achieve democracy, freedom and peace in South Africa. The ANCs decision to embark on armed struggle was reached after many decades of non-violent resistance, which was met by increasingly brutal repression by the apartheid regime.

The African National Congress (ANC) had no choice but to resort to armed struggle after the National Party government first narrowed the arena of legal political activity and finally closed it in 1960 by banning the movement. The ANC asserted moral legitimacy for the resort to violence on the grounds of necessary defence and just war. Further, Umkhonto we Sizwe was a means to channel the revolutionary violence the oppressed were calling for, especially after the Sharpeville massacre:

Some (spontaneous actions of the people) result from Government provocation, the peoples patience becomes exhausted, and the masses become desperate in the absence of a strong militant organisation. In these circumstances people are likely to resort more and more into senseless dangerous forms of action. If we embark on unplanned and misguided political actions, we are playing into the hands of the enemy. (ANC National Executive Committee statement, 1963.)

From the very beginning, the ANC emphasised that armed resistance took place within political context, and was one of a number of inter-related methods of struggle. Cadres had to fully understand the basic policy positions of the ANC, the first step in military training; they were at all times guided by and subordinate to the political leadership of the ANC.

Cadres were taught to maintain the moral high ground occupied by the liberation movement, owing to the justness of our cause, in the actual theatre of battle. This meant that the choice of targets, attitude towards civilians and treatment of captives had to reflect the ANCs policies. The forms of armed struggle adopted by the ANC and MK were intended to achieve the goals of the movement with the least loss of life: in essence, the armed struggle was waged to bring peace to South Africa - to stop the apartheid regime as quickly and as effectively as possible in order to prevent the conflict in the country degenerating into racial civil war.
2. THE POLITICO-MILITARY CHAIN OF COMMAND

MK was at all times subordinate to the political leadership of the ANC. Detailed information on ANC structures and personnel, including military structures and personnel, is attached to the main document of this second submission (appendix 1).

3. MK TRAINING AND TRAINING CAMPS

Few liberation movements have had to wage armed struggle under such complex, difficult and harsh conditions. In the early years, South Africa was surrounded by countries hostile to the idea of liberation, particularly Rhodesia and the former Portuguese colonies. There were no friendly bases on the borders of our country, which made infiltration into South Africa difficult and dangerous. Cadres spent many lonely years in the camps long after they had completed their training because of this difficulty. At times there was a scarcity of food and clothing, a lack of medicines and health facilities.

In this regard, the role of the Commissariat became crucial. In all the camps, there was a commissariat responsible for the political education, general welfare and cultural well-being of cadres.

Serious attention was given to the general education of cadres. Special literacy classes and bridging courses were designed. So successful were these courses that many who completed them were able to enroll in formal education institutions in countries such as Angola, Zambia, Tanzania and Uganda.

In a centre outside Luanda called Technical Training Centre (Moscow), formal education was given in mechanics and auto electrics; driving lessons were also available. The ANC also ran a huge centre called the Self-Help Medical Centre (the Plot) where courses in nursing, advanced motor mechanics, building and carpentry were offered. Hundreds of cadres trained in these centres became professionals.

There were two centres in Angola (Quela and Camalundi) for training cadres in agriculture and the production of food for the army. Production was very successful, especially in the early 1980s. We were able to supply most of the camps. Our camps were beehives of cultural activities. There was a network of committees to promote music, drama, literature, etc. In all camp programmes, cultural activity was compulsory. Many excellent choirs, drama and musical groups were formed. Many poets emerged from our camps, who continue to produce magnificent work to this day. Perhaps the highest achievement in this regard was the formation of the cultural ensemble known as Amandla Group. It was supported and nurtured by great South African artists such as Jonas Gwangwa, Dennis Dipale, Abdullah Ibrahim, Letta Mbuli, and others. The group became internationally renowned, staging successful tours in Southern Africa and Europe.

Military training courses were designed to produce a cadre with a broad range of skills, well equipped to execute the various tasks of the liberation struggle. Lectures were conducted on political science, and the art of warfare.

The following military subjects were taught in the camps:

1. Military topography
2. Military Engineering
3. Military Tactics
4. Physical Training
5. March and Drill
6. Firearms
7. Artillery
8. Political Education
9. First Aid
10. Anti-Air Weaponry.
11. Military Combat Work (ie. underground or clandestine methods of organisation, and methods of planning insurrection)
Courses ran for three weeks, three months, six months, nine months or longer depending on the mission/tasks for which the individual or unit was being prepared.

Over the years thousands of cadres were produced, among them commanders, commissars, instructors and specialists in various military fields. Some would remain to staff the camps and continue to train other cadres; many infiltrated the country for various tasks; yet others joined the diplomatic corps to run the many external missions of the liberation movement.

Today many of these cadres are to be found among the leadership of the Alliance; some are ambassadors and officials in foreign missions; others are Ministers, members of Parliament, in the civil service and the private sector. Others served many years of imprisonment, or gave their lives for the liberation of this country.

A full list of MK training camps and the names of commanders, as requested by the TRC, is attached to the main document of this second submission as appendix 2.

4. MK OPERATIONS IN THE CONTEXT OF THE MAJOR PHASES OF THE LIBERATION STRUGGLE

4.1. The Sabotage Campaign to the Morogoro Conference

The first MK actions in 1960 were sabotage operations; cadres were under strict instructions to avoid all loss of life. Targets included government installations, police stations, electric pylons, pass offices, and other symbols of apartheid rule; in rural areas, there were arson attacks on sugar cane fields and wattle estates.

The sabotage campaign failed in its objective of convincing the apartheid regime to engage in negotiations in a National Convention. By the time of the Rivonia arrests, MK leaders were discussing the possibility of embarking on guerilla warfare to take the struggle forward.

The draft document Operation Mayibuye indicated aspects of the thinking of the leadership at this time, and identified targets as follows:

1. strategic road, railways and other communications.
2. power stations
3. police stations, camps and military forces
4. irredeemable Government stooges.

In the years following the Rivonia arrests the ANC built up a force in some of the liberated countries in Africa. It was decided to launch a joint campaign (later known as the Wankie campaign) with ZIPRA in Zimbabwe in 1967/8. This operation was aimed at infiltrating trained MK operatives into South Africa in line with the concept of rural-based guerilla warfare. However, some of the operatives were forced to move into Botswana and others had to withdraw to Zambia after considerable difficulties were encountered, particularly the lack of bases among the population. A group of cadres, including Chris Hani, were captured in Botswana and served prison sentences there.

Following the Wankie campaign, the ANC held a watershed Consultative Conference at Morogoro in 1969 to discuss ways of taking the struggle forward. Conference adopted a new programme, Strategy and Tactics of the ANC. This was the first comprehensive set of strategic guidelines for the ANC in the period of armed struggle.

A decision was made to shift the ANCs approach from sending armed groups of cadres into the country to spark off guerilla warfare, and instead emphasised that period of political reconstruction inside the country was necessary since the successful development of armed struggle depended on political mobilisation and strong underground structures, an important precursor to theories of peoples war developed in the early 1980s.

Military struggle was seen as forming only part of, and being guided by, a broader political strategy to ensure that the battle against apartheid was fought on all possible fronts, involving not just an army but all those oppressed by apartheid.
When we talk of revolutionary armed struggle, we are talking of political struggle by means which include the use of military force (...) It is important to emphasise this because our movement must reject all manifestations of militarism which separates armed peoples struggle from its political context.

4.2. 1969 - 1979: from Sabotage to Guerilla Warfare

Guerilla warfare is carried out by a small and militarily weak organisation - poorly armed but highly mobile - against a highly organised conventional force which has all the resources of the state behind it. From the outset MK aimed to limit the loss of civilian lives, and constantly targeted the military and police, who formed the frontline of defence of the apartheid state.

Classic guerilla warfare roots itself among the rural population and moves from there into urban areas; it is dependent on the availability of suitable terrain, such as inaccessible mountains or forests where base camps can be established. In contrast, MKs tactics had to take into account the relatively unfavourable terrain in South Africa. A multi-faceted approach was adopted, with guerilla operations carried out throughout the country in both rural and urban areas, targeting the central pillars on which the apartheid state rested:

- Economic infrastructure: this entailed attacks on fuel supplies, the lifeblood of the economy; the power network without which no modern developed country can function and the strategic road, railways and communications network essential for trade.
- Military targets included the SADF and paramilitary police forces
- Political-state infrastructure, which included all government installations and personnel involved in the administration of the apartheid state.

This basic approach did not change over the years, even under extreme provocation, However, by the early 1980s it was accepted that in the context of intensified confrontation between the apartheid regime and forces for democratic change, the fear of civilians being caught in the cross-fire could no longer be a decisive factor in avoiding certain armed operations directed against the personnel and infrastructure of the apartheid state.

The Soweto Uprising

The 1976 uprising, and subsequent massacres and other atrocities by the security forces, gave new impetus to the struggle. Thousands of new recruits flooded into MK, bringing with them a fresh will to fight the enemy, born of their own bitter experience in fighting a brutal enemy only with stones. New vistas opened to intensify the struggle and to hit back in defence of the people.

The key challenge was to channel this youthful and impatient militancy into military/political struggle within ANC policy guidelines. The ANC had the responsibility to educate these youths to understand that the enemy was in fact the system of apartheid itself, not white individuals. It is a remarkable achievement on the part of the ANC that we succeeded in doing this. Many of these youths, after initial training in MK camps and in Eastern Europe, were briefed and infiltrated back into the country to begin operations.

Between 1976 and 1979 there was a marked escalation of armed actions: about 37 armed actions took place between June 1976 and the end of 1978. Railway lines were sabotaged, police stations attacked, and Bantu Administration offices were bombed. The battle was slowly but surely being taken to the enemy, and MK had moved from concentrating purely on sabotage operations to the first stages of guerilla war.

4.3. Guerilla warfare and Peoples War, 1979 - 1990

As we stated in our main submission to the Truth Commission, the watershed 1978 Politico-Military Commissions Report (also known as the Green Book) again stressed the central importance of political mobilisation:

"The armed struggle must be based on, and grow out of, mass political support and it must eventually
involve all our people. All military activities must at every stage be guided by and determined by the need to generate political mobilisation, organisation and resistance, with the aim of progressively weakening the enemy's grip on his reins of political, economic, social and military power, by a combination of political and military action."

In line with this approach, the Revolutionary Council (formed in 1969 and chaired by OR Tambo) was reorganised to reinforce the supremacy of political leadership. It was also intended to ensure that the task of mass mobilisation and underground organisation received the necessary emphasis - to reinforce the links between the armed struggle the mass base and the underground structures of the ANC.

A Central Operational MK HQ was established by Joe Modise and Joe Slovo. After several years in which there had been no MK actions inside the country, following the impetus of the Soweto uprising units were sent into the country in 1978 to carry out attacks on police stations - this has come to be known as the G5 Operation. It was commanded by Siphiwe Nyanda; stations attacked included Moroka, Orlando and Booyens. The following year, in 1979, the President, OR Tambo, asked the NEC for a mandate to form a special unit to attack key strategic targets - spectacular operations that would hit the economy hard, and inspire the oppressed majority. The unit would report directly to him; he would authorise such attacks and take political responsibility for them. This was agreed to, and the first Special Operations Command consisted of Joe Slovo, Montso Mokgabudi (Obadi), and Aboobaker Ismail (Rashid.)

As with other MK units, targets were carefully selected in accordance with the political policies of the movement, and planning for operations was as careful as possible. Whenever possible, a final reconnaissance was undertaken just before an attack to ensure that conditions had not changed: this was to ensure we minimised the loss of civilian life. A further aspect of all planning was to ensure that cadres had planned for their safe withdrawal after attacks, and had the necessary resources to do so.

Initially the targets were limited to oil refineries, fuel depots, the Koeberg nuclear plant and military targets such as Voortrekkerhoogte. With the increasingly indiscriminate attacks on neighbouring states and the viciousness of attacks on South African civilians by the security forces, it was decided by Special Operations Command to attack military personnel. This resulted in operations such as the car bomb at South African Air Force HQ in Pretoria.

The case studies presented will indicate that such operations were not carried out on the spur of the moment or on the whim of a particular individual, but were based on months of careful preparations.

Parallel to operations carried out by Special Operations, there was a steady increase in the number of operations carried out by other MK units from Botswana, Lesotho, Swaziland and, in later years, Zimbabwe. One study estimated that 150 cases of armed action took place between 1976 and 1982, overwhelmingly concentrated on economic targets, the administrative machinery of apartheid, SAP and SADF installations and personnel.

In mid-1983 MHQ produced a discussion document Planning for Peoples War which posed the question as to whether the time was ripe to move away from the 1979 approach towards peoples war, defined as war in which a liberation army becomes rooted among the people who progressively participate actively in the armed struggle both politically and militarily, including the possibility of engaging in partial or general uprising. Among the conclusions were that the ANC should continue carrying out and even escalating those actions which had played an important role in stimulating political activity, mass resistance and mass organisation, but that there should be more concentration on destroying enemy personnel. The term enemy personnel referred primarily to members of the SAP and SADF. The concept of potential future guerrilla zones inside the country was raised.

This document noted that the policy of arming the people cannot mean that we begin now to distribute arms to whosoever wishes to receive them among the oppressed. In the first place, we had neither the capacity nor the means to do this on any meaningful scale. In the second place it would be completely wrong to engage in a policy of merely distributing weaponry to people, trusting to luck that they will use them on the side of the revolution.

This document reflected the debates that were taking place all the time in the ranks of the liberation movement on how to respond to new situations as they emerged. The essence of these debates was around the restraint of the ANC in the
face of the enemy’s brutality - whether we should not adopt the easy route, and allow less discriminate control over the usage of weapons and choice of targets. At each stage of struggle, people on the ground would respond with anger to repression, and themselves start to take initiatives which would not strictly accord with the strategy and tactics of the ANC.

The constant challenge facing the ANC and MK was how to channel anger on the ground to ensure that the strategic perspective of a democratic and non-racial society is not sacrificed on the alter of quick-fix, dramatic and misguided actions. The tension between such intensification of struggle and the need to avoid a racial war that the MK Manifesto eloquently expressed at the founding of the liberation army, remained with the movement to the last day of armed struggle.

In contrast to this highly disciplined and restrained approach to the use of violence, the South African regime committed atrocity after atrocity against civilian targets inside and outside the country, including supporting the war efforts of UNITA and Renamo, and massive raids against what were portrayed as ANC targets in neighbouring states such as Matola in 1991, 1982 Maseru massacre, Gaborone in 1985, Lusaka in 1987, Harare and Bulawayo, to quote a few examples. Several of the casualties in these operations were nationals of the host countries. No distinction whatsoever was made between hard and soft targets - between MK operatives and unarmed refugees and civilians including women and children.

In an interview with OR Tambo published on 06/08/83 in The Guardian, the issue of civilian casualties was dealt with:

"When we blew up the Sasol tanks, where thousands of people were working, the attack was carried out in such a way that no-one was injured. Yet on the other hand our people were being captured, tortured and mercilessly interrogated. We have fought back when attacked, and there have been many clashes with the police, but only the police. Lately the regime has become almost desperate. There have been assassinations of our people. In 1979 they tried to kill hundreds of our people at a military school in Angola."

Referring to the Matola raid, the Maseru raid and the SAAF bombing of Maputo, OR Tambo added:

"This means the conflict is escalating. We always thought it was going to be a bitter, brutal, vicious struggle, almost as a necessary precondition for the liberation of South Africa. We have to go through that. The conflict is reaching new levels. There is to be much destruction, much suffering, and a lot of bloodshed which will not be confined to South Africa. (...)"

"...In 1980 we signed the Geneva protocols and said that if we captured any enemy soldiers we would treat them as prisoners of war. The fact is we are not against civilians. We do not include them in our definition of the enemy. The ANC was non-violent for a whole decade in the face of violence against African civilians. What do we mean by civilians? It really means white civilians. No one refers to Africans as civilians and they have been victims of shootings all the time. Even children. They have been killed in the hundreds. Yet the word has not been used in all these years. Now it is being used, especially after the Pretoria [SAAF/HQ] bomb. But implicit in the practice of the South African regime is that when you shoot an African you are not killing a civilian. We don't want to kill civilians. But some will be hit, quite accidentally and regrettably. I am sure we are going to lose many civilians and many innocent people, as happens in any violent situation. (...)"

"We do not boast about it in the way the SA regime boasts about its killings...I think South Africa is going to be a very happy country one day and we will avoid all avoidable loss of life but - harsh though this sounds - we cannot allow the system to persist for the sake of saving a few lives. It is not so harsh when one considers how many lives apartheid has destroyed."

4.3.1. 1985: The Kabwe Conference and controversies surrounding the issue of soft targets

The questions of ANC policy towards soft targets and taking the struggle to white areas arise in the context of the unprecedented, mass-based confrontation with the apartheid state which was taking place at all levels of society within the country from the early 1980s onwards. Civics, community organisations, and trade unions were all engaged in
intense struggles. MK operations increased sharply, most of them carried out by formal units based inside the country, many of which were supported and housed by underground political cells.

The Kabwe conference was held in June 1985 to assess developments since the Morogoro conference of 1969. The day before it opened, Pretoria attacked several homes in Gaborone, Botswana, killing 12 people - two young female citizens of Botswana (who were blown to pieces), one Somalian, a six-year old child from Lesotho, and eight South Africans, five of whom were members of the ANC, but none of them members of MK. All those killed were unarmed.

Conference reaffirmed ANC policy with regard to targets considered legitimate: SADF and SAP personnel and installations, selected economic installations and administrative infrastructure. But the risk of civilians being caught in the crossfire when such operations took place could no longer be allowed to prevent the urgently needed, all-round intensification of the armed struggle. The focus of armed operations had to shift towards striking directly at enemy personnel, and the struggle had to move out of the townships to the white areas. This was immediately seized on by the propaganda machinery of the apartheid regime, and falsely portrayed as a decision to begin indiscriminate killings of white civilians.

OR Tambo expressed the mood of the Conference eloquently. It represented, he said,

"...a turning point in the history of all the people of South Africa. Our Conference itself will be remembered by our people as a council-of-war that planned the seizure of power by these masses, the penultimate convention that gave the order for us to take our country through the terrible but cleansing fires of revolutionary war to a condition of peace, democracy and the fulfilment of our people who have already suffered far too much and far too long."

At a press conference he noted that in the preceding nine to ten months many soft targets had been hit by the enemy - nearly 500 civilians had been killed. The distinction between hard and soft targets is going to disappear in an intensified confrontation, in an escalating conflict. (...) I am not saying that our Conference used the word soft targets. I am saying that Conference recognised that we are in it. It is happening every day, he said.

By the end of 1985 an official pamphlet titled "Take the Struggle to the White Areas!" was distributed inside the country.

Targets were identified as follows: the racist army, police, death squads, agents and stooges in our midst, and the call to take the war to the white areas is defined as follows:

- "Strengthening our workers organisations and engaging in united action in the factories, mines, farms and suburbs
- Spreading the consumer boycott to all areas of the country
- Organised and well-planned demonstrations in the white suburbs and central business districts.
- Forming underground units and combat groups in our places of work and taking such actions as sabotage in the factories, mines, farms and suburbs, and disrupt the enemy's oil, energy, transport, communications and other vital systems
- Systematic attacks against the army and police and the so-called area defence units in the white areas.
- Well-planned raids on the armouries and dumps of the army, police, farmers and so on to secure arms for our units."

The ANC leadership had called on all members and supporters of the ANC to intensify the struggle at all costs, to move towards creating a situation of ungovernability and peoples war.

There were long and insecure lines of communication, command and control. Many of the established MK units had been allowed a degree of initiative in executing their operations, as long as these remained within policy guidelines.

In contrast with a conventional military force, in which planning takes place at HQ level by experienced officers, in guerrilla warfare most of the detailed planning takes place at the lowest level: each cadre has to be trusted to make principled and educated decisions with regard to choice of target, whilst keeping a close eye on developments and
feelings among the people in his/her community - a responsibility which no soldier in a conventional force ever has to face. There was no hotline to higher structures to ask for guidance; communication could - and at times did - result in deaths, given the degree to which communication lines were monitored. Consequently, a great deal depended on the political maturity, general experience, and immediate situation in which each cadre operated.

Maintaining discipline in guerilla and conventional armed forces is also fundamentally different. In the case of a guerilla force, discipline flows from a thorough understanding of the political objectives of the armed struggle - not from threats of court-martial or punishment.

MK cadres conducted crash courses for eager volunteers inside the country. Some of these recruits had sketchy political understanding of the nature of the struggle in comparison with those cadres who had gone through the intensive political and military training offered in camps in exile. Some supporters drifted in and out of structures, were never thoroughly under the discipline of the ANC and MK, yet commanders on the ground sometimes found their contributions indispensable.

Cadres made decisions in the context of pressures they encountered on a day-to-day basis, in which enemy atrocities against civilians were mounting. Increasing numbers of attacks took place in urban areas, and civilians were increasingly caught in the crossfire. *Bona fide* cadres and supporters who carried out attacks of this nature believed they were fulfilling the general direction to carry the struggle to the white areas in accordance with the political will of the leadership of the ANC.

The period between 1985 and 1988 witnessed unprecedented violence, overwhelmingly directed at black civilians, as the regime fought to regain the strategic initiative it had lost.

Increasingly in this period, attacks took place in urban areas, in which civilians were caught in the crossfire. *Bona fide* cadres and supporters who carried out attacks of this nature believed they were fulfilling the general direction to intensify the struggle and carry it into the white areas in accordance with the political will of the leadership of the ANC.

This behaviour of the regime was a significant factor in provoking certain attacks which were in breach of policy. Anger on the ground was explosive: the atrocities committed by the apartheid regime demanded retaliation, and the careful response was at times met with angry contempt. In some cases, cadres responded to state brutality by hitting back in anger, as soon as possible - as in the case of the Amanzimtoti bomb, described in detail in our main submission. A comment by OR Tambo in response to this attack is worth repeating:

"Massacres have been perpetrated against civilians: Mamelodi, a massacre. Uitenhage, a massacre. Botswana, a massacre. Queenstown, a massacre...certainly, we are beginning to see South Africans of all races (burying) their loved ones who have died in the South African situation. The whole of South Africa is beginning to bleed...If I had been approached by an ANC unit and asked whether they should go and plant a bomb at a supermarket I would have said, Of course not. But when our units are faced with what is happening all around them, it is understandable that some of them should say, Well, I may have to face being disciplined, but I am going to do this."

A factor which should not be underestimated is that the banning by the regime of all ANC literature and jamming of broadcasts from Radio Freedom made it extremely difficult for senior ANC leadership to get through to cadres and activists on the ground to ensure a proper understanding of policy. Every effort was made to block and distort the ANC's message, or anything which could be remotely construed as supportive of the message of the liberation movement. An extraordinary range of items were banned; possession of ANC publications such as a pamphlet or a copy of *Mayibuye* or *Sechaba* could result in a lengthy jail sentence.

Given the circumstances at the time, it is remarkable that so few armed attacks took place in which there was a high rate of civilian casualties. MK acted with great restraint; we certainly had the capacity to kill many thousands of civilians - it would have been easy to do this - but the ANC leadership never took this route, even under extreme provocation. The humanity of this approach has never been acknowledged - nor reciprocated - by the apartheid regime, which always saw black civilians in general (and all those who opposed the regime) as forming an integral part of enemy forces, whether
they were armed or not.

Operational and technical difficulties leading to unintended consequences

When unexpected difficulties arose, cadres had to think on their feet: and sometimes they made the wrong decisions. At times, given the refusal of the regime to treat MK members as prisoners of war, the situations they faced were desperate to the extent that it is highly unlikely that there would be a peaceful outcome, no matter what they decided - the Silverton bank siege and the Goch Street incident are cases in point.

Gathering reliable information and tactical intelligence was often exceptionally difficult. At times attacks which appear to be aimed at civilian targets were nothing of the sort - the cadre may have had information to the effect that an SADF or SAP group would be present at a particular railway station or hotel or restaurant a particular time, but due to a range of difficulties - ranging from faulty intelligence to devices which malfunction and accidentally go off at the wrong time - an explosion occurs, apparently senselessly, in a civilian area. It is also possible that some of these incidents occurred through deliberate disinformation, in which infiltrators into MK units set up attacks of this nature.

At other times, an attack would take place in support of campaigns or other struggles taking place within the community - such as strike action, mass retrenchments, a rent or bus boycott. An explosion at an office block, factory or chain store makes sense in this context, although the timing of the blast could go wrong for a range of reasons and result in unintended civilian casualties.

In some cases, cadres were entirely correct with regard to the political reasoning behind their choice of target but placed a bomb at an inappropriate time which resulted in unnecessary civilian casualties. In addition, they did not have sufficient capacity to convey the intentions of their actions, or were blocked from doing so by censorship.

At times insufficient training could have resulted in situations in which cadres were not able to ensure that explosions took place at the intended time, or accidents occurred. Technical failures also occurred, resulting in unintended civilian casualties.

False flag operations

The regime did not only block ANC communications of all kinds. It saw the active dissemination of disinformation as a critically important aspect of its programme of counter-revolutionary warfare, in which much emphasis was laid on psychological and strategic communication operations. A central concern of successive apartheid regimes has always been to alienate the people from MK and the ANC. No effort was spared to discredit and demonise MK - and certain attacks on civilian targets portrayed as the work of MK were carried out by the regime, such as the KwaMakutha massacre. In this regard the regime was drawing on the experience of other wars against liberation movements, including the tactics adopted by the security forces in the Zimbabwean war of liberation, such as pseudo operations in which they would attack civilians whilst masquerading as guerrillas. The tactics developed in Namibia in attempts to counter-mobilise the civilian population against Swapo were also harnessed (see our main submission, pp 35 - 36.)

In the mid- to late 1980s, the situation was further complicated by the stepping up of false flag operations as the regime intensified its efforts to discredit the ANC internationally, and alienate growing popular support on the ground. Various examples of work of this nature - such as the Khotso House bomb and the murder of Griffiths Mxenge were cited in our main submission, and there is little doubt that several other operations of this nature will come to light as the work of the Commission proceeds.

In some cases agents infiltrated structures and consistently attempted to influence people towards un-planned or ill-considered violence, in order to discredit the ANC, create divisions in communities, and disrupt structures.

There have been indications that some of those who have applied for amnesty have information on the extent to which false flag operations were carried out in the 1980s and 1990s. We call on the TRC to ensure that all available information on covert projects, including what the NP has called disinformation projects approved during this period is obtained, in particular strategic communications projects, which were controlled by a sub-committee of the State
Security Council. Considerable detail in this regard was presented in our first submission, pp. 34 - 40.

Paul Erasmus, a member of the SAP security branch tasked with stratkom (strategic communications) work, has stated that a number of the limpet mines that exploded in central Johannesburg in the late 1980s, for which the ANC was blamed, were planted by the security police in order to discredit the ANC. Joe Mamasela has made similar claims regarding blasts in certain Wimpy Bars. We trust that the TRC will ensure that the truth in this regard is exposed.

Response of the leadership

In late 1987, all members of MK HQ were called in by OR Tambo, who expressed his concern at the number of unnecessary civilian casualties which had occurred in certain attacks, particularly those involving the use of anti-tank landmines. He tasked MK HQ with ensuring that all cadres fully understood ANC policy with regard to legitimate targets. Failure to comply with these orders would be considered violations of policy and action would be taken against offenders.

In response, MK HQ sent senior commanders to the forward areas to meet with MK structures there, and convey the concerns of the national leadership. When possible these senior commanders also met with units. In cases where meetings could not be held with units, command structures in the forward areas were told to contact all command structures of their units, whether they may have been involved in attacks of this nature or not, and ensure that all cadres were entirely clear on ANC policy regarding legitimate targets.

Chris Hani, Aboobaker Ismail and Keith Mokoape visited structures in Maputo; Ronnie Kasrils visited structures in Swaziland and other areas. Lambert Moloi, Chris Hani and Julius Maliba (Manchecker) met with Zimbabwe structures, and Chris Hani, Aboobaker Ismail, and Lambert Moloi visited Botswana structures.

In most cases cadres responsible for these actions had not deliberately set out to flout ANC policy, but had believed they were acting in accordance with the wishes of the leadership, or had acted in anger. This was particularly the case with younger, more recent recruits. Conveying the instructions of the leadership in this unequivocal manner through the most senior officials of MK HQ was sufficient action, as the overwhelming majority of MK cadres were disciplined soldiers and activists.

In August 1988 the NEC issued a statement specifically on the conduct of armed struggle in the country:

"The NEC further re-affirmed the centrality of the armed struggle in the national democratic revolution and the need to further escalate armed actions and transform our offensive into a generalised peoples war. (...) However, the NEC also expressed concern at the recent spate of attacks on civilian targets. Some of these attacks have been carried out by cadres of the peoples army, Umkhonto we Sizwe, inspired by anger at the regimes campaign of terror against the oppressed and democratic forces, both within and outside South Africa. In certain instances operational circumstances resulted in unintended casualties."

"Yet it has come to our notice that agents of the Pretoria regime have been detailed to carry out a number of bomb attacks deliberately to sow confusion among the people of South Africa and the international community, and to discredit the African National Congress."

4.4. Post 1990: Suspension of armed operations

Most MK MHQ personnel returned from exile for the December 1990 Consultative Conference. After this conference, MHQ awaited further instructions from the NEC with regard to its role and future direction. MK cadres inside the country had begun surfacing and coming to the ANC office to seek guidance. A rudimentary structure was set up to look after the needs of these cadres while awaiting policy decisions from the political leadership.

The ANC had taken a principled decision to release agents of the regime who were still imprisoned in Uganda at this time as part of the process of furthering the negotiations. However, the regime did not reciprocate and many ANC cadres, especially those on death row, were only released in 1992 after the signing of the "Record of Understanding".
The Groote Schuur Minute, the Pretoria Minute and the DF Malan Accord determined the future of MK activities.

The armed struggle was suspended in August 1990 with the signing of the Pretoria Minute. It was decided that those MK cadres who were outside the country - in camps or in the Front Line States - should undergo further training to prepare them for integration into a new South African Defence Force. Limited numbers of cadres were sent for advanced officers training in conventional warfare. Countries including India, Ghana, Pakistan, Uganda and Tanzania hosted these cadres.

In terms of the Pretoria Minute the ANC had agreed to stop bringing arms into the country. The DF Malan Accord of 1992 aimed to bring the arms of all the armed forces in the country under control. However, the De Klerk regime interpreted the Accord to mean that this applied only to MK; various negotiations ensued, without resolving the matter.

We dealt with the issue of SDUs in considerable detail in our first submission, and our responses to questions raised by the TRC in this regard are dealt with in the main document of this second submission. It will suffice to note that SDUs were formed in response to the violence which erupted as the ANC suspended armed struggle. In response to pleas for assistance from communities under attack, the ANC tasked some members of MK Military HQ to attend to issues relating to SDUs, their organisation, training and the provision of weaponry. It was made clear that SDUs would be exclusively for the purpose of self-defence, that the overall control of SDUs was to remain with the communities concerned, and if MK cadres participated in SDUs they would do so as members of the community: MK Command would not play a leading role, as it was felt this might jeopardise negotiations.

In 1991, MHQ organised a conference for MK in Venda to inform cadres of the state of the negotiations and to get their views on the future of MK. The conference was attended by representatives of cadres from inside the country as well as those in camps in Tanzania and Uganda.

The Venda MK conference supported the decisions taken at the ANCs July conference in Durban, and called on the ANC leadership to secure the release of MK combatants who were still in prison. Cadres called on Chris Hani to remain MK Chief-of-Staff.

The conference also called for a reorganisation of MHQ with the view to preparing for serious negotiations with the regime on military matters and a future defence force. It was decided that multi-lateral talks would be held with all forces within the country, and that the homeland armies should be discouraged from individually holding bilateral negotiations with the SADF.

Following the Venda Conference, the ANC re-organised MHQ (details in this regard appear in the appendix on ANC structures and personnel.) Regional structures were established in each of the ANCs 14 organisational regions and cadres appointed to liaise with MK personnel living in these areas.

By this time, in preparation for negotiations, MHQ had begun to have some contact with the SADF.

There was increasing pressure from the military camps from cadres anxious to return home. Once negotiations appeared to be proceeding relatively smoothly at Kempton Park, the return of these cadres was speeded up.

After initial bi-lateral negotiations between MK Command and the SADF, we went on to have multi-lateral negotiations with the seven existing armed forces in the country. MK and other forces participated in the Joint Military Co-ordinating Council under the Transitional Executive Council.

In December 1993, MK held its final parade. After the elections, the integration of all members of all armed forces into a new SANDF began in earnest in May 1994. Later that year, the weapons that were in MK Ordnance stockpiles were handed over to the SANDF. Other weapons were collected and handed over. The President decided that all MK arms stockpiled in foreign countries should be donated to those countries; they were not compatible with those used in the SANDF.

5. CASE STUDIES
We have selected two case studies - one from Special Operations, the other from general military operations - to illustrate some of the points regarding the conduct of armed struggle that we have highlighted in our submissions to the TRC. Operations such as the attack on SAAF HQ and the laying of anti-tank mines have been seen in some quarters as contradictions of ANC policy regarding the avoidance of civilian casualties.

The SAAF HQ operation illustrates the problems which arose as a result of the enemy locating strategic installations in high-density civilian areas. In the section on anti-tank landmines, we provide the TRC with more detail on the objective of these operations and the operational difficulties which arose.

5.1. The Attack on SAAF HQ

This operation came in the wake of a cross-border raid into Lesotho in which 42 ANC supporters and BaSotho were killed, and the assassination of Ruth First in Maputo. The objective was to carry out a highly visible attack, which was impossible to cover up, against military personnel in uniform. No direct operations had previously been carried out against military personnel except for a number of skirmishes between MK cadres and the security forces, usually in the remote border areas.

It was decided to target military personnel who waited for buses outside SAAF HQ at approximately 16h30 each day. In the early stages of planning this operation, discussions were held on the possible loss of civilian life, and whether this would be justified. After careful consideration it was decided by OR Tambo, in terms of the mandate he had been given by the NEC, that Special Operations should proceed with the operation, taking great care to ensure that the target was unmistakably military.

On the afternoon of May 20th, 1983, the unit drove into Pretoria and parked the car packed with explosives in Church Street, at the entrance of Air Force HQ. When the bomb exploded a few minutes earlier than planned, 19 people were killed, including both MK cadres and 11 Air Force officers. According to initial media reports, more than 200 military personnel and a few civilians were injured, but these figures were later distorted by the government in an attempt to portray this attack as aimed at civilians.

5.2. Anti-tank mine operations

The ANC never used anti-personnel mines, specifically because we were concerned to avoid civilian casualties. The ANC used only anti-tank mines, which require at least 300kg to detonate. The objective of these operations was to strike at the SADF personnel patrolling borders, and at the Commando units consisting of farmers linked to the area defence systems within the overall security network. The areas in which these operations took place were primarily the designated areas along the Botswana, Zimbabwe and Swaziland borders.

In 1979 the Promotion of Density of Population in Designated Areas Act, No. 87, was passed in an attempt to stem the exodus of white farmers from border areas, and increase the number of farmers in these areas to serve as the first line of defence against the infiltration of guerrillas from neighbouring states. At least R100m was made available over a period of five to six years for the provisions of loans to such farmers, and for the construction of strategic roads and airstrips in these areas.

The Act stipulated that loans be given on condition that farms were managed according to SADF directives, and that all white farmers in the areas had to undergo military training, be members of the regional and area commandos, and make themselves available to the SADF and Department of National Security to carry out reconnaissance and intelligence tasks whenever called on to do so. All were linked into the Commando system of part-time SADF forces and the military radio network known as MARNET. Many farm buildings were constructed in such a way as to constitute a chain of defence strongholds along the borders ready to be used by the SADF whenever necessary. The Act stipulated that the SADF was empowered to enter any property in the designated area to demolish or erect military facilities or any other structure without the consent of the owner. (For more information, please refer to p. 59 of our main submission.)

These measures were not only defensive: Messina, Louis Trichardt, Alldays, Ellisras, Thabazimbi, Zeerust, Piet Retief,
and Amsterdam were all key towns from which acts of aggression were launched against neighbouring states.

The tactic adopted was to lay anti-tank mines overnight so that they would be triggered when the SADF patrolled first thing the next morning. Roads in the immediate border area were used primarily by the SADF and farmers actively supporting the efforts of the SADF, thereby defining themselves as legitimate targets. Most farm workers went on foot and would, it was reasoned, not be affected.

The decision to use landmines and the choice of area of operation was made at Military HQ; the commands were based in Zimbabwe and later, for operations in the Eastern Transvaal, in Swaziland.

Units would be sent into the country to conduct reconnaissance with the aim or determining the movements of enemy personnel on the roads, their routines and schedules, the habits of local people, etc. This usually took a few days; once the reconnaissance had been completed, cadres reported back to their commanders. Operational plans were drawn up, and the reports and plans were then sent to Military HQ. When operations were approved, detailed implementation plans were drawn up and cadres instructed to lay the mines.

Initial operations were carried out fairly close to the borders - within 2-4 km. However OR Tambo ordered that operations should be carried out deeper inside the country as the governments of neighbouring countries were coming under pressure from the apartheid regime. The effect of this was to move some operations into areas where the roads were not used almost exclusively by the defence force and Commando farmers. In addition, because cadres had to be in the country longer there was an increase in the number of firefight between guerrillas and the security forces.

When it became apparent that the landmine operations were not having the desired effect of consistently striking at security forces, they were suspended by MHQ.

5. APPENDICES: MK OPERATIONS AND OTHER ARMED ACTIONS

It is not possible to give a detailed account of every MK operation, as requested by the TRC. We did not keep records of this nature, mainly for security reasons. More detail will be forthcoming in applications for amnesty by various commanders and combatants.

There are two lists of armed actions attached to this submission. Appendix 4 provides information on operations carried out by members of MK, arranged chronologically and according to the nature of the target in each case. It is drawn from reports, recollections of the MK commanders, press reports, and the SAIRR annual surveys. There are probably omissions, and some mistakes may have occurred due to incorrect reporting or a range of other reasons.

The incidents and attacks listed in Appendix 5 fall into the grey area described above. We are not certain that all these attacks were carried out by MK personnel or by people trained by MK personnel. We cannot state with certainty what the objectives of these attacks were, but it is probable that many were carried out in good faith in the belief - incorrectly at times - that the cadre was acting in accordance with the injunctions by the leadership to intensify the struggle at all costs and carry the struggle to white areas. In other cases we strongly doubt that our cadres were responsible, but do not have sufficient information to substantiate this.

6. CONCLUSION

In the course of war life is lost. The challenge before us was to avoid indiscriminate killing of civilians, which MK certainly had the capacity to carry out. Although it is possible that entirely accurate statistics will never be known beyond any doubt, it is evident that MK acted with great restraint.

This record should be compared with the many thousands of deaths of civilians at the hands of successive apartheid regimes - with this continuing right until April 1994 - in countless massacres, assassinations, and executions. In addition there have been millions of civilian casualties - bloodshed of holocaust proportions - in wars waged by surrogate forces in neighbouring states.
We also register our deep regret for the deaths of innocent civilians killed in the course of the struggle for justice and freedom. We extend our condolences to the families of all those who were killed or injured, including the soldiers and police who fought against us. The taking of life is not an easy thing; to us all life is sacred, and we have never been callous in our struggle.

1 We regret that we have not been able to locate a copy of this document

APPENDIX FOUR

LIST OF MK OPERATIONS

Please note:
Information in this list was drawn from press reports and the Annual Surveys of the SAIRR. These are not MK records. There are probably omissions and errors, due to censorship during the apartheid era and other difficulties in collecting information of this nature.

1960s

Details are not available, but it is estimated that the MK High Command co-ordinated over 190 acts of sabotage between October 1961 and July 1963. There were no deaths or injuries.

1976:

Note: a study by Tom Lodge of the University of the Witwatersrand estimated that there were 150 MK attacks between 1976 - 1982

30/11/76  Skirmish with SAP: Eastern Transvaal Two SAP killed as arrested cadres escape custody, throwing grenade into SAP vehicle

1977

08/01/77  Economic: railway line near Soweto

15/06/1977  Unplanned actions/skirmish with SAP: Two civilians killed in warehouse in Goch Street during unplanned panic reaction when cadres realised they were being followed by SAP; two cadres captured; Monty Motlaung beaten so badly by SAP he was brain damaged; Solomon Mahlangu hanged

24/02/77  SAP buildings: Daveyton SAP station Bomb causes structural damage; no injuries

15/07/77  Economic: Umlazi/ Durban Damage to railway line

26/07/77  Skirmish with SAP: Vosloorus One cadre killed

26/07/77  Skirmish with SAP: Dobsonville One cadre killed, 2 SAP injured

09/09/77  SAP SB personnel: Leonard Nkosi; turned ANC cadre killed.

27/10/77  SAP personnel: Bophutatswana; Three cadres killed by SAP after throwing a at a police patrol; 1 SAP injured

02/11/77  Skirmish with SAP: near Pongola One cadre killed, 1 SAP injured
12/12/77  SAP building: Germiston police station Structural damage

1978

??/01/78  Personnel actively assisting SAP: Former ANC member (Steve Mtshali) who turned state witness in various trials; shot and wounded

??/02/78  Skirmish with SAP: near Swaziland border Two SAP killed

02/02/78  SAP building: Daveyton police station Structural damage

01/03/78  Skirmish with SAP: Witkleigat area No details

10/03/78  Government buildings: Bantu Affairs Admin. Board, Port Elizabeth Bomb explodes outside offices; One civilian killed, three injured

??/04/78  SAP personnel: Swaziland border Cadres ambush SAP patrol; two SAP wounded

14/04/78  Personnel actively assisting SAP: Former deputy president of the ANC in the Transvaal (Abel Mthembu) turned state witness at the Pretoria ANC trial

25/06/78  SAP Personnel: Det-Sgt Chapi Hlubi shot dead

21/08/78  BOSS personnel: B. Mayeza; shot dead in Umlazi

??/12/78  Government buildings: Soweto Community Council Bomb damages offices

1979

1979  Economic: Sasol Oil Refineries Massive structural damage

1979  SAP building: Orlando police station attacked

14/01/79  Skirmish with SAP: farm near Zeerust; Seven cadres clash with SAP; I captured, others escape over Botswana border

23/01/79  Economic: near New Canada station Explosion damages railway

24/01/79  Economic: railway between Fort Beaufort and King Williamstown Large quantity of explosives on line found and defused

February 1979  SAP SB personnel: Sgt Benjamin Letlako shot dead in Katlehong

April 1979  Economic: railway near Soweto Explosives discovered and defused

05/05/79  SAP personnel/building: Moroka SAP Station Cadres open fire in charge office; 1 SAP killed, 3 injured; 3 civilians injured; extensive damage caused by grenades in offices

June 1979  Economic: railway in Eastern Transvaal Explosives found, defused

November 1979  SAP building/personnel: Orlando SAP Station Cadres open fire, hurl grenades into charge
November 1979  **SAP SB personnel:** Lt Magezi Ngobeni; grenades thrown into home; 5 children wounded

December 1979  **Economic:** railway near Alice Explosion damages line

1980

1980  **SAP building:** Booysens police station Damage to building

14/01/80  **SAP building/support for community resistance:** Soekmekaar SAP Station Little damage; minor injury to one SAP; local community involved in struggle against forced removal

1980  **Skirmish with SAP:** Meadowlands No details

??/03/80  **Skirmish with SAP:** Bophutatswana Two cadres killed, one escapes

04/04/80  **SAP buildings & personnel:** Booysens SAP Station Attack with grenades, rocket launchers, AKs causes damage, no injuries

June 1980  **Personnel actively assisting SAP:** Tennyson Makiwane Expelled ANC official; shot dead

01/06/80  **Economic:** Sasol 1,2 and Natref Eight fuel tanks destroyed in series of blasts; no injuries; R58-m damage

August 1980  **SAP SB Personnel:** Det-Sgt TG Zondi; shot at in Sobantu Village; uninjured

15/10/80  **Economic/support for community resistance:** Railway line in Dube blown up; Soweto community had called for a stayaway previous day to protest against rent increases, visit by Koornhof

29/10/80  **Government buildings:** West Rand Administration Board Two grenades cause extensive damage, injure security guard and friend

30/10/80  **Government residence:** Port Elizabeth House of Transkei consul damaged with bomb; no injuries

21/11/80  **Skirmish with SAP:** Chiawelo; cadre killed, SAP injure child

1981

According to the SAIRR, between January and October 1981 there were at least 40 ANC guerilla attacks in urban areas; there were 17 between July 1979 and June 1980.

1981  **Skirmish with SAP:** house in Chiawelo; One cadre killed; possible SAP casualties

1981  **SAP building:** Wonderboom SAP station No details

1981  **Economic:** Capital Park sub-station Damage by limpet mine

1981  **SAP building:** Mabopane SAP station Two dead (no details)

1981  **Economic:** Rosslyn sub-station Damage by limpet mines; Two injuries

14/04/81  **Economic:** Richards Bay / Vryheid line 20km railway destroyed, coal trucks derailed
21/04/81  **Economic**: power station, in Durban Two transformers destroyed by limpet mines

May 1981  **Personnel actively assisting SAP**: Hoedspruit Railways policeman killed with grenade

06/05/81  **Economic/ Republic Day protests**: railway in Hoedspruit area Line damaged

21/05/81  **Economic/Republic Day protests**: PE rail link to Johannesburg and Cape Town Line damaged by explosion

25/05/81: Series of actions in support of Republic Day protests:
- **Propaganda**: pamphlet bomb in Durban;
- **SAP building**: Fort Jackson SAP station;
- **Economic**: railway line near Soweto
- **Economic**: railway line on Natal South Coast
- **Economic**: powerlines cut in Vrede, OFS

27/05/81  **SADF buildings**: recruiting office, Durban Destroyed in explosion

01/06/81  Firebombs at three PFP offices, Johannesburg No injuries

04/06/81  **SAP building**: SAP station, Johannesburg  **SAP building**: SAP station, Meyerton

11/06/81  **Economic**: railway line Natal North coast

16/6/81  **Economic**: railway line near East London

28/06/81  **Economic**: railway near Empangeni

03/07/81  **Economic**: fuel storage dept, Alberton Limpet mine defused

21/07/81  **Economic**: power supply; Pretoria, Middelburg, Ermelo At least six explosions at three installations

11/08/81  **SADF personnel & buildings**: Voortrekkerhoogte Military Base Damage by rocket attack

19/08/81  **Economic**: railway line near East London

02/09/81  **SAP buildings & personnel**: Mabopane SAP station Two SAP, two civilians (one a child) killed

12/09/81  **Economic**: main railway line, Delville Wood, Durban Explosion damages line

10/10/81  **Economic**: Durban railway station  **Government buildings**: Durban offices, Dept. Co-operation and Development Four injuries; no details

21/10/81  **Economic**: Transformer in Evander destroyed  **Economic**: Sasol III water pipeline, Secunda

26/10/81  **SAP buildings & personnel**: Sibasa SAP station Two SAP killed, station destroyed

01/11/81  **SADF buildings & personnel**: Jeppes Reef House near Swaziland border occupied by SADF Destroyed in rocket/grenade attack

09/11/81  **Government buildings**: Orlando Magistrates Court Explosion; no details

12/11/81  **Economic**: Rosslyn power substation, Pretoria Damage by 4 limpet mines
09/12/81 Government buildings: office of Chief Commissioner, Department of Co-operation and Development, Cape Town

14/12/81 Economic: Pretoria power sub-station bombed

23/12/81 Government buildings: E. Cape Admin. Board, Duncan Village No details

26/12/81 SAP buildings: Wonderboomboort SAP station No details

1982

According to the SAIRR, there were at least 26 sabotage attacks by the ANC between December 1981 and November 1982; 13 suspected ANC cadres were killed in shoot-outs with the SAP. According to the SAP, there were 39 acts of insurgency in 1982.

21/05/81 Government buildings: Port Natal Administration Board, Pinetown bombed Government buildings: Offices of Dept. Coloured Affairs, Durban

07/01/82 Government buildings: West Rand Administration Board, Soweto Bomb damages office

12/05/82 Government buildings: West Rand Administration Board. Soweto Bomb damages offices again

20/03/82 Government buildings: Langa Commissioners Court Damaged in explosion

28/05/82 Economic: Fuel depot and power transformer, Hectorspruit Damaged by limpet mine

03/06/82 Economic: railway near Dube Damaged in explosion

04/06/82 Government buildings: offices of Presidents Council, Cape Town Bomb explodes in lift shaft of building housing these offices; one killed

28/06/82 Economic: railway depot at Vryheid Damaged in explosion

28/06/82 Economic: Scheepersnek: Two bombs cause extensive damage to railway depot, pump station, stores, vehicles; Durban-Witwatersrand oil pipeline shattered SAP & Government buildings: Port Elizabeth; Station Commanders office and New Law Courts damaged

July 1982 Government buildings: PE court building

28/08/82 SADF buildings: Umvoti Mounted Rifles Army Camp, Red Hill, Durban Extensive damage to building and three SADF vehicles

September 1982 Skirmish with SAP: Boksburg Two cadres killed

24/09/82 Economic: railway bridge near Upington Explosives placed; no details

October 1982 Skirmishes with SAP: KwaZulu One SAP SB member killed; one cadre killed

26/10/82 Government buildings: Drakensberg Administration. Board, Pietermaritzburg Three bombs explode

November 1982 SAP personnel: W/O P. Selepe, Mamelodi killed; gave evidence in many trials

08/11/82 Economic: Mobil fuel storage depot, Mkuze Blast causes severe damage
December 1982 Personnel actively assisting SAP: B. Hlapane

13-14/11/82 Skirmishes with SAP: Piet Retief Two SAP seriously wounded

18-19/12/82 Economic: Koeberg nuclear power station Massive damage in four explosions; no injuries

20-21/11/82 SADF/SAP installation & personnel: SAP rural station & temporary SADF garrison at Tonga Rocket attack seriously injures two SADF personnel

31/12/82 Government building / SAP building: Johannesburg Magistrates court (200m from John Vorster Square) Explosion; no details

1983

1983 Economic: line near Phomolong station Damage to railway line

1983 SADF building: offices in Marshall Street Structural damage

1983 Economic: pylon in Denneboom Structural damage

1983 SAP personnel: Soweto Grenade attack on patrol; no injuries

26/01/83 Government buildings: New Brighton Community Council offices Building extensively damaged; one dead, five injured

30/01/83 Government buildings: Pietermarizburg Supreme Court Explosion; no details

10/02/83 Economic: Richards Bay area 500 hectares burned in arson attack

11/02/83 Government Buildings: Drakensberg Admin. Board Offices Explosion, no details

08/02/83 Skirmishes with SADF: Paulpietersburg No details

20/02/83 Economic: Pelindaba Nuclear Research Station Set on fire; no details

21/03/83 Government buildings: Supreme Court, Pietermaritzburg Explosion, no details

21/04/83 Government buildings: Supreme Court, Pietermaritzburg Second explosion; no details

May 1983 Skirmish with SADF: Botswana border Four cadres, one SADF killed

May 1983 Government buildings: Roodepoort; Offices of Dept. Internal Affairs Damaged in two explosions: R250 000 damage

20/05/83 SADF personnel and building: Nineteen killed (2 MK, 11 SAAF officers) in car bomb at entrance to SAAF HQ, opposite building housing military intelligence personnel; 217 injured (number of military/civilian injuries unclear

17/06/83 Economic: pylon at New Canada station SAP defuse bomb


07/07/83 Government buildings: Durban Supreme Court Two bombs defused
07/07/83 Government buildings: Dept. Internal Affairs, Roodepoort; SAP building: Roodepoort Bombs detonate at 00h40 causing structural damage

06/08/83 Armed propaganda: Bomb explodes at Temple Israel, Hillbrow, before Marais Steyn due to speak there; no injuries

20/08/83 Economic: substation near Mamelodi Explosion causes damage of R100 000 26/08/83 Government buildings: Ciskei consular generals offices, Carlton Centre Limpet mines explode at 18h50; one injured

08/09/83 Economic: electrical sub-stations, Johannesburg area Two (Randburg and Sandton) bombed

11/09/83 Economic: substations at Bryanston North and Fairland Limpet mines cause structural damage

12/09/83 Government buildings: Ciskei offices in Pretoria Limpet mine planted after hours causes structural damage

13/09/83 Economic/support of industrial action: Rowntree factory, Umbilo Bomb blast at 19h45; structural damage

29/09/83 Economic: pylon in Vereeniging Police defuse explosives

11/10/83 Economic/SADF personnel: Warmbaths; Mines explode at 02h20; extensively damage large fuel storage tanks, three rail tankers, one road tanker; two devices set to explode 1 hour later found on door of Civil Defence office; no injuries. PW Botha due to speak in Warmbaths.

14/10/83 Economic: two electricity pylons, Pietermaritzburg Mines explode at 02h00, 03h00

01/11/83 Economic: Durban Buses at municipal bus depot damaged by bomb at midnight Economic: Germiston Railway line bombed Economic: Springs SAP defuses bomb on railway line SAP building/personnel: Durban SAP workshop Bombed; no details

02/11/83 SAP vehicles: Wentworth; Explosion at 02h55 damages vehicles in SAP mobile store and adjacent student residence (Alan Taylor Residence)

03/11/83 Economic: Bosmont railway station Damaged by bomb Economic: bus depot near Durban SAP buildings: SAP store near Durban 22/11/83 Economic: Durban Pylons damaged by two explosions

03/11/83 Economic: railway line, Bosmont/Newclare railway line damaged in explosion railway line near Germiston damaged by explosion railway line near Springs; explosives defused

03 or 07/12/83 Government building: office of Department of Community Development, Bree Street., Johannesburg Explosion; no injuries

08/12/83 Economic: railway 1km from Bloemfontein Locomotive and two trucks derailed

12/12/83 Government buildings: offices of Dept Community Development and Commissioners Court, Johannesburg Severe damage in limpet mine explosion; seven injured

15/12/83 Government buildings: offices of Dept Foreign Affairs, Johannesburg Seven injured in explosion SADF buildings: Natal Command HQ Three bombs explode on beach front nearby; no damage

19/12/83 Government Buildings: KwaMashu township offices Explosion causes R60 thousand damage

1984

According to the Institute for Strategic Studies, Pretoria, there were 44 MK attacks during this year.
1984 **Skirmish with SAP:** Mapetla One cadre killed; no SAP injuries

1984 **Skirmish with SAP:** SAP ambush, Jabulani One cadre killed, one injured

04/01/84 **Skirmish with SAP:** Mamelodi One cadre killed

03/02/84 Government buildings: Ciskei consulate, Durban Offices destroyed in explosion

23/02/84 **Economic:** Escom installation, Georgetown Slight damaged caused by explosion

29/02/84 **Economic:** Mandini Power Station Bomb explodes; no information **SAP building:** Mandini SAP station Bombed; no details

11/03/84 **Economic:** Mobil fuel depot, Ermelo; Four explosions, extensive damage, five storage tanks destroyed; no injuries

12/03/84 **Skirmishes with SAP:** area unknown Two SAP seriously injured

April 1984 **Skirmish with SAP:** De Deur One cadre killed

05/04/84 **Government buildings:** Transkei consulate in Botshabelo Explosion destroys offices

12/05/84 **Government buildings:** Durban, Trust Bank; Explosion causes extensive damage to offices of Dept. Internal Affairs and Durban HQ of SA. Railways Police injured

13/05/84 **Economic:** Mobil Oil Refinery, Durban; Cadres set fire to refinery in RPG.7 attack; running skirmish lasting several hours ends when car in which cadres were travelling is followed to construction site by police; all were killed along with three labourers who burned to death when paint store set alight in the battle. 4 SAP also injured.

16/05/84 **SAP personnel:** Jabulani; Explosion destroys two private vehicles belonging to SAP members outside Jabulani SAP station

18/05/84 **Economic:** railway near Lenasia Damaged by explosion

06/06/84 **Economic:** petrol rail tankers, Merewent, Durban Four mines damage railway / defused (unclear)

08/06/84 **Skirmish with SAP:** Ndведwe Two cadres killed in running gunfight with SAP

21/06/84 **Economic:** substation, Berea (Durban) Explosion damages substation, disrupts supply

12/07/84 **SAP personnel:** Jabulani SAP vehicle attacked; one SAP killed, one injured

28/07/84 **Government buildings:** SA Railways Police charge office, KwaMashu Attacked with hand grenades

03/08/84 **Skirmish with SAP:** Ellisras area; one cadre killed Details unclear

7/08/84 **Property of government personnel:** Extensive damage to Tshabalala Dry Cleaners, Soweto **Economic:** Glenmore, Durban Escom sub-station destroyed

12/08/84 **Government buildings:** Department of Internal Affairs, Johannesburg Explosion causes minor damage

16/08/84 **SAP buildings/personnel:** SAP HQ Soweto East; Roodepoort City Centre Building Two mines destroy the
second and third floors of building, injure District Commander, four SAP, two civilians; R260 000 damage

17/08/84 Skirmish with SAP: Mapetla Cadre resisting arrest killed

23/08/84 Government departments: DET, Booysens Explosions destroy 4th floor at 18h30

24/08/84 Government buildings: SA Railways Police Regional offices, Dept Internal Affairs offices in Anchor Life Building Bomb explodes at 17h30; two civilians and four Railways Police injured

03/09/84 Government buildings: Dept. Internal Affairs, Johannesburg Explosion at 16h07; four injured

05/09/84 Economic: Escom sub-station, Rustenberg; Explosion destroys installations, disrupts power to Rustenberg and large area of Bophutatswana.

13/09/84 Economic: Escom sub-station, Durban Limpet mines cause damage

14/09/84 Government Buildings: Department of Community Development, Krugersdorp Bomb at 17h00 causes damage

11/12/84 Economic: railway near Durban Explosion damages line, goods train damaged

14/12/84 Skirmish with SAP: Ingwavuma One cadre killed, one SAP injured

25/12/84 Skirmish with SAP: Ingwavuma Cadre killed

1985

According to the Institute for Strategic Studies, Pretoria, there were 136 MK attacks during this year, a 209% increase compared with figures for 1984.

??/01/85 Skirmish with SAP: Nongoma Three cadres, 1 SAP killed

??/03/85 SAP personnel: Mamelodi Limpet mine destroys SAP vehicle; no injuries

??/03/85 Skirmish with SAP: Eastern Transvaal Two cadres killed, one captured

??/03/85 SAP SB personnel: Tembisa Grenade attack on unnamed SB members home; no details

22/03/85 Skirmish with SAP unit: Bushbuckridge Two cadres killed

??/04/85 Economic: Escom sub-station, Durban Parking attendant killed

02/05/85 Economic/ support for workers: explosion at Anglo American and Anglovaal, Johannesburg R170 thousand structural damage caused. Both had engaged in mass dismissals of mine workers

09/05/85 SAP personnel: two grenade attacks in Pretoria townships No details

15/05/85 SAP building & personnel: Brakpan SAP barracks Three explosions; no details

15/05/85 Government buildings: Brakpan Commissioners court and offices of Messenger of the court Attacks on the morning of the funeral of Andries Raditsela who had died in detention

30/05/85 SADF building: Military Medical Centre, Johannesburg Limpet mine causes structural damage
31/05/85 **SADF building/personnel**: Southern Cross Fund offices Fourteen injured

??/05/85 **SAP personnel**: GaRankuwa SAP member killed by suspected insurgents

??/06/85 **Government buildings**: Lamontville Three limpet mines explode at Natalia Development Board

??/06/85 **SAP buildings**: Umlazi SAP station Three limpet mines explode; no details

??/06/85 **Economic**: Durban Escom sub-station damaged by explosion

??/06/85 **Economic/support of worker struggle**: AECI offices, Johannesburg Bomb damages offices; company was involved in labour dispute

??/06/85 **SAP personnel Mmabatho**: policeman who fired on crowd killed by alleged insurgents

??/06/85 **Economic**: Umtata Explosion destroys Transkei Development Corporation bulk fuel depot; disrupted water and power supplies

??/06/85 **Collaborators in apartheid repression**: Attack on home of Rajbansi with petrol bombs and hand grenades; no injuries **Government personnel**: Attack on home of former Gugulethu town councillor; no details

??/07/85 **Economic**: Durban Limpet mines destroy sub-station

??/07/85 **Skirmish with SAP**: roadblock near East London Two cadres, one SAP killed in shootout

??/07/85 **SAP personnel**: Soweto Group dubbed the Suicide Squad attacks home of two Soweto policemen

??/07/85 **Support for worker struggles**: Umlazi Hand grenade damages bakery in Umlazi where workers were on strike

??/07/85 **Government personnel**: hand grenade attack on former community councillor in Gugulethu

??/08/85 Home of MP Barend Andrews attacked with hand grenade No injuries

02/08/85 **Skirmish with SAP**: roadblock near Mount Ruth Two cadres, one SAP killed

10/08/85 **Economic**: petrol bowser, East London fuel depot SAP defuse limpet mine

??/10/85 **SAP personnel**: Cape Town; Shots fired at police patrol; two incidents of attacks on police with hand grenades; no further details

??/10/85 **SAP personnel**: Mamelodi Home of SAP member attacked with hand grenade

??/11/85 **SAP personnel**: Cape Town Four people including SAP officer and wife, railways policeman, killed in various hand grenade attacks; total of 20 such attacks recorded by this time say SAP.

??/11/85 **SADF personnel**: Cape Town Three SADF injured in grenade attacks

??/11/85 **Economic**: Central Johannesburg Building housing Institute of Bankers damaged in blast

??/11/85 **SAP personnel**: Cape Town Two grenade attacks on homes of SAP personnel **SAP buildings**: Manenberg SAP Station Vehicles damaged in grenade attack

??/11/85 **Economic**: Sasol 2 and 3 Rocket attack; three cadres killed by SAP

??/11/85 **SADF/Personnel actively assisting SADF**: Soutpansberg area Anti-tank mine explodes; four SADF, four
others injured

11/85 Skirmish with Bophutatswana Police: Four cadres killed, two cadres injured

12/85 Economic: Bus depot Umlazi No details

6/12/85 SAP personnel: police patrol in Soweto One SAP injured by grenade 08/12/85 SAP personnel: Chesterville Home of SAP member bombed; no details

13/12/85 SADF personnel: troop carrier in Messina One soldier injured in anti-tank mine explosion

12/85 Skirmish with SADF: near Botswana border One SADF killed

12/85 Government buildings: Chatsworth Magistrates Court; Limpet mine explodes at 18h00; structural damage

14/12/85 Skirmish with SAP: Chiawelo One cadre killed

17/12/85 Economic/support of industrial action: Limpet mine explodes at 03h00; damages eight buses, PUTCO Fleetline depot, Umlazi

19/12/85 SADF/Personnel actively supporting SADF: Wiepe area One farmer or civilian injured in anti-tank mine explosion

20/12/85 SADF/Personnel actively supporting SADF: Messina Six killed in anti-tank mine explosion in game farm

23/12/85 Cadre response to state brutality: Five civilians killed, 40 injured in Amanzimtoti shopping centre blast; attempted warning failed; Andrew Zondo hanged.

29/12/85 Propaganda: pamphlet bomb, Durban Defused by SAP

1986:

In Parliament in February 1987, Adriaan Vlok refused to disclose the number or nature of incidents of sabotage, armed attacks and explosions that had occurred during 1986 as this was not in the interests of the safety of the Republic. According to the Institute of Strategic Studies at the University of Pretoria, there were 230 incidents of insurgency during the year, a 69.1% increase over the 136 incidents in 1985.

1/86 SAP personnel: home attacked in Springs One person injured in grenade and AK attack

1/86 Economic: Springs railway station Limpet mine damages building

1/86 SAP personnel: Vosloorus No details

1/86 SADF/Personnel actively supporting SADF: Ellisras area near Botswana border Two killed in anti-tank mine explosion; no details

January 1986 SAP personnel: Soweto Cadre throws grenade at 3 SAP members; cadre killed; no details

4/1/86 SADF/personnel actively assisting SADF: Stockpoort (Botswana border) Two killed and two injured in anti-tank mine explosion

5/1/86 Skirmishes with SAP: roadblock on East London /King Williamstown road One SAP killed, one cadre killed

4/2/86 SADF personnel: Gugulethu Four SADF injured when grenade thrown into their military vehicle

7/1/86 Personnel actively assisting SAP: Soweto Grenade thrown at Railways policeman
06/01/86 **Skirmish with SAP:** near East London One cadre killed

08/01/86 **Economic:** Pretoria sub-station Damaged by explosion

09/01/86 **Economic/SAP personnel:** Durban Limpet damages substation in Jacobs, 21h15; second limpet explodes kills one SAP, injures three - five SAP (or one SAP, two engineers)

18/01/86 **Economic:** substation in Westville, Durban Two limpets damage substation

20/01/86 **Economic/SAP personnel:** Four limpets damage pylon near Durban 20h45; fifth probably aimed at SAP explodes later; no injuries

24/01/86 **SAP personnel:** Mamelodi Sgt Makhulu killed in grenade attack on his home

??/02/86 **SADF personnel:** Gugulethu Buffèl attacked with grenade; four SADF injured slightly

01/02/86 **SAP personnel:** Lamontville Grenade thrown at patrol; one SAP injured

09/02/86 **SAP personnel:** Umlazi Limpet mine destroys two SAP vehicles at Umlazi SAP station when parked after returning from riot patrol; no injuries

19/02/86 **SAP personnel:** Cambridge East SAP station; Explosion in toilet block near Radio Control room; no injures

February 1986 **Skirmish with SAP:** near Port Elizabeth; Two cadres killed, two SAP injured

February 1986 **Economic:** Durban Explosion at Durban sub-station; no details

12/02/86 **SADF/ personnel actively assisting SADF:** near Messina Bakkie detonates anti-tank mine; no injuries

2/02/86 **Skirmishes with SADF:** near Alldays One SADF, one cadre killed

16/02/86 **SADF personnel:** Mamelodi Casspir severely damaged by anti-tank landmine

17/02/86 **Skirmishes with SAP:** Zwide Two SAP killed, two cadres killed, one arrested **SAP personnel:** area unknown One SAP injured when vehicle hit by 10 bullets

??/02/86 **Skirmishes with SAP:** Zola, Soweto Cadre blows up two SAP, kills self with grenade

??/02/86 **Economic:** De Deur Limpet causes structural damage to substation 01/03/86 **Skirmishes with SAP:** Port Elizabeth or Grahamstown One SAP seriously injured, cadre killed

03/03/86 **Skirmishes with SAP:** Gugulethu Police execute seven cadres

04/03/86 **SAP building/personnel:** John Vorster Square Two SAP members, two civilians injured in explosion on 3rd floor

07/03/86 **SAP building/personnel:** Hillbrow SAP Station Limpet found and detonated by SAP

15/03/86 **Government buildings:** Limpet mine explodes in front of Springs railway station, outside Indian Administration Offices; one civilian seriously injured

17/03/86 **SAP personnel:** Mamelodi SAP member shot; dies in hospital

18/03/86 **SAP personnel:** Mamelodi Constable Sinki Vuma shot dead at home

19/03/86 **SAP personnel:** limpet mine attack on SB member (no area); car destroyed member
21/03/86 **Economic:** Durban Four mines explode at Escom sub-station

26/03/86 **Skirmish with SAP:** Vosloorus One cadre killed when he allegedly threw grenade at SAP members

08/04/86 **Collaborators in apartheid repression:** attack on home of former LP secretary in Natal, Kevin Leaf No injuries

??/03/86 **SAP Personnel:** Dobsonville SAP come under fire at funeral; no details

21/04/86 **SADF / personnel actively assisting SADF:** Breyten/Chrissiesmeer district Two anti-tank landmines detonate, injuring two civilians in taxi and one tractor driver

21/04/86 **Skirmishes with SAP:** Alexandra Cadre attacks SAP, one seriously injured; cadre retreated unharmed

23/04/86 **Government buildings:** Cala Blast at Cala post office; no injuries

24/04/86 **Government building:** Meyerspark post office Explosion causes structural damage

27/04/86 **Skirmishes with SAP:** Edendale hospital Gordon Webster rescued; one civilian killed, two SAP injured

25/05/86 **SADF / personnel actively assisting SADF:** farm of Colonel Koos Durr, near Davel Anti-tank mine kills two, injures eight

26/05/86 As above: same road landmine detonated by tractor No injuries

10/06/86 **SADF/ personnel actively assisting SADF:** the farm Boshoek, 5km from Volksrust Anti-tank mine injures one person

10/06/86 **SADF/ personnel actively assisting SADF:** the farm Blomhof, near Volksrust Anti-tank mine injures two farmworkers

14/06/86 **SADF personnel:** Magoos/ Why Not bars Car bomb kills three, injures 69, the majority civilians; McBride sentenced to death

16/06/86 **SADF/ personnel actively assisting SADF:** Winterveldt: Probable anti-tank mine explosion kills three BDF troops in troop carrier

22/06/86 **Economic:** fuel storage tanks, Jacobs; Limpet damages tanks **Economic:** liquid fuel pipeline betw. Sapref and Limpet damages pipeline Mobil Refinery near Durban

26/06/86 **SAP personnel:** Soshanguve Grenade attack on SAP members home; no details

27/06/86 **Skirmishes with SAP:** roadblock near Botswana border Four cadres killed, one SAP injured

29/06/86 **Government buildings:** Alice post office Explosion; no injuries

30/06/86 **SAP personnel:** Westville, Natal Mine explodes 03h15 on pedestrian bridge; second limpet aimed at responding SAP members explodes 15 minutes later

July 1986 **Skirmish with SAP:** Mdantsane After a two-hour gun battle SAP kill one cadre

05/07/86 **SAP buildings:** Mowbray SAP station, CT Explosion slightly injures two SAP

05/07/86 **SADF/Personnel actively assisting SADF:** Volksrust One person injured by anti-tank landmine; no details
05/07/86 Government personnel: Vosloorus and Katlehong; Five Development Board officials killed in two attacks on their vehicles; two cadres killed

06/07/86 Skirmishes with SAP: Empangeni Three cadres killed, one arrested

10/07/86 SAP building: Silverton Explosion injures seven people

22/07/86 SAP personnel: Katlehong One SAP killed

26/07/86 SAP personnel: Katlehong; Cadres attack municipal police twice; both cadres killed, five police killed, 12 police injured

30/07/86 SAP personnel: Umtata SAP station Three SAP, four civilians die, seven SAP injured in grenade and AK attack

28/07/86 Skirmish with SAP: Nelspruit Two cadres killed

30/07/86 SADF/Personnel actively supporting SADF: near Nelspruit Anti-tank landmine explodes: no injuries

03/08/86 Government buildings: Lakeside post office Explosion; no injuries

09/08/86 SAP Personnel: Durban Lt Victor Raju killed in grenade attack on his home

16/08/86 Skirmish with SAP: Eastern Tvl, near Swaziland Four cadres killed, one injured

16/08/86 SADF/ personnel actively assisting SADF: E. Tvl border area Anti-tank landmine kills five, injures two civilians

17/08/86 SADF/ personnel actively assisting SADF: the farm Stellen Rust near Nelspruit Anti-tank mine injures two civilians

22/08/86 Personnel actively assisting SAP: Natal Grenade attack on Inkathas Winnington Sabelo; AK 47 fired at car of his wife as she entered the driveway, killing her and injuring 3 children

24/08/86 Government personnel: Imbali Grenade attack on home of town councillor Austin Kwejama; one child killed, one child injured

24/09/86 Government personnel/ support for community action Home of Soweto Housing Director, Del Kevin, extensively damaged by limpet mine; no injuries

30/09/86 Skirmishes with SAP: N. Natal One SAP injured

Early Oct. 1986 SAP building: SAP station Newcastle Attacked, no details

06/10/86 SADF/ personnel actively assisting SADF: Mbuzini, near Mozabique border Anti-tank landmiine injures six SADF members in military vehicle

20/10/86 SAP buildings: Lamontville SAP station Limpet mine explosion outside; no injuries

22/10/86 Personnel actively supporting SADF: two anti-tank landmine explosions Damage to property (Van Zyl)

31/10/86 SAP personnel: Umlazi Det. W/O Seleka(?) killed in grenade attack on home

Early Nov. 1986 Economic/ support for community struggle Two offices of PUTCO bombed in Soweto after fare increase of 17,5% announced
02or04/11/86 SADF/Personnel actively assisting SADF: near Nelspruit Anti-tank landmine explosion kills one woman, one child injured

04/11/86 SADF personnel: landmine, E Transvaal One soldier on horseback killed

10/11/86 Government buildings: Newcastle Magistrates Court Two bombs explode; 24 injuries including Magistrate and Public Prosecutor

14/11/86 SADF/ personnel actively assisting SADF: Alldays district Landmine injures farmer and son

23/11/86 Government buildings: Fordsburg flats Limpet mines explode at new housing for Sowto town councillors; no injuries

??/11/86 SAP Personnel: KTC Camp Grenade injures two SAP members

15/12/86 SADF / personnel actively assisting SADF: Barberton area Anti-tank landmine injures two SAP in SAP vehicle

19/12/86 SADF / personnel actively assisting SADF: Komatipoort area Anti-tank landmine injures SADF member

Government personnel: Soweto Grenade attack on home of Soweto councillor; two SAP injured

27/12/86 Skirmishes with SAP: near Messina Two SAP, three cadres killed; two cadres escape

1987

Note: According to the Institute of Strategic Studies at the University of Pretoria, there were 234 incidents of insurgency during 1987; there had been 230 in 1986.

1987 SAP personnel: home of Hlongwane, Mamelodi Damage to property

1987 Government buildings: Jhbg Magistrates Court Four killed, several injured 1987 SAP buildings: Kwandebele SAP station No details

01/01/87 SADF personnel: Alexandra National servicemen attacked; at least one injured

08/01/86 SAP personnel: AECI plant Policeman shot at; skirmish followed in which two SAP and one civilian injured

09/01/87 Support for strike action: OK Bazaars Eloff Street Bomb explodes, no injuries

12/01/87 OK Bazaars HQ: Bomb causes extensive damage, no injuries (Note: there had been a protracted strike.)

09/01/87 SAP personnel: near KTC Riot Squad member killed, two injured by grenade thrown into their vehicle

23/01/87 Skirmishes with SAP: Soweto Two cadres killed

24/01/87 Skirmishes with SAP: Mendu, Willowvale One TDF or Transkei police member injured

30/01/87 SAP/SADF personnel: Alexandra Three SADF, one SAP killed in attack

31/01/87 Government personnel: Diepmeadow; Home of town councillor Senokoane attacked; six injured including two SAP officers

02/02/87 SAP personnel: Single Quarters, Bokomo SAP Station Two attacks with grenades; one SAP injured

18/02/87 SADF personnel: Tladi Secondary School Grenade attack kills for SADF personnel
19/02/87 Personnel actively assisting SAP: Grenade injures Chief Lushaba and Samuel Jamile of Inkatha

03/03/87 SAP personnel: Gugulethu Cadre shot dead by police after he allegedly fired on their patrol with an AK 47

09/03/87 SAP personnel: Gugulethu One SAP, two municipal SAP killed; one cadre possibly killed

11/03/87 Skirmishes with SAP: Zone 13 Mdantsane Ciskei police confirm skirmish, no details

11/03/87 Skirmish with SAP: New Crossroads Cadre shot dead in house

13/03/87 Skirmishes with SAP: Atteridgeville Four municipal police killed, one injured

16/03/87 SAP personnel: Kagiso Grenade attack on home of SAP member; no injuries

17/03/87 Skirmishes with SAP: Inanda SAP raid; cadre resisted; SAP kill cadre, one woman, injure man and baby

17/03/87 Economic: railway line between Newcastle and Johannesburg Three explosions damage line

28/03/87 SADF / personnel actively assisting SADF: Josefsdal/Swaziland border area Anti-tank landmine kills four, injures one civilian

01/04/87 SAP/SADF personnel: Mabopane or Mamelodi Grenade thrown into Hippo, three SADF killed, two injured

01/04/87 Government personnel: Dobsonville Grenade thrown at home of Councillor Radebe; no injuries

02/04/87 SAP personnel: Nyanga Grenade injures three SAP

08/04/87 Skirmishes with SAP: Ventersdorp Two cadres, 1 SAP killed in shootout

09/04/87 SAP personnel: Meadowlands Zone 10 Three SAP attacked; casualties unknown

14/04/87 SAP personnel: Chesterfield, Durban Grenade attack on home of SAP member; no injuries

15/04/87 SAP personnel: Umbumbulu SB officer killed by sniper, another SB injured

20/04/87 SADF personnel: Dube station Grenade thrown at group of soldiers; casualties not reported

??/04/87 Skirmish with SAP: Umlazi Three cadres killed, four SAP injured, one critically, in shootout

23/04/87 SAP personnel: Bonteheuwel Grenade attack on home of SAP member No details

Personnel actively assisting SAP: Mitchells Plain Grenade attack on home of security guard; no details

SAP personnel: Ravensmead Grenade attack on home of SAP member; no details

24/04/87 Skirmishes with SAP: Umlazi Riot SAP raid; cadres resisted; three Riot SAP injured, two cadres killed

30/04/87 SAP personnel: Osizweni, Newcastle SAP barracks Grenade attack; four SAP injured

??/04/87 SAP personnel: KTC Seven SAP injured in grenade attack on their patrol

04/05/87 SADF / personnel actively assisting SADF: area west of Messina; Driver killed and 10 passengers injured when truck detonates landmine

09/05/87 Skirmishes with SAP: Mamelodi One SAP, three SADF, one cadre killed

16/05/87 SAP personnel: Newcastle; Explosion at Newcastle station waiting room; second explosion at 01h34 while SAP investigating first blast; one SAP injured
20/05/87 **Government buildings; SAP personnel:** Johannesburg Magistrates Court Car bomb kills three SAP, injures four SAP, six civilians injured

11/06/87 **Skirmishes with SAP:** Emdeni, Soweto SAP raid/ ambush of raiders: one cadre, one SAP killed

12/06/87 **SAP personnel:** Witbank Two SAP found dead **Government buildings:** Athlone Magistrates Court Limpet mine explodes; no details

15/06/87 **Government personnel:** Gugulethu; Grenade attack on home of councillor; four injured, two of them special constables

16/06/87 **Government personnel:** Guglethu Grenade attack on councillors home; two injured

21/06/87 **SAP personnel:** KTC camp Grenade attack on SAP patrol injures seven SAPs

22/06/87 **SAP personnel:** KTC Two SAP, five municipal police injured in grenade attack

12/07/87 **Skirmishes with SAP:** Athlone SAP raid; one cadre killed, four arrested

06/07/87 **Skirmishes with SAP:** Mdantsane; SAP ambush: cadre kills two, injures three Riot Unit SAP; cadre shot dead

08/07/87 **Skirmish with SAP:** Motherwell SAP crush alleged cadre and his sister to death in shack after they allegedly were fired on

18/07/87 **SAP personnel:** Mamelodi East SAP member and wife injured in attack on their home

02/08/87 **Skirmish with SAP:** Mdantsane Two SAP, one cadre killed in shootout

20/07/87 **SADF personnel:** SADF flats, District Six Car bomb explodes; no injuries

25/07/86 **SAP/SADF personnel:** Pimville Grenade thrown at home; exploded outside house

26/07/87 **Skirmishes with SAP:** Katlehong Cadre escaped; no details

30/07/87 **SADF personnel/ personnel actively assisting SADF:** the farm Bodena owned by Danie Hough Anti-tank landmine injures three civilians

30/07/87 **SADF personnel and buildings:** Car bomb explodes outside Witwatersrand Command killing one SADF, injuring 68 military personnel and civilians

02/09/87 **Skirmish with SAP:** Sandton SAP kill cadre after he allegedly threw a grenade at a roadblock
Skirmishes with SAP: near Zimbabwe border SAP say six cadres killed in various incidents

24/09/87 SAP personnel: Soweto 10 people including two SAP injured in grenade attack on SAP patrol

??/09/87 SAP Personnel: Marble Hall Commander of KwaNdebele National Guard Unit and his son (also SAP officer) found shot dead by AK 47 fire

01/10/87 Collaborators in apartheid repression: Bomb placed outside door of Rajbansis NPP office in Lenasia explodes hours after official opening; no injuries

17/10/87 Skirmishes with SAP: Heidedal, Bloemfontein SAP raid on house comes under fire; no details

28/10/87 Skirmishes with SAP: Swaziland border Cadre wounded; killed SADF member who approached him

06/11/87 SAP personnel: Khayelitsha One Special constable, two civilians killed by sniper fire

12/11/87 Government buildings: Zola Municipal offices Two limpet mines explode, third detonated by SAP

14/11/87 SADF personnel: Cape Town; SADF commemoration march from CT to the Castle: limpet mine explodes in bin which over 700 SAP and SADF filed past; 1 SADF injured

18/11/87 Government buildings: Johannesburg post office Limpet mine found

23/11/87 Skirmishes with SAP: Umlazi; SAP raid on house: two cadres and alleged collaborator killed; two SAP injured by cadres who resisted

30/11/87 SAP buildings/personnel: Dube municipal training centre Three explosions; no injuries

10/12/87 Skirmishes with SAP: Port Elizabeth area SAP raid on shack; heavy resistance from cadres; SAP drove Casspir over shack, killing four

12/12/87 SAP personnel: Soweto Group of SAP fired on by cadres in car; two SAP killed, four injured

??/12/87 SAP personnel: Nyanga Group of five Special Constables come under fire; one killed

1988

1988 SAP personnel: ambush in Emdeni, Soweto No information

January 1988 SAP personnel: attack on police in Kliptown No information

25/01/88 Skirmishes with SAP: Ugie; roadblock Cadres wound 1 SAP, retreat safely

25/01/88 SAP personnel: Kokstad; Limpet exploded at Kokstad Mens Club opposite Kokstad SAP station; frequented by SAP; building, two vehicles damaged

27/01/88 SAP personnel: Soweto Cadres open fire on SAP vehicle; three SAP, one civilian injured

01/02/88 Skirmishes with SAP: ? Transkei; roadblock Cadres attempted to resist; three killed, one injured by Transkei police

02/02/88 Skirmishes with SAP: near Mount Fletcher Cadre killed in skirmish: no details

06/02/88 SAP personnel: East London One SAP killed in attack; no details

12/02/88 SAP personnel: Soweto Municipal police guarding installation attacked; two injured
12/02/88 **Personnel actively assisting SAP:** Johannesburg; Cadre opens fire on car driven by ex-Rhodesian soldier, now private security firm official; details on injuries unclear

01/03/88 **SADF personnel:** Benoni Explosion causes extensive damage to bus transporting SAAF personnel; no details

07/03/88 **Skirmishes with SAP:** Queenstown SAP raid; cadre resisted, wounded six SAP; cadre and civilian killed by SAP

08/03/88 **SAP personnel:** Phiri Hall SAP mess Prolonged attack kills one SAP, wounds 10 SAP

14/03/88 **Government building:** Johannesburg City Hall Bomb explodes at; no injuries

17/03/88 **SAP personnel:** Krugersdorp magistrates court and adjacent SAP Station Two SADF, one civilian killed; 20 injured in car bomb court and adjacent SAP station; plan to prevent civilian injuries failed

18/03/88 **SAP personnel:** Atteridgeville Cadres attack tavern frequented by SAP; three SAP killed

25/03/88 **Skirmishes with SADF:** Batavia, Far Northern Transvaal Three cadres killed

27/03/88 **SAP/SADF personnel:** Pietersburg; Antheas Club, frequented by SAP and SADF, slightly damaged by limpet placed in back garden; no injuries

28/03/88 **Skirmishes with SADF:** island on Mutale river Four cadres killed, one injured

??/03/88 **Economic:** Fort Jackson electrical sub-station Three limpet mines cause damage, no injuries

??/04/88 **SAP building:** attack on municipal police training centre No details

09/04/88 **Government buildings:** Atteridgeville Development Board canteen Limpet explodes nearby; no injuries

12/04/88 **Skirmishes with SAP:** Mpumalanga township; SAP cornered cadre who killed self and two SAP with grenade; trapped second cadre who resisted: cadre killed one SAP and three civilians wounded in crossfire

15/04/88 **Government buildings:** Atteridgeville Municipal offices Limpet mine explodes; no details

15/04/88 Explosion outside Pretoria Sterland cinema One cadre killed, one civilian injured According to an ANC official in Lusaka, the intended target was a nearby government building; the bomb exploded prematurely

22/04/88 **SAP personnel:** Soweto Cadre ambushes municipal police vehicle, wounds four SAP, one civilian

25/04/88 **SAP personnel:** Newcastle Sgt JM Mazibuku killed at bus stop

01/05/88 **SAP personnel:** Cape Town; Special Guard Unit vehicle attacked No injuries

04/05/88 **SAP personnel / buildings:** Kagiso SAP Single Quarters Limpet mine explodes against wall; no details

10/05/88 **SAP personnel:** Mamelodi Grenade attack on SAP members home; child killed

14/05/88 **Skirmishes with SAP:** Newcastle SAP raid home of cadre; cadre resisted but was killed

24/05/88 **SAP personnel:** Germiston station Cadre opened fire on SAP at station; killed when SAP returned fire; three civilians injured in crossfire

03/06/88 **SADF buildings / personnel:** SA Irish Regiment HQ, Anderson St, Johannesburg Explosion; no details

03/06/88 **SAP personnel / buildings:** Explosion outside Standard Bank, Roodepoort during lunch hour kills 4, injures
18 civilians According to an ANC official in Lusaka, the target had not been civilians but an SAP station nearby; no details on what operational difficulties caused this incident.

20/06/88 **SAP personnel**: Mdanstane W/O Swelindawo of Ciskei police injured in explosion at his home

29/06/88 **SADF personnel**: cafe in Poynton building frequented by SADF and Prisons officials Explosion injures two SADF, two Prisons personnel, 13 civilians

05/07/88 **Skirmishes with SAP**: Gugulethu Police raid; cadre resisted for 3 hours; shot dead

12/07/88 Landmine incident - no details

14/07/88 **Skirmishes with SADF**: Kruger National Park; follow-up operation after 12/07 landmine Four cadres killed

16/07/88 **SAP personnel**: Nyanga Cadre fires on SAP vehicle; one civilian killed, one injured SAP return fire; cadre wounded

17/07/88 **SAP personnel**: Soweto highway Cadre opens fire on SAP vehicle from back of bakkie; two SAP injured

22/07/88 **Government personnel**: Soweto Grenade attack on home of Soweto Council personnel manager, BE Qakisa; no details

23/07/88 **SAP personnel**: Pinetown Cadre wounded SAP member; no details

26/07/88 **Government personnel**: Soweto Three grenade attacks on homes of Administration Board employees( P. Legare, Mr Naledi, Mr Gumede); no details

??/07/88 **Collaborators in apartheid repression**: Lenasia Explosion outside home of member of Presidents Council, Dr Ismail Jajbhay; no injuries

03/08/88 **SADF building and personnel**: Wits Command Car bomb explodes; no injuries **Skirmishes with SAP**: Bridgewater area Five cadres killed in two incidents

04/08/88 **Skirmishes with SAP**: Wild COast hotel SAP raid; one cadre killed, one escaped

08/08/88 **Skirmishes with SAP**: near Palala river No details

19/08/88 **SADF buildings/personnel**: The Castle, Cape Town Mini-limpet mine explodes within Castle grounds; no details

20/08/88 **Government personnel**: Duncan Village Grenade attack on home of mayor, Eddie Makeba; extensive damage; no injuries

??/08/88 **Government buildings**: Westville Post Office Mini-limpet explodes; no injuries

??/09/88 **Collaborators in apartheid repression**: Bomb goes off at Laudium home of Pretoria municipal election candidate; no injuries

22/09/88 **Collaborators in apartheid repression**: Explosion at the home of municipal election candidate SD Goolam injures four SAP, two guards, one civilian

??/09/88 Three limpet mines in Lenasia explode at the offices of the Lenasia bus service, at the home of the Lenasia Management Committee, and the offices of the House of Delegates; no injuries

??/09/88 **Government buildings**: King Williamstown Magistrates Court Bomb explodes, no injuries
02/09/88 **Government buildings:** Standerton post office Limpets discovered

03/09/88 **Skirmishes with SAP:** Molweni, Durban Cadre fires on SAP from house; cadre killed, four injured

10/09/88 **SAP building/personnel:** Moroka SAP Station barracks No details on results of explosion

10/09/88 **Collaborators in apartheid repression:** Mini-limpet placed under basin next to back door of Lenasia HOD candidate, Mrs Ebrahim; no details

19/09/88 **SAP building & personnel:** Benoni Car bomb explodes in flats 100m from SAP station; two civilians injured

??/09/88 **SAP buildings & personnel:** Woodstock Police Station Mini-limpet explodes, no injuries

??/09/88 **SAP Personnel:** Soweto Home of municipal policeman attacked, child injured

??/10/88 **Government buildings:** Redhill Post Office Bomb explodes; no injuries

??/10/88 **Collaborators in apartheid repression:** Bomb damages campaign HQ of a Wentworth municipal candidate in Durban

??/10/88 **Government personnel** Municipal councillor and assistant escape injury when hand grenades thrown at them in Thokoza

??/10/88 Explosion at KwaThema civic centre used as polling point in municipal elections; baby killed, four people injured

??/10/88 **Government buildings:** Magistrates Courts at Wynberg (Johannesburg), Bishop Lavis, and Stellenbosch Explosions at these three places cause no injuries

??/10/88 **SAP Buildings:** Woodstock Police Station Bomb causes damage, no injuries

??/10/88 **SAP Personnel:** Tembisa police barracks Limpet mine explodes, injures four SAP

??/10/88 **SAP Buildings & personnel:** near Alexandra Municipal Police offices Limpet mine causes extensive damage, no injuries

??/10/88 **Government personnel:** Wattville and Thokoza: Homes of municipal candidates attacked with hand grenades; no injuries Tumahole; Limpet mine explodes at homes of two councillors; no injuries Gompo Town; Hand grenade attack on home of deputy mayor; no injuries

??/10/88 **SAP buildings & personnel:** Katlehong Municipal Police barracks Mini-limpet explodes, no details

??/10/88 **SAP personnel:** Potchefstroom: building housing Security Branch Bomb explodes, at least one SAP injury

??/11/88 **Government buildings:** Port Elizabeth Post Office Limpet mine explodes, no injuries

??/12/88 **Government buildings:** Boksburg Receiver of Revenue offices Limpet mine explodes; no injuries

??/12/88 **Government offices:** Brakpan Dept. Home Affairs Limpet mine causes damage, no injuries

??/12/88 **Government buildings:** Cape Two municipal buildings, Magistrates Court in Paarl. Bombs explode; no injuries

??/10/88 **Economic:** Sandton Eskom substation Limpet mine explodes

??/10/88 **Government buildings:** Diepmeadow Mini-limpet damages offices, no injuries
1989

??/??89 SAP personnel: Jabulani, Soweto
Mine detonates on vehicle; no details

??/??89 SAP personnel: attack in Diepkloof Unnamed SAP member killed by AK fire

??/01/89 Economic: Post Office, King Williamstown No details Economic: Railways, Wilsonia, (E Cape) No details
Economic: Mount Ruth railway station, Mdantsane No details

??/01/89 SAP personnel: Glenwood, Durban Escom sub-station damaged by explosion; SAP defuse second bomb nearby

??/01/89 Economic: Sandhurst Explosion at Escom sub-station

??/01/89 Collaborators in apartheid repression: Benoni Limit mine explodes at home of the chair of the Ministers Council in the House of Delegates extensive damage no injuries

??/01/89 Economic/military: Ciskei Explosion at aircraft factory; no injuries; no further details

??/01/89 SAP building/personnel: Katlehong Municipal Police Station Two municipal police killed in grenade attack

??/02/89 SAP building: municipal police barracks, Soweto Structural damage; 4 SAP injured

??/02/89 SAP personnel: parade in Katlehong One municipal constable killed, nine injured

??/02/89 SAP personnel: Col. D. Dlamini, commander of Katlehong SAP Station Limpet explodes at his home; no details

??/03/89 SADF buildings: Natal Command HQ Explosion; no injuries

??/04/89 SAP buildings/personnel: SAP HQ Durban Explosion at single quarters; no details

??/04/89 SAP buildings: Yeoville SAP Station Bomb explodes; no injuries

??/04/89 SAP buildings: SAP station, Durban No injuries in explosion

??/04/89 SAP Outpost: Katlehong Five special constables injured

??/04/89 SAP personnel: Thokoza Two municipal police injured when grenades thrown at councillors home

??/04/89 Government personnel: Thokoza Grenade thrown at home of Councillor Abram Mzizi; no details

??/04/89 SAP personnel: Single quarters No details

??/04/89 Economic: Nigel post office Explosion; no injuries

??/05/89 SADF installation: Klippan Radar Station Attack by large group of guerillas using mortars; no injuries reported

??/06/89 SAP personnel: Duduza Limpet explodes under SAP vehicle; four civilians injured

??/06/89 SAP personnel: Tsakane Limpet explodes under vehicle outside SAP members home

??/06/89 SAP personnel: Tsakane Grenade thrown at SAP patrol; no details
??/06/89 SAP personnel: Soweto Limpet explodes in rubbish bin outside home of SAP member

??/06/89 SAP personnel: KwaThema SAP station Bomb shatters window of dining hall

??/06/89 SAP personnel: Ratanda SAP Single Quarters Limpet mine explodes; no injuries

??/06/89 Collaborators in apartheid repression Limpet mine at home of Boetie Abramjee LP MP; no details

??/08/89 Armed propaganda Grenade explodes at Labour Party polling station, Bishop Lavis

??/08/89 SAP building/personnel: Brixton Flying Squad HQ Attacked with hand grenades and AKs; no injuries reported

??/08/89 SAP personnel: Lt-Col. Frank Zwane; Former liaison officer for SAP, Soweto; Zwane and two sons injured in grenade attack

??/08/89 SAP building: Athlone SAP Station Explosion; no details

??/09/89 SAP equipment/personnel: Duduza Limpet mine on SAP vehicle: no details

??/09/89 Government buildings: municipal offices, Alexandra No information

??/09/89 SAP personnel: patrol ambushed, Katlehong No information

??/09/89 SAP building: Mamelodi SAP station Mini-limpet explodes outside; SAP vehicle damaged

APPENDIX FIVE

ARMED ACTIONS FOR WHICH TARGET CATEGORY AND/OR RESPONSIBILITY IS UNCERTAIN

Please note:
This list includes all incidents we have found in press reports and from SAIRR annual surveys which cannot be classified according to the target categories used in the appendix headed "list of known MK operations". In addition, we are uncertain as to whether these attacks were carried out by bona fide MK cadres. Some appear to be the result of operational difficulties; others very probably "false flag" operations.

07/03/77 Pretoria restaurant destroyed by bomb - no details

25/11/77 Bomb explodes at Carlton Centre, Johannesburg; 14 injured.

01/11/77 Bomb explodes on Pretoria bound train

14/12/77 Bomb explodes in Benoni station 22/12/77 Unexploded bomb found in OK bazaars, Roodepoort

??/02/78 It is reported that an unexploded bomb "capable of destroying 22 storey building found in Johannesburg office block"

??/02/81 Bomb blast in Durban shopping centre; two injuries

26/06/81 Durban Cenotaph: 2 bombs explode

26/07/81 Two bombs extensively damage motor vehicle firms in central Durban, 05h50 and 06h10; three injuries

06/08/81 Bomb explodes in East London shopping complex minutes before rush hour; no details
08/08/81 Bomb explodes in Port Elizabeth shopping centre in similar manner to East London bomb

??/12/82 Southern Free State Administration Board, Bloemfontein; blast leaves one dead, 70 injured

12/02/83 Free State Administration Board offices; bomb injures 76 people

12/03/83 Bomb on railway coach on Johannesburg bound passenger train

13/05/83 Explosive device (37kg of explosives in gas cylinder) found by SAP under bridge on Southern Freeway, Durban; defused

03/04/84 Car bomb at Victoria Embankment, Durban, kills three civilians, injures 20 civilians Note: According to the SAIRR, two of those killed were Daya Rengasami and his wife Navi. He had been a member of the SA Students Organisation and the BPC. The ANC in Lusaka denied an SABC report that it had claimed responsibility; other reports claimed that the ANC had prepared a statement on the blast which was held back once it emerged that the Rengasamis were casualties of the bomb. Rajbansi said he believed his offices nearby had been the intended target of the bomb. The investigating officer was Capt. Andrew Taylor of the SB who is one of the accused in the Mxenge trial; he may be able to supply more details.

08/04/84 Arson attack at Hermansberg German Mission, Natal; extensive damage to vehicles and farming equipment

??/08/85 Three limpet mines explode in department stores in Durban, causing limited damage and no injuries

??/08/85 Bomb explodes in night club at an Umlazi hotel; 30 children injured

27/09/85 Limpet mines damage basement of OK Bazaars

(17h00 and early hours of 28/09), Smith Street; Game Stores (17h30), Checkers (17h30), all in central Durban Limpet mine defused in Spar, 18h30, central Durban

??/10/85 Home of Umlazi headmaster attacked with hand grenade. Limpet mines found at school in Durban (no details on area)

??/11/85 Building housing Institute of Bankers in central Johannesburg damaged in blast

??/11/85 Hand grenade explodes at Barclays National Bank branch, Woodstock

??/12/85 Grenade attack on tourist kombi in central Durban; no details

21/12/85 Limpet mine attached to minibus injures 8 or 13 civilians

??/02/86 Hand grenade explodes in Transkei minister's official car; no details

10/02/86 Large bomb defused by SAP in Amanzimtoti 200m from where the December 1985 blast (for which Andrew Zondo was hanged) took place.

17/03/86 Mini-limpet discovered at Afrikaans high school at Elsburg, Germiston; police detonate limpet

19/03/86 Bomb blast inside wall of Springs New Apostolic Church

10/04/86 Limpet mine at Braamfontein station; 1 person killed, 4 injured

18/04/86 Bomb explodes in casino of Wild Coast Holiday Inn; 2 civilians killed, 1 injured Note: the ANC denied responsibility for this attack.

01/05/86 Two grenades thrown at the home of Mr Klein, principal of Wentworth Primary School. Klein says he is not
politically involved. He was a police reservist some time ago. Klein and wife both injured.

07/05/86 Benmore Gardens Shopping Centre, Sandton: bomb causes extensive damage, no injuries

??/05/86 SAP say a 15kg bomb was found under a car in downtown Durban; defused

22/06/86 Limpet mine explodes at 01h45 outside Copper Shop, West St, Durban

24/06/86 Explosion at 14h00 injures 16 civilians at a Wimpy Bar, Rissik Street ? Outside President Hotel, Johannesburg; explosion at 14h26 seriously injures five civilians

28/06/86 Queenstown shopping centre; explosion just before 12h00 injures two civilians

??/06/86 Bomb explodes at Jabulani Amphitheatre, Soweto; no injuries

??/06/86 Ten people killed in explosion in minibus in Bophutatswana

??/06/86 Limpet mine explodes in Queenstown shopping centre; one child injured

??/06/86 Limpet mine explodes in Johannesburg restaurant, injuring 17 people

01/07/86 Explosion outside Carlton Hotel injures 8 civilians

04/07/86 Limpet mine explodes outside Checkers supermarket in Silverton; 20 civilians injured

01/09/86 Pick and Pay supermarket Montclair, Durban; bomb injures 1 civilian

07/09/86 The Durban holiday home for underprivileged children escaped unscathed after a car bomb blast nearby

??/09/86 Mini-limpet explodes in bar of Devonshire Hotel injuring three civilians (this was a popular venue for Wits students)

??/09/86 Grenade thrown into crowded night club in Edenpark (Alberton)

03/01/87 Corner Jeppe/Delvers St, Johannesburg; limpet mine injures three civilians

05/02/87 Explosion at bus shelter outside Groote Schuur estate; 1 civilian slightly injured

??/02/87 Limpet mine causes damage to a shop in Matatiele (Transkei)

??/04/87 Bomb explodes in a shop in centre of Newcastle; no injuries

03/04/87 Car park of Came Arcade shopping centre: limpet mine injures three civilians

16/04/87 Parking area of Newcastle supermarket: explosion injures two civilians

05/05/87 Johannesburg Civic Centre: two mini-limpets explode, no injuries

19/05/87 Carlton Centre; explosion; no details

08/07/87 Bar of Village Main Hotel, Johannesburg: limpet mine explodes at 11h12; no details

28/09/87 Standard Bank arena: two bombs explode, no injuries

??/04/88 Bomb explodes at Johannesburg City Hall; no injuries

19/04/88 Explosion at private office block less than 100m from Parliament. Back entrance destroyed, branch of
Santambank seriously damaged

25/05/88 Grenade attack on Sofasonke Party rally in Soweto; two killed, 38 injured Note: an ANC spokesperson blamed "armed political renegades" for carrying out attacks which were then blamed on the ANC, and denied knowledge of this attack.

26/05/88 Outside African Eagle Building, Pretoria: limpet mine injures four civilians Outside Ruth Arndt Early Learning Centre, Pretoria: limpet mine detonates during lunch hour (target may have been SADF offices, Proes St)

28/05/88 Explosive device at bottom of platform staircase at Johannesburg railway station: - 1 civilian injured

05/06/88 Bomb detonated while train was standing at Saulsville railway station

22/06/88 Amusement arcade in Winning Side Arcade, Johannesburg: limpet mine kills ten civilians

26/06/88 Papagallo Restaurant, East London: limpet mine discovered and defused

??/06/88 Bomb blast near Soweto's Inhlanzani station; no injuries

??/06/88 Mini-limpet mine explodes at Pretoria snack bar, injuring 18 people 09/07/88 Outside Johannesburg Cambrians hockey club: limpet mine explodes outside; no details

29/07/88 Bus stop cnr. Victoria/Odendaal Streets, Germiston: limpet mine injures one civilian

30/07/88 Wimpy Bar, Benoni Plaza: limpet mine explodes at lunch hour; 1 civilian killed, 57 injured

??/07/88 Two explosions at a meeting of Sofasonke party; no injuries

05/08/88 Morula Sun Casino: limpet mine discovered and suppressed; minor damage

13/08/88 Hyde Park Shopping Centre: explosion injures three civilians

23/08/88 Wimpy Bar, Oxford St, E London: explosion at lunch hour injures 23 civilians

24/08/88 Limpet mine discovered outside Wimpy Bar, Standerton: limpet mine discovered; dragged into street and detonated; no details

??/08/88 Powerful explosion at a bus terminus used by black people; no injuries

??/09/88 Bomb explodes at discothÉque in Hillbrow injuring 19 people

??/09/88 Limpet mine explosion at Vinderbijl Square bus terminus in Johannesburg injures 19 people

??/09/88 Hand grenade thrown at home of Allan Hendrickse, leader of the Labour Party, from a moving car

02/09/88 Outside a shop on the corner of Smith and Fenton Streets, Durban: limpet mine explodes at 17h30; two civilians injured

07/09/88 Basement of North Park Plaza Shopping Centre: explosion kills one civilian

08/09/88 Grenade thrown into the home of couple who did not join a strike (Mr and Mrs Modiko); child injured

21/09/88 Vanderbijlpark bus terminal: explosion after 17h00 injures 14 civilians

??/09/88 Bomb under a car in parking lot of East London hotel explodes after area cleared; no injuries
OPERATIONS REPORT: The Department of Intelligence and Security of the African National Congress

1. INTRODUCTION

The conditions which led the ANC leadership to adopt armed struggle as one of the "four pillars" of struggle for the liberation of South Africa have been described in some detail in our main submission.

The roots of NAT can be traced to the establishment of a military intelligence unit in the 1960s, tasked with undertaking reconnaissance missions to find routes for the infiltration of trained MK cadres; the establishment of reception areas inside the country for these cadres; and the selection of inanimate targets for armed propaganda attacks.

At this time the Department had no counter-intelligence capacity: there was no structure specifically tasked with the screening of recruits and exposure of agents in our midst.

In the 1960's, cadres were carefully recruited or selected by ANC branches inside the country before being sent abroad for military training. This screening and selection process inside the country resulted in a degree of complacency in the ANC's mission in exile.

These weaknesses were exploited by the intelligence services of the apartheid regime, which managed to infiltrate some of its agents into ANC and MK structures. They went about their missions aimed at destroying the ANC's exile mission unhindered, since no professional structure existed to thwart their operations. In addition, Pretoria extended its defensive and offensive capacity through forging alliances with the intelligence services of neighbouring colonial states, and was also supported in this regard by a number of Western powers.
The ANC achieved some success with infiltrating cadres back into the country but in most cases they were quickly tracked down by the regime before or immediately after they had accomplished their missions. These cadres were arrested, usually tortured, imprisoned and later banned, or at times executed. The suspicion grew that the regime was well informed of MK's plans, and it was decided that the situation could not be allowed to continue unchecked. It was decided at the Morogoro conference that a Department of Intelligence and Security should be formally established, tasked with the protection of human and material resources of the ANC. Moses Mabhida, who was appointed head of this Department, was also head of MK's Training and Personnel section. This unit was tasked with establishing military training camps in Africa, and arranging courses in military training in sympathetic countries.

This was a huge mandate, entailing several different sets of tasks. Under ideal conditions, these tasks would have been carried out by clearly demarcated structures and personnel trained in various distinct skills.

In reality, as the tasks before the Department increased over the years, it came to assume the roles of Military Intelligence, Counter-Intelligence, Military Police, VIP protection, and correctional services in a relatively ad hoc fashion. In addition, from the late 1970's onwards, the Department began to build its strategic intelligence capacity, capable of forewarning the leadership of enemy moves, rather than merely being on the defensive. Besides this broad range of tasks, the head of the Department had the responsibilities of ensuring that all training camps were properly run, arranging specialised courses, and ensuring that only trusted cadres were sent on further training or on missions inside the country.

Despite these problems, the Department worked at improving its capacity and scored some major successes. In 1981, when an MK cadre died as a result of a beating ordered by Kenneth Mahamba, the commander of the camp where this incident had taken place, the case was investigated by NAT. This investigation facilitated a major breakthrough with the discovery of an extensive network of infiltrators in a number of countries, some of whom were linked not only to Pretoria, but also to the intelligence services of some Western powers.

As we mentioned in our first submission to the TRC, some of these agents had managed to move into important strategic positions within the structures of the Movement. Analysis of the activities of some of these agents in the political context in which they took place indicated that they were not merely involved in various attempts to disrupt or damage the ANC, but were actors in a far broader and more ambitious operation by the regime to eliminate and replace key leaders of the ANC, thereby setting the movement on a new route which would culminate in its destruction.

Given the very limited resources accorded to this Department, the trying physical conditions under which it worked, the nature of missions with which enemy agents had been tasked by their masters, and the lack of training of cadres in certain duties (such as prison services), it was probably almost inevitable - but by no means excusable - that regrettable incidents occurred. The lack of clearly defined lines of authority at times exacerbated these problems. These issues are dealt with more fully in the main document of this second submission to the TRC.

Because of its past achievements in disrupting enemy attempts to destroy the ANC, and the danger potentially posed by this Department to the success of the many covert operations which were running during the negotiations era, this Department was targeted for sustained attack by the former apartheid regime's stratkom structures. The perception has been deliberately created in some quarters that the Department became a monstrous and lawless force which terrorised ANC members in exile, and killed large numbers of detainees or "dissidents." While our main submission will deal with some of these issues, this operational report will also serve to dispel some of the mythology and disinformation surrounding the work of the Department.

We will provide a clearer picture of the evolution of the Department, the nature and scope of its activities, and the context in which they took place.

2. EVOLUTION OF THE DEPARTMENT

2.1. From 1969 to the June 1976 Uprisings

The Department was first established in April 1969 under the late Moses Mabhida.
The Morogoro Conference, held in 1969, assessed the first phase of the ANC's armed struggle. The Revolutionary Council (RC) was established and was instructed by the NEC to concentrate on the home front: developing internal structures, gaining publicity for the ANC, and waging armed struggle.

During this period, the embryonic Department had no formal structure, and all members of the Department were also members of MK. Intelligence gathered was primarily on routes back into South Africa and on inanimate targets. In addition to this these tasks, the physical security of the President was attended to.

2.2. June 1976 - Kabwe, 1985

The 1976 Uprisings ushered in a new era for the Department. The sudden mass influx of new recruits to some extent rendered screening procedures ineffective. This infusion of new blood into the Movement, though welcomed, was equally fraught with danger since the regime was quick to exploit the situation by sending in several agents to infiltrate the Movement.

It soon became evident that some agents had escaped the screening procedures of the time. There was an attempt to kill about 500 cadres by poisoning their food in the infamous Black September episode of 1978. This was followed by the aerial bombardment and destruction in April 1979 of Nova Catengue military camp, which indicated that the enemy had good intelligence. However, the Department had received forewarning of the attack, and the camp was evacuated in time.

In response to these threats, certain cadres were selected and sent for specialised training in Security and Intelligence work in various countries, mainly the Soviet Union and the German Democratic Republic. The latter courses were different to previous ANC courses followed by all MK recruits, which centred on Military Combat Work, with Security and Intelligence forming only a part of the course. This training emphasised that the use of force was counter-productive, and stressed the use of the intellect.

MK personnel sent for training in intelligence work qualified in the period from 1978 - 1979. On their return, they joined the 60's generation of officers, and NAT began to take shape.

Screening procedures were improved and re-organised, with the introduction of a standard questionnaire for all new recruits.

Regional structures were reorganised. Reception centres to screen all new recruits were set up in Forward Areas. The Department concentrated on Angola first, where screening procedures had as yet not been formalised.

Investigations into the poisoning ('Black September') of 1978 and the bombardment of the Nova Katengue camp in 1979 continued. These cases were solved only some years later.

Other changes followed. Camp 32 (later called the Morris Seabelo Rehabilitation Centre) was established in 1979 near Camp 13 (Quibaxe) in Angola in order to create a means to contain and rehabilitate cadres who had committed offences, and to imprison enemy agents who could not be isolated in the other military camps.

By 1981 a National Directorate of NAT had been appointed by the NEC, and the Department was organised into three main sectors: Intelligence, Security, and Processing of Information.

A number of agents were identified as a result of these improved screening procedures. The information gleaned in this manner was augmented by several voluntary confessions, and ongoing investigations into earlier cases of sabotage. It was evident that the apartheid regime felt confident and had adopted a very arrogant attitude, telling some of these agents that they had nothing to fear from the Department even if they were discovered: they would merely be given political education and released, they were told, and would be able to resume their activities as agents. To some extent, this was true. But in 1981, the Department dealt a heavy blow to the enemy when it uprooted its most prized network of infiltrators. This operation was popularly known as Shishita (the report prepared at the time on this network has been
2.3. Kabwe to Negotiations: 1985 - 1990

As we stated in our first submission, with this being dealt with in more detail in the main submission to which this report is attached, a number of decisions were taken at the Kabwe Conference specifically to halt the abuses that had occurred by members of the security department of NAT, to reorganise and improve the functioning of the Department, to improve conditions under which prisoners were held, and to ensure that investigations and sentences were carried out fairly, with the accused entitled to proper legal representation.

The most important of these were the establishment of the Review Board and the Office of Justice, both of which reported to the President's office. NAT would in future send reports on its investigations into suspected agents to the Office of Justice, which would take over from that point. The Review Board would broadly act as a court of appeal. (Considerable detail on these structures has been presented in our first and second main submissions, and they are also covered in the report of the Motsuanyane Commission.)

It was decided to remove Mzwai Piliso from his post as head of the Department, and an interim Directorate was set up under Alfred Nzo, consisting of Joe Nhlanhla, Jacob Zuma, Sizakele Sigxashe, and Tony Mongalo.

This provisional Directorate was tasked with restructuring the Department in order to ensure that its practices were in line with the new structures for justice established after the Kabwe Conference, investigating the style of work within the Department, and assessing its ability to respond to the changed circumstances of struggle within the country and in the international arena.

The NEC had declared Angola a military zone between 1983 - 1986. NAT in Angola fell under Military HQ during this period. In 1986, a meeting was held between MK and NAT, chaired by OR Tambo, in which the vexed question of lines of authority over NAT in Angola was addressed. The delegations committed themselves to ensuring that the NAT Directorate would be in command of NAT cadres deployed in Angola and that they would report only to the NAT Directorate in Lusaka.

In July 1987 the new permanent Directorate of the Department was appointed by the NEC. Joe Nhlanhla was appointed the Director, with Jacob Zuma as Deputy Director, Sizakele Sigxashe as head of the Central Intelligence Evaluation Sector (CIES) Simon Makana as Administrator, Tony Mongalo, and Daniel Oliphant heading Counter-Intelligence. Most of them were members of the NEC.

NAT was restructured into more clearly defined Intelligence, Counter-Intelligence, Processing, and Security sub-sectors. The task of Intelligence was confined to investigations, on the basis of which reports were submitted to the officer of Justice, whose office would decide on what further action to take. The new leadership tightened up supervision of interrogation practices, systematically investigated conditions in detention centres, and implemented other corrective measures where appropriate. A programme to review the cases of all those held in Camp 32 was set in place, and the National People's Tribunal met in Luanda in 1988 for this purpose. More details in this regard appear in the main document of this second submission. The mutineers were fully pardoned, demobilised, and sent to Tanzania to be re-integrated into the civilian structures of the ANC in 1989. Plans were drawn up for a modern prison in Uganda.

By this time, the ANC’s intelligence structures had begun to function within the country and was assisted by various MDM networks, and contacts within the intelligence services of the regime. This led to greater confidence, efficiency, and a greatly improved intelligence capacity in general. It became relatively easier to cross-check biographies, follow up on accusations, investigate suspicious tendencies, and obtain advice on possible agents from activists and cadres inside the country.

NAT built up an extensive dossier of files on agents; this was not guess-work, but hard information on the names of their handlers, their force numbers, their grading by the SB, their activities and contacts. The dossier was updated regularly with fresh information from inside the country. The extent of infiltration of anti-apartheid structures was immense, running to thousands of agents.
2.4. The Negotiations Era: 1990 - 1994

All ANC camps in Angola were closed down in 1989, including Camp 32. All but 32 prisoners were released, and these were transferred to a small prison in Uganda after negotiations with that government. In 1991 the group of 32 were also released and allowed to return to South Africa, where several immediately rejoined their handlers and fronted for the SB-managed stratkom outfit, the "Returned Exiles Co-ordinating Committee". The activities of this front are dealt with in more detail in our first submission, and in the main document of this second submission.

The negotiations era was characterised by the worst ever state-sponsored violence known in the country, in line with the De Klerk regime's strategy of negotiating from a position of strength in order to extract constitutional concessions from the ANC, which entailed covert measures to destabilise the ANC's support base and disrupt its ability to function effectively. Threats to the physical security of the ANC's membership in general, its leaders and physical installations, increased drastically on a number of fronts, from state-sponsored covert operations through to the white far right.

By this time (at national level) the Department had six main sub-sectors: Intelligence, Counter-Intelligence, Central Information Evaluation Section, Security, Technical, and Administration.

The Department developed policy on the restructuring and reorientation of the existing intelligence services; workshops were held inside and outside the country to discuss the shape and role of a future intelligence service in a new democratic order. Open meetings were also held in military camps to discuss these issues and contribute to this policy debate. Towards the end of 1993 preparations for the amalgamation of NAT and the National Intelligence Service began.

3. ACTIVITIES OF THE DEPARTMENT

3.1. Protecting the ANC from enemy activities

The posture of the ANC's NAT was always defensive. The apartheid regime defined all ANC members and sympathisers as the enemy, and as potential targets. The lives of the ANC leadership were constantly under threat; for example, OR Tambo had to be moved from safe house to safe house on a permanent basis.

Any organisation deemed to share the same aims as the ANC was also considered an enemy of the state. The "enemy" included Trade unions, particularly those aligned to Cosatu, SACTU, and the SACP. The "enemy" included youth organisations, civics, students groups, women's organisations, even religious officials and groups (such as the SACC), organisations such as the End Conscription Campaign and the Black Sash - all who did not support apartheid, whether civilian or not, were defined as the enemy.

There were countless attacks on the offices, activists, cadres and leaders of these groups - assassinations, ambushes, car bombs, letter bombs, accidents caused by tampering with cars, massacres by the SAP, massacres and killings by surrogate forces or covert hit squads, aerial bombardments, poisonings, petrol bomb and hand grenade attacks.

In addition, the neighbours of activists or refugees were at times deliberately targeted in order to sow fear and alienate support. To give just one example, the home of a neighbour of Chris Hani's in Lesotho was blown to smithereens.

The apartheid regime also had no respect whatsoever for diplomatic norms, and attacked ANC offices in Lesotho, Botswana, Swaziland, Zimbabwe, Zambia, London, Sweden, and Belgium. They assassinated the ANC's representative in France, Dulcie September; the Zimbabwe Chief Representative, Joe Gqabi; and the Chief Representative in Lesotho, Zola Nqini. They attempted to murder Godfrey Motsepe in Belgium. They killed the wife of another Chief
Representative in Zimbabwe, Mhlope Masondo. The deputy Chief Representative in Lusaka, Adolphus Mvemve was killed, and Max Sisulu narrowly escaped with his life in the same incident. A plane on which Steve Tshwete was travelling from Lesotho had to be diverted to Gaborone where it made an emergency landing when it was discovered it had been tampered with. Such examples could be multiplied.

Besides this overt aggression, the enemy also went to considerable lengths to infiltrate agents into all organisations considered to be in the enemy camp, particularly the ANC and MK. No effort was spared to penetrate our structures at all levels of the Movement. The failure to pick up enemy agents in time resulted in serious setbacks and losses.

The 1981 breakthrough profoundly shocked the ANC leadership when the extent and sophistication of this penetration became clear. Despite this success, other agents remained in place, some in senior positions.

Analysis of the missions of agents who were captured and confessed, or who voluntarily confessed, shows that the primary areas of interest of the enemy were the gathering of information on the movements of leadership figures; infiltration routes into South Africa; MK operational plans; lines of communication and means of transport; the location of camps, other installations, and residences; the strength of MK in terms of numbers of trained personnel; MK training programmes; and political developments within the Movement in general. We lost many committed and talented leaders and cadres through the activities of such agents, as in the cases of Zweli Nyanda, Joe Gqabi, Paul Dikeledi, and Cassius Make to mention just a few (see the attached case studies for more information.) Some of these informers are yet to be discovered.

Some agents were tasked not only with passing on information of this nature, but also with carrying out acts such as poisoning and sabotage of essential equipment. Others were trained in the psychological warfare field; their work aimed at destroying the ANC from within, and they usually took on the role of agent provocateur. They sought to damage MK and the ANC in general through stirring up dissent, tribalism or other forms of factionalism, spreading false rumours, encouraging general demoralisation, creating suspicion within structures, damaging relationships, and instigating or encouraging acts of indiscipline. Given the conditions under which the ANC was operating, such acts could be highly dangerous and destructive.

The apartheid regime did not hesitate to get rid of its own agents when it appeared they were about to change sides or give the ANC damaging information. The ANC is convinced that both Solly Smith and Francis Meli were poisoned in order to silence them. The truth about the death of askari "September" (Glory Sidebe), the poisoning of Thami Zulu, the death of "Fear" (Edward Lawrence) in 1988, and the extent to which poisons have been used as a weapon by the apartheid regime, remains to be discovered. We strongly suspect that some of those cadres and activists who died of "natural causes" may have been in fact victims of poisoning or other chemical agents: for example, an agent was assigned the task to use a chemical of some kind on the food of Dullah Omar, which would induce a heart attack, according to his handlers.

The introduction of rigorous screening methods at the beginning of the 1980's was therefore not the result of paranoia or hysteria: this was a matter of taking obviously necessary steps in self-defence, given the nature of the enemy we faced.

3.1.2. Screening volunteers and recruits

Reception centres were established in Angola and in the Front Line States bordering South Africa to receive and screen all new recruits. Indicators such as inconsistencies in biographies, false statements, unconfirmed accusations, and certain patterns of behaviour were used to identify possible suspects. Despite their training, many agents feared having to face NAT, and confessed readily. Many felt little loyalty to their apartheid masters.

As noted earlier, by the late 1980s NAT had substantially improved its intelligence capacity inside the country, and had compiled an extensive dossier of hard information on agents, which was updated regularly with information from inside the country, and as a result of other investigations and confessions.

Among other duties, NAT members in the forward areas (the Front Line States) were tasked with the gathering and analysis of information on the strategy and tactics of the regime, its surrogates and supporters; recruitment of activists to
At times we knew in advance that certain agents were being sent into the field, and were able to confront them with detailed information as soon as they arrived: in these cases agents confessed within minutes, since it was obvious that they could not deny the information NAT had on them. Keith McKenzie and Patrick Dlongwana provide examples of this nature. In other cases, NAT would lure agents out of the country, feigning ignorance of their treachery, and confront them with information when they arrived.

The sloppiness of the SB (which accounted for the overwhelming majority of discovered infiltrators) also assisted NAT at times, and resulted in agents being picked up immediately - on one occasion ten infiltrators were sent in with a weak "legend", pass ports which had all been issued on the same day, signed by the same official, and with sequential numbers!

The screening procedure was as follows:

On arrival, recruits were welcomed by the official in charge, and advised of the rules that would govern their stay in the reception area or centre by the person in charge. The Chief Recording Officer (CRO) would formally explain to the new arrival the necessity of providing the Movement with his or her biography. Recruits had to supply detailed information on their family and educational history, their reasons for leaving the country, reasons for wanting to join the Movement, and details on the political activities in which s/he had been involved. Biographies also served as skills audits, and as a means of gathering valuable information of various kinds.

Completed biographies were collected by the CRO, and handed to another officer to study and prepare for interviewing the recruit. The biography would be evaluated on the basis of information at the ANC's disposal, including information from confessed agents or information on collaborators supplied by other cadres. Biographies were also cross-checked against biographies written by other recruits where there were points of similarity (such as the area from which recruits came, the organisations in which they said they had been involved, and so on.)

The preliminary interview

When possible, an officer who was familiar with the area or region the recruit came from would be deployed to carry out the interview. The objectives of conducting this interview were to clarify any questions arising from the recruit's biography.

On completion of the preliminary interview, a report would be tabled for a panel which discussed and analysed the case. In the majority of cases, recruits were cleared immediately. The following categories were used:

**Cleared (Category A):** the recruit / volunteer was considered to be neither a security threat nor an impostor, and was cleared to join MK, be sent to school, or for immediate deployment inside the country.

**Doubtful (Category B):** where the volunteer / recruit was considered by the panel to be neither a security threat nor an impostor, but had possibly exaggerated or embroidered her/his biography. They were usually given the benefit of the doubt.

**Confessed (Category C):** In this category there were:-

a. cases of spontaneous confession. In several cases recruits confessed spontaneously, without being prompted or encouraged, to having been recruited by one or other intelligence structure of the apartheid regime. In a very high proportion of cases, this had occurred in prison, with the SB promising to drop charges in return for working for them. Many of these "agents" had little or no sense of loyalty to their "handlers", and were ill-prepared for infiltrating the ANC. In cases where the panel had satisfied itself that the recruit was telling the truth, and had no ulterior motives, s/he would be cleared.

b. cases of confession after an interview in which inconsistencies or untruths were pointed out to the
recruit/volunteer (more detail in the next section.)

c. implausible "confessions" in which prepared "legends" or cover stories were used in an attempt to deceive the interviewers with regard to the true nature of the agent's connections, and hopefully lay the ground for infiltration of the Movement.

**Definite suspect (Category D):** in these cases the panel concluded that the person concerned was definitely or highly probably a security threat, since the biography showed significant inconsistencies with other information at our disposal. In these cases, the person concerned would be further interviewed or interrogated.

**Subsequent interviews or interrogation**

If the panel felt that a biography indicated there was cause for concern, there would be a second (even at times a third) interview in which emphasis would be laid on discrepancies, false claims, or other questions arising. Sometimes people confessed at this stage. Confessions were handled in various ways.

In cases where recruits confessed after being prompted or persuaded to do so, the panel would seek to understand the recruit's motive in withholding this information. In some cases it was merely prompted by fear of the consequences of confessing, without other ulterior motives. The panel would usually clear these cases with the proviso that the recruit would be barred from joining the military until they had demonstrated their trustworthiness.

If concern about the recruit remained unresolved, the suspect would be informed that the interviewers required further information with regard to discrepancies arising in the interview process, and would be moved to a "safe house" for interrogation.

The suspect would be confronted with details of discrepancies that had arisen in the earlier processes of screening and interviews, giving the suspect room to realise that the Department had specific information which was in obvious conflict with what s/he had been claiming, which had to be clarified. In some cases where agents had continued to maintain their innocence through the screening and interviewing processes, it now dawned on their minds just how grave the situation was, and some would confess.

Various techniques were used in interrogation. It was common to ensure that suspects were sitting in uncomfortable positions to put pressure on them. Using force was explicitly against policy, but this did occur at times, particularly in cases where the Department was aware that lives of other people in the field were at stake. There were some cases in which suspects were severely beaten, particularly before 1985.

In cases where the truth had finally come out and had been verified by cross-checking other sources of information, this would be conveyed for assessment to the panel, which would report its finding to the Officer of Justice. After this, the case was out of NAT's hands. The office of Justice would decide whether he felt there was a case, and if so, recommended that the Tribunal hear the case. Confessions or other information extracted under duress were unacceptable.

There were some cases where suspects would continue to flatly refuse to co-operate, or continued to deny, at times in the face of strong evidence to the contrary, that they were working for the regime. These cases would also be referred to the Office of Justice.

Although screening procedures were exhaustive, we have no illusions that some agents entirely escaped the net; others were only picked up years later (see the attached case studies.) To illustrate the entire process described above, of 500 new recruits who arrived in Angola for training in 1987, the breakdown was as follows:

- Category A (cleared): 262
- Category B (doubtful): 140
- Category C (confessed): 26
- Category D (definite suspect): 14
At the time these statistics were produced 58 recruits had not yet been attended to i.e. gone through the screening process.

3.2. Who was imprisoned and why; categories of prisoners

We feel it is important that the TRC and the nation is given more information on how the ANC handled cases in which agents confessed. Some had been sent to infiltrate the ANC exile structures or had infiltrated ANC underground structures inside the country and the other Front Line States, or had infiltrated other anti-apartheid organisations. Some were agents who had been operational in the field in violent attacks, at times of the "false flag" variety, on anti-apartheid activists. Yet others remained dormant for some time and spontaneously confessed some years after being accepted into ANC structures.

A considerable proportion of those who confessed were never imprisoned or punished. Those who voluntarily confessed on arrival or joining the ANC were not imprisoned. Several of those who confessed after some time, when their consciences had begun to trouble them, were never imprisoned or punished. Some were people no-one had suspected, whilst others had raised suspicion but we had no tangible evidence against them. Some agents had committed minor or no crimes against the struggle, and were not imprisoned.

People who had confessed and who had not been imprisoned were allowed to participate as full ANC members, and were not exposed to the rest of the ANC/MK community. They enjoyed every right a genuine cadre deserved, except in some cases in which selected individuals were barred from being deployed in strategic or sensitive areas of the Movement.

   i. Imprisoned confessed agents = 65.58%
   ii. Confessed agents who were not imprisoned = 34.42%

Categories of prisoners

There have been sustained campaigns of disinformation aimed at creating the impression that hundreds of people were tortured, imprisoned or killed in the ANC's camps, particularly Camp 32.

We present the following statistics based on analysis of available information on the approximately 308 persons who were imprisoned at various times.

The following categories of prisoners were imprisoned between the years 1977-1991:

   i. 193 confessed agents = 62.76%
   ii. 35 suspects = 11.38% (Detainees in this category had for various reasons been considered strong suspects, but did not confess. In some cases, we were wrong to suspect them.)
   iii. 19 cases in which confessions were retracted = 6.2% (These were people who had confessed to being enemy agents but later retracted those confessions.)
   iv. 13 disciplinary cases = 4.13% (These were cadres who were being punished for breaches of the ANC and MK codes of conduct such as refusing to recognise authority, abuse of ANC property, negligence which resulted in the loss of life/lives, sabotage of ANC property, dagga-smoking, injuring other cadres, etc.)
   v. 29 mutineers = 9.31%
   vi. 9 deserters = 3.44% (These were cadres who had been caught deserting MK - a violation of the MK Code of Conduct.)

What happened to people who had been imprisoned by the ANC?

The vast majority of those imprisoned by the ANC were released (245 cases, or 82,41% of cases.) Four escaped from custody, and two drowned when they tried to swim across a river; fourteen died of natural causes, usually malaria, which was rife in the region. In four cases, prisoners died as a result of being beaten. There was only one case of suicide in prison.
4. OUR OWN AMNESTY: RELEASE OF AGENTS

In several cases in the past, agents were pardoned and released. In fact many agents were never imprisoned at all, as mentioned above.

In 1987, when the new Directorate of NAT took over, there were 115 prisoners in Camp 32. By September 1987, the number had been reduced to 81. The number of prisoners continued to be steadily reduced by releases; in 1989, when Camp 32 was due to be closed down, all but 32 prisoners were released; of those released, only one opted to leave the ANC, which he was assisted in doing; he opted to go to Kenya where he was granted refugee status. All the rest, including the mutineers, were pardoned and reintegrated into civilian or military structures of the ANC. Several were given bursaries to study overseas, and are today successful professionals or business people. Only the group of 32 of the most committed agents were held after 1989 in a government prison in Uganda; they too were released in 1991, despite the heinous crimes committed by some of them.

Most of this group of 32 former prisoners made peace with the ANC, but some returned immediately to their masters or came under pressure to do so by the apartheid regime. In the case of De Souza, he apparently became involved in gang warfare in Eersterus and was involved in a number of cases of murder and attempted murder, including of his own wife (see the case study on Da Souza attached to this submission.)

5. CONCLUSION

For years, much emphasis has been placed on the unacceptable treatment meted out to certain agents and suspected agents in Camp 32, particularly in the period from 1981 - 1984. By its own actions to halt these excesses, through the range of measures we have described in our various submissions, the ANC has shown clearly that the leadership never considered such practices acceptable. This commitment to the protection of the fundamental human rights of all has carried through into the policies adopted by the new government, and in the legislation which now governs the functioning of the intelligence and security services of this country.

The considerable achievements of NAT must also be taken into account when assessing its role in the conflict of the past. On a number of occasions, the Department uncovered enemy plans timeously, preventing attacks on our camps and residences. Although Nova Katengue camp was destroyed, the Department was able to protect cadres by receiving advance warning of the plans of the enemy.

The extent to which the regime had managed to penetrate the ANC was timeously discovered in 1981, as described elsewhere in our submissions. Without doubt the greatest achievement of this Department was the protection of the Movement, particularly its leadership core, which has been responsible for the transition to democracy and peace in this country - although there were some very painful failures, particularly in the cases of Chris Hani, Joe Gqabi, Cassius Make, Dulcie September, Morris Seabelo and other leaders and cadres who fell victim to the assassins and raiding parties of the apartheid regime, which carried out massacres in every Front Line State.

There was no limit to the lengths to which the apartheid regime was prepared to go in its attempts to destroy the ANC. There were many attempts on the lives of leadership figures, and they lived under constant threat. For example, OR Tambo had to be constantly moved from safe house to safe house by the Department. The same measures were taken for the protection of Nelson Mandela during the negotiations phase. Despite certain failures and regrettable incidents at Camp 32, we submit that this Department contributed substantially to creating the conditions under which it was possible to begin building the new democratic order.

APPENDIX SIX

MORE INFORMATION ABOUT THE MORRIS SEABLO REHABILITATION CENTRE

1. The Morris Seabelo Rehabilitation Centre (Camp 32 or Quatro.)
1.1. Background to the establishment of Camp 32

Before a decision was taken to establish a rehabilitation centre in an isolated place, the ANC leadership embarked on a political campaign of appealing to those who had agreed to work for their enemy through being blackmailed or because of poverty and other reasons to come forward and confess, so that they could be pardoned. The President himself took part in this campaign, which met with considerable success: several people came forward and confessed.

Prior to the establishment of Camp 32, agents would be kept in the military camps established in Angola. Negotiations were carried out with the Angolan authorities and it was arranged that the ANC could move these agents to local jails. However, this arrangement also proved inadequate, because some of the agents managed to escape back to South Africa. This caused deep concern to the Angolan authorities. Given the fact that Angola was just emerging from a protracted war in which South Africa had played a central role, there was the potential danger that these escaped agents could give vital information about Angola to Pretoria.

Because of these factors, the Angolan authorities granted the ANC the use of a deserted farm to set up a facility under its control. Camp 32 was the only place at which prisoners were held for any significant period of time, besides the government facility in Uganda to which the occupants of Camp 32 were sent in 1989.

1.2. Conditions on the farm and in our training camps in Angola

The farm was situated 200 km north of Luanda between two MK training camps, Pango and Quibaxe. Because of the condition of the road, and due to the war situation, it took a full four hours to travel the 200km by car. The only available transport was shared between the three camps.

None of the three camps had running water. Water had to be fetched from nearby streams; in the case of Camp 32, the nearest stream was 4 km away.

In the late 70's and early 80's food supplies in all ANC centres in Angola were at times inadequate, as we relied heavily on donations from sympathetic countries. These supplies arrived by ship irregularly and had to be transported to the camps; Unita bandits specifically targeted these supply lines. Supplies were shared equally amongst those in the camps, including the prisoners. Efforts were made - with mixed success - to improve conditions by growing vegetables and keeping poultry and pigs. Clothing was exchanged with local people for fresh supplies.

Inadequate medical care was a problem for all members of the ANC in Angola. Malaria was endemic. We had to rely mainly on medical orderlies who were locally trained. Serious cases had to be referred to hospitals in Luanda, which were ill-equipped because of the war. Adding to all these problems there was a serious shortage of transport, which affected all three camps.

1.3. Conditions in Camp 32 and steps to deal with these problems

The dilapidated buildings on the farm were adapted to suit a prison building. It had no windows but there were ventilation vents. One large room was converted to a cell that could accommodate about 15 people; six other rooms were converted to accommodate between 5 - 10 people and another room was converted to host 4-6 single cells. Inmates used plastic containers as toilets when they were in their cells, and emptied these in the mornings.

The ANC's faith that there would never be a large number of people who would have to be confined proved to be misplaced. The problem of overcrowding at Camp 32 got steadily worse over the years, but was addressed in 1987 when a programme of reviewing cases and granting pardons began, as described elsewhere in our submissions.

Difficulties with transport, food, water and medical supplies were general in the region, and common to all camps. The camp did have a truck, but when it broke down it was not replaced. In the absence of transport, inmates had to push a water tank to the nearest source of water, a river about 3km away. The camp had no doctor, but relied on some Medical Orderlies who were not equipped to deal with complex medical problems. Overcrowding, and the unhealthy conditions
in the cells, created conditions for disease and did result in some deaths, although most deaths occurred because of malaria.

There were ongoing attempts to improve conditions at Camp 32. A tractor was obtained to alleviate the problem of fetching wood and water. A generator was obtained, as well as a television set and sports equipment. More medical orderlies were trained. Ventilation was improved, and plans drawn up for the building of a modern facility (this plan was submitted to the Motsuenyane Commission.)

1.4. Administration and Staffing at Camp 32

The camp was under the command of the Commander; his deputy was the Camp Commissar. The rest of the administration consisted of the Chief-of-Staff, Chief of Logistics, Chief of Ordnance, and the Chief Recording Officer. Commanders of Camp 32 were, successively, Sizwe Mkhonto, Morris Seabelo, Afrika Nkwe (for a few months only), Mzwandile Damoyi, and William Masango.

The Staff consisted of the Staff Commander and Staff Commissar, the Communication Officer, a medical orderly, drivers, and Recording Officers.

The next layer of the administration was a platoon of guards led by a Platoon Commander and Platoon Commissar. The platoon was divided into Sections, each with its Section Commander and Section Commissar.

Camp 32 was staffed by members of NAT. The reasons for this anomaly arose out of the non-existence of a defined structure -viz. military police or at best, qualified prison warders, to take on responsibility for this Centre.

1.5. Day-to-day life in Camp 32

On arrival, detainees would be put in isolation cells until their cases had been cleared. They would be issued with uniforms different from other people in the camp. Those in isolation were exempted from participating in any camp activities. The only people with whom they would have contact with would be their interrogators. As soon as the investigation had been completed, they would be integrated with other inmates in communal cells. Each communal cell had a commander and a commissar who saw to the discipline and general welfare of his cell mates.

Relations between guards and prisoners

Being deployed in the camp for guard duties did not mean that the cadre concerned was cut off from all other opportunities, but there was a general perception that once deployed in this capacity, one's chances of ever taking on other duties in the Movement were slim. Cadres tended to regard the inmates as being the cause of their being what they saw as "grounded", and this resentment contributed directly to certain cases of abuse of prisoners. The situation was not made any easier given the fact that some of the inmates would taunt the guards - one of the most common insults was that the guards, fearing to go to the front areas and tackle the forces of the regime, had pleaded with NAT to be deployed at the rehabilitation centre where life was relatively easier and less dangerous. This infuriated some guards.

Contrary to the general perception created by deliberate disinformation, prisoners often got better food than the guards. This was because it was envisaged that those who were already irretrievably lost in serving the regime's cause could in future be used in a prisoner exchange programme, thereby freeing some of our captured combatants. When there was a food crisis, this policy also aggravated relations between guards and inmates.

Programmes followed at RC's

At the RC, the suspects followed a programme which included political education and manual chores around their 'residence'. During these periods within the camp, armed guards would be deployed about them. The guards were not informed of the reasons for the detention of the inmates. Only the recording officers knew this as part of their investigations. This is also why prisoners were given names different to their real and MK names - to protect their identities. Usually these names were meaningless or made reference to the offence they had committed (e.g. Dyasop
was called "APC" because he had thrown a grenade into an Armed Personnel Carrier of the Angolan army, killing an Angolan soldier.) The only knowledge the guards had was that they were guarding what were called *imidlwembe* (traitors), as the camp was known to be a security camp.

**Daily routine**

05:30hrs: General wake up call. Except for those that were responsible for preparing breakfast, inmates did not necessarily have to follow this programme (wake up call).

05:30 - 06:00 hrs: Morning sport. (Inmates excluded)

06:00 - 07:30 hrs: Inmates individually empty their pots and wash themselves under armed supervision. Those who sought medical assistance or consultation with medical orderlies utilised this time.

07:30 - 08:30hrs : Breakfast for all in the camp. It was common practise during meals for Commissars to read and analyse the news in the communal dining hall. Those still in solitary confinement would be visited later by the Commissar.

08:30 - 13:00hrs : Daily duties, including the fetching of water and wood for the camp plus the general cleaning of the camp.

13:00 - 14:30hrs: Lunch. Programme and arrangements similar to breakfast period.

14:30 - 17:00hrs: Unless unforeseen circumstances had arisen (e.g. insufficient water in the camp or firewood), this time was used for leisure. Those who wished to study could use this time for visiting the library. Others chose to occupy themselves with indoor games and political discussions.

17:30 - 18:30hrs: Leisure time. Consultations by inmates with the medical orderlies could also take place during this period.

18:30 - 19:30hrs: Supper.

19:30 - 20:30hrs: Cultural rehearsal.

20:30 - 22:00hrs: Leisure

22:00hrs : Curfew.

**Weekend Programme** The programme was similar to the weekly routine except that inmates began their day at

06:30hrs. 08:00hrs: Breakfast was then inmates would do their washing. Commissars would join them for discussions.

10:00hrs: Sports (football or volley ball) and indoor games. It was not uncommon in Angola and also in Uganda for the guards to challenge the inmates to a soccer match.

13:00 -14:30hrs: Lunch

14:30-16:30hrs: Leisure or indoor games.

18:30 - 20:00hrs: Supper.

20:00 - 22:00hrs: Leisure.

22:30hrs: Curfew.
APPENDIX SEVEN

CASE STUDIES

Please note:

We have selected these case studies from our files with these objectives in mind:

to provide a clearer understanding of the missions and activities of agents of the former apartheid regime

to provide a clearer understanding of the nature of the work entrusted to the Department in the period under examination

by the TRC

In all cases of South Africans who worked as agents, and who are not dead, we have given only their travelling names. Foreign nationals are named. Should the TRC require real names for a specific investigation, the ANC will co-operate in this regard.

We have also deleted the names of the siblings of agents, and the names of all those who (we believe) unwittingly assisted these agents, for obvious reasons.

We have also deleted the names of those who agents implicated unless we were able to verify such claims.

CASE STUDY 1

AGENT: RAYMOND DLANGAMANDLA (aka "Librarian")

Recruitment

In 1967 the subject moved to Benoni. Early in 1969 he wrote a letter to the station commander of the Benoni police, complaining of the number of thefts in the Indian areas committed by Africans living in Wattville.

In response to his letter, he was visited by Sergeant Saddie/Sadie, who told him that he would be paid R30 for any information he supplied to them. He was referred to the Benoni Security Police for briefings, where he met a Captain Van der Merwe, a Station Commander, who told him that he wanted information on political activities. Subject accepted the task.

Work with the police

After the death of Sergeant Saddie, Sergeant John Vilakazi replaced him as subject's handler. The subject claims that he was receiving his R30 monthly salary although he was not submitting any information to Captain Van der Merwe.

By 1970 the subject was running his own taxi service business, says he lost interest in police work, and concentrated in his business. In fact the money he was getting from them was nothing compared to what he was making from his business. Eventually payments stopped. All the same, John Vilakazi kept on paying him friendly visits.

It was in 1975, after the Frelimo take-over in Mozambique, that he was called by John Vilakazi to the Security Police offices in Cranbourne, Benoni. He was informed that Captain Van der Merwe had been promoted to a Major, and was transferred to Germiston. He was introduced to the new Station Commander Captain Abrie/Abrey who was to be his next handler. Captain Abrie instructed the subject to befriend students residing at Actonville, since he was transporting them with his Kombi from Durban to Westville University. Later the same year, the Benoni Students Movement was formed, but the subject claims he never managed to get any information from them. His payment was increased to R40
or R60 per month.

After 1976 (he claims) his contact with Abrie relaxed because he was now operating his own engineering business, the I.C. Engineering Construction Supplies. He informed the handler about this, and did not receive any monthly payments afterwards but continued to keep in touch with Abrie and John Vilakazi.

**Missions Assigned and fulfilled (ANC connected):**

He was instructed:

1) To try and befriend Shrish Nanabhay so as to monitor his activities. The police suspected he was connected to the ANC/SACP.

2) To monitor the activities of Kisten Moonsamy, an ex-Robben Islander, released in 1978. The subject went to visit him, and Moonsamy took him into his confidence and introduced him to George Naicker.

3) Through Naicker he met Ebrahim Ismail, Poomoney Moodley, Rajes Pillay in Durban, Amin Kajee, Rokaya Adams, Prema Naidoo, and Shrish Nanabhay. He reported to Abrie about all these people.

4) In 1979, George Naicker asked the subject to post him a letter in Swaziland but before posting it the subject took the letter to Abrie.

5) After Rajes Pillay had skipped the country, Naicker established contact with her through the subject who became a courier. On four occasions when given material like cassettes, leaflets, literature, etc. by Rajes and Ivan Pillay in Swaziland he took the material to Swanepoel (his new handler after Abrie) before he took it to George.

6) He was reporting all the contents of his meetings with Ivan and Rajes to Swanepoel and was also contacting Warrant Officer Van Dyk of Oshoek border post for clearance.

7) After the Swaziland ANC machinery discovered that the subject was a plant, Naicker and Ebrahim were called to leave the country, which they did in December 1980. Swanepoel instructed the subject to trace their whereabouts.

8) The subject contacted Ivan in Swaziland, who said he did not know of their whereabouts. In Mozambique he was informed by Idris Naidoo that they have passed through Mozambique, and the subject went back home to inform his handler.

9) When Rajes and Ivan proposed that he go for a crash course in Maputo, he went to inform Swanepoel about this offer and was encouraged by him to proceed. He also briefed the subject on how to behave.

**Apprehension of Subject**

Information from a very reliable source within the police was received to the effect that there was a police agent working as an ANC courier who would be arriving with ANC material from Swaziland on 26/09/1980. The material was to be dispatched to George Naicker.

When this information was compared with other information at our disposal it was found that the subject was to go back inside the country on the 26/09/1980 with leaflets, literature, etc. to give to George Naicker. It was beyond any doubt that the subject was the culprit and that he had submitted this information to the enemy. It is then that George Naicker and Ebrahim Ishmail were called outside the country, to save them from the police.

After the two comrades had disappeared, the subject reappeared without pre-arrangements in Swaziland, to contact comrades Ivan and Rajes. He went up to Mozambique after he was told that they (Ivan and Rajes) did not know where Naicker and Ebrahim were.

He was then lured out of the country by the offer of a five-day crash course in Mozambique. His handler Swanepoel
agreed to this. On arrival in Mozambique the subject was arrested with the help of the local security and interrogated. He willingly gave an incomplete confession. Later, when imprisoned in Angola, he made a full confession.

Before he was locked up at Camp 32, while still kept in Viana camp, he tried to desert the movement with the help of one local, together with Dominic Kgati. He was then locked up at Camp 32 for rehabilitation and released on 1/6/1987.

Given a chance, he was deployed at our regional logistics in Angola as a Secretary. The subject managed to accumulate a lot of money, by selling 200 bags of potatoes from the stores. This was in preparations for his intended marriage and desertion. He ultimately deserted the organisation in 1988/1989 and sought help of the United Nations. Unfortunately for him, he was recaptured before leaving Angola through the United Nations and again locked up. In his possession he had 1 000 000 Kwanzas which was confiscated.

HANDLERS:

Captain Van der Merwe (promoted to Major), Captain Abrie, Captain Swanepoel, Sergeant Saddie, Sergeant John Vilakazi

CASE STUDY 2

AGENT:

EDWARD LAWRENCE (Aliases: "Fear", "Ralph Mgcina", "Cyril Raymonds")

Below we are reproducing extracts from a number of reports on this subject:

A. EXTRACTS FROM THE

CONFESSIONS OF EDDIE LAWRENCE (RALPH MGCINA:)

1. According to the confession made towards the end of May 1988, he attended the University of the Western Cape (UWC) in 1973. After its closure due to student protests he ended up in Durban living with his sister, while searching for a job. He could not find a job. It was at this time that he was recruited by a white man to work for the South African Special Branch. He made contact with SASO office in Durban and also medical students who were politically active and submitted reports to his handler on their activities.

2. Early in 1974 he was instructed to go back to the Western Cape and enrol at UWC in order to monitor the political situation there. At this time many students were leaving the country because of police harassment and joining the national liberation movement in exile. He was instructed to join these students, leave the country, join the ANC, study its internal situation, gain experience, and remain dormant.

3. He made contact with the enemy again when he was deployed in Swaziland. He was serviced by couriers who travelled to and from his brother in law, Paul Meyer, who is a policeman in Lusikisiki. Paul Meyer was the linkman with the main handler who is a senior Security Branch officer (based at CR Swart Square, Durban). At this time the subject's main task was to keep close to MHQ personnel, analyse MHQ strategic thinking, and with time establish the main lines of ANC work in developing the armed struggle.

4. In 1983 whilst deployed as a leading cadre in the Natal Military Machinery in Swaziland he was arrested by the Swazi police. He knew that one of these policemen, (name deleted) was working for the South African Security Branch. During questioning he revealed to (deleted) the following information about his unit in Swaziland: comrade Zweli (Gebuzi's brother) is commander of the unit; comrade Magagula is in charge of logistics in the area; that Madolo works for Border infiltration. He also told the police the location of the infiltration point, told them about codes of communication and the location of DLBs.
5. Ralph was introduced by the police station commander, (deleted), to two Boers who introduced themselves as Captains Van Niekerk and Van Der Walt. They wanted to know about residence of ANC members. They were particularly interested in the location of the place where Comrade Zweli Nyanda stayed, and this happened to be the same place where Ralph was staying. The subject described and drew a sketch of the house, which was at Mobeni. They told him that they wanted to attack the place but needed his collaboration to effect this plan. He agreed to do this.

6. In his words, "my task would be to alert them as to when the comrades were asleep and to unlock the back door, switch off the outside light for the attack, keep in touch with (deleted) and break my bedroom window to "escape"." He did exactly as instructed by his masters and the result was that comrades Zweli Nyanda and Keith MacFadden were killed in that raid through his practical assistance to the Boers.

7. Also on the basis of his experience in MK work, he was also instructed to push MHQ for deployment in the country which he did. The enemy was confident that he would succeed in doing this due to his experience at the front. The enemy objective was that he would develop his own structure and also rise in MK structures inside the country. The strategic goal of the enemy here was to allow the structures inside the country to grow and then cut them down, but leave an embryo for the ANC to build on and within that embryo leave its own forces so that the new structure is also controlled. This would go on indefinitely.

Subject died before implementing this next enemy plan (details below.)

DATE OF REPORT 03/08/1988, Lusaka

B. THE RAID IN 1983 (DEATHS OF ZWELI NYANDA AND KEITH MACFADDEN)

"The origin of the plan to attack this residence came about as a result of my compromise and treachery whilst in the hands of the Swazi police in 1983, a few weeks before the actual raid.

"During my arrest and detention I displayed cowardice when confronted on the question of where I stayed. I referred them to No 6, the known ANC flat. This they dismissed telling me that they knew all the ANC refugees who lived there and reported regularly to the police station as was expected of legally registered refugees. This took place in the first sessions with Mtunga leading the questioning.

"I then had to point out some other place. I pointed out the late comrade Nzima's flat at Mzimmene in Manzini. The following day they took me to the flat with a number of policemen. The place was raided and three young recruits including comrade Eddie (FAPLA) were arrested. I was not aware that these comrades would be there. The van which had recently been purchased was parked there. Among the items in my clutch-bag were the keys for the van.

They, the police, went back to the police station and returned to fetch the van. "It was after this first act of betrayal that (deleted) from Headquarters was then involved in leading interrogations. During these sessions there was (3 names deleted) whom I knew at that stage (through our Security Department) was working with the Boers. At a certain stage (delete)d from HQ told me that what information they received from me would be kept secret. "What I exposed during these sessions was that:

- There were self-explanatory codes of communication in the clutch-bag;

- Bank statement bearing Mr Cohen's banking account number;

- There was a telephone number of Prof, an operative at home;

- There were post-keys of P/boxes which we used for communication.

"I also exposed the people I worked with, the structure, comrade Zweli being in charge, comrade Magagula and Belgium, Magagula for logistics. I also exposed to (deleted) the workings of border infiltration and mentioned the Gege area as a place we used.
"At an earlier stage there was a wrangle over the van which I insisted was not an ANC vehicle but belonged to a girlfriend of mine, (name deleted.) She was subsequently called in for questioning and at the initial confrontation stubbornly denied having laid eyes on me but through reasoning and influence by the comrades outside, she came back to change her statement and said she was my girlfriend and had borrowed me the van. At a later stage comrade Duma was called and through his insistence to the special branch that this was an ANC vehicle I was forced to agree that it was.

"The station commander, then came into the scene. Earlier on I had noticed two Boers at the police station. (Deleted) shifted me to a cell where I was alone and threatened that he would see to it that I was handed over to the Boers unless I co-operate with the Boers. I met these two Boers who introduced themselves as Captain Van Niekerk and Van Der Walt. They wanted to know our places. I revealed the house at Moneni where the attack took place, and described and drew a sketch. They needed my collaboration to effect this plan. I agreed to do this.

"My task would be to alert them as to when the comrades were asleep and to unlock the back-door, and also to switch off the outside light for the attack. I would keep in touch with (deleted). I was also to break my bedroom window to "effect my survival". I kept in touch with (deleted) under the guise of trying to secure back the contents of my clutch-bag which (deleted) of HQ said he would return.

"I informed (deleted) of the trip to Maputo and the time of our departure. I also exposed the house/farm at Malkerns where we kept material. The house in Fairview I also exposed. These were subsequently raided by Swazi people and weapons were captured."

THE RAID

"On that particular evening myself and Keith (MacFadden) were busy trying to phone Maputo to make sure that we were picked up from Lomahasha. Zweli had gone earlier in the night to pick up Fikile whom we were to send to Durban as a courier. When we were at home we had something to eat and had some Scotch (liquor).

"Then around 11.30pm Zweli and I left for the house in Fairview to try and make a last attempt to phone Maputo. We failed and he phoned home to wish his mum happy birthday. When we reached home Keith had gone to bed. I lay on the bed with my clothes on. I then heard cars make their way down the road and then turn to come up. This was around 2 am or 2.30 or so. I stole out of the house through the back-door and went to these vehicles - a Mercedes and two vans. I told them in the Mercedes (boers) that the comrades were asleep. I was then to move down and immediately afterwards break my bedroom window and dash to wait by the cars.

"I broke the window and dashed into the bush. I remained there until the attackers left and heard one of the neighbours (Marcel) at the house.

"I emerged and then went to the house. I saw Zweli lying near the gate and Marcel checked his pulse. He confirmed he was dead. I inquired after Fikile and was told that she had been heard by the neighbours after the enemy had left asking for assistance which she was denied and left. I then left with Marcel for the police where I found Fikile. I reported the attack to the policemen on duty. I made my way back to the house with Marcel. I saw Keith with a bullet hole in the head crouched in a corner. It was clear he was dead.

"I covered him with a blanket and quickly looked through the house for my travelling bag which had reports. This had been taken by the boers. I found an executive bag with some documents which I took with me.

"I then left with Marcel for Matsapa and reported the attack to comrade Vundla who advised that I go back to the police since I had already reported to them. I asked him to keep the documents which I had retrieved but said this was not possible since the Swazis may raid. I took the bag to Reggie Msibi whom I told about the raid. I then also went to the opposite flat to inform comrade Paul Dikeledi of the raid.

"I went back to the house with Marcel where I found top brass of the police force - Sotsha Dlamini (CID), Edgar Hillary, Anton Dlamini (Special Branch) and others. I gave them a brief report of what 'happened'. Their main interest
was where our weapons were. They and myself went through the house where I was pointing out the various bedrooms. The confiscated political literature and did police work (finger prints).

"We then had to move to the police station. I remember having to start our cars (the Golf, the Stanza) since the cops were saying they could be booby-trapped. On arrival at the police station I was questioned and I gave my version of how I escaped, pointing out why I still had my clothes on (were to leave for Maputo) and that I had broken the window when jumping out with my back. They remarked about my 'miraculous' escape. I was then kept in one of the traffic department offices for what they called 'protective custody'. I had free movement around the police station. I was kept there for two weeks and released into the care of comrade Duma's custody with one of the vehicles. The other car, (the Golf) was released into the custody of Favin, Keith's brother. My release enabled me to attend comrade Zweli's funeral.

"During my stay at the police station it was suggested to me by (deleted) from HQ that I leave Swaziland. My response was that I would leave per instruction by the ANC. I was recalled by the ANC to Maputo around December. I gave my version to the Movement. It was false.

"P.S. During the interrogation sessions with (deleted) from HQ, he asked me about King (an enemy agent whom we had recently kidnapped about a month ago.) I admitted knowing him, but blamed his disappearance on comrade Zweli."

NOTE:
From the reports of the investigation panel, it is evident that the subject was scared of writing freely about his activities against the ANC on behalf of the South African Security Branch.

One thing is certain: the subject, like his wife, confessed only because he was cornered. Like his wife (also a confessed agent), subject never had the courage or the intention to face the Movement squarely about his crimes and confess fully.

C. REPORT ON CYRIL RAYMONDS: BY 'OSCAR DLAMINI' RECEIVED 04/02/1987:

"I first met the subject in the camp, I was not very close to him. But as he was part of the camp commissariat of which I was also a member, we would now and then discuss some political questions. In the process I gathered that he came out of the country in 1975 to Botswana but did not immediately join the ANC. In fact he was one of those elements who were anti-ANC that time in Botswana. Of course one can understand that since people were coming from Black Consciousness and he found himself in Botswana which was then a stronghold of BCM. But the way he immediately became so positive to the ANC was rather too fast to be sincere. That is my own opinion which can be wrong.

"In the camp he was very close to (deleted) who once worked in our Radio Freedom in Lusaka and later had some security problems.

"I left him in Quibaxe for Katengue. I stayed in that camp for about five months and left for the Party School in Cuba for two years. When I came back he was no longer in Angola. I went for further training in the GDR. When I came back I was again immediately sent back as the Commander of the group of 40.

In January 1982, I went to Maputo and became the Commissar of the Natal Urban Military Machinery. I worked with Cde Problem (Commander), Zweli Nyanda (Chief-of-Staff), the subject (Chief of Communications) and Belgium as Chief of Recce. Later Problem left the machinery and Zweli was appointed Acting Commander. (...)"

"Early in 1982, I left with the subject to Swaziland. I did not know very well the area since I was once there in 1977. I was then underground after having trained with the unit of Solomon Mahlangu in Funda. We got the car waiting for us on the Swazi side of Lomahasha. I had no weapon nor money for emergency. The subject had a Scorpion (pistol) and some money.

"As we were proceeding on our journey to Manzini we were stopped by police but we managed to run away. When we approached Simunye we could see that a road block was being mounted. We alighted from the car and took cover in the bush. Unfortunately it was next to the garage and the security guards spotted the subject. They did not see me. He was arrested. When I saw this I jumped onto one of these security guards. The subject was freed and instead I was arrested. He did not help me but instead ran away. When he came to Manzini he reported that I was asleep that is why I got
arrested which was an incorrect report of what actually took place. I took this incident as a simple question of cowardice on his part.

"In 1983 before the formation of the Natal Military HQ of which I was a treasurer, we infiltrated Cde S'khusele to Pietermaritzburg. He found some problems with his unit. Some members of that unit deserted. S'khusele managed to go to the Transkei, arranged a document and left for Lesotho. He was met by Zweli and reinfilttrated back home. He carried out about five operations and retreated back to Lesotho and later to Maputo. We got a report from our security that the enemy knew when he retreated and the exact date when he was infiltrated inside the country. Up to now we do not know who gave the enemy that information.

"When S'khusele was in Maputo he wrote a hand written report. He was infiltrated back to Pietermaritzburg with somebody who later became a state witness against him. During the trial of S'khusele the enemy produced the report he had written in Maputo, saying that they got it from a highly sensitive source in the ANC. He is serving 20 years now. To my knowledge that report was filed in Maputo. I know because S'khusele's unit was being briefed in Swaziland it was in my house, and the subject did not have that report with him. Therefore it was in Maputo.

" "Later when I was in Dar es Salaam I tried to find out how did that report reach the boers from (deleted), I was told that that report was captured when the boers killed Zweli.

"Before the death of Zweli the subject was arrested in Swaziland. He showed the Swazi police where he had parked the car he was driving. Later he came with them to my house and showed them where we had parked the new van we were using for our route recce inside the country.

"Later he came with the police to my house claiming that he was staying there. I was about 20 metres from the house discussing with another comrade. Unfortunately there were SACTU underground comrades in the house coming from home and one of our comrades. They were all arrested. The subject also pointed another house which we used for underground cadres coming from home.

"All along he was defended by Thami Zulu. I think Thami did this because he thought that the subject was being victimised because he once commented that there were people who did not like the subject because he was not coming from Natal. Such comments can be demoralising and one feels not to confront somebody if other people would think that you are confronting somebody on regional or tribal grounds. You become disarmed.

"Zweli died when the subject was in the same house. He did not suffer any injury. One is not trying to suggest that everybody must die when there is an attack.

"I was later arrested in Swaziland. Zweli's sister came to Swaziland. She wanted to see me but could not. "In prison I was told by Cdes Alzina Zondi and other female comrades that Zweli's sister had told them that the subject was responsible for the death of Zweli. She had found this from a Special Branch (policeman) she was close to. I reported this to Thami Zulu but I was ignored.

"Before the death of Zweli we had captured a sellout who had infiltrated us. In his confession he said the enemy knew about the communication we maintained with him. No force had been used against him. He just confessed and he seemed to be sincere. I was responsible for his interrogation.

"Then came the Nkomati Accord. I was arrested. Thami Zulu and the subject were arrested together. They had bought two cars for the machinery. Already Swazi police knew about those cars. The one who had arranged for them these cars was arrested later and the police were saying that he was responsible for buying ANC cars.

"There was an old man we used for banking our money. The police knew about this. He was later arrested and questioned about this.(Note: Fear acknowledges betraying this man in the previous record .... CIES, 10/05/1992) "The subject had been arrested with weapons. To our surprise the subject was released and not deported like others. In fact an advocate was saying he was not going to defend a man who had said so much to the police.

"I am not prejudiced against the subject. I am just stating facts."
D. REPORT ON THE DEATH OF ENEMY AGENT RALPH MGCINA DATED 28/07/1988:

1. PURPOSE OF SESSION:

1.1. After a thorough preparation, the panel felt that in order to achieve better results it was necessary to begin on the involvement of his wife with the enemy. He had previously mentioned her in the long list of enemy agents as the first one that he was sure of.

1.2. We also had information from our source that his wife was seen in Durban (purpose of visit not known). Ralph could have known about this. This could not have been the first time that she went home.

1.3. Information from another source revealed that when subject's wife left the country, she was under enemy instructions to join and inform Ralph to join the ANC. This does not appear in the biography that she wrote when she joined the Movement.

1.4. It was also felt that after breaking him on the above mentioned aspect this was going to open avenues for him to reveal his handler or handlers and how they used to communicate. From his last confession (about how his wife came to work for the other side) it was felt that he should be in a position to know more on how she used to work with the other side.

2. REPORT:

2.1. After being asked to relate about his wife, he merely repeated all that he had revealed in the previous sessions without any additions (for about one and a half hours).

2.2. After being asked on how many times (that he knows of) did his wife go to SA from Bay and for what purposes, he claimed not to have been in a position to monitor her movements when they were staying together; which to us seemed ridiculous.

2.3. He then revealed that his wife went to SA for about 4 (four) times as far as he knows; and never wanted to reveal the purposes of her visits there.

2.4. He also revealed that she refused to submit her Lesotho Passport when asked to do so; because it reflected her trips to SA and could have led to her being questioned and discovered to be an enemy agent.

2.5. Seeing that we were all tired; we could not proceed with the session and we all went to sleep.

2.6. When we woke up Ralph up (27/07/88) to start work, he complained of stomach pains and wanted to vomit. We saw that we could not continue and we decided to consult the doctor. A comrade walked to get a lift to town since our transport had not yet arrived.

2.7. On arrival; the doctor certified him dead and informed us that he suspects that he could have taken some poison.

E. UPDATE FROM REPORTS

RECEIVED FROM WITHIN THE SAP "The placing of agents at high levels remains one of the prime objectives of the enemy and this program is conducted from the highest levels e.g. Lawrence was handled by Major Stadler of HQ."

GROUP: BJ42

CASE STUDY 3
Cordelia Senwedi Sebenyana MOSINIKI (nee Kereng)

DOB: 04/04/1951
HOME ADDRESS: (deleted)
NATIONALITY: Botswana National.
MARITAL STATUS: Divorcee (1985)
BOYFRIEND: (deleted)
OCCUPATION: Vegetable Hawker; runs a Chibuku beer depot in Ramotswa.
VEHICLE PARTICULARS: In 1988 had a BR 949 registered Isuzu vannette.
FATHER: Joseph Sello Kereng. Passed away in 1984/5
CHILDREN OF SUBJECT: (deleted)
EDUCATIONAL LEVEL: Grade at Mogotsi Primary/Junior Secondary School, Ramotswa.

RECRUITMENT BY THE ENEMY (South African Police):

In 1977 or 1978 subject started a (love) affair with one Modise. Modise was a uniformed member of the South African Police working at Ramotswa Border-gate. At the time subject was working at the Gaborone General Post Office. Modise asked subject to report to him about people who cross into Botswana from South Africa illegally.

Later Modise introduced subject to Sergeant Smith who was working with him (Modise) at the border.

HANDLERS:

++ Sergeant Smith - Zeerust home telephone number 21919; Work place telephone number 22012 or 22013, Zeerust Security Branch Offices.
++ Modise, SB working at the Ramotswa Border Post; also using the Zeerust Security Branch Offices telephone numbers 22012 or 22013.

MISSIONS CARRIED OUT BY SEBENYANA MOSINKI ON BEHALF OF THE SOUTH AFRICAN POLICE:

While working at January's restaurant in Ramotswa, she came to know Gilbert Moilwa, Isaac and others to be refugees. Subject reported these to Modise. Gilbert later returned to South Africa while his friends proceeded to Zambia.

In 1978 subject visited Violet Pule in Johannesburg. There they took photographs with Sadi Pule's family. Soon after that trip, Sadi Pule visited Botswana. Sadi gave subject a passport size photograph of a woman, named Maria, who Sadi said was going to visit Botswana. Sadi requested subject to assist Maria when she arrived in Botswana. Subject took the photographs she had taken with Sadi Pule's family and that of Maria to Modise. Modise later returned them and subject posted them to Sadi Pule.

Sadi was detained during 1978 by the South African Security Branch after the visit to Botswana. In detention she was shown the photographs her family had taken with subject and was asked to identify subject. Sadi did not know where the enemy got the photographs. (This information on Sadi Pule's detention is from Sadi herself).

MISSIONS CARRIED OUT DIRECTLY AGAINST THE ANC ON BEHALF OF THE SAP:

Subject was recruited by Sadi Pule in 1982 for the Women's Section work. She was to serve as a courier. Subject reported that approach to Modise.

Subject reported to the handlers the following tasks assigned to her by the ANC:

Was sent inside the country to deliver ANC cloth material and pamphlets to a certain Mapule in Mapetla, Soweto. Shortly afterwards Mapule was taken in by the enemy.
Subject was sent to recruit several individuals in Botswana and Bophutatswana (names deleted). Comrades Florence Mophosho and Aurelia Gqabi gave subject a letter to deliver to comrade Albertina Sisulu. Subject showed the letters to Modise who later returned them.

Subject reported to Modise (SB) about Lehlohonolo and that he uses a yellow Cressida.

Modise (SB) once asked subject to monitor Clement Bogatsu, a Motswana who is a driver at BHC. Subject reported that Clement was close to Lekoto and Chris of Special Ops. Clement was later arrested in South Africa.

Subject reported to Modise (SB) that two cadres under Special Ops had been infiltrated into the country by a driver of Phillip Moletsane in Moshaneng. The driver was later arrested and allegedly recruited by the enemy. Subject claims to have got this information from Phillip Moletsane.

Lekoto of Special Ops once gave subject a code-list and money in an envelope and weapons for safe-keeping. Lekoto also sent subject to call Phillip to Botswana. When subject went to call Phillip she took the code-list with and gave it to Modise and also told him about the money and weapons. Modise later gave the subject the code-list.

**SUBJECT'S ROLE IN KILLING OF FOUR CADRES:**

Comrades Steve (Sebata alias Luvuyo Mzana alias Enoch Muiseng Mashoala) and Naledi assigned subject to recruit somebody in Moshaneng to take cadres to South Africa.

Subject went to report to Modise about her task. Modise, Langa and Sergeant Smith (all policemen) later met subject and told her that she would have to report to Botswana that she had recruited Mr Richard Maduenyana. Maduenyana was also called into the meeting, (or Richard Moduenyana or Richard Muduenyana)

Richard arrived in Botswana and was given money to buy a canopy for his vannette in South Africa. He was also given instructions on how and where to pick the four cadres inside the country.

Comrades Steve/Sebata/Mashoala and Naledi took the four cadres across and went to the rendezvous. On arrival there they heard the sound of a big truck in the bushes. They waited there until Richard Moduenyana came to the meeting spot. When Moduenyana pulled off with the four cadres, Steve and Naledi heard the sound of the truck again. They got worried because they felt the truck was following the vannette. Early the following day they heard news over BBC radio that the four cadres had been killed. The two (Naledi and Luvuyo) instructed subject to go and check on Moduenyana.

Subject went to report on Modise (SB) about the task she was assigned. Moduenyana was called by Security Branch police to a meeting on a secret farm in Zeerust. Present at the meeting were Major Crouser (Crouse?), Sergeant Smith, Wehrman, Modise and Langa (all these SB controllers). Also in attendance were Moduenyana and subject. Here a strategy was worked out on how Moduenyana was to handle comrades Steve and Naledi.

After the meeting subject returned to Botswana and there she reported that Moduenyana was going to visit Botswana the following day, that he had sustained injuries and was treated by an Indian doctor who was his friend in Rustenburg.

On the said day, Moduenyana arrived in Botswana. He gave Steve and Naledi the story and showed them old wounds in his body which the comrades believed. They arranged with him to visit Botswana for medical treatment. The car Moduenyana was driving when he visited Botswana was riddled with bullets.

Later Steve and Naledi sent subject to call Moduenyana when the arrangements for his medication were finalised. On arrival in South Africa subject met Sergeant Smith who gave her the story to pass to the comrades, that Moduenyana had recovered.

Moduenyana was later given an Isuzu vannette with a radio (for communication), the registration number being YBG
1345, blue in colour with a white canopy. Moduemyana is also a member of the Opposition Party of Bophuthatswana.

Subject received R3240 at the end of the month for the operation.

SUBJECT BETRAYS A SPECIAL OPS CONTACT AS WELL AS WEAPONS.

Subject was introduced in Botswana by Lekoto of Special Ops to a contact who was to receive material (weapons) in Magaliesburg. This was on the 16/12/1985. The person left Botswana same day. On the same day subject reported telephonically to Modise (SB) and then left Botswana the following day.

+ On arrival in Moshaneng subject phoned Modise again telling him that she (subject) was on the way with the car loaded with material.
+ Subject telephoned the contact at Swartruggens and arranged that they meet in Roodepoort. After meeting with contact person, who took the car, subject was booked in a Johannesburg hotel.
+ Sebenyana was later visited by policemen Modise and Langa who informed her that the contact had been arrested at a roadblock.
+ Meanwhile cadres in Botswana after failing to reach the contact person over the phone decided to find out from his girlfriend. The girlfriend told the comrades that on the same night when they received the vannette they took it into the garage for unloading the material. After finishing they took the vannette out and were about to leave for the hotel where Sebenyana was put.

Outside they found policemen waiting for them. They were ordered back into the garage and the material was found. The police took the contact person with them plus the material and left the girlfriend behind. The material taken by the enemy from the contact was made up of: two car-bombs material; three AKs; grenades; money for Special Ops cadres.

The girlfriend was later detained - on the 24/12/1985 and was to be charged for perjury when she refused to testify against her boyfriend.

The contact person was sentenced to about 18 years imprisonment.

OTHER REPORTS SUBJECT SUBMITTED TO HER HANDLERS:

In 1985 subject met Sergeant Smith, Major Crouser, Wehrmann, Modise and Langa. They showed subject a map of Gaborone and asked her to identify Sadi Pule's house. Subject pointed Sadi's house in Tlokweng and another house across the road where a female comrade lived. Two weeks later Muzi Nkwanyana visited Sadi in Tlokweng. A week later, Sadi's house was attacked during the Gaborone June 14 raid.

After the raid subject visited Sadi's house (which had been attacked) and later reported to handler Modise that Sadi was safe. Subject also reported the location of the residence of Naledi behind the Community Centre to Modise.

In May 1987, subject phoned Smith and Modise (SBs) in Zeerust and reported to them that Abraham Pule had arrived in Ramotswa from South Africa and was proceeding to Gaborone. Subject also told them the date he would be coming back to Ramotswa. Subject states: "The day before Abraham Pule left Botswana I phoned Modise and Smith to inform them. Modise later told me that Abraham got arrested at a roadblock having weapons..."

PAYMENTS THAT SUBJECT RECEIVED FROM THE SECURITY BRANCH:

++ Initially Modise used to give subject R50 to R150 per month.
++ Around 1987 subject was getting about R400 per month. In May 1987 was given R700 apparently for leading to the arrest of Abraham Pule. Abraham was arrested in the Zeerust area when he was going to Johannesburg from Gaborone.
++ For her role in the killing of four MK cadres in December 1985 who were from Botswana, subject was paid R3240 at the end of the month.

MEANS OF COMMUNICATION WITH THE SBs:
Subject was given a radio and shown how to operate it by Smith, Modise and Langa. Only used the radio once when handlers wanted to know whether there were any cadres in her place. Apart from this used to use telephone.

CONFESSION OF SUBJECT:

Subject was lured into Lusaka, Zambia where she confessed to her dealings with the Security Branch against the ANC. This was in March 1988. She was returned to Botswana after the authorities there demanded her as their national. For more on that you may see the file of Enoch Muiseng Mashoala alias Luvuyo.

DATE OF REPORT: March 1988
AUTHOR : NAT in Lusaka. Information based on interviews with subject and information from cadres she had "worked" with in Botswana.
CIES COMMENTS: Correct spelling unknown : Maduenyana/Moduenyana/Muduenyana.
FILE/DOC. NUMBER: C001973

CASE STUDY 4

Jose Joachim Rebeiro DE SOUZA (aka Alex Jackson, Fernando Lopez)

DOB: 20/01/1962
ADDRESS OF ORIGIN: 454 Sheuck Avenue Eersterus Pretoria Transvaal

CIRCUMSTANCES LEADING TO RECRUITMENT:

Subject's interest to work with the police force was aroused when he was in his last year in high school. Together with 150 other school mates (boys) they were taken to a semi-military training camp.

The camping was organised by the South African Defence Force (SADF), the welfare organisation of Pretoria, the South African Police (SAP) and his school viz. Eersterus High School. Main function of this camping was to introduce and expose them to career opportunities in the South African Defence Force (SADF) and the South African Police (SAP). It was held at Rashoop military base outside Pretoria.

End of the same year (1979), all those who had attended this camp were sent applications forms to go to the Police College. Subject was unable to join the police because of his father's refusal to sign those forms, he wanted him to get a university education.

RECRUITMENT:

In 1980 he was recruited, together with his friend (deleted) by Colonel Dries van der Merwe to work for him. Their task was to monitor the unrest (1980 school boycotts) in their area, Eersterus. For every piece of information submitted to their handler they got R200.00. The same year he was introduced - by his handler - to Jonathan Nel of the Security Branch who was to be his next handler the rest of his time with the police.

TRAINING:

During 1980, a training course in fire-arms, surveillance, personal security and politics was organised for him, in a farm outside Erasmus in Pretoria.

MISSIONS ASSIGNED AND CARRIED OUT INSIDE THE COUNTRY:

1) In 1981 he was infiltrated at the University of Western Cape (UWC) to monitor and report any political activity in the
2) In 1982 he was instructed to enroll at Witwatersrand (Wits) University, for a Bachelor of Science (B.Sc.) degree so as to conduct similar tasks of reporting any political activity there.

MISSIONS ASSIGNED AND CARRIED OUT IN THE UNITED STATES OF AMERICA (First year):
The following year, 1983, he got a scholarship in the United States of America (USA) through the Educational Opportunities Council. (He was instructed and assisted by Jonathan Nel to get scholarship). In the United States he was studying at Wesleyan University.

1) He was instructed to join anti-apartheid student groups, report on their activities, their support on the campus and the degree of their contact with the ANC. He was to attend rallies and demonstrations.

2) Make a list of all students who are in the institute of the international educational programme, that is to say, all those who come from South Africa because the boers feared that this might be the recruiting ground of the ANC.

His contact in the United States was a lady by the name of Carla.

TASKS ASSIGNED AND CARRIED OUT DURING SCHOOL HOLIDAYS:

At the end of that academic year on May 1984 he was ordered to go home for holidays and his route had to via London where he had to meet Nel and get new instructions for the time in London. The tasks in London were:

a) To join the South African Communist Party (SACP) and pick up literature at its office;
b) To visit the ANC London office and also take new literature

He fulfilled both the above tasks and gave a layout of both offices to Nel

Tasks at home:

a) He went home on June, 1984 with the task of infiltrating the United Democratic Front (UDF) up until the time he left for the United States in August the same year.

Tasks on his way back to school via London:

a) He again went via London where he was instructed to work in the ANC office and report on its activities and contacts with other people around London.
b) To report on the Nothinghill Carnival i.e. the attendance of people at the ANC's stall, their attitude and the amount of literature sold.
c) To visit the Anti-Apartheid Movement (AAM)'s office and pick up new literature.

NOTE: He submitted all the information gathered to Nel who was there at that time. Nel also took pictures of the subject, Dali Tambo and George while they were busy working at the stall.

TASKS ASSIGNED AND CARRIED OUT IN THE UNITED STATES OF AMERICA (Second Year):

At the end of August 1984, he went to the United States. He started this academic year at Columbia University in New York. He came to this university through transference which he applied for on the previous year. He applied for this transference by order of Captain Nel because Columbia University is where the anti-apartheid activities were concentrated. His tasks there were:

a) To work for the American Committee on Africa (ACOA)
b) To join the anti-apartheid group of Columbia
c) To slowly start to consult the ANC office in New York and report its staff
d) To report on March/April actions in 1985 and American Committee on Africa's role,
e) To visit the Pan African Congress (PAC) office and meet its staff.
f) All the above tasks were accomplished and in addition he submitted plans of office lay-outs.

OTHER ACTIVITIES IN THE UNITED STATES:

Just before he went home on June 1985 holidays Nel arranged a visit to the United States by his wife. In June, after the Columbia University had proclaimed its disinvestment in the companies which had businesses in South Africa, Nel ordered him to go home. The subject has participated in these disinvestment campaigns to an extent that he even went on hunger strike.

PREPARATIONS FOR INfiltrATING THE ANC:

Around July 1985, while he was still on school holidays he was briefed about his new mission of infiltrating the ANC in Africa and try by all means to work for the International Department in Lusaka. During one of these briefings he was introduced to a certain Fish (Security Branch policeman) who he (Fish) claimed (deleted) was an acquaintance. Arthur was to help the subject through to be deployed at Thabo Mbeki's office. (Subject later withdrew the implications this person as false).

He was not to undergo any military training in the ANC. All the information gathered was to be sent through J. Burton, Dominium Press, P.O.Box 391813, Bramley. He then went to the United States on July and started arranging with comrade Neil Mnumzana to go to Lusaka.

ACTIVITIES WHILE IN THE ANC (INCLUDING INFORMATION PASSED ON TO THE ENEMY):  

In Lusaka he used to phone Nel from the Ridgeway hotel so as to submit reports. At one stage he received R500.00 from Nel through the Grindlays Bank in Lusaka.

He was in Lusaka up until comrade Chris Hani suggested that he goes to Harare and be stationed there. In Harare he used to communicate with Nel through a certain Bruce. He gave information about ANC facilities in Harare, personnel and places of stay including comrade Chris Hani’s movements. He even set up appointments with comrades Raphael and June so that Bruce (contact sent by Nel in Harare) could take their pictures. His activities led to the attack of some of our houses in Harare.

In April 1986 he went back home, South Africa, without the consent of the ANC. On arrival at home he was detained as a cover story aimed at deceiving the ANC.

For all his activities he was receiving R1 500.00 per month deposited into his bank account. While he was at home he went several times to Gaborone.

POSSIBLE DE SOUZA CONTACTS WITHIN UDF (SUSPECTS): (Most names deleted)

Subject was instructed by his handler Nel (Louis Pasteur Building, Prinsloo Street, Pretoria - fourth floor, room 401) to go to UDF offices in Khotso House for purposes of spying on their activities. De Souza reported about the results of this visit to Khotso House to his handler, Nel and drew the lay-out of the UDF and Afroscope offices. Later on the offices of Afroscope were raided and all video materials which were there were confiscated De Souza was also about to leave the country for his studies abroad. Nel told him that he should recommend to his UDF contacts certain ‘progressive’ people in Eersterus area who would take over his UDF tasks in the area after he had left the country. These ‘progressive’ people who were given to the subject by Nel for recommendation were (six people who subject said his handler told him were working for NIS.) He says his UDF contacts left with names, telephone numbers and work places of the people recommended by Nel.

COMMENTS (CIES 12/04/1991): Comrades who were dealing with his case felt that he had given an incomplete confession. Subject implicated a lot of people but later retracted on account that the confession was made under duress.
HANDLERS: Major Dries van der Merwe (subject says he is now a Colonel); Captain Jonathan Nel; Bruce (surname unknown)

SOURCE: Confessions and Reports by Nat Lusaka, Nat Angola

DATE: 1986/1987

FILE/DOC.NUMBER 001816.

Note: De Souza was amongst the last group of 32 released in 1991. As outlined in the ANC's first submission to the TRC, he returned to Eersterus where he apparently became involved in gang violence; he was eventually tried for murder and attempted murder but died under circumstances which remain unclear before serving this sentence.

CASE STUDY 5

Please note: the video tapes of Dlongwana's confession, as requested by the TRC, are in the process of being coverted into a format compatible with ordinary VCRs and will be handed over shortly.

Patrick Mncedisi Dlongwana (aka Harvey Maringa, Patrick Hlongwane)

DOB: 23/09/1958 in Port Elizabeth
ADDRESS OF ORIGIN: 33 Mgengo Street, Zwide Township, Port Elizabeth, Eastern Cape Province
EDUCATIONAL LEVEL: Std 8
FAMILY BACKGROUND: Father: Jeffrey Dlongwana Mother: Elizabeth Dlongwana Siblings: (deleted)

RECRUITMENT:

He was recruited in detention, in 1980, by Sergeant Nkomane (Bra) at Swartkop police station. Nkomane was a Security Branch policeman at Sanlam Building and staying at Ferguson Road, New Brighton, Port Elizabeth.

Subject was arrested together with people who were involved in a bomb blast (dynamite) on 15/02/1980. In this case, he (subject) gave evidence in court against his colleagues. The co-accused, a certain Mzamo and Mzwabantu were sentenced to 11 years and 12 years respectively. (In first confession subject mentions this recruitment as his second recruitment. The first recruitment took place at Algoa Park Police Station in 1977 during their arrest for boycotting classes. He was recruited by Sergeant Buzani. He was released whereas others got lashes. He claims to have never worked up until 1980 when recruited again.)

MISSIONS ASSIGNED:

1) He was instructed by Sergeant Buzani of Sanlam Building to attend political gatherings and take names of speakers and the deliberations.
2) He was instructed by Lieutenant Deon Nieuwoudt and Captain Roelofse to petrol bomb houses of members of the progressive organisations.
3) He was instructed by Lieutenant Kallie Van Dyk of Germiston, to look for ANC cadres and people who support the ANC.
4) In 1986, he was instructed by Lieutenant Kallie van Dyk to infiltrate the ANC in Botswana.

TRAINING RECEIVED:

In 1980 he was trained by Constable Van Vuuren at Queenstown Golf Club, on how to shoot with a Presto automatic gun. He was again trained at Sanlam Building on fire-arms, communication (walkie talkie), intelligence and photography. Instructors were Lieutenant Momberg and Sergeant Van Wyk.
MISSIONS FULFILLED:

1) He petrol bombed the houses of:

a) Sipho Hashe, a Secretary General of PEBCO (Port Elizabeth Black Civic Organisation)
b) Themba Duze, a PEBCO/MACWUSA Organiser.
c) Lulu Johnson, Congress of the South African Students (COSAS) National President.
d) Mr/Mrs Gcina of PEWO
e) Mkhuseli Jack, PEYCO President
f) Vuyani Vena, executive member of Cosas
g) Mono Badela, press reporter

2) He shot one Nompumelelo in the right thigh. Together with six Security policemen, they raided one Toto of Veeplaas who was a member of Port Elizabeth Students Congress (PESCO), also a boyfriend to Nompumelelo. On their arrival at the place where they thought Toto could be, people started running away, and the police started shooting. The subject claims he was the one who shot Nompumelelo. Her leg was amputated

3) In 1983 he stabbed one Mzolisi Gxuma at No.29 Siyongwana Street, Zwide Township (a shebeen house). Mzolisi had exposed the subject as a police informer. Subject only appeared once in court and the case was squashed.

4) Shot dead one Mpumelelo Mpendu, an uncle to Mkhuseli Jack - leader of Port Elizabeth Youth Congress (PEYCO) and chairman of the Consumer boycott. Reason for shooting him is that they wanted to frustrate and demoralise Mkhuseli Jack. Mr Mpendu was living at No.12 Fumba Street, Zwide, P.E.

5) Shot dead one Mr Mateza, chairman of school commity based at Loyiso Secondary School.

6) Shot dead Mr Lulamile, a member of PEYCO.

7) Shot one Xola, a member of PEYCO. Due to pressure in Port Elizabeth, the subject was transferred to Germiston in 1986. His home was petrol bombed. Whilst in Germiston he carried out the following tasks:

8) In 1986, he reported about (deleted) of NAFCOC. He used to give money to people leaving the country. (Paid R100 for the report)

9) Reported on Sam Ntuli, chairman of Thokoza Residents Association.

10) Reported one Radebe, a shopowner.

11) Sold some executive members of Vosloorus Students Congress. The following are missions conducted outside South Africa:

12) In 1982 he photographed ANC houses in Lesotho per instructions of Momberg. (He went to Lesotho in September 1982 and was staying at Hilton and Victoria hotels. Completed his mission and went back to South Africa in November 1982. The mission was sponsored by Sergeant Swarts)

13) Actively participated in the December 9, 1982 Maseru massacre.

He left South Africa on December 8, 1982 instructed by Lieutenant Momberg, and met his operational unit at Hilton Hotel.

With his unit of six, they went to one house where they threw a grenade at the main door. After the door fell they then stormed in. They found three ladies sitting on top of the bed. Whilst checking the whole house they found three men. They were put against the wall, ordered to make mock marriages with their girlfriends, and thereafter executed. According to the subject, he shot the one in the middle.
From here they went to Chris Hani's house, and shouted that he must surrender himself. Noting no response, they stormed the house with grenades and bazooka. Subject says they attacked all the houses he photographed earlier on. After the raid he was taken by helicopter back to the country. For this mission he was paid R1 800.00 and given a new car (2.1 Cortina).

14) In February 1983 he was instructed by Lieutenant Smuts to confirm survivors and casualties of the raid. When he arrived in Lesotho, he joined the ANC. Upon completion of his mission, he told comrade Sparks that he wanted to go back to South Africa. It is then that he was handed over to the local police on suspicions. He was released after 16 days and deported to South Africa. He received R1000 for this mission.

15) In 1986 he infiltrated the ANC in Botswana.

16) Other missions fulfilled: Together with "Reverend" Ebenezer Maqina they were instructed to infiltrate ROOTS, to carry out the following tasks:

a. To disrupt PEBCO, COSAS meetings, by

i) Whenever there is a stayaway called by PEBCO, Roots should distribute pamphlets that Pebco has cancelled the stayaway.

ii) If students boycott, Roots should go to that school and beat up the students to go back to classes.

iii) Whenever PEBCO or Cosas has called a meeting, Roots should organise a similar meeting on the same day.

iv) Other task was to blacklist Pebco and Cosas activists.

(Note: it has subsequently come to light that Maqina was being handled by the PE branch of Adult Education Consultants, which was managed by the Department of Military Intelligence.)

17) At a funeral of one MK cadre, Samuel Segole, who died in a shootout in Natalspruit, the subject presented a paper prepared by the police. He was masquerading as Stephen Nhlapo from Alexandra - a Release Mandela Committee member.

LEAVING THE COUNTRY:

Left the country in 1986 per instructions of Lieutenant Kallie van Dyk of Germiston through Ramatlabane.

MISSIONS TO BE FULFILLED IN THE ANC:

To identify as much as possible people coming from his area.
Location of ANC targets
When sent back inside the country on a mission, to surrender weapons including his unit.

SOURCE MATERIAL:

Confession (prepared for the Tribunal) in 1990; A report by Nat in Lusaka dated 12/05/1987; Confession statement by subject dated 02/05/1987.

UPDATE: ACTIVITIES OF SUBJECT IN SOUTH AFRICA:

As outlined in our first submission to the TRC, after Dlongwana was released in 1991 he went back to his handlers and fronted for an SAP-run stratkom operation called the "Returned Exiles Co-ordinating Committee." He was also linked with the warlord Thomas Shabalala.
CASE STUDY 6

MTHUNZI TSIKILA

D.O.B: 09.01.1966 Xaba Location.
ADDRESS OF ORIGIN: 25 Baba Street, Kwa Nobuhle, Uitenhage, Cape Province.
FAMILY BACKGROUND: Father: John Mapu; Mother: Dinah Mapu; Siblings: (deleted)

RECRUITMENT:

He was recruited by Danie Gerber of Uitenhage.

HANDLER:

Was Lt C.Groenewald, of the South African Defence Force.

TRAINING:

Subject went twice with Groenewald to the shooting range near Nqalo. This was around 1984.

MISSIONS ASSIGNED:

He was asked to check on students who were at rallies, boycotts and stay-aways. He was asked about where the residences of Mkhuseli Jack, Henry Fazzie, Mike Xhego and Boy Njomba were and claims he said he did not know.

MISSIONS FULFILLED INSIDE THE COUNTRY:

He goes on to say the only mission he carried out was of killing a person (unnamed) in Langa around April/May 1986. He claims he shot the guy with two shots and the third shot he directed to the sky to silence the dead man's girlfriend who was screaming.

Thereafter he took his girlfriend (deleted) of Mabombo street in Langa to Port Elizabeth. He was given R100.00 for the mission and R100.00 for submitting the gun.

INFILTRATING THE ANC OUTSIDE:

He was forced to find a contact which would assist him to leave the country by Gerber and Groenewald. Subject together with Vuyani Jibiliza; Boy Njomba and Mthunzi Thoba met Lundi Shayi of Adelaide. Lundi came after two weeks and informed them about Reverend Stofile. Groenewald had told subject to report once he found a contact so that he could give him something to take to the Movement.

MISSIONS TO BE CARRIED OUT IN THE ANC OUTSIDE:

On the 16th September 1986 subject was given a blue powder (poison) and told how to use it by one Richard who claimed he was an Instructor of Physical Training in one of our Camps around 1984 in Angola. He was told to promote tribalism and if possible mutiny.

He was told by Richard that our cadres eat frogs and lizards and was shown a video cassette of people eating those things and being portrayed as Umkhonto cadres. He was then given R500.00 by Groenewald and promised more money by the time he comes back. He claims he gave the money to his mother.
LEAVING THE COUNTRY:

The following day, the 17th, he went to Alice with Lundi using money given by Filton Kona. They met with Reverend Stofile who organised them passports. On the 7th November 1986 they left Alice and Reverend Stofile was arrested. They were given money by Mrs Stofile and went to Johannesburg to Winnie Mandela who organised passports for them. They were later briefed by Vuyisile Sefako.

On the 13th May they left for Botswana with Stelfox Godlo, Vela Qwamashe and Motlatsi. He claims he had thrown the poison in dirty water upon arrival in Chelston (Lusaka) he arrived in Angola in September 1987 and commenced with training the following month (October).

MISSIONS FULFILLED IN ANGOLA:

Three to four months thereafter he started his dirty work. He met a person by the name (deleted) who he claims behaved in the same manner as he was instructed by his handlers. One day he met another person during the digging of dugouts by the name (deleted) who had shown him a weapon belonging to one soldier (David) and he hid it in the dugout. Subject attempted to cache other weapons in this way.

CIES ADDITION/COMMENTS:29.11.91.

He did not mention that people like Reverend Stofile and other comrades were arrested because of his dirty job. Subject never mentioned that he was given several warnings in the camp (Caculama) to stop spreading his ideas of tribalism.

At some point after failing to steal the second weapon (both were SHE Petersons) he was a sentinel at one of the Posts (ant hill) where there was a machine gun. He had stolen a pair of pliers from the maintenance unit and he emptied the gun powder from the first five cartridges and the last five on the loading belt of the PKM company machine gun and later returned the belt back to the weapon. The next sentinel never noticed. The next morning the machine gun was taken on a convoy to Malange where it failed to fire during a UNITA ambush. One comrade died and the Camp Commissar was wounded. The subject was a suspect at this time since he was also on duty in the same post.

In a second incident some time later he forced an empty cartridge casing, with the end of the primer removed (to make sure no one discovers the casing inside) into the barrel of another PKM machine gun. This was discovered minutes before the convoy took off when all weapons were checked. All weapons were inspected and that casing was discovered.

The recording officers checked all areas of suspicion and possible suspects. This was narrowed down and the other incident of sabotage was also taken into account. The list of possible suspects was further narrowed down by looking at biographies of the suspects. It was found that the subject's biography had been considered doubtful in the first place although there had been no tangible evidence to interrogate him.

Security went to the dwelling where subject was staying, a pair of pliers was discovered and subject claimed he used it to fix his bed and he stole it from the maintenance unit.

Thirdly, in Luanda after the subject was removed from the camp for investigation, his unit was taken from the camp with the legend that they were going to get new deployments. They were given several weapons to clean in preparation for the convoy which was bound to the Northern Front. Subject told the investigators that he was cleaning a rifle. But to the surprise of investigators, they discovered that a striking pin missing from a PKM machine gun which he had assisted in disassembling. Subject was later taken away for thorough questioning and he confessed.

CASE STUDY : 7

False Flag Operations
AGENT:

MORWAMPAGA MOJAKI

BACKGROUND TO RECRUITMENT

In January 1984 the subject and his friend by the name of Alfred Makene were looking for a job at Checkers stores, where they were given forms to fill in.

Several days later he received a telephone call informing him that there was no work (at the store) but he should try a place in Prinsloo Street. When he got there he was given forms to fill in. A week later a policeman came to his place and took him to Silverton police station. Later he was taken to Compol.

There he was offered to work with the police, which according to him, he refused. Then he was asked to spy for the police in his township, Mamelodi. He agreed. He was tasked to report especially on the activities of Moses Chikane (Transvaal Secretary of the UDF), Mike Mailula, who worked at Khotso House; and Louis Khumalo of Mamelodi Parents Action Committee. He was also to report on the activities of organisations such as the Congress of South African Students (COSAS) United Democratic Front (UDF), and the Mamelodi Youth Organisation. He was told by his bosses that he would be given training.

HANDLER:

His handler was Johnson, of Compol Pretoria.

TRAINING:

He received his training at a farm house in the north of Pretoria. He spent three months at that farm house studying banned books about the African National Congress. He received training in developing legends and covert communication methods (coding and decoding). For the next six months he was taken to a place called Onverwacht near the Odi/Moretele district, between Ga-rankuwa and Mabopane townships on the way towards Klipgat and Jericho villages. He did physical training, and was instructed in surveillance, counter surveillance, engineering (usage of explosives), driving and car maintenance, interviewing, interrogation, and house breaking. In all he did a nine months training course.

MISSION FULFILLED INSIDE

SOUTH AFRICA:

In June 1985 he participated in the grenade attack on Louis Khumalo's home in D Section Mamelodi East, together with (deleted) who was driving the car, and some trainees from Hammanskraal Police College. They spread pamphlets bearing the name of the United Democratic Front in Khumalo's yard so as to create confusion in the ranks of the democratic movement. He received R100.00.

The second mission (also in June 1985) was the distribution of anti-United Democratic Front pamphlets bearing the name the Azanian People's Organisation's name in Atteridgeville. He was given R100.00. In around June 1985, subject took part in a night march by police in Duduza location, Nigel, pretending to be comrades in the township by singing revolutionary songs. The aim was to arrest the youth who were blamed for unrest in township. The mission was a failure.

Again in June he participated in a clash between members of the UDF and Azapo in Mohlakeng; the police were wearing Azapo T-shirts, and threw stones at UDF members. The subject was paid R100.00.

In July 1985 he took part in the booby-trapping of explosives that killed three comrades of the seven Duduza activists who were detained at John Vorster Square. Subject and another black policeman acted as African National Congress
guerrillas on a mission to sabotage an electrical substation on the outskirts of Kwathema township near Springs. He was paid R150.00. Also in July, he participated in the hand grenade attack at a house belonging to a member of the United Democratic Front, in Huhudi, Vryheid, together with three others from the local police station. They each got R110.00.

**TASKS IN LESOTHO:**

At the end of July 1985 he started preparing himself to go for studies in Lesotho at the National University of Lesotho. On the 10 August 1985, he travelled by train from Pretoria station via the Germiston-Bloemfontein line to Marseilles station on the Maseru border. There he met his handler Johnson and was briefed to monitor the activities of South African students on the campus, follow the movements of a student leader called Kutwanakutwana and other ANC-aligned students. Johnson gave him the telephone number 72369 and told him that when dialling he should start with the last number (9) and end with the first number (7). He was given the codename "Boaparo" to use when phoning.

He received a bursary from the World University Service instead of the United Nations. Subject joined student organisations such as Committee in Action Solidarity with Southern African Students (CASSAS) and the Union of Namibian and South African Students (UNISAS). When he went home on vacation he reported to Johnson on his contact with Ngoako Ramathodi and Mpumulwana Tolo, who were ANC-aligned students. Subject declared himself a refugee in Lesotho, and joined the ANC.

**MISSIONS TO PERFORM WITHIN UMKHONTO WE SIZWE**

1. To draw maps of camps.
2. To note the guarding system at camps. 3. Encourage subversion and dissatisfaction amongst soldiers.

In the event of being discovered he was told to run away to the South of Angola and hand himself over to the South African Defence Force in Namibia. He gave himself up to the African National Congress before fulfilling his task.

**CASE STUDY 8**

**NOMPUMELELO ZAKADE**

**RECRUITMENT:**

In her confession the subject had this to reveal:

She was recruited by Allan Ndlovu in Swaziland in 1985 and handed over to Captain Ronnie Nel. Nel has been described as Head of the Elimination Squad for Swaziland, based in Compol Building, Pretoria. There was no contact from the end of 1985 until March 1986. She was then approached by a Van Vuuren, whose actual name was Lange - this she discovered on signing for the money after the death of Viva Yethu, an MK cadre.

**MISSIONS FULFILLED AGAINST THE ANC ON BEHALF OF THE SECURITY BRANCH:**

She pointed out the house where Pantsu, a cadre of the Movement, was living; he was killed early in 1986.

She informed Allan Ndlovu that September was travelling between Mbabane and Manzini. This led to September's arrest, and eventual abduction to South Africa. She worked in an enemy cell which included (deleted) and (deleted.) The latter is a Mozambican renegade, who was suspected to be an MNR member in Swaziland. Subject confirmed he was an enemy agent.

This was the unit responsible for killing Viva, an ANC cadre.
The operation was carried out as follows: subject was to lure comrades to her place for a meal, they would be tailed from there and executed. However, the comrades came and left early that afternoon. It was then planned to try again on Saturday. Subject made contact with the comrades on Friday and telephoned Ronnie Nel about this in the morning. The comrades were kept under surveillance the whole day and in the late afternoon the subject phoned her handler, telling him that they would gather at (deleted)'s place that night. Subject arrived at (deleted)'s place last and found everyone there. They were preparing to leave for a party in Tembemile.

(Deleted) and the subject refused to go with the rest, and went to inform Nel who was parked in the yard of the flats. The enemy had three cars, a red Golf, a Mitsubishi and a white BMW. The Mitsubishi followed Viva's car from the flats and the two travelled in the BMW. They went directly to the party to enquire whether Viva and the others had arrived. They were in for about ten minutes, on their return the engine of the car was running and Nel was in radio contact with the other car. They travelled straight to the scene of the execution. (Note: Subject did not actually witness these executions as she remained in the car.)

(Deleted) and the subject then quickly checked Viva's car for anything important. (Deleted) took from the car a pistol, house keys, about R800 in cash and a notebook from Viva's clutch bag.

Back in the car, the subject was asked about which places the survivors may have gone to. She suggested Tod Masilela's place nearby. They were to kill the survivors if found. At Tod's place, Tod chased her away. (The survivors were in fact inside - note from NAT panel.)

The subject was later dropped at Mary Mkuhlase's house where she spent the weekend. (Deleted - the Mozambican) then took the enemy to the house where the comrades lived, which they searched and took weapons.

The killing of Paul Dikeledi and Cassius Make:

The subject was told by Paul, about two days before his death, that there was an important person arriving with whom she could discuss some of the financial problems she had raised with him. She later overheard (an office worker) receiving a telephone message from Maputo for Paul that this person was arriving on Thursday and that he should be met at the airport. She duly informed Ronnie Nel about this.

That Thursday Paul Dikeledi, Cassius Make and a Mozambican woman travelling with them were killed on their way back from the airport by white persons driving a white BMW.

The subject reported on the location of houses of our comrades in Maputo after her trip in September 1986.

REMUNERATION:

Sums paid to her ranged between R50 and R200.

For special operations she received more. For the killing of Viva she got R800. For passing on information which led to the ambush and killing of Paul Dikeledi and Cassius Make she got R500; originally she had wanted R1000.

CASE STUDY 9

MARVIN SEFAKO

(POSTAL) ADDRESS: Khabazela High School, Private Bag X1013, Hillcrest 3650.
ANOTHER ADDRESS: (deleted) P.O. Clernaville, 3601, NATAL
FATHER: (deleted), worked at AECI Limited in Natal.
MOTHER: (deleted), domestic worker

RECRUITMENT BY
SECURITY BRANCH:

Recruited in March 1985 (elsewhere he says September 1983) by Sergeant Shekheshe Ntombela, a Security Branch policeman at C.R. Swartz Square, Smith Street, Durban. Shekheshe lives at Ntuzuma Township at E Section. Actual place where recruited was in one of Shekheshe's flats which he rented to (name deleted) at Indunduma Section, 28th Avenue, on the third floor, Clermont.

HANDLER:

Brigadier Pieter Swanepoel, C.R. Swart Square; Sergeant Shekheshe Ntombela, C.R. Swart Square, Durban.

SUBJECT'S POLICE CODE NUMBER: 0/656

INCENTIVES:

Was promised a house, a car, a lot of money plus security for himself.

TRAINING:

Underwent training from March 1985 to 06/09/1985. Training included food poisoning, firearms, etc. Trained together with (two names deleted).

Instructors were Brigadier Swanepoel from C.R. Swart as well as a Mrs Smith and Shekheshe. Used open ground near Westville Womens Association near Lamontville for firearms practise and a house in Morningside for classes.

MISSIONS CARRIED OUT INSIDE THE COUNTRY

Contacts given outside:

(Four names with work addresses supplied in Bulawayo, Angola, and Zambia, one allegedly within the UNHCR.)

MISSIONS FULFILLED (AS THEY APPEAR IN HIS HANDWRITTEN STATEMENT SIGNED AND DATED 15/01/1990) ON BEHALF OF THE SECURITY BRANCH POLICE:

*** Killed Eugene Nunu Kheswa a close friend of his (subject) after making sure he was drunk. "I was given money to make him drunk and later I was joined by (3 names deleted). I stabbed him on the neck and they finished him off and I go to report to his family ... nobody was arrested.. the date was 30/06/1985".

*** "In the following week we killed Thandi Poswa who was always in touch with Reverend Xundu church ... we shot her thrice on the chest when she was crossing the 24th Avenue..."

*** "Unfortunately we were spotted by Nelisiwe Octavia Lamola, a student at Ziphathele High School. We were given a mission to silence her because she reported the matter to KwaDakeka Police Station. We used our initiative there by crushing her with a car." This took place on 12/07/1985.

*** On Mrs Victoria Mxenge "...(deleted) shot her five times on the chest but she never fell, where I followed her with an axe and chopped her next to her dining room door."

*** On Mbongeni Ngema, a unionist from Umlazi: "...we parked our car next to his house in pretext that our car gives us the trouble, at dawn when he was supposed to go (to work) in his office, when he tried to assist us on our car, we shot
him and ran away.

*** "I also found myself shooting the people who were coming for a memorial service at Umlazi Cinema where 19 people died and over 20 got injured. I was exposed there by a stupid play between myself and Mike Evans, a riot squad man. The people saw me and said that they are going to kill me".

For the missions which Bongani Raymond Malinga fulfilled he was given R27,500 plus R250 a week for transport. For the massacre of 19 people Bongani got R18,000. Bongani left R36,000 in Allied Building Society, Smith Street, Durban; left R4,000 at Barclaysbank Cromptece Street, Pinetown; left R1,800 at Nedbank, West Street. "I left these blood monies under Shekheshe's protection, we also gave back our weapons to him".

MISSIONS CARRIED OUT AS OUTLINED IN CASE NUMBER 7/1990 OF THE PEOPLE'S TRIBUNAL IN THE MATTER: THE PEOPLE VERSUS BONGANI RAYMOND MALINGA: 07/05/1990:

COUNT I

*** In contravention of the common law principle that every person has a right to life, and further, in contravention of Section 2(A) (I) (II) (III) (IV) and (V) the accused intentionally and unlawfully murdered comrade Victoria Mxenge, and was paid by the racist regime R5000 for this criminal act.

*** Intentionally and unlawfully murdered one Thandi Poswa (Phoswa) and was paid by the racist regime an amount of R2800.

*** Intentionally and unlawfully murdered, one Nelisiwe Octavia Lamola because she had seen them murder the said Thandi Poswa, for which criminal activity the accused was paid R2000 by the racist regime.

*** Intentionally and unlawfully murdered one Eugene Nunu Kheswa on 01/06/1984 for which the regime paid the accused the sum of R3500.

*** Intentionally and unlawfully murdered Bongani Mngema for which crime the racist regime paid the accused the sum of R2500

*** Intentionally and unlawfully participated in a massacre at Umlazi Cinema where 19 people were murdered and 34 seriously suffered badly harm.

COUNT II

*** In contravention of Section (A) (I) (II) (III) (IV) and (V) read with Section (B) (I) and (III), the accused infiltrated the ANC with the intention and acting on behalf of and/or in collaboration with the enemy; or, -- causing confusion in the ranks of the ANC; in particular in the ranks of MK and/or -- encouraging the ANC students at SOMAFCO to defect from the ANC and run to Western countries.

COUNT III

*** In contravention of Section 2 (A) (I) (II) (III) (IV) and (V) read with Section (B) (I) and (V) the accused acting on behalf of and/or in collaboration with the racist regime, infiltrated the ANC with the intention to murder comrade Chris Hani (the Chief of Staff of MK) and/or comrade Joe Modise (the Commander of MK).

SOURCE:


FILE/DOC.NUMBER: 00131
OUTCOME OF THIS CASE:

Sefako was first imprisoned in 1988; recommendation to imprison subject confirmed by the National People's Tribunal; he was released in 1991.

CASE STUDY 10

Phillip Masiza CONJWAYO

DOB: 01/08/1933, Gweru, Zimbabwe.
RESIDENTIAL ADDRESS: 75 Malvern Road, Waterfalls, Harare, Zimbabwe.
NATIONALITY: Zimbabwean.

(Remark: this is a summarised version; our interest was only in the other people Phillip Conjwayo implicates. Therefore other activities of subject, or tasks he carried out have been omitted.)

Date of report: 07/04/1988

JOINING THE POLICE FORCE:

* On 20/12/1952, joined the then BSAP

* On 20/12/1960 transferred uniformed branch to Criminal Investigations Department (CID).

* In April 1962 was attached to the Special Branch/Security Branch until he retired on pension in November 1980.

RECRUITMENT (AS A SPY FOR SOUTH AFRICA) AND HANDLING:

In October 1985 whilst working at Peter Wild Associates, Masasa, Harare, Conjwayo was approached by one Mary Baker, a South African Intelligence operative. Enquiries revealed that Mary Baker is possibly also known as Merry Patrice Mackenzie. She is formerly known as Mrs Richardson.

Conjwayo was shown a photograph of Winston Hart and Peter Berg. He was asked if he still remembered Hart whom he had worked with before, when he was a serving member of the Special Branch. After a positive response, he was told that Hart wanted him to do a job on his behalf. Conjwayo enquired on the nature of the job and he was told that it involved the monitoring of the ANC(SA) President, O.R. Tambo and Chris Hani whenever they visited Zimbabwe. Conjwayo refused to co-operate initially.

During the September 1986 visit by Mary Baker, Conjwayo finally agreed to Hart's previous propositions thereby agreeing to work for the South African intelligence against the ANC in Zimbabwe. Baker immediately went to South Africa where she informed Hart about Conjwayo's submissions. Nothing was heard from either Baker or Hart until April 1987.

HANDLING AND ACTIVITIES OF CONJWAYO:

* In April 1987, Baker came to Zimbabwe in the company of a white man known as Frank Cloute (Cloete?). Cloute was introduced to Conjwayo as Hart's business partner who was on a business trip. Baker informed Conjwayo that Hart wanted him to travel to South Africa for a meeting. Before Baker left, she gave Conjwayo a South African contact number: 79524444 Randburg.

* In June 1987, Conjwayo visited South Africa to fulfil his promises. At Hilbrow Railway Station, he contacted Baker on the above telephone number. Baker arrived and soon afterwards Hart also arrived. A short while later, another white man only identified as Brian arrived, and he appeared to be senior to Hart. Conjwayo's tasks were repeated to him. His
monthly salary was outlined as $450 plus $100 vehicle allowance; plus vehicle to be maintained by Hart and tyres supplied whenever Conjwayo visited South Africa. Was to be paid through Baker in Zimbabwe.

Sometime in September 1987, Conjwayo was phoned by Mary Baker from South Africa and he was instructed to go and wait for a call from John of the Innez Terrence public call box. John has since been identified as Christopher John Bawden, aka Kit. Kit instructed Conjwayo to proceed to number 8 Durban Road and check whether Jeremy Brickhill was staying there. If he failed to locate him at the above address, he was to proceed to Grassroots Bookshop in Stanley Avenue, which Brickhill owned.

Conjwayo after locating the home and work place of Jeremy Brickhill reported all that to Christopher John Bawden who was booked at the Holiday Inn in Harare. A few days before 1987 Christmas holidays, Conjwayo was contacted by Mary Baker to expect a call from John. This John has since been identified as Michael Anthony Smith. The message was that he should look for Jabulani (ANC cadre) and lure him to an RV along Beatrice Road, from where he would be abducted to South Africa. Conjwayo tried but failed to lure Jabulani to the RV because he was elusive. The South Africans had hoped to airlift Jabulani to South Africa using the aircraft that para-dropped Henry Thompson alongside three consignments of arms of war at Carlson's farm, Fort Rixon on 27 December, 1987.

In January 1988 Conjwayo was given $8000 by Henry Thompson to purchase a vehicle and to look for a driver. After buying a vehicle Conjwayo proceeded to the Employment Exchange where he secured the services of Obed Amon Mwanza, a Zambian national as the driver.

On the 10/01/1988 Conjwayo parked the vehicle at the Bulawayo Sun Hotel from where it was collected by Christopher John Bawden (Kit) and Michael Anthony Smith who armed it on the 11/01/1988.

After arming the vehicle they parked it at Kine theatres along Grey Street from where it was later collected by Mwanza under Conjwayo's instructions. Mwanza was told to drive the vehicle to Number 16A Jungle Road, North Trenance on a purported foreign currency deal.

Upon arrival at the house, Mwanza was to hoot three times to signal his arrival. Mwanza did not know that the car was armed with a bomb. He also did not know that Chris Bawden and Anthony Smith were following behind up to the corner of Jungle Road and Hydrang Road. Upon arrival he did as instructed and then Christopher Bawden, using a remote control device, detonated the bomb instantly killing Mwanza and injuring six ANC cadres, one of them seriously.

Conjwayo was eventually arrested at Number 29 Makwiro Road, Mabvuku, on 15/01/1988 and was immediately conveyed to Bulawayo. Kevin John Woods was arrested alongside the owner of the garage, Rory Burt Maguire and his manager, Michael Howard. Through their interrogations, Michael Smith, Barry Bawden and Guy Bawden were arrested. Kevin John Woods is a former member of the CIO and one of the arrested Zimbabwe based South African sabotage and spying operatives.

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CASE STUDY 11

LUKE LUKWEZI

D O B: 23-09-1968
ADDRESS OF ORIGIN: 7698 Site & Service, KwaZakhele, Port Elizabeth
FAMILY BACKGROUND: Father; Huge Mhlathunzima . Mother; Gladys Mhlathunzima. Siblings;(deleted)
POLITICAL BACKGROUND: In 1985 he joined the Port-Elizabeth Youth Congress.

DETENTION BY POLICE:
The subject was arrested in December 1985 (he was 16 years of age) whilst moving with two of his friends who managed to escape. He was beaten up and thrown into the hippo by the South African Defence Force soldiers, who dropped him at Algoa Park police station. That ultimately laid basis for his recruitment.

**RECRUITMENT AND HANDLING:**

He was recruited on 18-12-1985 by a white police man, whose name is Sergeant Gerbe, and a black police man known as Nombombo, they are both based at Algoa Park in Port-Elizabeth. He was given a code name James, a telephone number: 541034 Algoa Park, and a brown identity card written Gerbe's name, and beneath of the subject and photo.

**PROMISES MADE:**

1. Education up to University level in the United States of America.
2. Gerbe promised to enlarge his home & decorate it, and also pay rent. 3. In case of going abroad for studies his family will be supported.

**TRAINING RECEIVED:**

In March 1986 he was taken for 2 weeks course at Saint Johns More military camp. At this place also Bantustans armies & police got trained by the boer instructors. The place is situated next to the place called Motherwell out side Port-Elizabeth, on the way leading to Uitenhage.

**SUBJECTS AND INSTRUCTORS:**

Pistol cobra/M3 use 8 rounds - by Nombombo, practical shooting in the near by bush.

- Walkie takie by Gerbe, for emergency situations.

- Camera, Hallena1985 model, 4 cornered flash which is removable, taught to take photo's of all actions. Also on how to use it at far away distances and when it is cloudy, by Nombombo.

3 weeks of anti- African National Congress and anti-communist propaganda politics for 3 weeks. Covering topics such as anti-Sovietism, distorted Freedom Charter, invincibility of the racist regime, causes of the Maseru massacre, and the Ethiopian starvation. He was taught by Van der Merwe, Botha and Van Vuuren who were sharing topics. He was learning with 20 other people (he doesn't know their names.)

**MISSIONS INSIDE:**

In February 1986 he was given a mission to attend the funeral of a cadre of Umkhonto weSizwe by the name of Thandoxolo Mbethe, to:

- Look at people who are armed;
- Check on who will be delivering speeches;
- Look at those who necklace others;
- Spy on all secret meetings of Port-Elizabeth Youth Congress

In April 1986 the subject was moving with the racist police and vigilantes. He shot a girl in the chest while the Bedford car they were travelling in was moving at a very high speed.

Managed to photograph a group of comrades burning a bus. A group of comrades holding meeting at a shop known as Kwa-Vantjie.

On leaving the country the subject was given the description of his contact as Vusi who wears a red earing on the left
ear and black soleless shoes Given R450.00 to use for travelling.

MISSIONS OUTSIDE:

To poison food;
Sabotage property of the organisation;
To get names, description, and places of origin in South Africa of camp commanders and instructors;
To memorise residences of the organisation in the front line states.

Material given for fulfilling them:
A yellow powder, in a container.

Route to leave South Africa:
He was told that Vusi had addresses of contacts in all the front line states including Zaire.

In May 1986 he mobilised a friend by the name of Mzimkhulu to leave the country. they got a lift from Port-Elizabeth to Johannesburg, and found their way to Meadowlands to a person called Tirewo of Zone 9. Tirewo took them to his relative Kenneth Ngwedzeni of Zone 8 where they stayed for two months.

From there they left for Botswana, On arrival in Botswana they were taken to Dukwe transit camp were he met Vusi talked about their missions Vusi went to an extend of showing him the list of addresses he had with him. They last saw each other in Zambia.

MISSIONS FULFILLED:

Whilst in Zambia Mthobile claims to have poured the poison given to him into the soft porridge when he was on duty on September 16 1986 in Cherlston transit camp in Lusaka. He says he only poured in half of it. Because he was afraid, he claims to have taken some of the poison in a glass of water and drank it, trying to commit suicide, the reason being he was afraid to account for the mess. About 40 people were rushed to the Hospital with severe diarrhoea. Other comrades were discharged from hospital, leaving him behind at the hospital.


CASE STUDY 12

NAME: LESLIE JOHANNES LESIA

INTRODUCTION:

Subject had been in contact with the Movement since 1986. On 15th May 1987 subject was sent by the Maputo cdes to be investigated in Lusaka because he was linked to a bomb explosion which took place in Harare on 12/05/87 in comrade Mhlophe's residence resulting in the death of his wife. (Cde Mhlophe is a former ANC Chief Representative in Mozambique).

In Lusaka subject confessed the following:-

CONTACT WITH ANC:

In around August or Septmebr 1986, a comrade named Victor Ephraim Tebogo Lesia passed away in Tanzania as a result of a car accident. The late comrade's family was informed and the mother came to Maputo accompanied by the subject, who claimed he was Victor's uncle, and proceeded to Tanzania. It was during this period that subject got acquainted with our comrades in Maputo and struck up a close relationship with Cde Mhlophe (former Chief
Subject had also been visiting Lesotho where he knew cdes Ngalitye and Herbert. On the family’s return to South Africa they were contacted by the Security Branch enquiring on their trip to Tanzania.

CIRCUMSTANCES LEADING TO RECRUITMENT:

In 1985 subject claims to have formed a project which he called Leslie's Performing Arts and Cultural Institution. He applied to various foreign companies for sponsorship. The American Embassy in Pretoria responded and sent him forms to fill in.

In October 1986 (after the trip to Tanzania) the application was approved and he received a grant of R15 000 to purchase equipments. A Mr Hutchison from the American embassy met the subject to start the project. A short while later, a Mr Brown and Ernest Becker were introduced to him at the American embassy in Pretoria. He was told about a white organisation called the Orange Free State Art Foundation and was advised to make contact with its members and subsequently join.

At some point Mr Hutchison flew to Bloemfontein to meet subject and introduced to him a Mr Cooper, a lawyer to handle the financial side of the project.

RECRUITMENT:

Subject was recruited by Mr Brown and Becker to gather information on the ANC in Maputo.

MISSIONS ASSIGNED AND FULFILLED:

During the period of October 1986 to May 1987 subject made about five (5) trips to Maputo from Bloemfontein as per instructions from his handlers, Brown and Becker in Pretoria. In general his missions were to establish:

+ the number of ANC members in Maputo
+ identities of ANC members
+ whether ANC members expelled by the Mozambican government had left.
+ whether cdes Joe Slovo and Sue Rabkin were in Mozambique.

PAYMENTS: Subject claims that for his first mission he received a sum of R2 000; for the second mission he received R1 000; he was not paid for the third trip, because he did not report to his handlers about secretly taking his son, David Makhaya Lesia, to join the ANC in Maputo. For the fourth mission he was paid R800, and for the fifth, R2 000

LEGEND (TO THE ANC):

++ He wanted to do underground work and he claimed to have already formed underground structures. He needed trained cadres and materials to carry plans to eliminate enemy personnel.
++ Another one given by his handlers was to establish business contacts in Maputo for purchasing prawns and ivory.

Subject's account of the bomb which killed the wife of Cde. Mhlope:
Cde Mhlophe had asked the subject to obtain a colour television for him. The subject mentioned this to his controllers and asked them whether they could get one at a discount. The handlers agreed. During April cde Mhlophe was in Maputo for cde Gibson's funeral. Mhlophe phoned the subject who informed him that he got the television and would bring it to Maputo.

Subject then contacted his handlers in Pretoria who gave him the television. They told him that there were certain wires which were part of the packing material, and had to be removed to operate the remote controls. The subject went to Maputo and delivered the television to cde Mhlophe.
APPENDIX EIGHT

Behind South Africa's Low Intensity War

Despite all the peace initiatives of the churches and human rights organisations, despite all the peace accord, despite all the exposures and revelations about the involvement of the security forces in the conflict, the violence continues. Why?

JEFF MARISHANE has been studying this kind of violence in South Africa and in other parts of the world. The killings are not as senseless as they appear to be. Viewed against the background of what the military strategists around the world call LIC (Low Intensity Conflict), South Africa's violence makes complete sense—rather frightening sense.

We publish a brief summary of Jeff's research.

The violence in South Africa today is a classic example of what the military strategists call Low Intensity Warfare (LIW). This counter-insurgency strategy has a long history in South Africa and other parts of the world. Some acquaintance with this history will help us to understand the reasoning behind the violence.

AFTER VIETNAM

Their humiliating defeat in Vietnam finally convinced the United State military strategies and politicians that guerilla wars, insurrections and revolutions cannot be defeated by conventional armies using conventional military strategies. The mightiest army in the world with well trained personnel, sophisticated weapons, endless bombardment, wholesale massacres, torture and even the notorious napalm bomb could not defeat the Vietnamese insurgents.

Will and determination were on the side of the Vietnamese who kept coming back despite the merciless war of attrition conducted against them. Not only did the US Army lose the minds and hearts of the Vietnamese, they almost lost the minds and hearts of their own citizens.

It was obvious that from the perspective of US military interests that new and imaginative strategies of counter-insurgency would have to be found. Low Intensity Conflict was born out of this search for alternatives, although many of the elements of the new military strategy had been formulated earlier.

THE AIM OF LOW INTENSITY CONFLICT IS NOT A MILITARY VICTORY BY DESTABILISATION.

HEART AND MINDS

In 1952, when General Sir Gerald Templar, the British Military High Commissioner in Malaya, was asked whether he had enough troops to defeat the insurgents in this British colony, he replied: "The answer lies not in pouring more soldiers into the jungle, but in the hearts and minds of the Malayan People".

In the USA, even before the Vietnam war, the CIA (Central Intelligence Agency) had begun to develop this "hearts and minds" strategy in their covert operations.

Edward G. Lonsdale, a former advertising executive, was sent to the Philippines as a CIA operative in the fifties to destroy the Huk rebellion by winning the hearts and minds of the people.

He did this by planting informers, recruiting defectors, spreading disinformation and by numerous other "dirty tricks". But most of all he constructed a political alternative in the person of Ramon Magsaysay, a friendly, popular man performs, for peace and for elections. Like F.W. de Klerk?
In the fifties in the Philippines this formula worked. After the Vietnam fiasco this was the formula for counter-insurgency around the world - it was even used a second time in the Philippines when Marcos, the new dictator, lost the minds and hearts of the people.

This approach came to be known as Low Intensity Conflict. It was further developed over the years and its tactics became more and more sinister and violent.

TOTAL WAR

In the days of P.W. Botha we heard a lot about the total onslaught that required a total strategy on the part of the State. The idea and the words came from General Andre Beaufre's book, "An Introduction to Strategy" (Faber 1963) which was based upon his experience of counter-insurgency as a French general in Algeria.

Basically total strategy or total was means "anything goes" - any kind of dirty trick or deception or even terrorism. The argument is that we can only defeat "the enemy" by adopting the methods and strategies they use. Their total onslaught requires a total response. If they lie, we lie; if they kill, we kill; if they plant bombs, we plant bombs; if they destabilise communities we do the same.

The perception of what any particular liberation movement is trying to do may be wrong, but LIC is thought of as giving terrorists a dose of their own medicine with disinformation, sabotage, death squads, hitmen, assassinations, planting bombs in buildings, killing civilians and generally destabilising communities.

The US Army has defined LIC as "a limited political military struggle (which) ranges form diplomatic, economic and psychological pressure through terrorism and insurgency". A former commander of US Special Operations in El Salvador describes LIC as "total war at the grassroots level"

High Intensity Warfare means a nuclear war. Mid-intensity Warfare means a war with conventional weapons like the war against Iraq. Low Intensity Warfare uses unconventional methods against any kind of "communist" or "terrorist" threat.

DESTABILISATION

LIC is anti-communist. It is a way of destabilising revolutionary movement which are thought to be communist and a way of destabilising governments that have been taken over by communists. In the late started low intensity wars against the new Marxist governments in Angola, Mozambique, Nicaragua and Afghanistan. They trained, armed and supported right-wing guerrilla groups in each country to do the work of destabilisation: Unita in Angola, Renamo or MNR in Mozambique, the Contras in Nicaragua and the Mudjahed in Afghanistan.

Two very important lessons were learnt from this exercise in Low Intensity Warfare. The first was that the aim of LIC should not be a military victory but destabilisation. Once the country had been thoroughly destabilised and the economy in ruins, the long suffering and war-weary people would quite happy to vote for a pro-Western government in a general election. This happened a short while ago in Nicaragua.

Counter-revolutionary terrorism is far more effective than any amount of propaganda as a way of getting people to vote for peace, reform and moderation.

The second lesson the strategists learnt was that you must use puppets or surrogate armies. You must not introduce a foreign army of occupation. You must not introduce a foreign army of occupation. You must get the people of the same nation to fight the government you want to destabilise. Angolans must fight Mozambicans.

The lessons of the Vietnam war are now clear: don't try to win the war, just your own troops, get the "native" to fight one another.

DIVINE AND RULE
Finally, LIC terrorism had now become the most effective way of keeping a pro-Western government in power. In countries like Guatemala, El Salvador, the Philippines and South Africa, LIC is a kind of divide and rule strategy that prevents and effective revolution form the left. Every possible means is used to get the poor to begin fighting one another. This demotivated and confused to organise a liberation struggle against the government. It then becomes possible for the government to pose as the neutral peacemaker.

A variety of means are now being used to instigate internal conflict: vigilantes, gangsters, death squads, agents provocateurs, recruiting mercenaries form the unemployed, exploiting political rivalries and tribal loyalties.

Today the most sophisticated use of LIC to destabilise the left and the communities that might support them is being planned and executed in South Africa.

**LIC IN SOUTH AFRICA**

South Africa's military strategists are very well versed in the theory and techniques of LIC. Many of our generals, including Magnus Malan, studied counter-insurgency in the military academies of the USA. Their links with other military strategists from Chile to Israel are well known.

The generals and the politicians have not only made use of the theory of total strategy and dirty tricks and winning hearts and minds, but they have also gained much experience in the use of death squads, as we learnt from the Harms Commission and numerous other revelations, and in the "art" of destabilising other countries by means of hit squads or surrogate forces like Renamo, Unita and the Lesotho Liberation Army.

By 1989 it had become abundantly clear that these strategies were not working. More subtle forms of counter-insurgency would have to be worked out.

At the beginning of 1990, the new plan began to emerge: abandon the policy of apartheid, unban the opposition, present the National Party as a moderate, reformist party working for peace, improve the image of white South Africa and stop sanctions. But what if the black majority took advantage of the new freedom to rise up and take power? Whether that is likely to happen or not, it represents what whites fear most.

Addressing these fears on March 8, 1992, during the white referendum debate on TV, Hernus Kriel, the Minister of Law and Order, pointed out that since February 2, 1990 the violence has changed from "black on white" to "black on black". Does that mean that there was deliberate strategy not only to stop the ANC's armed struggle, but also to destabilise the black community by instigating internal conflict?

**BEHIND THE VIOLENCE**

The pattern of violence since the beginning of the 90's is clear. In ICT's booklet on violence, "The New Kairos" published in September 1990, a clear distinction is made between "the causes of the violence and the conditions that make violence possible."

The conditions that are being exploited include political rivalry, tribalism, hostel dwellers and residents, squatters and residents and competing taxi associations. But the instigators of the violence are a "third force" that most commentators and analysts now trace back to the Special Forces of the SADF. Nobody else could orchestrate conflict throughout the country on such a massive scale without being discovered. The operation is now so extensive and so complicated, employing thousands of highly skilled people, planning hundreds of attacks and conspiracies, using vast amounts that it is not longer possible to monitor the operation, left alone stop it.

What still puzzles many commentators, however, is the motive. Are they trying to wreck the negotiations process? Acquaintance with the long history of low intensity conflict as strategy shows that the violence is meant to complement the government's negotiation policy by demotivating demoralising, destabilising and confusing the war-weary people of the township who are then supposed to opt for peace at all costs as they did in Nicaragua, Angola and Mozambique. It
has all been very carefully thought out to confuse and frighten everyone.

On February 2, 1990, the security establishment did not abandon the low intensity war that they had been waging against the people for years. They simply adapted it. Sergeant Felix Ndimene claims that his SADF superiors described the new mission of the Special Forces as "a different kind of war". The same people are now busy with a more extensive, more invisible and more destructive war against the people

Published in: Challenge April 1992

APPENDIX NINE

FOR THE SAKE OF OUR LIVES!

Guidelines for the creation of peoples self-defence units

1. Introduction

1.1 In the wake of the ugly violence unless against our people by security forces, vigilante groups and hit-squads it is imperative that our liberation movement takes responsibility for guiding and building people's self-defence units.

In the past our attempts to defend ourselves have been spontaneous and sometimes poorly planned, and lacking in discipline.

What we need is an organised and disciplined force, guided by political leadership, which will serve both to protect the community and ensure law and order.

1.2 This task is urgent and should be given top priority by the ANC and our allies.

The minister onslaught on our movement and on the people is an attempt by the regime to divide our people, weaken our movement and sow suspicion and confusion. Failure to find ways of protecting our people will inevitably lead to a loss of confidence in the ANC and liberation movement. There is also the danger of widespread demoralisation among the masses if no solution is found.

One of the aims of the reactionary forces is precisely to intimidate the masses and eliminate leading activist.

1.3 A political solution to this problem must be sought.

Initiative such as the talks with Inkatha are extremely important. Campaigns at local and trade union levels to improve understanding between township communities and hostel dwellers are imperative.

Political pressure on the regime, side by side with well-documented exposure of the role of the security forces,
and mass protests throughout the country, are means through which we can force the government to curb the killers.

But side-by-side with these political endeavour, we must build organisational structures that can protect the lives and homes of the people.

The building of strong ANC and SACP branches, trade unions, civic associations, youth and women's organisations and street committees are the foundation of our people's unity and power.

No matter how strongly we develop these democratic structures, however, in the current climate of violent assault we need to establish specialised, broadly-based people's self-defence structures.

These should embrace all our people's political, social and cultural organisations irrespective of ideological differences and political affiliation.

In other words defence units should not be affiliated to any political party or movement by the a protective force which serves the community as a whole.

1.4 We need a two-pronged strategy:

- a political offensive for peace an unity among the people based on strong political organisations; and
- self-defence structures to protect our people.

1.5 Self-defence structures need, by definition, to be para-military. They differ from all the other forms of organisations referred to, including street committees.

They must be tightly structured to repulse aggression an ensure law and order, they need a specific command and control system; their members must be trained and have a high degree of discipline.

1.6 At present, in the light of the Groote Schuur and Pretoria Minutes, Umkhonto we Sizwe (MK) alone cannot undertake the task of our people's defence, although this is a right we need to forcefully demand and struggle for.

The August 6 cease-fire does not neutralise MK.

It has an important role to play. MK cadres, particularly ex-prisoners and those due to return from exile, must play a leading and active role in the establishment of the defence.

1.7 As we proceed to establish defence units so we must raise the demand for the right of self-protection.

Government Ministers, including De Klerk an Vlok allow the Inkatha bands to carry so-called "cultural" weapons.

What is more they allow the AWB to organise military training camps and concede to them the right of "self protection" as long as in Vlok's words their commandos "do not attack anyone".

Our people, who are overwhelmingly the victims of aggression, must demand the right of self-protection too! It is a demand the regime will find extremely difficult to deny and by pressing energetically ahead with a programme of establishing defence units we will make it impossible for the authorises to prevent their growth.

1.8 Our people have the moral right to state: "We do not intend to attack anybody by we demand the right to protect our lives, our lives, our families, our homes and communities! We are forced to create defence units for the sake of our lives".

Clearly we cannot rely on the apartheid police and army for protection.

When they are not attacking the people they are encouraging, siding with and arming the ultra-right forces, warlords and vigilantes.
The impression is also very strong that the sinister hit-squads are recruited from their ranks.

If we are to protect our lives then we must rely on our own strength, organisations and resources.

1.9 Our strength is in our numbers but it must be organised strength.

A group of 200 armed thugs cannot possibly overcome a township of 20 000 if the people are prepared united and determined.

1.10 In the past there were some examples of township or shanty-town inhabitants setting up loosely formed defence units.

These often degenerated into sectarian or personal power-bases and sometimes were used as a cover for criminal activities.

To guard against this defence units must have firm political direction and be rooted amongst the communities they serve.

1.11 Considerable experience has acquired from township an rural resistance. This must be utilised to develop the best way of organising defence structures.

We need to collect such contributions, organise group discussions, and work-shops etc. to learn and generalise from the practical experience.

This booklet is a contribution to ongoing discussions.

Theory must grow out of practise and in turn guide practise.

1.12 In forming defence structures there are various elements and tasks we will have to tackle

- Among these are:
  - Organisations
  - Structure
  - Street defence system
  - Recruitment
  - Training
  - Weapons
  - Communications
  - Intelligence
  - Observation
  - Barricades & fortifications
  - Auxiliaries (support group)
  - Work with hostile forces
  - Tactics an the operational plan

2. Organisations

2.1 The creation of a defence system for a township, shanty town, rural district or other such area should first be discussed with local organisations.

Involved in these consultations should be ANC and SACP branches, civic associations, local trade union structures, women and youth groups, an other formations irrespective of ideological or political affiliation.
As broad a spectrum of groupings as possible should be involved.

There should be no intention of setting the defence units up as "armies" of any political groupings or individuals.

This is undesirable and potentially dangerous - it is prescription for "Libanonising" a conflict.

The defence units are created for the purpose of protecting the community. But this does not mean that the ANC and its allies should not initiate and guide the process.

2.2 Having agreed on a common approach the local organisations should next approach the community at large in order to explain the need for a local defence system and ensure their understanding and acceptance.

Time and attention must be given to this important process.

It is pointless to proceed unless the people are fully behind the idea.

2.3 Once agreement has been reached by the community, local organisations should appoint or elect a defence committee. It is probably preferable that the committee should be appointed because popular individuals do not necessarily make the best commanders but such appointments should arise out of careful consultation. The committee should be composed of reliable and decisive people who have the ability to organise and command without being dictatorial. Comrades with military skills, such as MK cadres or reliable ex-policemen, could be likely candidates for key positions.

2.4 The committee and the entire self-defence structure serves the community and the people's organisations and is subservient to them.

This principle must be made perfectly clear to all members of the self-defence structures and to the people.

2.5 Whether the committee is appointed or elected, the popular organisations should have the right to replace anyone on the committee who proves to be unsatisfactory or even to replace the entire committee if need be.

2.6 But when the community is under attack or in danger, all must obey the defence committee's orders.

This is not the time to attempt to replace members of the committee: that must be done before the danger arises, or after it is over.

3. Structure

3. Township Defence Force (TDF)

To begin with we should concentrate on creating defence structures at the township level. This will give us a chance to test and experiment with the appropriate structures.

This booklet will concentrate on a model for a Township Defence Force (TDF).

(We will need to elaborate models for both urban and rural localities, for squatter camps and possibly for industrial zones. There is the need for defence structures on mine compounds. NUM have established these at some mine hostels and important lessons have been learnt. There is also the need to elaborate some form of protection on the trains, at taxi ranks and in city centres where a system of patrolling is required).

For the purpose of this booklet we will elaborate a structure for an urban township taking a population size of 20 000 inhabitants as our demonstration model.
3.2 Township defence committee (TDC)

The TDC must be headed by a commander who works with a deputy (second in commander or 2iC) and about eight others.

These head the various defence formations and structures.

On the committee will be the company commanders plus those responsible for the various specialist responsibilities: chiefs of communications; intelligence; political instructions; ordinance/Logistics (for organisations of weapons and materials).

Other portfolio could be medical and Engineering (construction of barricades/defence works).

The TDC must have a permanent headquarters (HQ) - with alternative workplace for reason of security.

Security must be promised to ensure the safety of the TDC and its HQ.

For this purpose a security section under the TDC's deputy commander should be created.

The TDC must be linked to all subordinate structures by an efficient and reliable means of communications.

3.3 Company formations

Immediately under the defence committee are the company formations.

These should be organise along para-military lines and are probably the most manageable units for the defence of a township of about 20 000 inhabitants.

Because of the defensive aspect of the tasks and para-military nature of the structures the company and subordinate formations will be larger than found in a regular army.

Each company could consist of about 500 volunteers.

Four companies totalling 2 000 volunteers would make up the full complete of the TDF.

Each company would be under the charge of a company commander and deputy company commander.

(It will take time for the companies to reach full strength. The numbers is involved will depend on the success of the recruitment drive. It might be necessary to first build one company and then proceed to develop additional ones.

Alternatively companies could be started simultaneously and gradually built to full strength.

The strength of platoons and sections, referred to below, will therefore depend on the success of recruitment.

If there are not enough recruits then the figures suggested could be halved without interfering with the structural arrangement).

3.4 Platoons

A platoon would consist of 100 volunteers, under a platoon commander and deputy.

Five platoons make up a company.
3.5 Sections

A section would consist of 20 volunteers, under a section leader and deputy. Five sections make up a platoon. The section is the basic unit of the defence force.

4. Street defence systems

4.1 There are a variety of ways in which the township could be defended.

   The most rational system would be to give each unit a specific area of responsibility which it would protect with the co-operation of the residents of that area. Such a system could be referred to as a "street defence system".

   Units could move out of their allotted defence sectors and take up different positions if need be. This would depend on tactical considerations.

   At present we will simply outline the basic defence sectors of the units.

4.2 Each section is responsible for the defence of a single street from one intersection to the next.

4.3 Five sections (one platoon) defend a block of five streets.

4.4 Five platoons (one company) defend a block of 25 streets.

4.5 Four companies should cover the entire township. If this is too small, additional companies can be established.

4.6 During the period before full strength has been achieved on section could be responsible for defending two or more streets.

4.7 The residents of the respective streets fall under the protection of the appropriate sections.

   They will be organised on voluntary basis in an auxiliary or support capacity for the defence of their street and homes and to render assistance to the section.

   This support should be organised with the assistance of the street committees where these exist or through the popular organisations.

   Every inhabitant, young and old, has a role to play and should be organised. (For the tasks of these auxiliary forces see section 12)

5 Recruitment

5.1 Joining the defence force must be on a voluntary basis.

   A lively and active recruitment drive must be launched to popularise the need for joining up.

   As the first units are formed and begin to train and drill in uniform much excitement and enthusiasm will be generated and the ground well to join will increase.

   Membership should be open to able-bodied adults, both men and women. The community must set a minimum age-limit - probably 18 or 16. Youth under the age-limit and others of all ages can be deployed in the auxiliary forces.
5.2 Volunteers must be carefully selected. Criminals and other unreliable elements must be excluded until they prove their reliability.

5.3 Would-be recruits must be screened and checked by the street committees and popular organisations to prevent infiltration by impimpi's. If no street committees exist, a system of neighbourhood checking must be instituted.

Comrades trained within the ANC's security organ should help set up this screening system.

5.4 Recruits must accept the requirements of discipline and readiness to obey orders. They must be prepared to undergo physical and other training. They must be ready to give their time and service and understand the need for punctuality. Above all they must understand the need for punctuality. Above all they must understand that they are serving the community.

The wearing of uniforms, drilling in formation and political education will build the required discipline and morale.

5.5 Those who display the best qualities appointed to leadership positions.

6. Training

6.1 There will need to be a basic training programme for all volunteers and a specialised training programme for commanders and those dealing with specialised tasks such as communications, intelligence etc.

Instructors will need to be appointed and in most cases given some training guides and assistance. Commanders and deputies from section, platoon and company levels will need to be given some initial training slightly in advance of their units so they in turn can act as instructors.

6.2 Physical Fitness

Volunteers need to be physically fit. Light physical training is best conducted at the section level.

Time will be a constraint, however, especially for those going off to work early and return home late. Where possible the section should exercise as a unit.

Ten minutes light exercise followed by a twenty-minute daily jog is sufficient.

If the section can only exercise together on the weekend then individuals should be encouraged to exercise on their own on a daily basis.

The joint weekend run can be increased to 30 minutes and is strongly recommended.

As well as developing strength and stamina the joint run (or toi-toi) will develop a collective spirit.

A longer run is not recommended because time on the weekends will be needed for other training and activity.

6.3 Unarmed Self-Defence

The joining of martial arts classes like karate should be encouraged.

Those with such skills should be utilised to teach the basic exercises to the others ("each one teach one").

6.4 Drilling time on weekend should be allotted to marching and drilling information from section to platoon and finally to company level.
Units will have to trained to speedily assemble ("fall in") and to rapidly move in formation from one point to another. They must become used to rapid "on the double" movement.

Drilling is the basis of organised and disciplined manoeuverability. It is also the way of conditioning the volunteers to respond to commands as formation.

The units must be trained to immediately respond to various signals and alarms. The use of whistles should be used to convey certain commands.

For example three blasts of whistle could be the order for a section to assemble at a particular point their street.

There needs to be a signal that commands the sections to assemble in their platoon formations and an other which brings the entire company together at a particular assembly point.

There need to be commands which order sections to take up defence positions in their streets and others which speedily bring the platoons and even companies to specific points of impending attack.

There need to be signals for advance and retreat and of course an alarm which mobilises the entire township into a state of battle readiness.

All these signals and manoeuvre must be practised until perfection is achieved.

6.5 Political Instruction

At least one evening class should be conducted every week. Initial lectures should deal with the reasons for self-defence and the role of the TDF. They syllabus should deal with the national liberation struggle, the current political situation, strategy and tactics etc.

6.6 Weaponry

- Firearms

A political campaign will have to be waged for the arming of the self-defence units.

All avenues need to be explored, including the setting up of licensed security organisations.

Licensed weapons van be obtained. Funds will have to be collected on a voluntary basis from the community.

Once even a few firearms have been obtained firearms training can begin. This should be handled by MK cadres and sympathetic township police.

For initial training purpose airguns should be used. Air rifles and pistols (the pellet gun type) can be bought for about R200 each.

The advantages is that no license is required and they are not excellent, cheap and safe way for teaching people how to aim and shoot correctly.

A suitable practise ranges needs to be organised.

- Rudimentary weapons

While everything must be done to adequately arm the defence units we should not scorn the use of rudimentary
From early times people have used clubs and stones, catapults and spears for hunting and self-defence.

The martial arts illustrate how formidable simple weapons can be.

A history of township and rural resistance simple weapons can be.

The material arts illustrate how formidable simple weapons can be.

A history of township and rural resistance shows that rudimentary weapon can be effectively used.

The Vietnamese peasants used rudimentary weapons extremely effectively against the might American invaders (for example traps of sharpened bamboo, spikes etc).

In countries like El Salvador and Nicaragua home-made weapons have been used on a mass scale in the struggle against dictatorship (e.g. petrol bombs, homemade handgrenades, dynamite).

Our people must be encouraged to make homemade weaponry purely for defensive purpose.

We need to face the fact that it is going to be a problem to obtain the necessary firearms. Until we do, we will simply have to make do with homemade weaponry.

In a country like South Africa, however, there are plenty of sophisticated means of protection that can be legally purchased among them gas guns and sprays. Cross bows and bow-and-arrow sets can also be bought without a licence.

Factory and engineering workers have the skills and the equipment to manufacture rudimentary weapons.

Volunteers who do no, have firearms should at least be quipped with two stout sticks, clubs or iron bars and a homemade shield.

With training these can be utilised in a formidable way for self-defence against assailants armed with rudimentary weapons.

A section or platoon of determined volunteers, acting in unison, can offer stiff resistance.

Would-be aggressors will think twice before advancing on a company of 500 trained volunteers beating their shields with the sticks and displaying a militant attitude.

In fact in many countries this is how the police are equipped for riot control.

Neither should we scorn the use of missiles such as stones. We have seen how stone throwers can put even the police to flight. A platoon or section of volunteers throwing stones on command and in unison can disrupt and put to flight a hostile attacking force.

If a few armed volunteers are informed by units hurling stones and other missiles, such as petrol bombs, a very strong defence can be put up.

This means that training should be conducted to improve the throwing ability of the volunteers.

The auxiliary forces, township youth etc. need to be given such training as well.

In this way any hostile force can be met by a sustainable hail of missiles which will make it impossible for them to advance and can actually put them to flight.
The auxiliary forces can be given the task manufacturing home-made weapons and stockpiling reserves of missiles.

Work and storage place need to be organised for this purpose and the weapons safely hidden.

The ordinance/logistics chief is responsible for the acquisition, manufacture and safe storage of all weapons and material. For this purpose he will need a small staff of assistants. They will issues instructions to all units and auxiliaries in this respect.

We can make up for our shortage of firearms by the well organised use or rudimentary weapons. When these are used by highly manoeuvrable battle formation and groups, following well prepared plans and employment flexible tactics, utilising a barricades system and other fortifications and reinforced by the whole population acting as and auxiliary force, the township acting as an auxiliary force, the township will be turned into a hornet's nest for the aggressor.

As the defence units become better equipped with modern firearms so their defence capacity will be increased. The prior used of rudimentary weapons will have served as useful training and practise apart from their defence capacity.

6.7 Training Time-Table

A time-table for training might look like this:

- Physical Fitness - 3-0 minutes first thing every morning plus a longer group run on weekends;
- Political - evening class once a week;
- Drilling - two to three hours on the weekend;
- Firearms - one to two hours on the weekend; Classes should not be too large and are therefore best conducted at section level (that is for 20 volunteers).
SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION BY MR F W DE KLERK, LEADER OF THE NATIONAL PARTY

Introduction

This submission sets out the National Party's view of the historical context within which the conflicts of the past should be considered. It provides an analysis of the origin of the conflict; it deals with the perceptions that motivated Government policies; it analyses the ensuing conflict and the steps that the Government took, on the one hand to defend society against revolution and on the other to promote a peaceful solution to the complex problems that confronted us. It deals in some detail with issues such as amnesty, reconciliation, responsibility, the circumstances that necessitated unconventional strategies and the measures that we took to try to prevent abuses. The submission also sets out the National Party's views on the framework within which we believe the Commission should carry out its mandate.

It is not, however, the purpose of this submission to provide details of specific incidents that occurred during the conflict of the past. We understand that detailed submissions will be made in this regard by the former leadership of the South African Police and by the SANDF. Should the Commission have any particular requirements or queries the National Party will be happy to assist it in any way that we can.

I am acutely aware of the difficulty of establishing exactly what happened during past conflicts. The many judicial commissions that the former Government established during my Presidency experienced the same difficulty. Nevertheless, the National Party will do everything that it can to assist the Commission with its task.

Nature of the Commission's mandate

The 1993 Constitution identifies the need for "the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge."

The National Party accepts the need for a mechanism that can establish the truth about the conflict of the past and that can promote national reconciliation. It was for this reason that, during my Presidency, I appointed a number of commissions to investigate allegations relating to the conflict. These included the Commission on Public Violence (the Goldstone Commission) which I gave full scope and support to investigate allegations relating to the perpetration of violence by any party during the conflict. The National Party accordingly supported the establishment of the Truth and Reconciliation Commission, notwithstanding its reservations about some aspects of the relevant legislation and the process that it established.

The 1993 constitution also requires that the conflicts of the past should be dealt with "on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation." It stipulates further that "amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past."

It is essential for the success of the Commission that it should at all times bear in mind these points of departure and the overall objective of promoting reconciliation. It must, in particular, ensure that its deliberations are not exploited or manipulated for party-political gain. It must be scrupulously impartial in dealing with transgressions by all parties. It must also ensure that people who may be innocent of any wrong-doing are not publicly humiliated or subjected to trial by the media on the basis of untested allegations.

The Commission should also consider the elusive nature of "truth" in an historical or political context. Perceptions of what is true vary from time to time, from place to place and from party to party according to the affiliations and convictions of those involved. The Commission should bear this in mind when considering the motives and actions of those involved in the conflict of the past. It should also try to free itself of the preconceptions generated over the years by the vitriolic propaganda that was disseminated by all sides during the period of conflict.

Authorship of the submission

I am making this submission on behalf of the National Party, as its leader and as former State President. It relates primarily to my own presidency and to other occurrences of which I have personal knowledge. I cannot speak with the same authority with regard to developments that fall outside this framework. In this regard, I made an unsuccessful attempt to enlist the co-operation of my predecessor, Mr P W Botha. The submission was, however, prepared after discussions with the retired leadership of the South African Defence Force, the South African Police and former members of the Government during my Presidency. Although we are in
substantial agreement on its contents, we also agreed that the SANDF and the retired leadership of the SAP should prepare separate submissions reflecting their respective areas of knowledge of the events of the past.

I must also stress that a distinction should be drawn between what have become known as the "old National Party" and the "New National Party". There is a profound difference between the National Party as it is presently constituted and the party that ruled South Africa for the first decades after its election victory in 1948. The policies and philosophy of the National Party as it is today are diametrically different from those of the old party. It also has a different support base. More than half of the people who voted for the National Party in the last election were black, coloured or Indian South Africans. Neither they, nor our younger white supporters, can or should be associated in any way with the apartheid policies of the past.

The recent history of the National Party can be divided into four distinct periods:

- the first period of rigid apartheid, between 1948 and 1960, which was characterised by the adoption of comprehensive segregation and security legislation and by the campaign for the establishment of a republic;
- the second period of apartheid - or separate development - between 1960 and 1978, during which the Government attempted to achieve a constitutional settlement through the establishment and development of black national states and also during which South Africa experienced growing international isolation;
- the period of reform between 1978 and 1990, during which most of the revolutionary conflict took place, much of the apartheid system was dismantled, the electoral base was broadened, and negotiations were initiated;
- the transformation period since 2 February 1990, during which the National Party took the decision to initiate inclusive constitutional negotiations; the political situation in South Africa was normalised; and the remaining apartheid legislation was repealed. During this period the National Party reconstituted itself, opened its membership to South Africans of all races and took its place as one of the New South Africa's fully multi-racial and democratic parties.

A distinction should also be made between the various National Party administrations between 1948 and 1994. For example, my administration and that of my predecessor belonged to the reform and transformation periods of the National Party. In my opinion it is quite incorrect to refer to our administrations as the "apartheid Government". We were primarily concerned with the dismantling of apartheid, the defence of the country against revolution and the search for workable democratic alternatives that would accommodate the political aspirations of all South Africans.

I retain my deep respect for our former leaders. Within the context of their time, circumstances and convictions they were good and honourable men - although history has subsequently shown that, as far as the policy of apartheid was concerned, they were deeply mistaken in the course upon which they embarked. In particular, I should like to place on record the role played by my predecessor, President P W Botha, in initiating the process of change that ultimately led to the peaceful transformation of our society.

My own father was a Cabinet Minister under three Prime Ministers and my aunt was married to a Prime Minister of South Africa. I myself have always been a loyal supporter of the National Party. I supported its policies in the period before 1978, when I believed that they could bring about a just constitutional solution for all South Africans. Subsequently, during the reform period my colleagues and I worked for the transformation of the party; we dismantled apartheid; we defended South Africa against those who planned to seize power by violent and unconstitutional means; and we played a leading role in the establishment of the New South Africa. Now as supporters of the new National Party we are enthusiastic participants in the non-racial democracy that we helped to create.

I will endeavour, in this submission, to explain how this transformation occurred.

Historical context

Three hundred and forty-four years ago Europeans first settled at the Cape of Good Hope. They came for a variety of reasons: many as employees of the Dutch East India Company; some as farmers and merchants; and many, including my own ancestors, to escape from religious persecution.

During the next century they trekked further and further away from the Cape, leaving scattered villages - such as Stellenbosch, Paarl, Swellendam and Graaff Reinet in their wake. They were pastoral people who felt uncomfortable if they could see the smoke from their neighbour's farm. In such circumstances, it is not surprising that they soon developed a sense of hardy independence and resentment for far-away and ineffective authority - whether that authority was the Dutch East India Company or the British, who first arrived in the Cape two hundred years ago.

At some stage they began to refer to themselves as "Afrikaners". They no longer saw themselves primarily as Europeans in an alien
continent - but as a people of Africa, as white Africans - a people with its own emerging identity, its own increasingly distinct language and its own sense of destiny. They wanted political freedom, just as they had formerly struggled for religious freedom.

It was primarily these factors that led the Voortrekkers to leave the settled valleys of the Cape in the 1830's and to establish their own republics in the hinterland - in the Transvaal and the Orange Free State. It was their determination to rule themselves that involved them in a number of internal wars and subsequently led them, in two bitter war, to resist the expansion of the British Empire. However, it should be emphasised that in none of these wars were they the aggressors.

These people - my forebears - understood oppression. During their freedom struggle their homes were burned, their country was devastated and more than 20 000 of their women and children died in concentration camps.

They understood resistance. They withstood British attempts to anglicise their people and to strip them of their culture. They spent the first decades of this century in further developing and entrenching their own language, Afrikaans, and their own cultural identity.

They also experienced poverty and deprivation. The drought and depression of the 'thirties forced many Afrikaners to leave their farms and migrate to the cities where they earned a place for themselves in the national economy.

These are the traditions that we were taught as children. We were taught to revere heroes such as Piet Retief and Dirkie Uys, such as Paul Kruger and Christiaan de Wet. The collective memories that we inherited were of the Covenant of Blood River; the oath that was taken at Paardekraal to regain our independence from the British; our victory at Majuba and the bitterness of our defeat in the Anglo-Boer War in 1902.

The history of the first half of this century, with which we grew up, was dominated by the conflict and tension between "Boer and Brit". For us, in the National Party, the key issue at that time was the campaign to establish a republic. The quest for the restoration of our right to self-determination in our own republic was, on the whole, pursued in a peaceful and constitutional manner - with a few exceptions, such as the 1914 rebellion and the activities of the Ossewa Brandwag. However, the National Party did not subscribe to these activities and since its foundation in 1914 consistently rejected violence as a means to achieve political and constitutional change.

The National Party's main opponents were the "Sappe", the followers of Gen Smuts's United Party who favoured close relations with Britain. Most South Africans of British descent supported the United Party. In general, they also supported the segregation policies and political traditions that had been inherited from the British colonial administrations. They were also opposed to policies that would lead to Black domination, but rejected the National Party's rigid implementation of apartheid. The great majority of United Party members were in favour of remaining within the Commonwealth and were opposed to the establishment of a republic.

It was issues such as these that were at the forefront of the political debate between 1910 and 1960. It was only in the second half of this century that the complex relationship between Black and White South Africans, really began to dominate the constitutional debate.

We are all the children of our times and the product of the cultural and political circumstances into which we were born and with which we grew up.

Deplorable as it now may seem, until the middle of the century hardly anyone in the European-dominated world considered that the indigenous peoples of the far-flung colonial empires were ready to rule themselves. The attitude of most "Europeans" - as they were called - inside and outside South Africa was, at best, paternalistic. In South Africa, by the early 'fifties, the strict racial segregation that we had inherited from the past, had been firmly institutionalised. The more daring liberals advocated a qualified franchise for "educated natives". But nowhere did anyone seriously entertain the idea that the majority should rule through a process of universal franchise - nobody, of course, except for the emerging black leadership in the ANC and the Congress Movement - who at that time were dismissed as "communist agitators".

It should be remembered that this was also the situation in much of colonial Africa at that time. In the southern states of the United States the colour bar was still firmly in place. Few political weathermen at the beginning of the '50s forecast the coming winds of change.

However, in the fifteen years between 1955 and 1970 most of the countries of Africa were granted independence. The receding empires left the whites of South Africa increasingly isolated and out of step with the rest of humanity. Racial discrimination and/or paternalism - which had been the general rule throughout the European empires - were now universally - and quite correctly - condemned. During the Anglo-Boer War Afrikaner nationalism had been widely admired throughout Europe and in the United States. However, in the climate of non-racialism, anti-colonialism and universalism that dominated global thinking in the wake of the Second World War, the concept of nationalism in general was in disrepute. As far as international opinion was concerned, the right to self-determination in Africa was associated only with black Africans.
This was the situation that confronted young members of the National Party at the beginning of the 'sixties. The issues that we debated deep into the night centred on the question of how we could come to grips with this changing world on the one hand, and yet retain our right to our own national self-determination on the other? How would we avoid the chaos that was sweeping much of the rest of Africa - that was depicted in horrific photographs of refugees fleeing from the Congo or Angola - and yet ensure justice and full political rights for Black South Africans? How could we defend ourselves against expansionist international communism and terrorism and yet make all South Africans free?

The solution that we then came up with was "separate development".

We thought that we could solve the complex problems that confronted us by giving each of the ten distinguishable Black South African nations self-government and independence within the core areas that they had traditionally occupied. In this way we would create a commonwealth of South African states - each independent, but all co-operating on a confederal basis with one another within an economic common market.

The underlying principle of territorial partition to assure self-determination for different peoples living in a common area was widely accepted. It was *inter alia* the basis for the creation of the nation states that emerged from the Austro-Hungarian Empire after the First World War, and for modern Pakistan and India after the Second World War.

Although we were primarily concerned with maintaining our own right to self-determination, it would be a mistake to think that there was not a strong element of idealism in this vision. A number of new cities were built in the states that had been had identified. Ten Legislative Assemblies came into being, each with its own government buildings and bureaucracy. In some instances the infrastructure was quite impressive.

Several modern universities were founded - which were formerly dismissed as "tribal colleges" - but which are now accepted as fully fledged universities. By 1975 some 77 new towns had been established and 130 204 new houses had been built. Between 1952 and 1972 the number of hospital beds in the homelands increased from some 5 000 to 34 689. Decentralised industries were developed and hundreds of millions of rands were pumped into the traditional areas in an attempt to stem the flood of people to the supposedly "white" cities.

It was thought that in this manner it would be possible to accommodate the political and constitutional aspirations of Black South Africans. By the late 'seventies it was also accepted that territorial partition was impossible in respect of Coloured and Indian South Africans. They were politically sidelined in the years of rigid apartheid and, in the case of the Coloureds, removed from the Common Voters Role. Their representation in specially created councils with little authority or power, could not continue.

The President's Council was established to look into this and other constitutional questions. Their recommendations ultimately led to the adoption of the tricameral constitution in 1983 in terms of which White, Coloured and Indian South Africans were given the opportunity of electing their own houses of Parliament and of administering their "own affairs", while power was shared with regard to matters of common interest.

Even this concept was, however, too much for some members of the National Party to accept. In February 1982 twenty-two members of the NP caucus, under the leadership of Dr Andries Treurnicht, left the party and founded the Conservative Party. Their departure was an indication of the degree to which the National Party, even by that stage, had started to move away from orthodox apartheid.

Despite considerable efforts to develop the homelands, the flood of black emigration to the "white" cities continued unabated. According to the theorists, the tide should have turned by 1978 - after which the supposedly "white areas" would have had a substantial white majority.

Of course, this did not happen.

The homelands were too small, too poor and economically too unattractive, to provide a decent livelihood for all their citizens. It was also evident that the great majority of black South Africans totally rejected the concept of separate development. Led by the ANC, and its internal structures, they insisted on full citizenship in an undivided non-racial democracy. This situation was further exacerbated when six of the ten homelands - and most notably KwaZulu under the leadership of Dr Buthelezi - flatly refused to accept independence from South Africa.

This rejection of independence was one of the main factors that led to the hardly noticed announcement by President P W Botha in the "Rubicon" speech of 15 August 1985 that

"Should any of the black National States therefore prefer not to accept independence, such states or communities will remain part of the South African nation, are South African citizens and should be accommodated within the political institutions within the boundaries
This announcement, in effect, sounded the death knell for the concept of separate development and set the Government on the road that ultimately led to the transformation of our society.

This new direction was formally endorsed and given strong impetus at the 1986 congress of the National Party which accepted "one citizenship for all South Africans" and the implication that "any discrimination on the ground of colour, race and cultural affiliation or religion" would have to be eliminated. However, the Party still believed that political rights should be exercised on a group basis. One of the points of departure for its 1987 programme of action was the continued protection of group rights: "This must be done on the basis of the maximum degree of self-determination for each group, and joint responsibility on matters of common interest, in such a way that the domination of one group over others be eliminated." During the national elections of 1987 the National Party sought, and was granted, a mandate by the electorate to pursue and implement such a constitutional programme.

Thus, by the middle 'eighties the Government had begun to take the first steps in the search for constitutional settlement that would fully include Black, Brown and Indian South Africans. The policy of separate development had clearly failed. Instead of providing a just and workable solution, it had led to hardship, suffering and humiliation - to institutionalised discrimination on the basis of race and ethnicity. Instead of promoting peaceful inter-group relations, it had precipitated a cycle of wide-spread resistance and repression in which unacceptable actions were committed by all sides. Instead of providing a solution, it had led to injustice, growing international isolation and to the escalation of the conflict that had been smouldering since the early 'sixties.

Nature of the conflict

The conflict that South Africa experienced between 1960 and 1994 had a number of dimensions:

One dimension was the conflict between (mainly) Afrikaner nationalism and African nationalism.

Many of those who took part in the struggle from the side of the Government, especially most of the Afrikaners, believed, to start with, that they were defending the right of their people to national self-determination in their own state within a territorially partitioned South Africa. They believed that their actions were in line, not only with the traditions of their forefathers, but also with the universally accepted principle that nations were entitled to defend their right to self-determination in a country of their own. As the impracticality of this vision for the Afrikaner nation became more and more evident during the 'eighties its importance as a motivating factor diminished for most Afrikaans members of the National Party until it was finally abandoned. It nevertheless remains, to this day, the ideal of a significant proportion of Afrikaners who support the Freedom Front, the Conservative Party and various right-wing organisations. The demand by these political groups for Afrikaner self-determination in a country of their own provides the context for many of the incidents that occurred in the conflict up until the inauguration of the Government of National Unity on 10 May 1994.

On the other hand, those who opposed the Government had a diametrically different perception of the nature of the South African nation. In their view neither the Afrikaners nor the Whites were separate nations, but minorities within a broader South African nation. For them, self-determination meant one-man, one-vote in an undivided South Africa.

Another dimension of the conflict was the struggle between various Black political movements and groupings.

Those who were united in their rejection of apartheid at times fundamentally disagreed on how it should be opposed. The two main schools of thought were those who favoured violent and revolutionary strategies and those who preferred to work for change within the system.

These disagreements led first to tension and then conflict between the protagonists of these competing approaches.

Most notably it resulted in a protracted violent conflict between the ANC and the IFP and in the murder to many Black political and community leaders. Some of this continues to this day.

Another important dimension of the conflict was South Africa's involvement in the global ideological struggle between the West and expansionist Soviet Communism.

Those who fought on the side of the Government believed that they were defending their country against what they perceived to be the aggressive expansion of Soviet communism. They had ample reason to believe this. The Sixth Congress of the Communist International had resolved, as early as 1928, that
"The CPSA (Communist Party of South Africa) should pay particular attention to the ANC. Our aim should be to transform the ANC into a fighting nationalist revolutionary organisation."

From the 'sixties onwards, the ANC received substantial aid from the Soviet Union and its East European satellites. It was closely allied to - some would say dominated by - the South African Communist Party. The SACP was, in turn, one of the most Stalinist and pro-Soviet parties in the world. Among other actions, it had enthusiastically supported the Soviet invasions of Hungary, Czechoslovakia and Afghanistan. The Soviet threat was not simply McCarthyite paranoia on the part of the South African Government. The reality was that SACP members held dominant positions within the ANC's National Executive Committee and that Soviet surrogate forces had established strong positions in a number of Southern African countries, particularly in Angola. In September 1987 Soviet and Cuban-led MPLA forces clashed with UNITA and SADF forces at the Lomba River in southern Angola in what was probably the largest set-piece battle in the continent since the Battle of El Alamein.

The SACP's agenda was to use its position in the ANC-led alliance to promote a two-phase revolution. According to a policy document produced by the SACP politburo in May 1986

"… the immediate attainment of the socialist revolution is not on the agenda. This does not mean that we are putting it off but, to quote Lenin's words, we 'are taking the first steps towards it in the only possible way, along the only correct path, namely the path of a democratic republic.'"

The perception of those on the side of the Government was accordingly that the installation of an ANC Government would lead to Communist domination. They believed that in conducting their struggle against the ANC, they were playing an important role in the West's global resistance to the expansion of Soviet Communism.

On the other hand, those who fought against the Government were often equally convinced that they were fighting against a bastion of capitalism and imperialism.

Finally, there was a dimension to the conflict that related to the defence of the State and the maintenance of law and order.

Many of those who fought on the side of the security forces, particularly national servicemen and reservists, often did so without any specific ideological or party-political motive. They believed that it was their duty to carry out the instructions of a legally constituted and internationally recognised government. They also believed that they had an underlying and non-party-political responsibility to uphold the law and to protect the lives and property of citizens.

Millions of South Africans who opposed apartheid also condemned the use of violence to achieve political objectives. Newspapers in South Africa which were strenuous opponents of apartheid often supported cross-border actions by the security forces in cases where perpetrators sought refuge in neighbouring states after murdering civilians in South Africa.

The great majority of those who served in the security forces during the conflict were honourable, professional and dedicated men and women. They were convinced that their cause was just, necessary and legitimate.

The conflict escalated from 1960 onwards, after the ANC decided to opt for an armed struggle. It is doubtful whether this decision hastened the transformation process. It can be argued that socio-economic forces had already begun to change South Africa and that non-violent pressure and resistance would have been far more effective vehicles for change. Be that as it may, the ANC's armed struggle inevitably contributed to a major escalation in the general violence that has plagued South Africa ever since.

In the perception of those on the Government side, the ANC and its allies were committed to the revolutionary seizure of power and not to peaceful and negotiated reform. For example, one of the documents submitted during the Rivonia trial in 1964 read as follows:

"The people of South Africa, led by the South African Communist Party, will destroy capitalist society and build in its place socialism… The transition from capitalism to socialism and the liberation of the working class from the yoke cannot be effected by slow changes or by reforms as reactionaries and liberals often advise, but by revolution. One must therefore be a revolutionary and not a reformist."

At its National Consultative Conference in June 1985 the ANC recommitted itself to a Peoples War "in which a liberation army becomes rooted amongst the people who progressively participate actively in the armed struggle both politically and militarily…" Such a struggle would "lead inevitably to a revolutionary situation in which our plan and aim must be the seizure of power through a general insurrection."

Between September 1984 and May 1986 the ANC's revolutionary strategy had the following results:
3,477 homes, owned or occupied by Black South Africans, were destroyed or badly damaged;
- 1,220 black schools were destroyed or badly damaged;
- Black education and local authorities were seriously disrupted;
- 573 people were killed in black-on-black violence, including 295 people who were burned to death by the necklace method.

The ANC's offensive against the Government was supported by an international campaign of unprecedented proportions. This campaign was centred in the United Nations and its agencies and was orchestrated by the ANC, its Soviet allies and by international anti-apartheid movements. At one stage, there were no fewer than 15 UN committees and organs that were solely or primarily dedicated to the struggle against South Africa. The international campaign affected every aspect of South Africa's international relations and ultimately led to the imposition of arms, oil, sport, cultural, economic and financial sanctions against South Africa. The objectives of this campaign included an unprecedented international propaganda offensive, the isolation of South Africa through the imposition of comprehensive sanctions, support for the "armed struggle" and the ultimate overthrow of the South African Government.

The then Government believed that it was being confronted by a "total onslaught". Its response was to develop its own "total strategy". The need for such a total strategy was identified in a Government White Paper on Defence in 1977 in the following terms;

"The process of ensuring and maintaining the sovereignty of a state's authority in a conflict situation has, through the evolution of warfare, shifted from the purely military to an integrated national action….. the resolution of conflict in the times in which we now live demands interdependent and co-ordinated action in all fields - military, psychological, economic, political, sociological, technological, diplomatic, ideological, cultural etc."

The vehicle that the Government established to implement its total strategy and to co-ordinate the activities of all branches of the Government in response to what it viewed as the "total onslaught" was the National Management System. The National Management System comprised the National Security Management System (NSMS) and the National Welfare Management System (NWMS). Responsibility for the NSMS rested with the State Security Council, which was established in June, 1972. The NSMS also included:

- a Working Committee comprising the heads of "security" departments;
- a Secretariat,
- Interdepartmental Committees, aimed at the co-ordination of the planning and implementation of policies at the national level,
- Joint Management Centres (JMCs), sub-divided into Sub- and Mini- JMCs, which operated at the regional and local levels and which were responsible for the co-ordination of the actions of departments and other organisations in the implementation of policies approved at the national level.

The prime purpose of the NMS was to ensure that all branches of government responded in a co-ordinated manner to the revolutionary threat. It was accepted that this threat could not be effectively - or even primarily - countered by military or security action. The main accent should instead fall on the provision of effective government and social services and in promoting inclusive constitutional solutions. This inevitably led to the politicisation of the role of the security forces and to their involvement in civilian administration.

It was the view of the Government that orderly constitutional transformation could not take place in a climate of general violence and insurrection. Thus, the National State of Emergency that the Government declared on 12 June 1986 had as its declared aims:

- the restoration of law and order and security;
- a return to normality in the unrest-ravaged Black residential areas; and
- the creation of a climate in which constitutional change can take place."

The State of Emergency had, by 1988, succeeded to a reasonable extent in achieving most of these objectives. It restored a more acceptable level of law, order and security in most parts of the country; it helped to re-establish some degree of normality in most Black residential areas and it significantly contributed to the creation of a climate in which genuine and workable negotiations could take place.

However, far reaching Security Legislation and the State of Emergency, with the suspension of many normal legal protective measures, also created circumstances and an atmosphere which were conducive to many of the abuses and transgressions against human rights which form the basis of the Commission's present investigations.

Unconventional actions and reactions

It was not only the strict Security Legislation and the State of Emergency which created an atmosphere conducive to abuses and transgressions. The unconventional nature of the revolutionary threat created circumstances in which conventional responses proved
The revolutionary strategies adopted by the Government's opponents blurred traditional distinctions between combatants and non-combatants; between legitimate and illegitimate targets; and between acceptable and unacceptable methods.

The normal processes of law - and even the government's tough security measures - seemed incapable of dealing with this situation. Members of the security forces watched, with increasing frustration, while revolutionary movements organised, mobilised and intimidated or killed their opponents, seemingly at will. The security forces were expected to play by the rules while their opponents could, and did, use any methods that they liked. There was a perceived need for unconventional counter-strategies of the kind developed by the British and others in successful campaigns against insurgency and terrorism. Consequently, the then Government began to make use of unconventional strategies which, of necessity, had to be planned and implemented on a "need to know" basis.

In dealing with the unconventional strategies from the side of the Government I want to make it clear from the outset that, within my knowledge and experience, they never included the authorisation of assassination, murder, torture, rape, assault or the like. I have never been part of any decision taken by Cabinet, the State Security Council or any Committee authorising or instructing the commission of such gross violations of human rights. Nor did I individually directly or indirectly ever suggest, order or authorise any such action.

I have been involved as State President in the legally required authorisation of cross border actions aimed at legitimate military targets on the bases of cross-checked intelligence information. Such authorisation specifically excluded attacks on civilians and limited the use of violence to the minimum required under prevailing circumstances.

I feel in duty bound to also place on record that the above statement with regard to my position, is also a reflection of the viewpoint of my colleagues who sat with me in Cabinet, the State Security Council or Cabinet Committees.

I suggest that the Commission examine the minutes of the Cabinet and the State Security Council in this regard. Procedures are available to obtain permission from the Government to do so and a full set of such minutes have been lodged with the State Archives.

The type of unconventional actions which were approved, in principle, by the Cabinet and State Security Council related to such issues as information gathering, disinformation and assistance to outside organisations opposed to the revolutionary forces. These matters are not the subject matter of the Commission's terms of reference and I will therefore refrain from dealing with them in detail. Suffice it to say that none of these unconventional projects was intended to lead to any gross violation of human rights. It can, however, be argued that they did create an atmosphere conducive to abuses.

The Security Forces had to operate increasingly within a framework of states of emergency, far-reaching security legislation, underground activities and unconventional strategies. They had to give operational interpretation to broadly framed decisions, aimed at firm and effective action against the insurgency.

These circumstances created the environment within which abuses and gross violations of human rights could take place. However, it would be a serious mistake to adopt a simplistic approach in judging such abuses and violations. Clear distinctions should be drawn between varying situations:

- In many cases it would be possible to conclude that the perpetrators of certain actions were *bona fide* in their interpretation of orders and strategies - that they believed they were acting correctly and with authority.
- In other cases it would be possible to make a finding that the *bona fides* of those involved was clouded by bad judgement, over-zealousness or negligence.
- And yet in other cases there is no doubt that there was *mala fides* which led to abuses, malpractice and serious violations of human rights.

During the latter years of the conflict, and more specifically during my presidency, another factor came to the fore. The fundamental change of direction that I initiated, which involved the opening of negotiations, the termination of secret operations and the lifting of the State of Emergency (which is dealt with in more detail below), were not supported by some elements in the Security Forces. My colleagues and I were accused along the grapevine of being "soft" and of being traitors. I suspect that many of the unauthorised actions, that are now coming to light, were at time directed as much against the transformation process as they were directed against the revolutionary threat. It has now become clear that certain elements misused state funds and were involved in unauthorised operations leading to abuses and violation of human rights.

The nature and extent of many of these abuses have since been uncovered by various commissions of enquiry - and particularly the Goldstone Commission - by the media, by the courts and by many of the perpetrators and now by the Truth and Reconciliation Commission. **It is not my purpose here to try to find excuses for these abuses but to explain the historic context within which**
they occurred.

It is important that the Truth and Reconciliation Commission should continue to investigate all serious abuses perpetrated by all sides in the conflict. Abuses committed by the Security Forces have been widely publicised and are receiving extensive attention from the Commission, from the Attorneys-General and from the Courts. Insufficient attention has, however, been focused on the instigators and perpetrators of the following incidents:

- 541 "necklacings" that occurred between 1 September 1984 and 31 March 1993 in which 505 people were killed and 36 injured in the most brutal and inhumane manner imaginable;
- 57 landmine attacks that occurred between 26 November 1985 and 21 February 1991 in which 25 people were killed and 76 injured;
- 487 limpet mine attacks in which 22 people were killed and 373 injured;
- 10 car bomb attacks in which 40 people were killed and 548 injured;
- attacks on members of the South African Police, which resulted in the deaths of 1030 policemen between 1973 and 1993. Many of these deaths can be ascribed directly or indirectly to the actions of the ANC and its allies; and
- the attacks on the thousands of black South Africans - most of them equally opposed to apartheid - who were murdered, injured or intimidated because they chose to work for change within existing government institutions.

In addition, the Commission should investigate serious human rights violations which occurred in ANC detention centres in Southern Africa. These abuses have been the subject of a number of investigations including those conducted by the Stuart Commission, the Skweyiya Commission, the Motsueneanye Commission and the Douglas Commission.

The Commission must also ensure that, in its consideration of applications for amnesty, it adheres strictly to the requirements of the 1993 constitution and to the precedent already established by the extension of indemnity to large numbers of people in terms of the Further Indemnity Act. In this regard, it should be borne in mind that the great majority of such indemnities were granted to supporters of revolutionary movements, that many of them had committed and had been convicted of heinous and disproportional crimes and that their release was part of the price demanded by the ANC in September 1992 for returning to the negotiating table.

According to the South African Institute of Race Relations 18 997 people died as a result of political violence between September 1984 and December 1993. The scope of the human suffering involved in this statistic is difficult to conceive. All South Africans must be truly grateful that the parties involved in the conflict were able to resolve their differences and antipathies through peaceful negotiations. By so-doing they were able to draw the country back from the brink of a general war that might well have cost the lives of hundreds of thousands of South Africans.

The nature of the transformation

By the end of the 1980's it had become evident that the only possible solution to the constitutional impasse lay in negotiations between all South Africa's major parties, aimed at the establishment of a fully-inclusive non-racial democracy. This was a difficult and far-reaching decision for those in power - and especially for Afrikaner nationalists:

- It meant that they would have to give up the right to full self-determination in parts of the country that they also considered to be theirs, for which they, as a small people, had struggled for hundreds of years. No other nation in the world has ever voluntarily made such a decision. Nonetheless a majority of White South Africans did so.
- It meant that instead of putting their faith in their own institutions and in their own ability to defend themselves, they now had to put their trust in negotiated constitutional agreements. They did so in a continent that was not renowned for the success of its constitutional experiments.
- It meant that they would have to reach agreement with parties that they had little reason to trust. The SACP had, for example, made it clear that it viewed negotiations simply as the first strategic step in a two-phase revolution which would culminate in the establishment of a communist state.

The negotiations were often on the point of breaking down. It is hard to imagine, at the start of the process, parties that were further apart than the National Party, the IFP and the ANC. All of the parties involved saw one another - not as they really were - but as the stereotypes depicted by their own propaganda.

Nevertheless, in December 1993, basic agreement on the new Transitional Constitution was reached, despite the numerous crises, boycotts and walk-outs that we experienced during the process.
There is a tendency now for some parties to claim a monopoly of the credit for the transformation process. There were, in fact, many different forces at play. Among these were, of course, the revolutionary movements themselves. It would be wrong to minimise in any way the major contribution made by revolutionary movements such as the ANC, or the individual sacrifices of many of its members in the pursuit of their goal of national liberation. This in not my intention. There were, however, other important factors and forces involved in the liberation process. They include:

- **The transformation of the National Party.**

From as early as 1978 the National Party began with its own tentative process of reform - starting with the important labour reforms that emerged from the recommendations of the Wiehahn Commission. This culminated in unrestrained freedom of labour organisation and association and the abolition of all racial discrimination in labour relations.

With the establishment of the President's Council in 1978, the National Party also began to move towards the broadening of democracy. By 1983 it had, in terms of the Republic of South Africa Constitution Act, no 110 of 1983, extended the franchise to the Coloured and Indian communities.

By the end of 1986 it had repealed some 100 discriminatory laws, including many laws such as the Pass Laws that had constituted cornerstones of the policy of apartheid. These included:

- the repeal of the prohibition of mixed marriages and of sexual intercourse across the colour bar;
- the repeal of the prohibition against mixed political parties;
- the abolition of race restrictions in immigration law;
- the ending of all compulsory resettlements;
- the elimination of many statutory racial barriers in respect of publicly and privately controlled recreational facilities;
- the institution of uniform income tax laws for all population groups;
- the granting of full freedom of movement to all population groups;
- the recognition of the right to full ownership of immovable property in Black townships; and
- the conversion of 99-year leaseholds to full ownership.

By 1987 the National Party Government had established fully representative black local authorities. In 1988 nation-wide elections were held for black local authorities. 26% of registered voters participated in the elections, despite intimidation and strong opposition from the ANC and its allies. Many of the councillors who were elected were subsequently tragically murdered or forced from office through threats to their lives, families and homes.

After I became State President in 1989 I took the following steps to further normalise the political situation in South Africa:

1. On 2 February 1990 I made announcements that opened the road to inclusive constitutional negotiations. These announcements included the unbanning of the ANC, the SACP and other organisations and the release of prisoners, including Mr Mandela.

1. During the following months and years the Government repealed all the remaining "apartheid era" laws, including the Group Areas Act, the Population Registration Act, the Reservation of Separate Amenities Act, the Development of Black Communities Act and the Land Acts.

1. The National Party subsequently played a leading and indispensable role in the negotiations and the transformation process that led to the establishment of the new South Africa. It was the only major party that did not at some time or other walk out of the talks.

1. I also took steps to normalise and regularise the activities of the security forces (further details of my actions in this regard are set out below).
• The role of opponents of apartheid who worked within the system.

There were many South Africans, inside and outside Parliament who believed that apartheid could best be dismantled by peaceful and constitutional means. They undoubtedly made a major contribution. In particular, the refusal of six of the national states - and especially KwaZulu - to accept independence was one of the key factors that ultimately persuaded the National Party Government of the failure of its overall policy.

• The collapse of global communism in 1989

The collapse of global communism in 1989 removed the major strategic concern that had dominated the thinking of the previous successive governments for decades and greatly facilitated negotiations with the ANC.

• The role of the international community.

Sanctions imposed against South Africa by the international community were undoubtedly a factor in the process of change. However, more often than not, they served to retard reform rather than stimulate it. The Government was always more inclined to listen to the advice of countries that maintained contact with it than those who sought to isolate South Africa. For example, the decision of Malawi to send black diplomats to Pretoria was far more effective in exposing the logical and logistical absurdities of apartheid than any number of resolutions by the United Nations. Throughout the negotiation process all sides received strong encouragement from the international community to persevere in their difficult attempts to reach peaceful accommodation.

• The role of socio-economic forces.

During the twenty-five years between 1970 and 1995 there were dramatic - but largely unpublicised - shifts in socio-economic relationships in South Africa which led to the *de facto* and ultimately to the *de jure* transformation of South Africa:

- Influx control was abolished by the reality of millions of people migrating to the cities, long before the relevant legislation was repealed by Parliament.

- The Group Areas Act was abolished *de facto* by the reality that thousands of Black, Coloured and Indian South Africans had peacefully moved into supposedly white areas.

- The Separate Amenities legislation was doomed from the moment that young people with the same qualifications from all population groups began working side by side in banks, shops and factories.

There is nothing new in this. Much of history has been the story of how changing economic relationships have led to changed social relationships. Ultimately these changed relationships have placed irresistible pressure on antiquated constitutional relationships and have led to the emergence of democratic societies.

According to the propaganda of our opponents, the years of National Party Government were characterised by the unbridled exploitation of black South Africans by whites.

The fact is that between 1948 and 1994 there were major socio-economic developments in South Africa, many of them originating from Government initiatives from which Black South Africans, in particular, benefited enormously:

- Despite widespread criticism of the education policies of the former government, the proportion of the total black population attending school rose from 8,05% in 1950 to 19,8% in 1975.

- By 1993/94 expenditure on education had risen to R27,26 billion. This accounted for 21,4% of the budget and 7,3% of GDP - one of the highest figures in the world. 74% of the school budget was allocated to Coloured, Indian and Black schools.

- Between 1989 and 1993 black university enrolment increased by 47%. By 1993 Black, Coloured and Asian students represented an estimated 54% of all enrolments - compared with 54% for Whites. There were 41 342 Black Technicon students and 41 343 trainee teachers. Despite the disruption of black education and despite the low pass rates, more than 150 000 Black scholars passed matric in 1992, compared with 64 000 Whites.
• During the period between 1970 and 1995 the black share of personal income increased from 19.8% to a projected 37.3%, while the white share fell during the same period from 71.1% to a projected 48.5%.

• By the early 'nineties there were an estimated 625 000 small businesses in the black informal sector of the economy. According to some reports, the sector had created about 3.5 million jobs, of which almost 500 000 had the potential of being transferred to the formal sector.

• During the last years of National Party Government rule genuine and serious efforts were made to remove racial differentials in all spheres. We equalised the salaries of all state officials. By 1993 old-age pensioners of all races were receiving equal pensions.

• According to a study by the International Monetary Fund in January 1992, White South Africans in 1987 paid an average of 32.03% of their incomes in tax, but received only 9% back in benefits.

In May 1994 the Government of National Unity inherited a country with an excellent infrastructure and well-established financial, industrial, agricultural, mining and service sectors.

Between 1948 and 1993 South Africa's Gross Domestic Product increased by an average of 3.5% per annum in real terms. By 1994 South Africa was the only country in Africa with a fully developed modern sector.

These facts are not stated to justify apartheid. However, it is a fallacy to blame the policies of the past for everything which is wrong in present day South Africa. Much more could have been achieved, had it not been for apartheid; the revolutionary actions of the ANC and others; and the resulting distortions imposed on our economy.

Concluding remarks

Against this background a number of pertinent issues need to be dealt with, within the context of the views set out in this submission, relating to the origins and nature of this conflict:

1. Responsibility

I believe that the Commission needs to develop guidelines in respect of the attribution of responsibility to the various role-players in the conflict.

Obviously there rests an overall responsibility on the leadership of the various parties, organisations and institutions which were part of the conflict. I accept such overall responsibility in respect of the period of my leadership. However, when it comes to specific incidents, occurrences, deeds and transgressions it will be necessary to apply specific guidelines.

As far as the State is concerned, I submit that the following guidelines would be realistic, fair and equitable:

Responsibility should be attributed

1. **to Cabinet** for all decisions which it took and the instructions that it issued, including all authorised actions and operations executed in terms of a reasonable interpretation of such instructions;

1. **to the State Security Council** on the same basis applicable to Cabinet, as set out above;

1. **to individual ministers** for all decisions taken by them personally in their ministerial capacity, including all authorised actions and operations executed in terms of a reasonable interpretation of instructions issued by them in the process;

1. **to the commanding officers attached to the security forces** on the same basis applicable to individual ministers, as set out above.
I furthermore submit that these guidelines could, *mutatis mutandis*, be applied to other parties, organisations or institutions.

2. Preventative measures

The question may justifiably be asked whether the Government, during the period that I was State President, exercised adequate control and took appropriate action to prevent abuses - especially after public allegations had persistently been made concerning so-called "third force" activities. In response, I can provide the following list of some of the steps that were taken in this regard and also in pursuance of the normalisation of security force operations:

- Soon after my inauguration I gave instructions for the investigation of all secret and covert operations of the security forces with a view to their possible termination. By March 1990 a number of such operations had been phased out.
- On the 10th January 1990 I addressed some 800 senior police officers and told them that it was their duty to be absolutely impartial; that they should refrain from any political involvement; and that they should restrict themselves to combating crime and protecting the lives and property of all South Africans. On the 7th March 1990, I repeated the same exercise with senior officers of the South African Defence Force.
- In February 1990 I appointed the Harms Commission to investigate certain alleged murders.
- On 9 July 1990 the Government announced the final termination of the National Security Management System, and also drastically scaled down the role of the State Security Council.
- The management of covert operations was further reviewed after receipt of the report of the Harms Commission.
- I appointed a committee under chairmanship of Prof E Khan to advise on the desirability of all secret projects and to recommend on the phasing out, where possible, of such projects. Part of its brief was to advise me of the adequacy of existing control measures.
- I appointed a standing commission (The Goldstone Commission) to investigate incidents of public violence.
- In November 1992 I appointed General Pierre Steyn to investigate allegations made to the Goldstone Commission with regard to activities of the Directorate of Covert Collection of Military Intelligence.

These steps - and particularly the reports of the Goldstone Commission - were instrumental in uncovering many of the abuses that have now come before the Courts and the Truth and Reconciliation Commission. However, the Goldstone Commission consistently found that abuses had been committed by all sides in the conflict.

I therefore submit that extensive steps, in keeping with what could reasonably be required under prevailing circumstances, were taken to prevent abuses and the gross violation of human rights. The inability since 1994 of the new Government to bring political violence in KwaZulu-Natal to an end serves as a good case study of the limitations on any Government to effectively deal with the type of violence which has plagued our country for so long.

3. Reconciliation and the way forward

One of the main aims of the Commission's activities is to promote reconciliation. This cannot be achieved unless there is also repentance on all sides. It is in this spirit that I want to emphasize that it is not my intention to excuse or gloss over the many unacceptable things that occurred during the period of National Party rule. They happened and caused immeasurable pain and suffering to many. This is starkly illustrated by the evidence placed before the Commission at its hearings across the country. Many of the accounts by witnesses are deeply moving.

I should like to express my deepest sympathy with all those on all sides who suffered during the conflict.

I, and many other leading figures, have already publicly apologised for the pain and suffering caused by former policies of the National Party. This was accepted and publicly acknowledged by the Chairperson of the Commission, Archbishop Tutu. I reiterate these apologies today.

It is my sincere wish that other parties and organisations, which have not yet done so, will now do the same.

Without reconciliation, the future is bleak. I commit the National Party to continue on the road of reconciliation, reconstruction and development.

1. Amnesty and reparation

I believe that reconciliation goes hand in hand with the issue of amnesty and reparation.
Throughout the negotiations that resulted in the 1993 Constitution it was the understanding amongst the parties that amnesty will be provided for in legislation in line with agreements that had been reached during the process of negotiations. Those agreements and understandings secured the negotiated constitutional settlement that resulted in the peaceful transformation that we have experienced over the last number of years.

It is therefore, fundamentally, important that the Commission now deal with amnesty in an evenhanded way. Any effort to apply stricter norms than those applied in the period up till now, will result in injustice. During my term of Office I found it extremely difficult in many cases to grant indemnity, because of my personal abhorrence of the crimes involved. Nonetheless I had to pardon those then involved because it was the only way to ensure agreement and reconciliation. This difficult task now rests on the shoulders of the Commission.

The task of reparation is an equally difficult one and evenhandedness is equally important. In this regard there are no direct precedents. The victims of the conflicts of the past, more than anybody else, paid a heavy price for the freedom we enjoy today. The country owes then a great debt of gratitude and some or other form of reparation. The National Party will support all reasonable guidelines developed by the Commission in this regard and wish them well.

5. The way forward

Another prime purpose of the Truth and Reconciliation process is to learn from the experiences of the past and to ensure that we never again repeat the same mistakes.

I suggest that we should draw the following lessons and conclusions from all of these traumatic experiences:

- No single side in the conflict of the past has a monopoly of virtue or should bear responsibility for all the abuses that occurred.
- Neither can any single side claim sole credit for the transformation of South Africa. The transformation belongs to us all.
- We should take note of the disastrous consequences of "social engineering", of trying to force complex realities to conform to narrow ideological views. We should learn that the means does not justify the end.
- We should limit the power of government through the kind of mechanisms that we have included in our new constitution - including the charter of fundamental rights; the concept of a rechtstaat; the separation of powers; and the maintenance of free and independent courts and institutions of civil society.
- We must, at all costs, avoid conflict in our diverse, complex and fragile society. We must accommodate diversity and provide security for all our people and all our communities. We must promote mutual tolerance and respect and work together to build a new, over-arching and all-embracing nation. In particular, we must commit ourselves to improving the conditions of millions of South Africans who still live in circumstances of unacceptable poverty and deprivation.
- Lasting solutions to complex problems can be found only through peaceful means, through compromise and through the accommodation of the reasonable interests and concerns of others.
- We must accept the importance of reconciliation, of coming to terms with ourselves, our neighbours, and our past - of forgiving and of being forgiven.

May God, Almighty, grant the Commission the wisdom and the insight to succeed in achieving the worthy goals that Parliament has set for them.

F W DE KLERK
Questions put to the NP

Questions on motives, context and perspective

1. The Promotion of National Unity and Reconciliation Act, No. 34, 1995 requires that we give expression in our Final Report to "the motives and perspectives" of persons involved. Our request is that you kindly make available to us a two to three-page statement on your views, motivations and perspectives on the nature of the South African conflict. We would like you to give expression again to the underlying ideology of your party. What were the values that inspired the leaders of your organisation over the years? What motivated the involvement of your followers? What inspired the sacrifices which many of your followers made? What drove those who (in the words of the Act) were "responsible for the commission of violations"? It is important for these views to be boldly, and yet sensitively, articulated in order to facilitate the reconciliation process.

2. The submission states that "we defended South Africa against those who planned to seize power by violent and unconstitutional means". How does one achieve power constitutionally if one is disenfranchised and denied many of one's most basic constitutional rights? Later you refer to the government as "legally constituted and internationally recognised". Apartheid has been condemned as a crime against humanity, by the United Nations General Assembly and by the Security Council as well as in international instruments. This has been generally accepted as customary international law. Furthermore the government was internationally isolated on the diplomatic, economic, cultural, sporting and academic fronts. Is it not important to concede that it was Apartheid that was in fact unconstitutional, illegal by international standards and internationally condemned? Do you in retrospect agree that apartheid is morally indefensible? Can one legitimately equate the struggle against apartheid with the struggle to defend it?

3. In the National Party's submission mention is made of the four periods of apartheid. Much attention is given to the context and motives of the third and fourth periods. Can more light be shed on the way in which the National Party leadership understood its context, and motivated its actions, during the first and second periods (1948-1960 and 1960-1978)?

4. The submission does not mention the role played by cultural organisations, academics and the Afrikaans churches, as well as by the Afrikaner Broederbond in shaping its policies. Comment is invited on the extent to which the National Party was influenced by the above mentioned groups, not only for the initial formation of apartheid, but also for its eventual reform initiatives and the shift to negotiations and political settlement.

Questions of a general kind and those arising from the National Party submission

1. In the submission of the NP it is stated: "We never hesitated to submit reasonably substantiated allegations [concerning serious violations of human rights] to vigorous investigation."

Is this true of all periods during which the NP was in office? How many members of the security forces were prosecuted and/or found guilty of having committed serious violations of human rights of a political nature from 1960 to 1994? Do you think that this number is a reasonable reflection of the actual number of perpetrators? Many of the policemen responsible for investigating human rights abuse by the security forces, who have appeared before the TRC have claimed that they were discouraged from doing so and victimised if they persisted. Would it be fair to say that under these circumstances it would have been difficult for the security forces to undertake proper investigations into human rights abuse committed by the security forces? The government devoted an enormous amount of resources, in the form of, inter alia, the National Security Management System, to investigating the activities of those who opposed the system by both violent and peaceful means. Anti-Apartheid perpetrators were pursued with vigour and tenacity. Did the government make an equal commitment to investigating human rights abuse by the security forces?

2. What steps were involved in "cross-checked" intelligence information gathering (p.16)? How does one account for certain obvious errors in this regard (eg. the Umtata, and Lesotho raids - as well as the raid into Botswana by Vlakplaas operatives as reported in the De Kock Trial)? Who is to take responsibility for such operations in terms of levels of responsibility as outlined on page 26?
3. How can one ascertain who is guilty of what kind of offence as outlined on page 17? It suggests that security personnel can act unlawfully but in a bona fide manner. Is ultimate responsibility therefore not that of those who gave the orders and formulated the strategies?

4. The NP submission provides a list of identifiable incidents (p. 18) to be investigated by the TRC. Can the NP provide more specific evidence to assist the TRC in its investigations?

5. How does one explain the alleged ignorance of the former State President and his predecessors of gross human rights violations committed by the security forces and others? Why were the accusations of the state's critics, the media and former agents of the state not adequately investigated?

6. The submission creates a dichotomy between political and operational responsibility. Is this division valid? Evidence has emerged that Adriaan Vlok, the Minister of Law and Order, was kept fully informed about operational activities. These included, inter alia, Vlakplaas operations and the bombing of Khotso House. Comment is invited on who should take responsibility for illegal operations undertaken by the security forces.

7. Reference is made to the struggle between various black political groupings as a dimension of the conflicts of the past. The TRC has now received exhaustive information that there was a deliberate strategy on behalf of the former government and the security forces to generate "black-on-black" violence. Was there ever such a strategy? Was it ever discussed in Cabinet or in the SSC, or any of its sub-committees or at any other level of the security forces?

8. The submission indicates that no one in a position of authority can "know everything which takes place in the realm of his or her managerial responsibilities". This raises the question of accountability. Who should ultimately be held responsible for gross human rights violations?

9. Reports of political detainees give account of extensive torture and suffering in prisons and places of detention. Damages claims against the Minister of Justice suggest the same. This together with deaths in detention suggest that a prison system emerged which promoted abuse. The erosion of habeus corpus, the suspension of visiting rights and regular torture suggests that politicians must not only have known about these abuses, but did nothing to prevent them. Is this a fair assumption?

10. The NP submission concedes that "far reaching security legislation and the State of Emergency created circumstances and an atmosphere conducive to human rights abuse". Is the NP aware that sources indicate that over 80% of people detained without trial complained of some form of torture? It is argued that neither the former State President nor members of the Cabinet individually, directly or indirectly, ordered or authorised any gross violation of human rights. Why then did the NP government propose a State of Emergency? Comment is invited.

11. Recent documentation was brought to light which indicated Cabinet approval in 1976 of a recommendation by Minister Jimmy Kruger that increased force should be used to break the political unrest in Soweto during June/July 1976 with the foreseeable outcome of increased deaths. Did Cabinet approve this recommendation? How was this decision implemented? What instructions were issued to the security forces as a result? Can this not be interpreted as giving too much discretion to "foot soldiers"? Who should take responsibility for these deaths?

12. Were similar decisions made regarding unrest control during the 1980s?

13. The former State President claims that none of his cabinet colleagues were involved directly or indirectly in human rights abuse. Is this assertion maintained in the light of the allegation made against then Minister Vlok by General van der Merwe?

14. The notion of "moral responsibility", as used in relation to the State, implies that leaders of the State need to take responsibility for acts committed by their agents who acted in compliance with their orders or general policy. It further means that where agents acted without specific orders - while their behaviour remained unpunished by the State - it is the officers the State who are obliged to accept moral culpability.
Does the National Party accept responsibility for the gross human rights violations committed by its agents in the name of upholding the regime? As the government of the day, does the National Party accept that irrespective of whether individual leaders directly participated or collaborated in gross human rights violations or not, that the government is morally obliged to accept responsibility for what happened? Does the government, and former State President in particular, consider that enough was done to put an end to gross human rights violations being perpetrated by the security arms of the state?

Former members of the security forces have suggested that "the SAP moved further and further away from normal policing and the rule of law". Can the National Party explain why this was allowed to happen? Opponents of the National Party have, in fact, suggested that the security forces were effectively the armed wing of the National Party. In retrospect, is this a fair assessment?

**Questions arising from submissions of other political parties**

1. A document dated 13 March 1990 (ANC submission p. 42 ff) stated that FW de Klerk was "briefed on a broad spectrum of sensitive projects" and had given his approval "in principle" on "the running of Stratkom projects". What was the task of the Stratkom projects? Were covert operations against Self-Defence Units part of those Stratkom projects? What about the Adult Education Consultants (AEC) - were they also part of the projects?

2. Did the NP Government and former President de Klerk know about the killings of IFP leaders by MK (IFP submission p. 17)? Did the Government's intelligence agencies work with the ANC's Department of Intelligence and Security (IFP submission p. 19)?

3. Did former President de Klerk fail to respond to the IFP memorandum sent to him on 30 September 1993 in regard to the violence directed against IFP (IFP submission p. 19)?

4. Allegations of "false flag" operations undertaken by security forces have been made by both the ANC and PAC. General Johan van der Merwe is, in turn, on record as saying the Khotso House bombing was the work of the SAP. He further indicates that the operation was authorised by former President PW Botha and that Minister Adriaan Vlok conveyed the order to him. Were such operations state security policy? Who authorised such operations? What was the motive behind them?

5. What was the relationship between security forces and "right-wing" para-military groups? Did co-operation occur at any stage? If so, please provide details.

**Questions on the SADF and other security structures**

**The NSMS**

1. In your submission to the TRC, you asserted that it was impossible for any "managers" to have full knowledge of what activities their employees were engaged in. You suggested that the proper test to be applied is whether or not a proper control system was put in place, and if abuse occurred, whether effective steps taken to prevent further abuse.

Do you think the NSMS was a system which effectively prevented abuse and allowed for steps to be taken against those engaged in abuse? To your knowledge did any decision of any structure of the NSMS give rise to actions of an unlawful or unauthorised nature? Please provide an outline of the NSMS and the chain of command that existed within it.

**State Security Council**

1. Did the State Security Council (SSC) or any other agency of the State ever compile lists of "politically sensitive people" in order for action to be taken against these people? If so, please furnish the TRC with all such lists. Furthermore, what action was contemplated against such people?
2. Were there any government departments, agencies or institutions which operated outside the law? If so, which departments. Please furnish details about their mandate, the scope of their activities and all actions taken.

3. Did the government ever contemplate the establishment of a "Third Force" to counter the revolutionary threat? If so, please provide all details about the deliberations in this regard, including their outcome and implementation. Did any meeting of the SSC authorise the mobility and resources of the security forces to be used in "Third Force-type" action against the revolutionary threat. If so, what was meant by this. Did any resolution of the SSC authorise the security forces to use the same methods as revolutionaries to counter the revolutionary threat? If so, what was contemplated hereby? If this is so, to what extent is it legitimate to blame "revolutionary strategies adopted by the government's opponent" for blurring the traditional distinctions between combatants and non-combatants, legitimate and illegitimate targets and been acceptable and unacceptable methods of police and military action (NP submission page 16)?

4. In 1986, the SSC established a sub-committee known by the acronym of "GVS". What was the purpose of this sub-committee? Please furnish all details concerning its decisions and activities. Please furnish all minutes of this committee. Who chaired the GVS? Did this person have any other responsibilities?

The SSC minutes dated 12 May 1986 read as follows:

"Die Derde Mag moet beweeglik wees met 'n goed opgeleide vermoe om terroristte effektief uit te wis."

What is meant by the words "uit te wis". Please provide a definition of the term "terroriste".

5. Why were "unconventional strategies" planned and implemented on a "need to know" basis? Were they unlawful? If not, in terms of what laws were they authorised? Provide a list of all operations which formed part of "unconventional strategies" and/or which operated on a "need to know basis".

6. With regard to the Strategic Communications branch (Stratcom) of the SSC, What were the functions of Stratcom? Who was represented on Stratcom? Who chaired the meetings of Stratcom? Why did Stratcom continue to exist after the remaining sections of the SSC was scaled down or abolished State President De Klerk?

7. Please provide a full list of Stratcom operations or projects. Have these all been closed down? When did this occur? Have any of these operations been redesigned to facilitate their continued existence? What was the total cost of Stratcom operations to the state? Were Stratcom accounts audited? Who undertook the audit?

**Involvement by the SADF in domestic politics and security**

1. During the 1980s and 1990s the SADF was increasingly drawn into the internal security situation. When, why and by whom were these decisions taken? Did their authority extend beyond support for SAP security operations? Was the SADF given authority to engage in any internal independent operations? If so, when and why? Were SADF personnel (traditionally trained to use maximum force) given appropriate training to deal with internal security operations?

Was the SADF authorised to involve itself in operations that went beyond security measures? For example, was the SADF involved in Stratcom activities internally? What were the divisions of responsibility in relation to intelligence-gathering activities? How and when were these divisions of responsibility agreed upon?

2. Were the SADF or the SAP ever instructed to engage in actions or operations designed to discredit the ANC and other anti-apartheid organisations? Were any of these conducted after 2 February 1990? If so, please provide details. Were the SADF or the SAP ever instructed to conduct any action or operation designed to look as though it had been carried out by the enemy? Please provide details.

3. Did any structures of the SSC or Cabinet authorise Operation Katzen? Why did the Minister of Defence terminate Katzen in October 1987? Did any unauthorised or illegal actions take place during this operation?

4. Outline the nature and extent of the support given to Chief Buthelezi and/or the IFP and/or KZP.
5. Operation Marion represents a clear intention on the part of the SADF to involve itself in the domestic politics of KwaZulu and Natal. Was this operation authorised by Cabinet or any structures of the SSC? If so, who and why was this authorisation given? Was Operation Marion only confined to training? What cost was involved? When and why was Marion terminated?

6. Did the NP government ever authorise the SADF to supply weaponry at any stage to forces inside the RSA who were fighting anti-apartheid groups? Was authorisation ever granted to supply any covert/secret military or para-military training to any group, other than the IFP, inside the RSA? Was the SADF ever authorised to participate in the planning or supporting of any coup attempt in any of the independent homelands?

7. The court in the Goniwe Inquest found that the SADF, as an institution, was responsible for the deaths of Goniwe and other deceased. The Harms Commission, the Webster and the Lubowski inquests also made potentially incriminating findings in respect of SADF involvement in other assassinations. Similarly, the investigations by Genl. Pierre Steyn in 1992/3 suggested a significant degree of unauthorised and illegal activities and operations within the SADF. How were these allegations and/or findings acted upon? Does the NP believe that the SADF was sufficiently accountable? Were any additional mechanisms put into place to ensure a greater degree of accountability?

**The CCB**

1. The submission by the former SADF suggests that the CCB was set up in May 1986. Who authorised this? What was the nature of the relationship between the CCB and Vlakplaas? What was the total CCB budget? How was this budget authorised and accounted for? What expenditure was involved in closing down operations for the CCB? What sums of money were paid to individuals in termination and retrenchment packages? What were the lines of accountability and command between the SADF and other structures of government and/or security? To your knowledge did the CCB authorise any actions of an unlawful nature? Why was the CCB only closed down in February 1994 if its activities ceased in April 1990? Were there any attempts by individuals or any component of the SADF to gain authorisation for a CCB type structure after 1990?

**Cross-border raids**

1. The task of the TRC includes the investigation of gross human rights violations by/of South Africans beyond our borders. To what extent was the government of the day involved in unlawful acts in other states? Were neighbouring states destabilised as a matter of policy? To what extent was there co-operation between South African security forces and the security forces or secret agents in other states? Who authorised operations in other states? What was the intended purpose of these activities?

2. If cross-border operations had to be authorised, a full list of these operations must be available. Who were the targets and who was eventually killed?

3. The SADF submission states that aside from "hot-pursuit" and reconnaissance missions, the planning of all other acts "had to be referred to the Chairman of SSC for his decision, in consultation with those members of the SSC he decided to involve". What is the meaning of "those members of the SSC he decided to involve"? Who were they? Did certain people regularly attend? Was this an ad hoc group? Who authorised these meetings? What provision existed for them to be held? Are any of these directives reflected in law? Are there any minutes and decisions of the meetings?

4. The SADF was involved in the following external operations against what were described as ANC and PAC bases:

There were also raids on alleged SWAPO bases - notably Kassinga on May 1978. Who authorised each of these particular raids? What was the role of Cabinet in making each of these decisions? What was the role of the Ministers of Foreign Affairs and Defence and their respective departments? What was the role of the State President or then Prime Minister? How were targets selected? What efforts did Cabinet make to ensure that such intelligence was accurate and up-to-date? What casualties were incurred? How many of these were non-ANC or PAC members or bases/facilities no longer used by the ANC or PAC? Did Cabinet issue any operational guidelines to those engaged in cross-border raids? Were the Geneva Protocols adhered to? Was the SAP ever involved in cross-border raids? If so, on whose authority? Can operational reports be made available?

5. On 9 August 1975 South African troops crossed the Angolan border and took control of the Calueque and Ruacana dams. This first step resulted in an extended war. Was this done with the knowledge of the Prime Minister and the Cabinet? Was the National Party parliamentary caucus informed? What strategic objectives were seen to be served by this action and according to which provisions of international law was such action justified?

Support to guerrilla movements in foreign countries

1. What financial and military support was rendered to UNITA up to the signing of the New York agreement? What was the nature of the humanitarian aid provided to UNITA following this agreement? What mechanisms were put in place to ensure that such support was used only for humanitarian purposes? What was the role of the Ministers of Defence and Foreign Affairs in respect of support for UNITA? What was the role of the State President or then Prime Minister?

2. What was the purpose of relocating Renamo forces in South Africa from what was then Rhodesia? Who authorised this decision? What were the intended objectives of the decision? What operational guidelines or orders were given to the SADF regarding Renamo? Did Cabinet ever authorise the SADF to issue operational orders to Renamo or command any of their operations? What other countries were involved in providing support or acting as a conduit for aid to Renamo?

3. The Gorongosa documents seized at Renamo HQ in August 1985 reflected continued South African support for Renamo in violation of the Nkomati Accord. In the opinion of the National Party, what is the status of these documents? Define the nature of the relationship between the South African government and Renamo after the signing of the Accord and outline the extent, if any, of all support given to Renamo subsequent to the Nkomati Accord.

4. Was the NP government involved in supporting any other movements or organisations in other countries that sought to overthrow or influence the policies of those countries? What was the nature of this support? Was authorisation ever granted to supply weaponry to resistance/terrorist groups in other countries?

Chemical Biological Warfare

1. Did the Cabinet or the SSC at any stage authorise a Chemical Biological Warfare programme? If so, why was this deemed necessary? What, if any, guidelines were issued and what were the lines of accountability? Was authorisation ever given for chemical or biological weapons to be used outside of laboratory conditions? What was the extent and nature of field testing? Who specifically was targeted for field testing? Who oversaw this testing? Who authorised the testing? Was authorisation ever granted to any structure to poison food or water in ANC or PAC camps, or the water supply of any other country or organisation?

2. There are allegations that ANC and other operatives were poisoned by South African security personnel. The names of Thami Zulu, Francis Meli and Solly Smith are mentioned as possible targets of such operations. Comment is invited. If such operations were carried out, who authorised them? Who made the poison available? Who carried out the operations?

3. What level of co-operation did South Africa enjoy with other countries concerning CBW? Which were these countries?
Questions on the destruction of documents

1. Kindly outline the steps taken by the government to ensure that the agreement on the Currin court application in September 1993, preventing the destruction of documents due of a "classified" nature, was honoured. [See Supreme Court of South Africa (Transvaal Provincial Division) September 1993: Matter between Brian Currin and the State President of the Republic of South Africa, the Minister of National Education, the Director of Archives, the Director General of the National Intelligence Service.]

2. Gen. Klopper testified to the Harms Commission at the SANDF submission on 21 October 1996 that the only documents available on the CCB were those handed in to the Commission. What documents were destroyed prior to Harms Commission on the CCB? Who was responsible for deciding what documents on the CCB to preserve, and what documents to destroy?

3. Between April 1993 and May 1994 the Defence Force had to gain the written approval of Genl. Pierre Steyn, then Chairperson of the Steyn Commission of Investigation into irregular military activities, prior to the destruction of documents. How did the office of the State President monitor this procedure? Were documents destroyed without Genl. Steyn's approval? If so, which documents were destroyed? Why were they destroyed? Who ordered the destruction?

4. Within this period (April 1993 - May 1994) Mr. Johan Mostert, Head of the Security Secretariat, gave written instructions in a circular dated July 1993 to all government departments and the SADF to destroy all copies of classified intelligence records in their possession, that did not originate in their respective departments. Special mention is made of the need to destroy copies of documents originating in the NSMS. Were the original NSMS documents preserved? Where are they located now? Alternatively, were the originals destroyed and was the circular a deliberate attempt to destroy all traces of NSMS documentation? Who authorised the circular?

5. At the Johannesburg Amnesty Hearings in October 1996, Brig. Cronje testified to "massive document destruction" prior to the elections in 1993-4. What departments were responsible? What was destroyed? By whom?

6. Genl. George Meiring is on record concerning the destruction of documentation by the SADF. Was this done with the authority of the cabinet? What documents were destroyed? Does a list of these destroyed documents exist? Why were they destroyed? Who destroyed the documents?

Questions on recommendations

1. Section 4(h) of the Promotion of National Unity and Reconciliation Act requires that the TRC should make recommendations to the President with regard to legal, administrative and institutional measures that should be taken to prevent human rights abuse. What recommendations (if any) would the NP make in the following areas: Safety and Security
   Defence
   Justice
   Correctional Services
   Intelligence
   Education

Are there any recommendations, with regard to preventing human rights abuse, which fall outside these areas that the NP would like to make?

Questions on reparation and rehabilitation

1. The National Party states its conviction that the country owes the victims of apartheid "a great debt of gratitude and some or other form of reparation" (p.29). How much of the payment of this debt must be funded by the state, and how much through other sources? Will the National Party be willing to contribute to the President's Fund?
2. The submission further indicates that the National Party commits itself to "support all reasonable guidelines" on reparation and rehabilitation. Can you expand on the statement? What guidelines do you offer?

3. What specific contribution can the National Party offer to support applications for amnesty?

4. How many individuals benefited from the State President's Fund For Victims of Terrorist Attacks or other such funds? Can you provide us with a list of beneficiaries as well as with the details of compensation of all forms awarded to them?

6. The Promotion of National Unity and Reconciliation Act, No. 34, 1995 requires that we make recommendations on the reparation and rehabilitation of victims. The views of your party on this matter will be appreciated. The nation has limited resources, there are a range of initiatives included in the Reconstruction and Development Programme - and yet, there are individuals and communities who suffered in a specific way as a result of gross human rights violations. What is the obligation of the nation towards these people? What forms of memory, rehabilitation and reparation are reasonably possible?

Research Department, TRC
SECOND SUBMISSION OF THE NATIONAL PARTY TO THE TRUTH AND RECONCILIATION COMMISSION

Introduction

The purpose of this submission is to comment on the Truth and Reconciliation process thus far; to respond to the submission of the ANC; and to reply to the questions that the Commission submitted to the National Party on 12 December 1996.

General Comments

We would like, at the outset, to wish the Chairman a complete and speedy recovery after his recent illness.

We would also like to congratulate him and the Commission on the role that they played in securing the extension of the cut-off date for amnesty to 27 April 1994.

Apart from this we are deeply concerned about the manner in which the truth and reconciliation process is developing.

Most seriously, it has become evident that the Commission is losing its credibility among some of our communities and parties, including a large majority of members of the National Party. The reasons for this loss of credibility include the following:

- Despite the often praiseworthy efforts of the Chairman, the Commission is not perceived to be impartial. Its composition is seen to be overwhelmingly representative of only one side in the former conflict. An analysis of the statements and speeches of some leading members of the Commission indicates that they tend to view the conflict of the past from the broad perspective of the ANC and its allies. There is deep concern that their report might simply give an official endorsement of this one-sided view of our history. So far the Commission's activities have contributed to these concerns: its investigations have been targeted almost exclusively against those associated with the former Government, and its behaviour at times appears to be increasingly aggressive and prosecutorial. At the same time, comparatively little is said, written or reported about the abuses perpetrated by those who were opposed to the Government.

- The Commission's actions and hearings are beginning to create a skewed perception of the conflict, based as they are on the highly emotive testimony of victims who represent predominantly only one side of the conflict. These perceptions are being fanned and magnified by the SABC, which uses every opportunity to cast a pall of collective guilt over anyone associated with the former Government or with our party. Whole classes of decent people and communities are being associated in the public's perceptions with the criminal actions of a few individuals, of which they were not aware and which they would not have condoned had they known of them. The overwhelming majority of the members of our Party have been horrified by the revelations of abuses that have come to light as a result of the activities of the Commission and other investigations that preceded it.

- Many of those in the targeted communities and parties regard the Commission's approach as being contrary to the spirit of the historic agreement that gave birth to the New South Africa.
The essence of our peaceful transition was that parties that had previously been caught in an escalating spiral of conflict decided freely to pursue a peaceful resolution of the problems that had for so long divided them. Central to this process was the acceptance that no-one would be victimised for actions taken during the preceding conflict and that there would be a genuine and even-handed effort to promote reconciliation. This is not happening. Millions of supporters of the National Party who enthusiastically welcomed the New South Africa, who voted for reform policies in 1987, 1989 and in the referendum of 1992, are now beginning to feel alienated and victimised. It is just as important to recognise the role played by the National Party and a wide variety of South Africans in creating the New South Africa as it is to identify those who were responsible for the abuses of human rights that were perpetrated by all sides in the conflict.

- The Commission is becoming increasingly involved in the party political process. Some of the Commission’s actions and statements, such as its press conference on 16 January 1997, have created the impression that it has adopted a partisan stance against our Party and its leaders. (Please refer in this regard to the attached press statement issued by the National Party). Concerns are being expressed that the Commission may be misused by the ANC to the detriment of other political parties in the run-up to the 1999 elections.

We have recently seen an example of this: a leading member of the ANC, himself an applicant for amnesty, has on the basis of testimony brought before the TRC, accused me as Leader of our Party of having known about political assassinations, apparently committed by the security forces during my presidency. This led a leading newspaper to publish a headline proclaiming "De Klerk's death farms" - as though this were a matter of proven fact. All this occurred despite the lack of any supporting evidence whatsoever and categorical denials from me that I had ever been aware of such developments. Such accusations, arising from the Commission's public activities are not only grossly unfair - they are undermining the ability of a legitimate political party to participate on an equal basis in the democratic process.

Much of this has its roots, not only in the conduct of some of the Commissioners, but also in the basically flawed nature of the Commission’s composition and methods. The absence of any significant representation from the side of the former government on the Commission will inevitably raise questions regarding the TRC's impartiality. The fact that most of the Commission's hearings are in public and that testimony before it is not subject to proper examination, opens the possibility for abuse, for the stirring up of divisive emotions and for trial by media. It is, in retrospect, a great pity that South Africa did not follow the Chilean Truth and Reconciliation model which made provision for equal representation, in camera proceedings and a much speedier process.

- The commission is also beginning to intrude increasingly in areas which fall outside its responsibility of establishing the circumstances related to gross violations of human rights - including investigations into the role of the medical profession and the media.

In raising these points, the National Party wishes to emphasise that it has no problem with bona fide efforts to establish the truth regarding the conflict of the past. It will also enthusiastically support any genuine effort to promote national reconciliation. It believes, however, that the Commission’s present approach is seriously flawed and that unless it can take rapid and effective steps to convince all parties of its impartiality it will not succeed with its historic task. One-sided "truth" is no truth at all. Facts taken out of perspective can be as misleading as lies.

We would accordingly suggest that the Commission should urgently address these perceptions. It should, in particular, apart from issuing statements to that effect, take specific steps to reassure
all South Africans of its even-handedness and its intention of establishing the truth about all gross abuses of human rights committed by all parties during the conflict.

It will be essential in this regard to bring some overall perspective to the events that occurred during our conflict. Despite the attention that it is focusing on abuses committed by agents of former governments, the probability is that the great majority of people who died were victims of the conflict between various revolutionary and non-revolutionary organisations which were all opposed to apartheid. Also, some of the most horrendous abuses - such as the necklacing of more than 500 people - were committed by elements opposed to the former government. We suggest that the TRC should accordingly prepare an analysis that will a) indicate the scale of the conflict that occurred in South Africa compared with the conflict that has been experienced by other transitional societies; and b) provide an assessment of the total number of South Africans who died during the conflict.

- who died during the political conflict;
- who died or who were seriously injured as a result of security force action;
- who died, or who were tortured or seriously injured as a result of illegal operations of the security forces;
- who died as a result of the actions of the armed wings of the ANC, the PAC and other guerrilla organisations;
- who were killed by the ANC, the UDF, the Mass Democratic Movement, the Civics and other organisations because they were associated with, or supportive of, the former Government;
- who were seriously injured - or whose homes and properties were destroyed - in the course of the intimidation campaigns carried out by the ANC, the UDF, the Mass Democratic Movement, the Civics and other organisations; and
- who died, or who were seriously injured, or who had their homes destroyed in the conflict in Kwa-Zulu/Natal, including an indication of the number of ANC, IFP and non-aligned victims.

It is the essence of the Commission's task to determine in an even-handed fashion who was responsible for all these deaths and gross violations of human rights.

Concerns remain regarding other aspects of the TRC's activities - particularly in respect of the criteria that it will follow in assessing responsibility and the broad approach that it intends to take with regard to the granting of amnesty. We suggest that the TRC should

1. respond to the proposals contained in my submission regarding the criteria that should be used in determining responsibility for abuses committed by all sides in the conflicts of the past; and

1. establish a clear policy regarding the granting of amnesty that will be consistent with the Commission's overall task of promoting reconciliation. In this regard, deep resentment and hostility will be aroused if the Commission applies a harsher standard in respect of members of the Security forces than that demanded by the ANC in respect of the granting of amnesty to its operatives in terms of the Further Indemnity Act of 1992 - or if the Commission appears to be following a policy of retribution.
The submission of the ANC

Far from promoting unity and reconciliation, the TRC process has too often been used to accentuate differences and to revert to the rhetoric of confrontation. This was particularly the case with the submission made by the ANC.

Whereas I avoided playing politics in my criticism of the ANC in my submission and tried to understand the historic framework within which the ANC had operated, no such effort was made by the ANC in its submission. Instead, the ANC has clung to its own rigid and doctrinaire interpretation of the conflict. It has made no effort to seek the common ground that is so essential for reconciliation and has reverted to the hackneyed polemics and diatribes of the past.

It does not respond at all to the National Party’s constructive analysis of the framework within which the conflict took place. It gives no recognition of the legitimate considerations that motivated those who fought on the Government side:

- that many of those involved were fighting for the preservation of their historic right to national self-determination;
- that many were carrying out their duty to maintain law and order and to defend a duly constituted and internationally recognised State from armed insurrection; and
- that many others felt it their duty to defend their country and their region from the threat of international communist expansion.

Instead, the ANC dismisses quite wrongfully all those who fought on the Government side as racists intent on the perpetual suppression of black South Africans.

It gives no recognition to the enormous changes, including constitutional changes and the amendment or repeal of many racist and discriminatory laws, and developments that took place within the country - particularly from 1978 onwards - which were instrumental in bringing about the peaceful transformation of our society.

Neither does the ANC acknowledge that a very large part of the conflict took place between the different sections of the nation who had opposing views on how apartheid should be combated. In particular, it ignores its own struggle against the Inkatha Freedom Party and the campaign of mass intimidation that it and its surrogates carried out against anyone who was not part of the struggle or who worked for transformation from within the system.

Gross violations of human rights perpetrated by the ANC and its allies

The ANC’s submission deals only in the most superficial manner with its own involvement in the gross violations of human rights.

Necklace murders

The ANC and its allies cannot absolve themselves of responsibility for necklacing which caused the deaths of more than 500 people in the most horrible circumstances imaginable. Neither can they shift the blame for these atrocities onto the security forces as they are trying to do. The following facts contradict its claims that it never supported or condoned such methods:

- In an interview with Sechaba in December 1986, the late Chris Hani condoned the use of
necklace murders:

"So the necklace was a weapon devised by the oppressed themselves to remove this cancer from our society, the cancer of collaboration of the puppets. We have our own revolutionary methods of dealing with collaborators, the methods of the ANC. But I refuse to condemn our people when they meet out their own traditional forms of justice to those who collaborate. As far as I am concerned the question of the necklace and how it should be used belongs to all of us, to the ANC, to the democratic movement."

- On 7 October 1985 the ANC’s Radio Freedom broadcast the following comment:

"The policy of burning sell-outs of the system seems to have paid out well in the ultimate end."

- At a meeting at California State University on 10 October 1985 ANC spokesman Alosi Moloi said that:

"Among us we have people who have openly collaborated with the enemy. You have to eliminate one to save hundreds of others."

- At the same meeting Tim Ngubane of the ANC said that

"We want to make the death of a collaborator so grotesque that people will never think of it."

- On 13 April 1986 Winnie Manela said:

"...with our boxes of matches and our necklaces, we shall liberate this country."

It is also significant that some of the 525 prisoners whose release the ANC demanded on 26 September 1992 as its price for returning to the negotiating table had been convicted of necklace murders and other heinous offences. Nevertheless, the ANC claimed them for its own. One of these people, George Skosana, said on his release from prison that "he would do it again if he had to." He said that he remembered the dying screams of the "police informer" he helped to burn alive in Saulsville:

"We were angry and he was our enemy, so we necklaced him. I felt happy watching him burn."

Another of those released at the insistence of the ANC was Lucky Malaza who described how he had helped to kill a man called Fanayana:

"....We put the tyre around him, poured petrol on him and lit a match. He screamed and screamed and tried to pull the tyre off, but could not. I looked at his face. It was like meat. He took a long time to die."

Abuses committed by the Mass Democratic Movement, the United Democratic Front and Civic Organisations

The ANC seeks to avoid responsibility for the abuses committed during the conflict by elements within the Mass Democratic Movement, the United Democratic Front and the Civics, by claiming that it was not responsible for the actions of these organisations. In fact, these organisations were often deeply influenced or controlled by the ANC. In any event, the leadership of these organisations, many of whom now occupy senior positions within the ANC Alliance, have a duty to explain their involvement in human rights abuses, and specifically in necklace murders.
It is within this context that the ANC and the former leadership of the MDM, UDF and civics must also explain the campaign of intimidation and violence against their opponents in the black community - and particularly those who worked within the system.

In the December 1986 issue of Sechaba, Chris Hani said the following:

"As the result of the armed element of the struggle, including MK and other armed units, military units of our people which are born out of the struggle, our people have utilised the skills we have imparted to them to deal with the police, community councillors and collaborationist elements. By so doing we have rendered most townships ungovernable."

The May 1986 issue of Sechaba, Ronnie Kasrils said:

"We have also seen people counter-attacking in the white suburbs and city centres, creating confusion and fear in the enemy's ranks. We have seen them attacking the community councillors and the informers and here they have had to resort to rough justice, for the State relies on its loathsome army of sell-outs and informers, and unless a people arisen can purge its community of the enemy within, it is not possible to advance ".

We need to know who was responsible for this mass campaign of terror and intimidation against thousands of black South Africans whose only crime was their rejection of the ANC's armed struggle and their desire to serve their communities within existing structures. We must remember that many of the community councillors enjoyed genuine and proven support. In the 1988 municipal elections there was a 26% voter turn-out - despite massive intimidation by the ANC and its allies. In a large number of communities more than 50% of registered voters cast their ballots.

**The Conflict between the ANC and the IFP**

The ANC must, in particular, explain its role in the on-going violence in Kwa-Zulu Natal which has been responsible for the greatest number of deaths by far. Until now attention of the Commission, the courts and special investigation units has been focused overwhelmingly on the role of the IFP and the agents of the former Government in the struggle between the ANC and the IFP. Yet more than 400 hundred office-bearers of the IFP were systematically murdered and many more thousands of its followers were killed or attacked by followers of the ANC and its allies. Who were the persons responsible for these gross abuses of human rights?

In its Second Interim Report, the Commission of Enquiry regarding the Prevention of Public Violence and Intimidation (The "Goldstone Commission") made the following finding - among others - concerning the causes of the violence in Kwa-Zulu/Natal:

" As far as political violence is concerned, the Commission has no doubt at all that both African National Congress and Inkatha Freedom Party members and supporters have been guilty of many incidents that have resulted in the deaths of and injuries to large numbers of people. Both organisations have been over-hasty in accusing the other of being the cause of such conduct. Each has been tardy, especially at the level of top leadership, in taking adequate and effective steps to stop the violence by imposing discipline and accountability among its membership. The investigations of the Commission thus far do not enable it to apportion blame, even if that dubious exercise were relevant."

In its third interim report of 22 December 1992 the Commission found that whatever the role of
the security forces might have been

"... it remains clear that a primary trigger of current violence and intimidation remains the rivalry between, and the fight for territory and the control thereof by, the Inkatha Freedom Party and the African National Congress."

On 4 May 1992 at Pietermaritzburg an ANC leader, Mr R Radebe, addressed a crowd stating inter alia:

"The S A Police and Inkatha are the perpetrators of the violence, they are our enemies.
We will kill the S A Police
We will kill the SADF.
We will kill the KwaZulu Police.
We will kill all our enemies".

The ANC and others are now attempting to dismiss all the violence that occurred in the conflict between various black groupings, including its struggle against the IFP, as the result of "Third Force" activities. This is patently absurd.

We demand that all these gross abuses of human rights should be investigated with the same zeal and thoroughness that the Commission is devoting to its investigations of the former government and security forces.

QUESTIONS SUBMITTED BY THE COMMISSION IN ITS LETTER OF 12 DECEMBER 1996

I have now had the opportunity of studying the questions that you submitted to me under your letter of 12 December 1996. Before I deal with them - in as far as I can - I should like to make the following observations:

- I strongly disagree with the contention in the first paragraph of your letter that it is "impossible and inadvisable to distinguish between the role of the NP per se and the NP as government." There are, in fact, significant differences between Party and State. Although the latter is guided by the general policy of the former, formulation and implementation of operational policy is often in the hands of operatives of the latter - who may or may not be the Party's members or supporters. Indeed, we strongly object to the practice of the our political opponents and elements of the media of automatically charging the National Party with responsibility for all the abuses committed by individuals employed by the former Government. In contrast with the blatant politicisation of the public service and the security forces that is now taking place, the National Party adhered to the principle of the neutrality of these institutions. Many of the perpetrators of abuses who are now involved in hearings have never been members or supporters of our Party. Some of them were strongly opposed to the National Party and especially to the reforms that led to the 1994 elections.

We wish to make the following perfectly clear: the National Party is prepared to accept
responsibility for the policies that it adopted and for the actions taken by its office bearers in the implementation of those policies. It is, however, not prepared to accept responsibility for the criminal actions of a handful of operatives of the security forces of which the Party was not aware and which it would never have condoned. Neither is it prepared to accept responsibility for the actions of any office bearer who might have acted outside the mandate given him or her by the Party.

Just as I have already stated in this, as well as my previous submission, that in no cabinet meeting decisions were taken to authorise gross violations of human rights, likewise no decisions were ever taken by the National Party in any of its party political structures to support gross violations of human rights. This is in stark contrast to the ANC and its allies which adopted specific policies in its meetings, knowing full well that these would definitely lead to gross violations of the human rights of the civilian population.

- The distinctions that I made in my submission between the various historic stages through which the National Party developed are also of importance. It would not only be wrong and unfair to associate the National Party of today with the actions and attitudes of the National Party of 1948 - it would also be an unwarranted intrusion by the Commission in the current democratic process. The Commission must take note of the fact that the National Party of today is now supported by millions of South Africans from every community, black, coloured, white and Indian. This includes, since the early 'eighties many white South Africans who totally rejected and had absolutely nothing to do with apartheid. It is important that the Commission should be aware of these distinctions and that it should avoid any pronouncements that might draw itself into the party political arena.

- I am disturbed by the tone of some of the questions. They seem to indicate that the Commission has already made up its mind about the nature of the conflict of the past and feeds the perception that it has chosen sides. Some of the questions betray a simplistic approach to the enormously complex historical, political and moral questions involved in the conflict. In our submission we tried to identify some of these complexities.

- Many of the questions have already been answered to the best of our ability in our initial submission - particularly those that deal with the matters referred to in Question 1.

- A number of other questions presuppose that we still have access to all the relevant documentation and records. This is not the case and such questions should accordingly be referred to the relevant line-function departments or the parties that submitted statements. This is particularly the case with the following questions:

Questions of a general kind and those arising from the National Party submission - Question 1.

Questions arising from the submissions of other parties - Question 5.

Questions on the SADF and other security services - Questions 6 and 7.

Involvement of the SADF in domestic politics and security - Questions 3 - 6

The CCB - Questions 1 and 4.

Cross border raids - Question 2.

Support to Guerrilla movements in neighbouring countries - Questions 1 - 4.
QUESTIONS ON MOTIVES, CONTEXT AND PERSPECTIVE

Question 1

Most of our first submission was devoted to providing answers to the queries that you have raised in this question. The development of our "underlying ideology" is dealt with from pages 3 - 10 of our submission.

In brief, the central theme of the history of the Afrikaans people, almost since its arrival at the Cape has been its wish to rule itself; to defend its right to religious freedom and to maintain and develop its own cultural heritage and identity. It was this desire that led to its first clashes with the Dutch East India Company and, after the arrival of the British, motivated a large part of its people to migrate from the Cape Colony into the interior. It was this desire that led the Afrikaners to establish their own independent republics in the Transvaal and the Orange Free State and twice to defend their independence - at enormous cost - against the mightiest imperial power of the time. After its defeat at the beginning of this century, it was this desire that led Afrikaners to rebuild their people, to nurture their young language and culture; and to regain their right to full national self-determination, embodied in the ideal of the re-establishment of a Republic.

The National Party was founded in the second decade of this century to act as the political vehicle for the realisation of these goals. Its election victory in 1948 enabled it to implement its programme, which culminated in the establishment of a Republic in 1961.

As far as relations with the other peoples of South Africa were concerned, the National Party believed initially that its interests could be best served by following a policy of "separateness" - or apartheid. It felt that, only in this manner, would the whites in general - and Afrikaners in particular - avoid being overwhelmed by the numerical superiority of the black peoples of our country. Only in this manner would they be able to maintain their own identity and their right to rule themselves. It persuaded itself that such a policy was morally defensible and in the interest of the other peoples of South Africa, because any other course would inevitably lead to inter-racial conflict.

As I pointed out in my submission, the National Party’s views and policies were not static and developed markedly over the years as circumstances in South Africa and the world changed. The history of the National Party since 1948 can be divided into a number of periods:

- **the first period of rigid apartheid, between 1948 and 1960, which was marked by the adoption of comprehensive segregation and security legislation and by the campaign for the establishment of a republic.** This period was characterised by a determination to implement the Party’s cultural, social and political/ agenda; by strict anti-Communism; and by a paternalistic approach to the other peoples of South Africa which was a reflection of the racial attitudes that prevailed at that time throughout much of the European dominated world and in the southern states of the United States. By the early ’fifties, the strict racial segregation that the National Party had inherited from the past, had been firmly institutionalised. Those in the Black community - such as the ANC and the Congress Movement - who were demanding full democratic rights - were regarded as agitators and communist revolutionaries.
the second period of apartheid - or separate development - between 1960 and 1978, during which the Government attempted to achieve a constitutional settlement through the establishment and development of black national states and also during which South Africa experienced growing international isolation. As I mentioned in my submission this approach was not without idealism:

"We thought that we could solve the complex problems that confronted us by giving each of the ten distinguishable black South African nations self-government and independence within the core areas that they had traditionally occupied. In this way we would create a commonwealth of South African states - each independent, but all co-operating on a confederal basis with one another within an economic common market.

The underlying principle of territorial partition to assure self-determination for different peoples living in a common area is widely accepted. It was inter alia the basis for the creation of the nation states that emerged from the Austro-Hungarian Empire after the First World War, and for modern Pakistan and India after the Second World War. Today, complex ethnic maps are the basis for the peace proposals in Israel/Palestine and Bosnia.

Although we were primarily concerned with maintaining our own right to self-determination, it would be a mistake to think that there was not a strong element of idealism in this vision. Ten capital cities were built in the ten states that had been identified, each with its own parliament, quite impressive government buildings and bureaucracy. Several well endowed universities were founded - which were formerly dismissed as "bush colleges" - but which are now accepted as fully fledged universities. By 1975 some 77 new towns had been established and 130 204 new houses had been built. Between 1952 and 1972 the number of hospital beds in the homelands increased from some 5 000 to 34 689. Decentralised industries were developed and hundreds of millions of rands were pumped into the traditional areas in a futile attempt to stem the flood of people to the supposedly "white" cities.

the period of reform between 1978 and 1990, during which most of the revolutionary conflict took place, much of the apartheid system was dismantled, the electoral base was broadened, and negotiations were initiated. After the manifest failure of separate development, the main focus in the National Party shifted toward the search for alternative constitutional models that would enable those who held power to accommodate the social, economic and political realities that confronted them without sacrificing the right of white South Africans and other minorities to continue to manage and decide on what was referred to as "own affairs". In security affairs the main concern was to protect the state from a concerted national and international revolutionary onslaught. In my first submission I commented as follows on this period:

"From as early as 1978 the National Party began with its own tentative process of reform - starting with the important labour reforms that emerged from the recommendations of the Wiehahn Commission.

By the late seventies it was accepted that adequate constitutional provision would also have to be made for the coloured and Indian communities which did not have any identifiable homelands. The President’s Council was established to look into this and other constitutional questions. Their recommendations ultimately led to the adoption of the tricameral constitution in 1983 in terms of which white, coloured and Indian South Africans were given the opportunity of electing their own houses of Parliament and of administering their 'own affairs', while power was shared with regard to matters of common interest."
By the end of 1986 the National Party Government had repealed some 100 discriminatory laws, including many laws such as the Pass Laws that had constituted cornerstones of the policy of apartheid.

By 1987 it had established fully representative black local authorities. In 1988 nation-wide elections were held for black local authorities.

I added in my submission that

"This new direction was given further definition at the 1986 congress of the National Party which officially accepted 'one citizenship for all South Africans' and the implication that 'any discrimination on the ground of colour, race and cultural affiliation or religion' would have to be eliminated. However, the Party still believed that political rights should be exercised on a group basis. One of the points of departure for its 1987 programme of action was the continued protection of group rights: 'This must be done on the basis of the maximum degree of self-determination for each group, and joint responsibility on matters of common interest, in such a way that the domination of one group over others be eliminated.' During the national elections of 1987 the National Party sought, and was granted, a mandate by the electorate to pursue and implement such a constitutional programme.

- the transformation period since 2 February 1990, during which the National Party took the decision to initiate inclusive constitutional negotiations; the political situation in South Africa was normalised; and the remaining apartheid legislation was repealed. During this period the National Party reconstituted itself, opened its membership to South Africans of all races and took its place as one of the New South Africa’s fully multi-racial and democratic parties. As I pointed out in my first submission:

"By the end of the 1980's it had become evident that the only possible solution to the constitutional impasse lay in negotiations between all South Africa’s major parties, aimed at the establishment of a fully-inclusive non-racial democracy. This was a difficult and far-reaching decision for those in power - and especially for Afrikaner nationalists":

- It meant that they would have to give up the right to alone govern those parts of the country where they had exercised power and that they considered to be theirs, for which they, as a small people, had struggled for hundreds of years. No other nation in the world has ever voluntarily made such a decision. Nonetheless the majority of white South Africans did so.
- "It meant that instead of putting their faith in their own institutions and in their own ability to defend themselves, they now had to put their trust in negotiated constitutional agreements. They did so in a continent that was not renowned for the success of its constitutional experiments.
- It meant that they would have to reach agreement with parties that they had little reason to trust. The SACP had, for example, made it clear that it viewed negotiations simply as the first strategic step in a two-phase revolution which would culminate in the establishment of a communist state.

After I became State President in 1989 I took the following steps to normalise the political situation in South Africa further:

1. On 2 February 1990 I made announcements that opened the road to inclusive constitutional negotiations. These announcements included the unbanning of the ANC, the SACP and other organisations and the release of prisoners, including Mr Nelson Mandela.
2. During the following months and years the Government repealed all the remaining 'apartheid
The factors that motivated those who fought on the Government’s side are dealt with quite explicitly in pages 10 - 13 of the submission.

**Firstly, one of the main motivating factors was the determination of many whites - and especially Afrikaners - to defend what they saw as their historic right to national self-determination:**

"Many of those who took part in the struggle from the side of the Government, especially most of the Afrikaners, believed, to start with, that they were defending the right of their people to national self-determination in their own state within a territorially partitioned South Africa. They believed that their actions were in line, not only with the traditions of their forefathers, but also with the universally accepted principle that nations were entitled to defend their right to self-determination. As the impracticality of this vision became more and more evident during the eighties its importance as a motivating factor diminished for most Afrikaans members of the National Party. It nevertheless remains, to this day, the ideal of a significant proportion of Afrikaners who support the Freedom Front, the Conservative Party and various right-wing organisations."

**Secondly, many of those who fought on the side of the Government did so because of their perception that they were defending their country against the global onslaught of totalitarian and atheistic Communism:**

"Those who fought on the side of the Government believed that they were defending their country against what they perceived to be the aggressive expansion of Soviet communism. They had ample reason to believe this. The Sixth Congress of the Communist International had resolved, as early as 1928, that

' The CPSA (Communist Party of South Africa) should pay particular attention to the ANC. Our aim should be to transform the ANC into a fighting nationalist revolutionary organisation.'"

From the sixties onwards, the ANC received substantial aid from the Soviet Union and its East European satellites. It was closely allied to - some would say dominated by - the South African Communist Party. The SACP was, in turn, one of the most Stalinist and supinely pro-Soviet parties in the world. Among other actions, it had enthusiastically supported the Soviet invasions of Hungary, Czechoslovakia and Afghanistan. The Soviet threat was not simply McCarthyite paranoia on the part of the South African Government. The reality was that SACP members held dominant positions within the ANC’s National Executive Committee and that Soviet surrogate forces had established strong positions in a number of Southern African countries, particularly in Angola. In September 1987 Soviet and Cuban-led MPLA forces clashed with UNITA and SADF forces at the Lomba River in southern Angola in what was probably the largest set-piece battle in the continent since the Battle of El Alamein.

The SACP’s agenda was to use its vanguard position in the ANC led alliance to promote a two-phase revolution. According to a policy document produced by the SACP politburo in May 1986
"... the immediate attainment of the socialist revolution is not on the agenda. This does not mean that we are putting it off but, to quote Lenin's words, we 'are taking the first steps towards it in the only possible way, along the only correct path, namely the path of a democratic republic.'"

The perception of those on the side of the Government was accordingly that the installation of an ANC Government would lead to communist domination. They believed that in conducting their struggle against the ANC, they were playing an important role in the West's global resistance to the expansion of Soviet Communism.

**Thirdly, many of those who fought on the side of the Government were motivated by their perceived duty to defend the State and to maintain law and order:**

"Many of those who fought on the side of the security forces, particularly national servicemen and reservists, often did so without any specific ideological or party political motive. They believed that it was their duty to carry out the lawful instructions of a legally constituted and internationally recognised government. They also believed that they had an underlying and non-party political responsibility to uphold the law and to protect the lives and property of citizens.

Millions of South Africans who opposed apartheid also condemned the use of violence to achieve political objectives. Newspapers in South Africa which were strenuous opponents of apartheid often supported cross-border actions by the security forces in cases where perpetrators sought refuge in neighbouring states after murdering civilians in South Africa.

The great majority of those who served in the security forces during the conflict were honourable, professional and dedicated men and women. They were convinced that their cause was just, necessary and legitimate."

**Question 2**

The manner in which you have phrased your question creates the impression that the Commission has already reached its own conclusions on these important matters.

**Non-violent and constitutional change**

You ask how one achieves power constitutionally if one is disenfranchised and denied many of one's basic constitutional rights? The answer is that, in the end, all of the people were empowered and enfranchised through negotiations and a peaceful constitutional process - and not as a result of violent conflict.

The armed and violent dimension of the ANC's strategy was not a major factor in the transformation of South Africa. It was unnecessary and counter-productive and served only to intensify the cycle of brutality and bitterness on all sides. Furthermore it delayed the process which led to the enfranchisement and empowerment of the people.

There was a vigorous debate within the ranks of the ANC at the beginning of the 1960's on this very question. Many of the organisation's most respected leaders - including Chief Albert Luthuli - were opposed to the use of violence. There is also no indication that the majority of black South Africans ever supported the ANC's decision to embark on its armed struggle.

The fact is that many disenfranchised peoples have successfully secured constitutional rights
through non-violent and/or broadly constitutional means. This was the case, most notably in India and in much of Africa. It was also the method that brought about the extension of the suffrage in countries such as the United Kingdom. It is a great pity that the ANC and its allies opposed so resolutely the genuine reform measures adopted by the Government from the end of the 1970's. The ANC's approach that apartheid could not be reformed and that the "apartheid regime" had to be destroyed undoubtedly played a major role in promoting intransigence on both sides during the conflict.

Many black South Africans with impeccable qualifications believed that they could best advance the cause of their people through peaceful means. Others, equally sincere, felt that rights for black South Africans could best be secured by working within the structures provided by the Government. The homeland governments, local authorities and the tricameral Parliament all provided - or could have provided - a base for the initiation of far-reaching peaceful and evolutionary constitutional change. Even President Mandela acknowledges that it was sometimes acceptable to work within the system - and gave tacit approval to some leaders who had done so by subsequently appointing them to senior positions in the ANC.

Despite ANC propaganda that they were "puppets", homeland governments enjoyed a very high degree of real autonomy and the Independent States were constitutionally independent. They controlled budgets that were larger than those of many independent African states. Some leaders, like Chief Mangosuthu Buthelezi, used these institutions to fight apartheid and to press for the ideal of a non-racial South Africa and, by so-doing played an important part in the transformation process. If the ANC and its allies had decided to encourage candidates sympathetic to its cause to contest the elections for the tricameral Parliament, they could have established another powerful platform for the constitutional promotion of their cause. Their decision, instead, to launch a campaign of mass defiance through their surrogates in the UDF and the Mass Democratic Movement, signalled the beginning of the most serious phase in our national conflict.

As far as I am aware, the Chairman of the Commission never supported violence as a means to achieving constitutional rights - yet no-one would question the very great contribution that he had made by following peaceful and constitutional methods.

The point that we wished to make in our first submission was that -although one might understand the motivation of those who embarked on a policy of armed insurrection - there is a very real question as to whether this was an effective or correct option. Undoubtedly, it contributed to the spiral of violence and to the intensity of the conflict.

On pages 20 -25 of my submission I listed the complex factors that ultimately contributed to the transformation of South Africa. These factors included the roles played by the international community, by peaceful opposition within South Africa, by the collapse of Soviet Communism, by changes within the National Party and by socio-economic changes. The most significant of these were the socio-economic changes:

"During the twenty-five years between 1970 and 1995 there were dramatic - but largely unpublicised - shifts in socio-economic relationships in South Africa which led to the *de facto* and ultimately to the *de jure* transformation of South Africa:

- Influx control was abolished by the reality of millions of people migrating to the cities, long before the relevant legislation was repealed by Parliament.
- The Group Areas Act was abolished *de facto* by the reality that thousands of black South Africans had peacefully moved into supposedly white areas.
- The Separate Amenities legislation was doomed from the moment that young black and white
people with the same qualifications began working side by side in banks, shops and factories.

There is nothing new in this. Much of history has been the story of how changing economic relationships have led to changed social relationships. Ultimately these changed relationships placed irresistible pressure on antiquated constitutional relationships and led to the emergence of democratic societies."

**The legality of the South African Government and its international isolation**

It is a matter of fact that South Africa was "legally constituted and internationally recognised" throughout this period - even though the "legitimacy" of this Government was increasingly questioned. Throughout this period South Africa remained a member of the United Nations and its ambassadors were accepted by the UN Secretary-General and regularly participated in the deliberations of the UN Security Council. The South African Government was also recognised as a sovereign government by the governments of most of the leading countries of the world.

**The International Convention that purported to declare apartheid to be a "crime against humanity"**

The International Convention that purported to declare apartheid to be a "crime against humanity" was little more than a mobilisation exercise by the ANC and its totalitarian and Third World supporters in the UN General Assembly. It was never adopted or approved by the Security Council, as you incorrectly state. It is significant that few genuine democracies ever supported the Convention. On the other hand, many states - including the Soviet Union, its satellites and the People's Republic of China - that themselves were guilty of the most horrendous crimes against humanity - were signatories. It is significant that throughout this period Freedom House - a widely respected human rights organisation in New York - consistently reported that black South Africans had greater civil and political rights (seriously restricted though these were) than the citizens of most of South Africa's East Bloc and African critics.

"Crimes against humanity" are generally associated with the wilful extermination of hundreds of thousands - and sometimes millions - of people, as occurred during the Holocaust; the rule of Josef Stalin; the "Great Leap Forward" in China; and the recent genocide in Rwanda. Without wishing to detract from the humiliation, hardship and disruption caused by apartheid policies, they are not in any way comparable with these situations. Victims of "crimes against humanity" do not generally achieve sustained population growth rates of more than 3% and their social and socio-economic statistics do not improve across the board. There is generally not a major shift of national income in their favour and they do not usually benefit from a marked increase in their share of the social budget at the expense of their so-called "oppressors". As I pointed out in my first submission:

"According to the propaganda of our opponents, the apartheid years were characterised by the unbridled exploitation of black South Africans by whites. However, in the period between 1975 and 1987 white South Africans share of social benefits declined from 56% to 35% of the total, while their contribution to total personal taxes declined by only 5% from 77% to 72%. According to a study by the International Monetary Fund in January 1992, white South Africans in 1987 paid an average of 32,03% of their incomes in tax, but received only 9% back in benefits."
Despite widespread criticism of the education policies of the former government, the proportion of the total black population attending school rose from 8.05% in 1950 to 19.8% in 1975. Since then expenditure on the education of all South Africans has risen dramatically: By 1993/94 it was R27.26 billion, representing 21.4% of the budget and 7.3% of GDP - one of the highest figures in the world. 74% of the school budget was allocated to coloured, Indian and black schools.

- Between 1989 and 1993 black university enrolment increased by 47%. By 1993 black students represented 32% of all enrolments - compared with 54% for Whites. There were 41342 black technicon students and 41343 trainee teachers. Despite the disruption of black education and despite the low pass rates, more than 150 000 black scholars passed matric in 1992, compared with 64 000 whites.

- During the period between 1970 and 1995 the black share of personal income increased from 19.8% to a projected 37.3%, while the white share fell during the same period from 71.1% to a projected 48.5%.

- By the end of the eighties black South Africans had begun to move into a dominant position in many sectors of the consumer market. By 1989 they bought more stoves, fridges, televisions, hi-fi's, furniture suites, crockery, curtaining and linen than whites.

- By the early nineties there were an estimated 625 000 small businesses in the black informal sector of the economy. According to some reports, the sector had created about 3.5 million jobs, of which almost 500 000 had the potential of being transferred to the formal sector.

- During the last years of National Party Government rule we made genuine and serious efforts to remove racial differentials in all spheres. We equalised the salaries of all state officials. By 1993 old-age pensioners of all races were receiving equal pensions."

According to media reports, some elements within the ANC are now insisting that there can be no reconciliation unless those involved on the side of the former Government first acknowledge that "apartheid" was a "crime against humanity". This is accompanied by increasingly strident calls for the prosecution of people involved in the conflict of the past on the Government side. This approach is completely at odds with the requirements for reconciliation, even-handedness and amnesty set out in the transitional constitution. It is a sure recipe for the rekindling of inter-racial animosity.

**International Isolation**

It is true that South Africa was increasingly isolated in the international community. It is also true that the pressure for further isolation mounted as the South African Government began to introduce reforms. For example, the very significant labour reforms that were introduced at the end of the seventies after the publication of the Wiehahn Reports, were viciously condemned and rejected by the ANC's allies at the United Nations. The reason is that they were resolutely opposed to reform ("apartheid cannot be reformed") and were single-mindedly committed to the total revolutionary destruction of the State.

The sanctions and isolation campaigns caused enormous hardships for millions of South Africans and probably acted more to retard the process of change than they did to accelerate it. Reliable opinion surveys consistently indicated that a majority of black South Africans were opposed to sanctions. One of the main engines of change was, and remains, economic growth and the socio-
economic development that it always brings.

Was apartheid morally defensible?

You ask, whether in retrospect, we agree that apartheid is morally indefensible. Once again, you do not appear to have read our submission. We have not argued that apartheid is morally defensible. However, it is surely morally defensible for a people to struggle to maintain their right to national self-determination, but not at the expense of the human rights of others - and this is what apartheid came to signify. Although - as I stated on page 7 of my submission, there was originally a strong element of idealism in separate development and although many positive developments occurred - the policy was a dismal failure. On pages 9 - 10, we state quite clearly that

"Instead of providing a just and workable solution, it led to hardship, suffering and humiliation - to institutionalised discrimination on the basis of race and ethnicity. Instead of promoting peaceful inter-group relations, it precipitated a cycle of widespread resistance and repression in which unacceptable actions were committed by all sides. Instead of providing a solution, it had led to injustice, growing international isolation and to the escalation of the conflict that had been smouldering since the early sixties."

On page 28 I reiterated my apology "for the pain cause by former policies of the National Party." Clearly, it is neither my wish nor intention to furnish a moral defence of apartheid. Indeed, my own presidency was dedicated primarily to continuing the abolition of apartheid and the democratic transformation of South Africa. What I sought to do in my submission was to explain the circumstances which gave rise to the policy.

The equation of the struggle against apartheid with the struggle to defend it

You ask whether one can legitimately equate the struggle against apartheid with the struggle to defend it? It could be argued that in putting this question you are betraying your prejudice and a simplistic approach to your mandate. The question, as formulated, actually suggests that all those who fought on the side of the Government, whatever their motivation and actions, should be placed in an inferior moral position to all those who fought against the Government, whatever their motivations or actions. The question also assumes, quite incorrectly, that all those who fought on the Government side were doing so in the defence of "apartheid". Very few of those involved were fighting to repress fellow South Africans or to maintain the segregated facilities associated with apartheid. As I have pointed out above, those who fought on the government side were motivated by a number of factors, including their determination to maintain their right to national self-determination; their commitment to resist the expansion of global communism; and their duty to defend individuals and the state and to uphold law and order. All these factors are, in my opinion, legitimate and had nothing to do with racism or apartheid per se.

The answer to your question accordingly depends entirely on the circumstances involved. A black policeman going about his duty, protecting the lives and property of his neighbours undoubtedly had a more moral cause than the activists who burned him - and many like him - to death by tying a tyre to his neck with barbed wire, filling it with petrol and setting him on fire. Civic organisations, demonstrating peacefully in support of their rights undoubtedly had a more moral cause than maverick elements in the security forces who committed brutal crimes to suppress them. Those advocating peaceful change and promoting democratic reform within the Government were in my opinion, morally superior to members of the South African Communist Party who were
plotting to impose a socialist dictatorship through armed insurrection in South Africa.

It is the Commission’s onerous task to delve into such circumstances and establish, in as far as it can, the truth. It is not part of its mandate - and it will certainly not promote reconciliation - if it attempts to brand all those on one side as morally inferior and all those on the other as morally superior.

Question 3

Although it cannot be expected of me to account directly for the first two periods of the National Party Government I tried, in my first submission, to sketch some of the main factors involved during these periods. In this regard, please refer to my comments on the first and second periods of the National Party above.

Question 4

The cultural organisations, the academics, the Afrikaans churches and the Broederbond all played greater or lesser roles in the formulation of the policy of apartheid and in subsequent reform initiatives. However, I have no mandate to act as a spokesman for these organisations. If you believe that they possess information that is relevant to your mandate I suggest that you invite them to speak for themselves.

QUESTIONS OF A GENERAL KIND AND THOSE ARISING FROM THE NATIONAL PARTY SUBMISSION

Question 1

As I stated on page 2 of my submission, the information that I provided related primarily to my own presidency. I warned that I would not be able to speak with the same authority with regard to developments that fall outside of this framework. I am accordingly not in a position to provide detailed information and statistics on all the periods during which the NP was in office. Nor am I able to provide you with the statistics that you request concerning the prosecution of members of the security forces for serious violations of human rights from 1960 to 1994. I simply do not possess this information and suggest that you approach the government authorities in this regard.

The question as to whether the Government devoted the same resources to investigating human rights abuses by the security forces as it did to the National Security Management System and to the pursuit of anti-Apartheid perpetrators’ is disingenuous. Pages 26 and 27 of my submission provide the following information on the far-reaching steps that I took - including the abolition of the National Management System - to normalise the role of the security forces and to investigate allegations of human rights abuses:

- "Soon after my inauguration I gave instructions for the investigation of all secret and covert operations of the security forces with a view to their possible termination. By March 1990 a number of such operations had been phased out.

- On the 10th January 1990 I addressed some 800 senior police officers and told them that it was their duty to be absolutely impartial; that they should refrain from any political involvement; and that they should restrict themselves to combating crime and protecting the lives and property of all South Africans. On the 7th March 1990, I repeated the same exercise
with senior officers of the South African Defence Force.

- In February 1990 I appointed the Harms Commission to investigate certain alleged murders.

- On 9 July 1990 the Government announced the final termination of the National Security Management System, and also drastically scaled down the role of the State Security Council.

- The management of covert operations was further reviewed after receipt of the report of the Harms Commission.

- I appointed a committee under chairmanship of Prof. E Khan to advise on the desirability of all secret projects and to recommend on the phasing out, where possible, of such projects. Part of its brief was to advise me of the adequacy of existing control measures.

- I appointed a standing commission (The Goldstone Commission) to investigate incidents of public violence

- In November 1992 I appointed General Pierre Steyn to investigate allegations made to the Goldstone Commission with regard to activities of the Directorate of Covert Collection of Military Intelligence.

These steps - and particularly the reports of the Goldstone Commission - were instrumental in uncovering many of the abuses that have now come before the Courts and the Truth and Reconciliation Commission. However, the Goldstone Commission consistently found that abuses had been committed by all sides in the conflict."

**Question 2**

As far as I was involved, information was obtained from more than one of our intelligence services. In the case of the Umtata raid it was based on extensive surveillance that had indicated that the target was, indeed, an APLA base. This was, according to the reports that I received, substantiated by two independent police sources.

Such errors as were made in the execution of cross-border raids may, no doubt, be ascribed to the exigencies of each specific case. I suggest that the Commission approach the security forces involved for further elucidation in this regard. My suggestions regarding the allocation of responsibility are clearly set out on page 26 of my submission as follows:

"Responsibility should be attributed

1. **to Cabinet** for all decisions which it took and the instructions that it issued, including all authorised actions and operations executed in terms of a reasonable interpretation of such instructions;

1. **to the State Security Council** on the same basis applicable to Cabinet, as set out above;

1. **to individual ministers** for all decisions taken by them personally in their ministerial capacity, including all authorised actions and operations executed in terms of a reasonable interpretation of instructions issued by them in the process;

1. **to the commanding officers attached to the security forces** on the same basis applicable to individual ministers, as set out above.
I furthermore submit that these guidelines could, **mutatis mutandis**, be applied to other parties, organisations or institutions."

**Question 3**

In terms of the criteria that I identified on page 17 of my submission, it would be the responsibility of whatever body might be involved - either the courts or the TRC - to determine whether the person concerned acted legally or illegally. If the person acted illegally, a determination should then be made whether his or her actions constituted a bona fide interpretation of orders; or whether he or she acted mala fides. The question of ultimate responsibility is dealt with quite clearly on pages 25 and 26 of my submission, which I have quoted in my reply to question 2 above.

**Question 4**

Full information can, no doubt, be obtained from the security forces; from court records and from the media. We assume that the Commission is already actively investigating many of these incidents.

The National Party will, in due course, be making a further submission to the TRC with regard to a number of incidents that we believe require special attention.

**Question 5**

As I stated on page 16 of my submission "I have never been part of any decision taken by Cabinet, the State Security Council, or any committee authorising or instructing the commission of ... gross violations of human rights." And yet there is now ample evidence that gross violations of human rights were committed by elements of the security forces.

As I have stated above, the overwhelming majority of the members of the National Party have been horrified by the revelations of human rights abuses committed by some elements within the security forces during the conflict. They also want to know how these abuses could have happened and why they were not detected long before their public exposure.

The fact that we were unaware of such incidents may be ascribed to the following factors:

- As has already been stated in my submission, the perpetration of human rights abuses was never discussed or approved at any meeting of the Cabinet, or the State Security Council or any other government forum that I ever attended.

- On the contrary, the Cabinet approved guidelines for the conducting of unavoidable secret operations which we thought would have eliminated the possibility of such abuses. These guidelines, which were adopted by the Cabinet on 29 June 1990, inter alia made provision for the following:

  - that the operations should be undertaken only when normal line-function activities of departments are not sufficient, or when they are considered to be a necessary supplement to such activities;

  - that the political head and the officials involved in special projects accept full accountability
for such actions with which they were involved;

- that approval for the principle, purpose and objectives, methods and funds must be given in writing by the responsible Minister. The Minister should himself determine to what extent he wishes to be informed of details;

- that the principle of plausible denial should wherever possible be avoided;

- that no indemnity from criminal prosecution could be granted to anyone;

- that the auditing of expenditure from the relevant account for special operations or covert programmes should occur in terms of Auditor-General's Act, 1989 (No 52 of 1989) taking into account, in particular, articles 5(9) and 6(3); and

- that the minimum number of people should be informed with regard to special operations and covert projects (the "need to know" principle).

During the State of Emergency that was declared on 12 June 1986, the Department of Justice used its Legal Centre to ensure that all actions taken by the Government in the course of the State of Emergency were in accordance with the law. Ministers were aware of the Legal Centre and were confident that it would guard against abuses.

Allegations surfaced from time to time in the media regarding the existence of a "third force". However no proof could be found of the existence of such a "third force" which was often dismissed as a construction of the ANC propaganda machine. Indeed, even with all the resources at his disposal, Judge Goldstone found it difficult to discern the existence of some or other coherent "third force". In its second interim report the Commission made the following comments concerning the existence of a "third force":

"The words 'third force' have been used by many people in South Africa in many contexts and with no consistent meaning. The phrase has been used frequently with reference to a sinister and secret organisation or group that commits acts of violence in furtherance of some nefarious political aim. Then, again, it was recently used by the President of the African National Congress to describe the alleged activities of 32 Battalion, the CCB, 'hit squads' and the police, i.e. identifiable groups or organisations.

The Commission has received no evidence which would suggest that there is a third force of the first type mentioned in 2.1, i.e. a sinister and secret organisation orchestrating political violence on a wide front."

- Covert operations were carried out on a "need to know" basis. Evidently, those with knowledge of such actions sometimes consciously failed to inform their superiors of them, in terms of the doctrine of "plausible denial" (despite the rejection of this doctrine in terms of the above-mentioned Cabinet guidelines).

- As alluded to on page 17 of my submission, the possibility must also be accepted that some elements of the security forces might have been following their own agenda and were actively working against the transformation process. For obvious reasons such elements would not have informed their superiors of their activities.

Whenever I became aware of credible allegations of human rights abuses I took active steps to have them investigated. I spelled out these steps on pages 26 and 27 of my submission. These steps, included, inter alia, the appointment of the Goldstone Commission.
I am in a better position to provide information on actions that were taken to investigate and prevent abuses of human rights during my own presidency, than I am with regard to the period before my presidency.

During the presidency of my predecessor, responsibility for security matters was concentrated in the hands of the President, his security ministers and the senior officers of the security forces. I accept that you have taken this into account in formulating your questions to former State President P W Botha and am sure that his replies will be helpful.

During this period the South African Police and the South African Defence Force began to play an increasingly prominent and autonomous role - as all security forces are, no doubt, inclined to do in situations of national emergency. They had the main responsibility to counteract the growing revolutionary threat. The Cabinet supported them in their difficult task and accepted that they would act firmly, but within the framework of the law, in carrying out their duties.

Ministers, like myself, who were not responsible for security and directly related portfolios, were given broadly based briefings on the security situation and participated in policy decisions of a general nature. (This was actually the manner in which the Cabinet and Ministers generally conducted their business. The detailed planning and implementation of policies accepted by the Cabinet was the responsibility of individual ministers.)

I can recall that human rights issues, such as deaths in detention, were discussed in the Cabinet and the SSC from time to time. Such discussions were always conducted in a spirit of acceptance of the principle that the State should avoid gross violations of human rights and that it should conduct itself within the framework of internationally accepted guidelines.

**Question 6**

Once again, my views on the question of responsibility are clearly spelled out on pages 26 and 27 of my first submission and are quoted above. Minister Vlok will be in the best position to answer any allegations concerning the degree to which he was, or was not, informed about operational activities such as those involving Vlakplaas operations and the bombing of Khotso House. I have no reason to believe that he was party to anything more than that in respect of which he has applied for amnesty.

**Question 7**

The Government never adopted a policy to promote "black-on-black" violence. To my knowledge, such a policy was never discussed in the Cabinet or the State Security Council or at any other meeting of any other body that I attended. It has since come to light that some elements within the security forces may have been involved in the fomentation of "black-on-black" violence. It would, however, be ludicrous to suggest that such actions were the prime cause - or even a major cause - of such violence. Support for various organisations, such as Inkatha etc, that were being threatened by the strategies and actions of those responsible for the armed insurrection, should
not be confused with support for "black-on-black" violence.

Question 8
See pages 25 and 26 of my submission.

Question 9
The contention that you make is totally fallacious and does not constitute a fair assumption at all. President Mandela, in his book "Long Walk to Freedom" gives a good and honest description of the general improvement in prison conditions that occurred over the years. Since I joined the government I can recall steps were taken by the Government from time to time to ensure that detainees would be treated properly and to prevent the possibility of the abuses referred to in the question. In particular, arrangements were made for regular visits by Magistrates. Further information in this regard can no doubt be obtained from the relevant departments.

Question 10
The Government declared a State of Emergency in response to the efforts of the ANC and its allies to make South Africa ungovernable as the prelude to violent revolution. Once again, you do not appear to have read my submission in which I clearly stated that the objectives that were identified at the time of the declaration of the State of Emergency were:

- the restoration of law and order and security;
- a return to normality in the unrest ravaged black residential area; and
- the creation of a climate in which constitutional change could take place.

I believe that, had the State of Emergency not succeeded in achieving most of these goals, South Africa might have been plunged into a devastating civil war. The relative stability that it brought and the realisation by the ANC that there could be no revolutionary victory were essential preludes to the negotiations that followed.

Question 11
I was not a member of the Cabinet in 1976 and am therefore not in a position to comment on Minister Kruger’s proposal, the Cabinet’s response, or the circumstances in which the discussion took place.

Question 12
I have no recollection of any decision ever having been taken during my period in the Cabinet that would have favoured action that would have led to "increased deaths". My colleagues and I would certainly have rejected any such proposal.
Question 13

My statement reflected my views at the time of the preparation of my submission as well as the views that were conveyed to me by as many of my Cabinet colleagues as I could consult at the time. Mr Vlok and any other members of former Cabinets should be allowed to speak for themselves.

Question 14

This question is more a contentious statement than a question.

Yet again, the Commission does not appear to have studied my submission. I stated very clearly my views on the question of overall responsibility on page 25 where I stated that:

"Obviously there rests an overall responsibility on the leadership of the various parties, organisations and institutions which were part of the conflict. I accept such overall responsibility in respect of the period of my leadership. However, when it comes to specific incidents, occurrences, deeds and transgressions it will be necessary to apply specific guidelines."

I went on to suggest such guidelines, which I have quoted in full above.

I have also spelled out the National Party's views with regard to its own responsibility for gross violations of human rights. I shall repeat them:

"The National Party, is prepared to accept responsibility for the policies that it adopted and for the actions taken by its office bearers in the implementation of those policies. It is, however, not prepared to accept responsibility for the criminal actions of a handful of operatives of the security forces of which the Party was not aware and which it would never have condoned. Neither is it prepared to accept responsibility for the actions of any office bearer who might have acted outside the mandate given him by the Party."

Yet again I would also like to refer you to pages 26 and 27 of my submission which contain a list of the steps that I took to normalise the role of the security forces and to investigate allegations of gross violations of human rights. You will note that one of my main priorities after becoming State President was precisely to depoliticise the security forces. As I pointed out on page 26 of my submission:

"On the 10th January 1990 I addressed some 800 senior police officers and told them that it was their duty to be absolutely impartial; that they should refrain from any political involvement; and that they should restrict themselves to combating crime and protecting the lives and property of all South Africans. On the 7th March 1990, I repeated the same exercise with senior officers of the South African Defence Force."

QUESTIONS ARISING FROM THE SUBMISSIONS OF OTHER POLITICAL PARTIES

Question 1

As I stated on page 17 of my submission

"...the type of unconventional actions which were approved in principle by the Cabinet and the
State Security Council related to such issues as information gathering, disinformation and assistance to outside organisations opposed to the revolutionary forces." These were the type of Stratcom operations that the Cabinet and the State Security Council would have discussed and approved. I added that "...none of these projects was intended to lead to any gross violation of human rights." Some would also include the steps which were taken to neutralise international sanctions as being part of Stratcom operations. I regard such activities as having been an acceptable part of our overall strategy to counteract the revolutionary threat - although I would not necessarily endorse all such projects or the manner in which they were implemented.

**Question 2**

I was acutely aware of IFP charges that a large number of their leaders had been killed by the ANC. I am not in possession of the IFP submission, and thus not in a position to comment on the allegation that the Government’s security agencies co-operated with the ANC’s Department of Intelligence and Security. However, I am certainly not aware of any such action that would have been intended to harm the interests of the IFP or of any other party.

**Question 3**

I am not in possession of the IFP submission and therefore not in a position to respond to the IFP charge. I do, however, recall the memorandum. I think that it is highly unlikely that I would not have responded to it, in view of the high regard that I have always had for Dr Buthelezi and the regular discussions that we were conducting with him at that time. In all probability the issue was dealt with orally during such discussions.

**Question 4**

Such operations were not part of any security policy aimed at the gross violation of human rights. Neither the Cabinet nor the State Security Council or any other organ of the State that I ever attended, adopted such policies.

**Question 5**

I am not aware of any special relationship between the security forces and "right wing" paramilitary groups. Please refer in this regard to page 11 above.

**QUESTIONS ON THE SADF AND OTHER SECURITY STRUCTURES**

**The NSMS**

**Question 1**

The main objective of the NSMS was to counteract the revolutionary threat. I have provided a brief outline of the NSMS and its origins on pages 14 and 15 of my submission:

"The prime purpose of the NMS was to ensure that all branches of government responded in a co-ordinated manner to the revolutionary threat. It was accepted that this threat could not be
effectively - or even primarily - countered by military or security action. The main accent should instead fall on the provision of effective government and social services and in promoting inclusive constitutional solutions."

I do not know whether any decision of any structure of the NSMS gave rise to actions of an unlawful or unauthorised nature - apart from the fact that no such decisions were ever taken at any meeting that I attended. Further information with regard to the NSMS may be obtained from the relevant government departments.

The NSMS was, by its nature, an extraordinary body that was set up to deal with an extraordinary situation. I accordingly abolished it on 9 July 1990, after the revolutionary threat had waned and the negotiation process had gained sufficient momentum.

**State Security Council**

**Question 1**

Not to my knowledge. All intelligence services maintain profiles of people they suspect of unlawful activities. However, access to such documents would be unwarranted unless there is *prima facie* evidence that it is relevant to the Commission in respect of gross violations of human rights.

**Question 2**

It has subsequently been revealed that some organs within the state administration - such as the Vlakplaas Unit and the CCB - did act outside the law. Such actions were, however, never authorised by the Cabinet, the State Security Council or any other body which I ever attended. Indeed, I was not even aware of the existence of the CCB until its activities were exposed. I had heard of the Vlakplaas installation but was under the impression that it was a facility for the reorientation of captured ANC cadres who wished to work for the security forces.

I have been assured by General Van der Merwe, the former Commissioner of the South African Police, that he was also not aware of such activities and believe that his evidence to the Commission will bear this out. Likewise, enquiries to other senior police generals also testified to the fact that they were unaware of the atrocities planned and perpetrated from Vlakplaas.

After investigations that I had initiated brought such activities to light, I took appropriate steps to terminate the activities concerned.

**Question 3**

Yes, in 1985 and 1986 the Government did consider the possibility of establishing a "Third Force" - but never in the sense that the ANC and the media have attached to the term. The proposal was that a third para-military force - separate from the SADF and the SAP - should be created to deal specifically with unrest and counter-insurgency operations.

The force would have been uniformed and overt and would have left the SAP and the SADF free to continue with their proper line function activities. Similar forces exist in a number of democratic countries - such as France. After lengthy consideration the proposal was rejected by the Government. As I recall, a decision was taken instead to establish an internal stability unit within the SAP.
I cannot recall any decision by the SSC to authorise the security forces to use the same methods as the revolutionaries to counteract the revolutionary threat. I suggest that you peruse the records of the SSC in this regard. If this did happen, it would certainly not have included murder or assassination. It would also vindicate and not negate the statement that I made in my submission that revolutionary strategies adopted by the government's opponents were responsible for blurring "the traditional distinctions between combatants and non-combatants; between legitimate and illegitimate targets; and between acceptable and unacceptable methods." Evidently, the blurring occurred on both sides, but it was initiated by the revolutionaries.

**Question 4**

The GVS (Gesamentlike Veiligheidstaaf) was responsible for the co-ordination of counter-revolutionary actions. I am not in possession of its records and suggest that you approach the relevant authorities for the additional information that you require.

The words "uit te wis" mean "to wipe out". In the context in which you quote the phrase it would probably mean the operational neutralisation of terrorist units.

I suggest that you consult appropriate dictionaries and political lexicons for a definition of "terroriste". The term relates to those who use terror against civilians as a means of promoting their agenda. This often includes the indiscriminate bombing of civilian targets and the brutal intimidation and murder of political opponents to promote partisan objectives.

**Question 5**

In any state structure anywhere in the world secret operations are carried out on a "need to know" basis - otherwise they would obviously not remain secret. This does not imply that they are illegal. I do not possess the information on "need to know" projects that you require and suggest that you approach the relevant authorities in this regard.

**Questions 6 & 7**

Please refer to page 11 above. Please also refer to my comments in my first submission with regard to the activities of the Kahn Committee.

**INVOLVEMENT OF THE SADF IN DOMESTIC POLITICS AND SECURITY**

On pages 12 - 15 of my submission I spelled out the circumstances that led to the politicisation of the role of the Security Forces and to their involvement in civilian administration:

"The then Government believed that it was being confronted by a 'total onslaught'. Its response was to develop its own 'total strategy'. The need for such a total strategy was identified in a Government White Paper on Defence in 1977 in the following terms:

'The process of ensuring and maintaining the sovereignty of a state's authority in a conflict situation has, through the evolution of warfare, shifted from the purely military to an integrated national action...... the resolution of conflict in the times in which we now live demands interdependent and co-ordinated action in all fields - military, psychological, economic, political, sociological, technological, diplomatic, ideological, cultural etc'."
I also pointed out, on pages 26 and 27, and have repeated above, the steps that I took after I became President to normalise their role.

The SADF did become involved in operations that went beyond the narrow definition of security measures. They were inter alia involved in community development projects and in strategic communication. Of course, as part of the anti-revolutionary struggle, the SADF and the SAP were involved in actions and operations to discredit the ANC and other anti-apartheid organisations - just as the ANC and its allies were involved in similar activities against the Government. These activities did not constitute gross violations of human rights” and, in my opinion, do not fall within the mandate of the Commission. If they do, in the opinion of the Commission, form part of its mandate, I trust that it will also examine the ANC’s much more extensive disinformation and propaganda campaigns against the former government.

Questions 3- 6

I am not in possession of any information that might be of use to you with regard to these queries. I suggest that you consult the relevant authorities in this regard and that you peruse the records of the recent trial in which Operation Marion was so prominently featured.

Question 7

Please refer once again to pages 26 and 27 of my submission with regard to the steps that I took to investigate allegations of human rights abuses and to normalise the role of the security forces. Please refer to my press statement of 30 July 1991 in which I dealt with the whole question of covert operations and the steps that I had, by that time, taken to investigate and normalise the situation. Please also refer to my press statement of 19 December 1992 and to the National Party’s statement of 16 January 1997 with regard to the steps that I took in connection with Lt-Gen Steyn’s investigation.

From all of these statements and subsequent revelations it is clear that the security forces were not sufficiently in control of some of their elements. On pages 12 to 18 of my submission I tried to explain - without condoning - the circumstances of unconventional warfare in which such abuses could have occurred:

- The ANC and its allies accepted few rules in the manner in which they conducted their armed struggle.
- They had, by their own admission, declared war on the State with the aim of seizing power.
- They showed neither mercy nor quarter in the pursuit of their armed struggle - either against the security forces or against those in the black community who opposed them. Thus, in an interview with Sechaba in December 1986 the late Chris Hani said:

"If we are to elaborate, briefly, our units have taken part in armed operations in the bantustan areas. I think the most significant part of this escalation was the attack in the very heartland of the Transkei bantustan, Umtata, where an MK unit literally overran a police station, killing more than ten puppet police."

In the May 1986 edition of Sechaba Ronnie Kasrils wrote:

"We have seen the stone being transformed into petrol bomb and hand grenade; we have seen the people using knives to kill police and soldiers; we have seen the people seizing the enemies’ own
weapons to use against them."

This unfortunately contributed to a climate in which abuses occurred on all sides. The situation was, no doubt exacerbated by the difficulty that the authorities often experienced in securing convictions in open court. Witnesses were seldom prepared to testify against those who had been involved in revolutionary crimes. On pages 26 and 27 of my submission I described the remedial steps that I took to counteract this climate.

Despite the abuses that occurred, it remains my conviction that the overwhelming majority of the members of the security forces were loyal, honourable and professional in the conduct of their duties. The SAP and the SADF were essential for the maintenance of stability during the transformation process and any action that seriously undermined their role could have been catastrophic.

THE CCB

I had no knowledge of the existence of the CCB, or of the nature its activities, until they were publicly exposed. No individuals or components within the SADF, to my knowledge, ever approached any organ of the government to gain authorisation for a CCB type structure after 1990. Had such an initiative ever come to my attention I would certainly have put a stop to it, since it would have been irreconcilable with everything that I was trying to achieve in the negotiation sphere. After its existence became known, immediate steps were taken to ensure that no more damage could be done. The administrative closure of the CCB took quite some time because of legal wranglings, which had to be dealt with by the Advocate-General.

I do not possess the detailed information on the CCB that you require and suggest that you approach the relevant authorities and consult the report of the Goldstone Commission in this regard.

CROSS BORDER RAIDS

Question 1

The Government of the day was required to authorise cross border raids. It believed that these were legitimate and necessary military actions against organisations that were carrying out armed attacks against South African civilians from safe havens across our borders.

The South African Government supported opposition groups within states that provided refuge to our enemies as a means of exerting pressure on the governments concerned to stop providing facilities to anti-Government forces. The opposition groups often had substantial public support and had frequently been suppressed by the undemocratic regimes involved.

Question 2

See page 11 above.
Question 3

As mentioned above, and as I pointed out in my submission, "as State President I was involved in the legally required authorisation of cross border actions aimed at legitimate military targets. Such authorisation specifically excluded attacks on civilians and limited the use of violence to the minimum required under the prevailing circumstances." In such matters I would normally consult the Minister of Foreign Affairs, the relevant security ministers and the Heads of the forces involved. When I was President, questions of this nature were, wherever possible, raised in the State Security Council or in the Cabinet.

Question 4

These raids were authorised by the Heads of Governments of the day. The Minister of Foreign Affairs and the Security Ministers, for obvious reasons, played important roles in advising on the implications of such raids. Targets were selected according to their strategic significance and the role that they played in providing bases for attacks against South Africa and Namibia. The Cabinet relied on cross-checked assessments of its intelligence organisations to ensure that target information was accurate and up-to-date.

I do not possess the information that you require with regard to casualties sustained in such attacks or the involvement of the SAP in cross-border raids and suggest that you approach the relevant authorities in this regard.

Question 5

I was not a member of the Cabinet at the time, but I am sure that the deployment of South African forces in Angola in August 1975 was properly authorised by the Cabinet and the Prime Minister. However, it was not this action that precipitated the war in Angola, but the action of the MPLA in reneging on the Alvor agreement and in calling in the support of Cuban forces. South Africa's military action was supported at that time by the United States and a significant number of independent African states - as well as by leading Angolan political parties. The Government believed that the action was necessary to help protect Southern Africa from the encroachment of surrogate forces of the Soviet Union.

SUPPORT TO GUERRILLA MOVEMENTS IN FOREIGN COUNTRIES

Questions 1-4

Considerable support was given to UNITA, in the first phase, in interaction with the US in respect of the war in Angola. In the second phase the support with regard to the peace process was also considerable. In respect of RENAMO I was assured that no support was given to them during my presidency. I suggest that you approach the relevant authorities for the detail you require.

I am not aware of any initiative "to support any other movements or organisations in other countries that sought to overthrow or influence the policies of those countries." I can imagine that
South Africa during this period may have tried to use organisations to influence the policies of other governments in the course of its legitimate international diplomatic activities and its efforts to by-pass sanctions - but you would have to approach the Department of Foreign Affairs for further information in this regard.

CHEMICAL AND BIOLOGICAL WARFARE

Questions 1 -3

I cannot recall any decisions at Cabinet or SSC level to authorise a Chemical Biological Warfare programme. It was only very shortly before the 1994 election that I was fully briefed on the issue which by then was history, except for the fact that the relevant scientific data was under lock and key and that there was anxiety in many quarters about the risks involved in what Wouter Basson might or might not do.

Because of the imminent election in 1994, I informed President Mandela as soon as possible of the background. After the inauguration on 10 May 1994 the President and Deputy President Mbeki were fully briefed in my presence. At least one follow-up briefing took place, at which Minister Dullah Omar was also present.

Because of the sensitivity of the subject, as indicated by the Court's limitation of the publication of certain related information in the current trial of Wouter Basson, I would advise that the TRC approach the Government for the information they seek in questions 1 and 3. I have not been briefed on the issue recently.

As far as the last part of question 1 is concerned, I state categorically that I am not aware of any authorisation to any structure to poison food or water anywhere, or in respect of any person or organisation. The same applies to question 2.

QUESTIONS ON THE DESTRUCTION OF DOCUMENTS

Question 1 - 6

I do not possess the information that you require and suggest that you approach Mr Johan Mostert, the Head of the Security Secretariat, and the relevant line function departments in this regard I can, however, recall that there was nothing improper in the instruction issued by Mr Johan Mostert to destroy surplus copies of classified documentation. The purpose of the exercise was to ensure that surplus copies of sensitive documents were not retained by those departments that were not primarily responsible for them. As far as I know, and if the Cabinet’s instructions were implemented, the original documents were preserved and were dealt with in the manner prescribed by law.

QUESTIONS ON RECOMMENDATIONS

My recommendations with regard to measures that should be taken to prevent human rights abuses in the future, are set out on pages 29 and 30 of my submission.
QUESTIONS ON REPARATION AND REHABILITATION

Questions 1, 2 and 5

My views on reparation were briefly set out on page 29 of my submission. Once sufficient information is available, the National Party would like to hold talks with the Government to discuss possibilities for reparation and rehabilitation, also within the framework of the RDP.

Question 3

My views on amnesty are set out on pages 28 and 29 of my submission. I also spoke at some length on this question when I gave my oral testimony before the Commission late last year. The National Party has recommended to its supporters and to members and former members of the security forces that all those who may have been involved in the perpetration of gross violations of human rights should apply to the Commission for amnesty.

Question 4

I do not possess the information that you require and suggest that you approach the relevant line function departments.

EMBARGO: IMMEDIATE

STATEMENT BY THE STATE PRESIDENT MR F W DE KLERK

On 18 November 1992, in pursuance of Mr Justice Goldstone's statement of 16 November, I gave certain instructions to Lt-Gen Pierre Steyn to conduct a full investigation of all of the intelligence functions of the SA Defence Force.

He has just brought his first preliminary findings and important supporting information to my attention. This information, together with the results and feedback from various special investigations, indicate that a limited number of members, contract members and collaborators of the SA Defence Force have been involved, and in some cases are still involved, in illegal and/or unauthorised activities and malpractices.

Some of these special investigations were the result of previous Government instructions as well as initiatives of the present and previous Ministers of Defence.

The activities which have now come to my attention point to a process in which political office-bearers, Defence Force commanders and the Auditor-General were not fully informed or, very often, were misled.

I would like to emphasise that only a limited number of persons and a few units are involved. Nevertheless, the information at my disposal indicates a serious and unacceptable state of affairs.

This cannot, and will not, be tolerated.

The good name of the entire Defence Force, which has served South Africa with so much distinction, is being threatened by the unacceptable activities of a handful of individuals.

The SA Defence Force plays a valued indispensable role in our society. Together with the SA Police, the SADF guarantees the security of all peace-loving South Africans. This role is an important assurance for all South Africans with regard to the protection of their basic interests in the period of constitutional transition which lies ahead.

As Commander-in-Chief of the SADF, I have a absolute duty and responsibility to protect this essential role. I also owe it to the overwhelming
majority of loyal and dedicated members of the security forces to uphold the proud tradition and well-earned reputation of our security forces by cutting to the root of any malpractices.

Far-reaching steps have already been taken to prevent and eliminate just such abuses. These include, among others, the disbandment of the CCB, important changes to the security management system, the activities of the Khan Committee, intensified political control and greater powers for the Auditor-General.

As a result of the information which has now been conveyed to me the steps are being taken with immediate effect to bring an end all illegal or unauthorised activities and malpractices which have now come to light. With this objective in mind, and as a first step with regard to reorganisation, seven members of the SADF have been placed on compulsory leave, pending the conclusion of further investigations. Furthermore, 16 members, including two generals and four brigadiers have been placed on compulsory retirement, together with compulsory leave, with immediate effect.

The names of the uniformed members involved will be made known as soon as possible. In keeping with international practice the names of civilian collaborators will not be published, but where applicable, particulars concerning them will be made available to the Goldstone Commission, the SA Police and the Attorneys General.

Further steps which now will follow, include the following:

* the active continuation of the investigation of Lt-Gen Steyn and those who are assisting him.

* quick and firm disciplinary action, based on any further information which might come to light.

* co-operation with the Goldstone Commission, where information may become available relevant to its investigation.

* intensified administrative and financial control measures.

* court-related actions where prima facie evidence is available indicating possible criminal prosecution. The SA Police and the Attorneys-General will naturally be involved in this process.

Further facts will be revealed to the public in the course of court proceedings, in reports of the Auditor-General and of the Commissions of Investigation.

These actions confirm the Government's determination to act against irregularities with a view to ensuring clean administration.

It is in everyone's interest that allegations and evidence concerning malpractices in the security forces should be dealt with the greatest responsibility. We dare not allow our security forces in general, and our intelligence services in particular, to be crippled in their capacity to work against the evil plans of those responsible for violence and unrest. I stand by our security forces and our intelligence services and am convinced that they will, in fact, be strengthened and encouraged by effective action against the malpractices concerned which have cast a shadow over everyone.

The Government demands that its political opponents should act with equal decisiveness against crime and malpractices in their ranks. The role of some of their supporters and often of prominent members in positions of authority, in crime, violence, intimidation and disruption historically and now can be doubted by no-one. Fine words and clever public relations are just not good enough.

All South Africans long for peace. Any individual or organisation which fans violence, promotes conflict and undermines the constitutional or peace negotiations, is standing in the path of the overwhelming majority of all South Africans.

We dare not allow that these elements, who are delaying a new dispensation and who continue to promote conflict, to succeed with their objectives.

For this reason the Government will not hesitate to act against such people, regardless of who they might be, or wherever they may be found.

At the same time we will continue to ensure that the South African public will be served by security forces who are irreproachably neutral and free from political manipulation.

**ISSUED BY THE STATE PRESIDENT'S OFFICE**

**CAPE TOWN**

**19 DECEMBER 1992**
FOR IMMEDIATE RELEASE

STATEMENT BY MR FANUS SCHOEMAN, SPOKESPERSON OF MR F W DE KLERK, LEADER OF THE NATIONAL PARTY

TRUTH COMMISSION ALLEGATIONS

Mr De Klerk has taken note of the statement issued this afternoon by Dr Alex Boraine, Vice-Chairman of the Truth and Reconciliation Commission.

Mr De Klerk has thus far given the Commission his, and the National Party's, support and co-operation. He is astounded and disappointed that Dr Boraine should have thought fit to launch a public attack on him without first providing him or the National Party with an opportunity to discuss the serious insinuations contained in the statement. This is despite the fact that the Commission has evidently been in possession of information regarding General Steyn's report for quite some time and has also been in communication with Mr De Klerk during this period on other matters.

The National Party must reluctantly conclude that this is a calculated attempt by the Commission to harm Mr De Klerk. In so doing the Commission has departed from its mandate of establishing an objective assessment of the conflict of the past and has taken on an adversarial role.

In the statement Dr Boraine creates the impression that Lt-Gen Steyn presented then President De Klerk with a written report on his investigation into the activities of the Directorate of Covert Collection (DCC).

This is a serious allegation, since Mr De Klerk has consistently denied that he was ever presented with such a report. He has stated on a number of occasions that General Steyn reported to him verbally. This point is accepted by the Commission. However, Dr Boraine goes on to claim that a staff report comprising notes and a diagram was made available to President De Klerk.

This is seriously misleading. During the oral briefing President De Klerk was handed certain papers and shown a diagram. However, he did not retain these documents or even have the opportunity of studying them in any depth. He also gained the impression that the document was Lt-General Steyn's personal copy and that he was not intended to take possession of it. The document was in no way an official report to the State President. It was made available to him only insofar as he had it in his hands at some stage of the briefing. Mr De Klerk has never denied that General Steyn had such documents with him during the briefing.

Dr Boraine's insinuation is accordingly rejected in the strongest terms.

Nevertheless, the allegations made by General Steyn were so serious that they required strong and immediate action. He immediately confronted the Minister of Defence, Mr Gene Louw, the Chief of the South African Defence Force, Gen Liebenberg, and other senior officers and insisted on drastic action to cut to the root of the situation described by Gen Steyn.

He did so, before the outcome of full investigation of the allegations,

precisely because such investigations might have taken months to complete and in his opinion immediate action was required.

Although Lt Gen's Steyn's recommendations were made that action should be taken against officers at the highest level of the SADF, Mr De Klerk was satisfied that there was insufficient evidence to take so drastic a step at so delicate a stage in the transformation process. It was, in his opinion, essential on the one hand to maintain the integrity of the SADF and on the other to root out any possibility for the continuation of abuses.

The steps that President De Klerk took were spelled out clearly and openly the same day in a statement that he made on this matter. These steps comprised some actions aimed at those who had been implicated in investigations by Lt-Gen Steyn and Judge Richard Goldstone and others which had become necessary for administrative and rationalisation reasons. These actions included the placing of seven members of the SADF on compulsory leave pending further investigations; the compulsory retirement of 16 other members of the SADF, including two generals and four brigadiers; the active continuation of the investigation of Lt-Gen Steyn and those who were assisting him; quick and firm disciplinary action, based on any further information that might have come to light; co-operation with the Goldstone Commission, regarding any information that might be relevant to its investigation; intensified administrative and control measures; court-related actions where prima facie evidence was available indicating possible criminal prosecution. The South African Police and the Attorneys-General were to be involved in this
These actions were, indeed, drastic. However, when the Commission provides further information on the allegations made by Lt-Gen Steyn in his verbal report, there will be little question of the necessity of such action - particularly in the climate that prevailed in South Africa at that time.

Dr Boraines statement also creates the impression that President De Klerk failed to provide Lt-Gen Steyn with sufficient support to ensure a successful conclusion to his investigation. This is also false.

President De Klerk received reports from Gen Steyn from time to time on the progress that was being made with regard to the various investigations that he had ordered. These included Lt-Gen Steyn's own investigation into the reorganisation of military intelligence activities. On 5 April 1993 Lt-Gen Steyn reported to President De Klerk that none of the investigations that he had ordered had brought forth information to corroborate the initial allegations.

The fact that neither General Steyn, nor the Attorneys-General, nor the Goldstone Commission, nor the South African Police could find further evidence that would lead to prosecutions was highly unsatisfactory and frustrating, not only for Lt-Gen Steyn but also for President De Klerk.

DATE: 16 JANUARY 1997

ENQUIRIES: JAN BOSMAN

TEL: 083 775 3517
INTRODUCTION

In the presentation of the Pan Africanist Congress, we promised that this second presentation would concentrate on the mandate of the Azanian People’s Liberation Army (APLA) which was earlier known as POQO. The dictionary meaning of the word mandate is the "power or a command given by someone in higher authority". The formation of APLA was inspired by the need to pursue the most noble of causes; the liberation of mankind. The highest authority from which APLA derived its mandate was the PAC Congress, the highest body that charted the PAC's policy and programme.

We must, however, restate our previous position. As a matter of principle we do not see the armed struggle, which constituted the major part of the mandate, as something to apologize for. APLA's mandate was not only necessary but critical in overthrowing the most oppressive system of modern times. We remind those who have chosen to forget that this is the system, that the international community had declared a crime aghast humanity.

In South Africa, there are three liberation movements which had military wings, of these only two were recognized by the United Nations, the Organization of African Unity, and the Non-Aligned Movement.

Throughout this presentation, we shall therefore insist that it is a shame and a mockery of justice to equate the activities of those who fought against injustice with those of the architects of injustice. Those who fought to preserve oppression together with those who fought for the liberation of mankind have all received a new status of being gross violators of human rights.

PAYING THE PRICE

We have been called upon to accept and to pay the price of freedom and democracy through reconciliation. The dictionary meaning of reconciliation is "harmonizing or bringing back into friendship". However, in the context of South Africa, reconciliation is equated with the establishment and the process of the Truth and Reconciliation Commission (TRC). The process of the TRC however, starts from an unfortunate premise that APLA's activities were nothing else but gross violations of human rights allegedly committed within the period of its mandate. We reject this premise. Whilst we acknowledge, with honour, the TRC's mandate to promote national unity and reconciliation, we find it abhorrent that the very system that was intended to bring us freedom and would have brought genuine freedom to our people, demands that the forces of injustice which perpetrated the atrocities of apartheid be equated with those of the liberation movements. We are now put in the same dock as the victims and the architects of injustice.

Whilst we do not intend to engage the TRC in unnecessary political arguments, it suffices to reiterate the legitimacy of our actions, lest we allow those who have chosen to remain oblivious of the truth and historical facts to achieve their desire by criminalising our actions.

Our major goal is to highlight the plight of hundreds of APLA/PAC members who are still languishing in prison while their pleas for release fall on deaf ears. It is surprising that today the very people who sacrificed their lives and futures in defence of human rights are criminalised and are expected to apologize for their role in the overthrow of the apartheid regime. We still wish to witness a moment in which the first APLA/PAC member will be granted amnesty by the TRC's Amnesty Committee. It is in this context therefore, that we make this submission and we are sure that history will vindicate our approach of refusing to apologize for defending ourselves as a nation through armed struggle.

THE HISTORICAL CONTEXT
When the PAC was formed in 1959, no provision was made in its operational structures for the establishment of a military wing. That situation changed with the massacre of our people at Sharpville and Langa in the opening days of our positive action campaign launched on March 1960. In September 1961, the foundation for the military wing of the PAC was laid by Comrades John Nyathi Pokela and Clarence Mlali Makwetu. The Presidential Council, based in Maseru subsequently appointed one of its members as Commander to head its military activities. The reconciliation conference of members of the National Executive Committee abroad held in Moshi, United Republic of Tanzania in 1967, endorsed the organization's stand on an armed struggle and set-up a revolutionary command, in recognition of the exigencies of armed struggle, to set-up and supervise the strategic and policy tasks of the armed struggle.

The revolutionary command took up the political command of the High Command that had already been established. The hierarchy was reviewed in 1971 and later, a Military Commission as a sub-organ of the Central Committee was established to direct the work of the High Command. In the review of the structures of the party, at the consultative conference in Arusha in mid-1978, the name Military Committee was replaced by that of the Military Commission. The Chairman and two other members of the Central Committee were designated as members of the Military Commission which would also be responsible for the appointment of members of the High Command. The Military Commission subsequently drew up on behalf of the Central Committee, the Directive for APLA which outlined the operational instructions and military doctrine of the PAC. The Military Commission was later expanded to accommodate the new military structure.

Stemming from this historical context, the APLA eventually evolved a competent organizational structure that was to oversee the effective implementation of the armed struggle.

PROGRAMME OF ACTION

The starting point of the armed struggle was to consider our mandate on the basis of the concrete situation between ourselves and the enemy we were facing. Our mandate was to organize and lead the armed struggle. The matter of what to do and how to define the political leadership's responsibility. APLA's responsibility was how to do it. The key to the matter was whether we were capable of putting our struggle on the correct political line and employing correct methods of struggle. The crux of the matter was to satisfy ourselves within the limits of our understanding, that we could set our struggle on a correct course of development. And that was to develop military operations to the level where they served political objectives and achieved the anticipated results.

The enemy of the liberation movement of South Africa and of its people was always the settler Colonial regime of South Africa. Reduced to its simplest form, the apartheid regime meant, white domination not leadership, but control and supremacy. This was the desire of the white man to continue to protect himself from the "swart gevaar" the "black danger". The pillars of apartheid, protecting white South Africa from the black danger were the military and the process of arming of the entire white South African society. This militarisation therefore, of necessity made every white citizen a member of the security establishment. Whilst uniformed men and women engaged in border and cross-border operations, non-uniformed men and women became the pillar of the so-called rear-area protection.

It would therefore be a fallacy in the context of white South Africa to talk about innocent civilians. Military trained and armed civilians defy the definition of civilians. To us an attack on a trained and armed individual was a military operation. It is in this context therefore that the Azanian People's Liberation Army did not have the burden or problem of the so-called "soft or hard target". In all honesty, the terms "soft or hard" targets did not exist in our vocabulary. All that mattered was the political and psychological benefit that the organisation would derive from such military operations.

It should be noted that the killing of genuine African civilians had intensified. Africans attending night vigils, commuting to work, in Boipatong etc. were brutally massacred whilst the white community lived in tranquility. The decision was aimed at carrying out legitimate reprisals and forcing the regime to end the killings of African civilians. This was done both in reprisal and self-defence. The only requirement was proportionality. It should therefore not surprise anyone that targets like the St James Church, King William'stown Golf Club, Heilderberg Tavern etc. were selected. The leadership of the APLA takes full responsibility for all these operations. The APLA forces who carried out these operations followed the directives from their commanders and these directives were from the highest echelons of the military leadership. We do not therefore, regret that such operations took place and there is therefore nothing to apologize for.
PUTTING THE RECORD STRAIGHT

From 1978 to 1984 the PAC had an unstable existence particularly in Tanzania. This is a period in which internal conflicts made a serious dent on the organization's image and performance.

As a result of these internal disputes, a consultative conference was held in Arusha, Tanzania in 1978. This conference resulted in the expulsion of over 60 members. The expelled members subsequently formed an organisation called the Azanian People's Revolutionary Party (APRP). Despite these expulsions, the organisation continued to be unstable. Subsequently clear conflicts emerged and namely:

(a) The internal leadership conflicts
(b) Conflicts between the leadership and cadres

The internal leadership conflicts resulted in the expulsion of the then Chairman of the Central Committee, P.K. Leballo and a few other members who allegedly were his supporters. The conflict between the cadres and leadership on the other hand resulted in the death of the members of the PAC triumvirate, David Maphumzana Sibeko who was shot and killed by six APLA cadres who were dispatched from the military camp in Itumbi. The six APLA cadres were arrested and subsequently sentenced to an effective 15 years each by the Tanzanian High Court and therefore cannot be made an issue anymore as they were formally charged and sentenced.

Consequently, the remaining PAC leadership lost total control of the forces at Itumbi Camp. Eventually the Tanzanian Defence Force intervened and in the operation to wrest control over the camp, four APLA cadres were killed by the Tanzanian Defence Force (TDF).

Meanwhile dissensions among the APLA cadres in the camp resulted in disappearance of an APLA cadre, by the name of Owen Ntuli. Allegations were made that he was murdered at the camp but these allegations were never confirmed.

After the arrival of Cde John Nyathi Pokela in 1981 after serving his thirteen years on Robben Island, Cde Pokela upon his arrival was unanimously elected Chairman of the Pan Africanist Congress. His main priority was to re-unite the PAC and eventually a call was made for all PAC members who were either expelled or had left on their own to come back into the fold and rejoin the organisation. This call received a positive response and even those members who had formed the APRP unconditionally returned to the ranks of the PAC.

APLA'S HUMAN RIGHTS RECORD

Every APLA cadre was entitled to the constitutional rights afforded by the PAC constitution and disciplinary code. However, those rights were tempered with the practical needs of good order and discipline necessary to maintain a military force. Therefore, APLA faced the dilemma of maintaining military discipline whilst creating a system of justice where individual APLA members were afforded maximum rights prescribed by the PAC constitution. Note should be taken of the fact that APLA members were not employees but volunteers who were prepared to sacrifice their lives without expecting anything. Their only reward would be that the apartheid regime of South Africa would eventually be overthrown. Putting it simply, APLA cadres were not just soldiers living on orders but political fighters who had a say in how they should be led and commanded.

The rights that were afforded APLA cadres can be grouped into three:

1. The right to equal treatment
2. The right of individual APLA members to have open and fair participation in the process of
decision making that affected their lives and well being.

3. The right to express opinions, to information, to attend meetings, make contributions and be
directly involved in the political life of the organisation. These rights were essential, and they
ensured the following:

(a) High morale
(b) Confidence in the leadership and its decisions
(c) Fair selection of the most capable personnel for promotion, additional training, deployment,
etc.
(d) General respect for the organisation.
(e) Security of the members.

Whilst we cannot boast of having had a perfect human rights record, we however, can with pride
insist that we did everything we could to protect. As an organisation and as an institution, we
take pride in informing the South African nation that in our entire period of existence, we never
had a single detention camp, prison or any form of institution that was employed to violate
members' human rights. No single individual can genuinely claim any experience of systematic
torture, abuse or detentions in any of our facilities or camps.

The so-called murders in the PAC camps that the TRC has chosen to sensationalise and blow out of
proportion are acts that APLA will never be ashamed of. Whilst we regret any loss of life as a
result of our disciplinary actions, we however still remain proud that the disciplinary actions
that were taken fell within the confines of our disciplinary code and oath of allegiance.

We must consider the concrete and practical reality of the environment and circumstances that
determined the continued existence of our organisation and its ability to carry out its functions
of liberation. We could not hope to survive and to expand our activities without eliminating or
demobilising the forces of destabilisation. Only one authority could survive or our organisation
would have remained in a state of permanent instability and therefore fail to carry out its
mandate. We have already alluded to the period of instability that the PAC went through until the
arrival of Comrade John Nyathi Pokela. The organisation could therefore not tolerate any further
forms of destabilisation and subversion such as those carried out by the individuals concerned.

Whilst we accept full responsibility for our disciplinary actions, we however take great exception
when anyone would abuse the Promotion of National Unity and Reconciliation Act, No. 34, 1995 to
criminalise our members and therefore distort facts and spread rumours and lies. It is surprising
to us that before we even present our case, the TRC is already talking about murders in our camps.
If this is not a deliberate attempt to criminalise the Azanian People's Liberation Army, then what
is it? It is shocking to note that such educated and legally qualified men and women can loosely
refer to deaths as murders. Whilst we are laymen, we however, know the difference between death and
murder. It is this little knowledge that give us an impression that either the entire TRC or some
members thereof while acknowledging our right to reconcile have chosen to antagonise us for some
political gain best known to the TRC and/or those individuals. To make matters even worse, in the
TRC's correspondence with us terms like treachery and cruelty are used and why we do not know. Be
that as it may, we however, still believe that the record should have been put straight by the end
of our presentation. It is true that a number of deaths did actually take place not only in our
camps but in most areas where we had a presence. These deaths can be categorised into the
following:

(a) Natural causes
(b) Accidents (mostly vehicle)
(c) Murders such as those of Cde Benedict Sondlo
(d) Executions
NATURAL CAUSES

A number of PAC/APLA members died as a result of natural illnesses particularly malaria. A list can be made available of all the members and wherever possible, even the nature of illnesses members suffered from. The Tanzanian government and other relevant authorities may be contacted to very these lists.

ACCIDENTS

A number of accidents in the entire period of our existence took place in most of the countries where we operated. These accidents can be put into different categories namely:

(a) Vehicle accidents - which were the majority of accidents that even claimed the lives of two APLA commanders i.e. General Victor Gqweta and Sabela Phama and General Phiri Bonke.
(b) Non vehicle accidents e.g. members who drowned.

MURDERS

A number of murders did actually occur as well. These are called murders for they had nothing to do with any APLA programmes and discipline. In all these cases, the law took its course and those who committed these acts were charged in courts of law and served their sentences. Among these cases, is that of Cde Benny Sondlo, who was stabbed to death by a PAC member who was eventually charged and sentenced in a court of law.

EXECUTIONS

A limited number of APLA members were executed mostly for acts of destabilisation. These members were executed by orders of the APLA Commander who in his own capacity determined the individuals who had to perform the task(s). We would prefer not to present the list of these members's during this presentation but a copy of all known members will be submitted.

The aim of the categorisation of the abovementioned cases is twofold. Firstly, it is to remove the myth that all the members who died were murdered. Secondly, it is to put into correct perspective, APLA's human rights record that is deliberately being tarnished by people whose only agenda could be to criminalise our activities and therefore deny amnesty to our members who are still languishing in the South African jails. We will go to any extent to satisfactorily answer any question that we may be called upon to answer. The only request we wish to make is that we should confine ourselves to the truth for the truth is only what happened not what we wish or consider to have happened. We are therefore here within the confines of what we know, to tell the truth and not tell what some people may want to hear.

NATURE OF OUR OPERATIONS

When we discussed our programme of action above, we endeavoured to define our targets and enemy. Our presentation will however be incomplete if we do not correct the sensationalised and maligned acts of repossession. We would like to clarify once and for all that we have never engaged in armed robberies. It is only criminals that engage in armed robberies. We have always mentioned that our major source of income was repossession. From its inception, the PAC categorically stated that our land and its resources were usurped through the force of arms. It was APLA's responsibility to repossession what rightfully belonged to the oppressed and dispossessed Azanian people. It is in this context that we proudly and openly mentioned it that banks and other financial institutions were targeted. We still remain proud and open about these acts because they fell within the PAC's political and ideological perspective. We therefore do not take kindly to allegations that we were armed robbers. Robbers are those who steal and defraud and not those who repossession what rightfully
APLA'S EXPECTATIONS FROM THE TRC

APLA has viewed with shock and dismay the privileges enjoyed by those who murdered and maimed the African people in the name of apartheid. If people like Dirk Coetzee and Brian Mitchell could receive amnesty, what is it that can make any APLA member not deserve amnesty. We still remain puzzled with regard to the attitude of the TRC in as far as APLA and the PAC members' applications are concerned. To date not a single APLA/PAC member has been granted amnesty. However, the trend we see now is that of turning down our applications. The only impression we have at this point is that TRC has a political agenda to criminalise APLA's activities thereby discrediting any of our achievements. Only history will prove us wrong because we still have to see anything different. For instance, we are still surprised as to why there has been no enquiries into the deaths of PAC members that have no negative connotations to the PAC and APLA. We have so far not heard of any enquiries concerning the deaths of Jeff Masemola, Comrade Mpendulo's children in Umtata, Cde Pokela, Victor Gqweta and many others. The only enquiries are those that have an aim to prove and expose the perceived negative side of human rights violations by the PAC/APLA. When are we going to enquire on gross human rights violations against PAC/APLA members? Maybe sooner than later, we hope.
SUBMISSION

IRO THE FORMER SADF

COMPiled by
THE SANDF NODAL POINT

Presented by
Maj Gen B. Mortimer

SA DEFENCE FORCE INVOLVEMENT
IN THE INTERNAL SECURITY
SITUATION
INTRODUCTION

1. Chairperson and Commissioners, by way of introduction, it is important to state that the role of
the South African National Defence Force (SANDF) in today's submission to the Truth and Reconciliation Commission is, and has been purely that of a facilitator. We are in the unique position that the SANDF as a Government Department and newly integrated force, obviously cannot give any testimony on what took place during the previous era. The former South African Defence Force (SADF) no longer exists and therefore no person can officially speak on its behalf.

2. In order to assist the TRC to meet its responsibilities in accordance with the Constitution, as well as with the Promotion of National Unity and Reconciliation Act of 1995, the SANDF decided to establish a Nodal Point to facilitate access to information needed for this purpose.

3. The submission I am about to make was compiled from available documents from the previous era, as well as from inputs from ex-members of the former SADF, through facilitation by the Nodal Point. No attempt has been made to analyse or evaluate the information with the benefit of hindsight. It may therefore not be a complete version of SADF actions, or a correct reflection of all SADF members' point of view, but will attempt to place in perspective the activities between 1960 and 1993. It may also make it easier for individual members of the SADF to approach the TRC via the Nodal Point with evidence which will contribute to the objectives of your committee. The SANDF wishes to assure the TRC of its continued support in this regard. The Nodal Point will be at the disposal of the TRC to facilitate any questions that may arise from this submission or any other issue. In this regard I would also like to draw your attention to the existing agreement with the TRC.

SCOPE

4. Strategic Planning in the SADF was based on two main considerations. Firstly the National Security Strategy and secondly the threat perception against the country. For this reason it was decided to present the submission as follows:


b. The Revolutionary War in South Africa from the Perspective of the SADF.

c. The Organisation, Aim and Functions of the SADF.

d. The Defence Strategy, Planning and Authorisation.

e. Defence Force Operations.

f. "Conclusion".

PART 1

SUMMARY OF THE RSA NATIONAL SECURITY STRATEGY
(1960 TO 1989)

INTRODUCTION

1. The RSA strategy as formulated in Boek 1/Beleid. Die RSA se Belange en die RSA-Regering se doel, doelstellings, en beleid vir ordelike Regering, asook Riglyne vir die uiteindelike Staatkundige bestel van Suider Afrika (1980), was to improve the quality of life for all South Africans. This strategy, which was approved by Cabinet on 4 March 1980, further elaborated the national goals.

a. **Political Goal.** To ensure self-determination for all population groups in South Africa.

b. **Economic Goal.** To strive for the optimal combination of economic and social development

c. **Social Goal.** To further living standards based on religious and cultural principles and equal opportunities for all population groups.

d. **Security Goal.** To ensure the security of South Africa against any threats. In this regard the RSA's Strategy emphasised that the RSA had no aggressive intentions towards its neighbours, but that the RSA's posture was of an offensive nature and would, through pro-active actions, ensure its national security.

2 The development of the RSA's National Security Strategy was directly influenced by the ANC's strategy of revolutionary warfare and it was expected of the RSA security forces to maintain law and order and create a stable environment in which the RSA Government could bring about evolutionary political change in the country.

THE RSA's NATIONAL SECURITY STRATEGY

3. Mr P.W. Botha became Minister of Defence on 5 April 1966. Whereas his predecessors had been primarily concerned about threats directed against South Africa, Mr Botha's speeches were characterised by a broader vision of security, encompassing the East-West global ideological conflict and South Africa's role in it. Three themes predominated in his speeches: firstly that the West was threatened by Soviet expansionism, secondly that South Africa was part of the West and lastly, that South Africa played a central part in the Soviet strategy of cutting Europe off from South Africa's essential raw materials. In this regard he argued that the Cape Sea Route was of vital importance to the West. Not all Western countries shared his view on Soviet strategy and in December 1967 the British government declined to sell maritime military equipment to South Africa. This led to the establishment of ARMSCOR in 1968 with the aim "to make the country self-sufficient in the field of defence."

4. The Minister of Defence defended his idea of an indirect war. In 1968, he argued that "¼ in the world we live in, the dividing line between war and peace is generally no longer a clear one, and the South African Defence Force ..must take that situation into account". In 1970 Mr Botha reiterated that "¼there (was) a global struggle between the forces of communism on the one
hand and the forces of stability, security and progress on the other." He emphasized that the military and economic fronts were but two of the ways in which that onslaught was waged. The struggle for South Africa had to be seen in the same context. The Prime Minister, Mr Vorster, added that the ultimate aim of the communist and leftist powers was not Rhodesia and Mozambique, but what can be taken from South African soil.

5. To counter "the Soviet expansionism" the SA government concluded defensive arrangements with Portugal and Rhodesia. Units of the SA Police were dispatched to Rhodesia in September 1967: 

"¼to fight against men who originally came from South Africa and were on their way back to commit terrorism in South Africa." Of more practical importance was the fact that these states (Angola, Mozambique and Rhodesia) formed an effective buffer against direct foreign intervention by force. The strategy was to keep the "defence line" as far as possible away from South Africa itself.

6. The unexpected coup in Portugal on 25 April 1974 brought the RSA's defence line to its borders and this changed the government's perceptions of security in a very dramatic way. Prime Minister Vorster, with his policy of détente, extended a hand of friendship to the newly independent states, but in 1974/5, with the approval of the USA, the SADF joined the civil war in Angola to render assistance to UNITA. Mr Botha explained the excursion into Angola as the willingness of South Africa to shoulder its responsibility as an ally of the free world.

7. On 28 September 1978 Mr P.W. Botha was elected as the RSA's eighth Prime Minister and elaborated the concept of the total onslaught with greater clarity. The 1979 White Paper on Defence recorded 

"¼increased political, economic and military pressure on South Africa¼" and expressed concern that "¼the military threat against the RSA is intensifying at an alarming rate". The idea of a total onslaught against South Africa, as "¼Moscow's stepping stone to world conquest", became the departure point for security-related government policy:

a. The Steyn Commission Report (1982) stressed that the Soviet Union's aim was world domination. Its methods included subversion, disinformation, psychological war, espionage, diplomatic negotiations, military and economic aid programmes, terrorism and guerrilla warfare. The surrogate forces the Soviets were employing included the ANC, SWAPO, the SACP and other related organisations.

b. Mr Botha said in parliament that "the total onslaught exists in that there is, under Marxist guidance, an onslaught on our institutions which, if they were to be destroyed, would cause chaos in this country. It is in view of this that I advocated a total national strategy...".

8. The threat perception of any country reflects perceived threats in the light of perceived vulnerabilities. In order to safeguard their security, states may either try to reduce their vulnerabilities or reduce or eliminate the perceived threats. South Africa's perception of the threat was characterised by its multidimensional character. The threat was part of a global Soviet strategy for world domination, in which South Africa was one of the targets and in which the aim
was the revolutionary overthrow of the South African political, economic and social order, thus isolating the Republic. Although neighbouring countries were not considered to pose a direct military threat to the Republic, the possibility that they could do so in future, was not ruled out, because of an unprecedented build-up of sophisticated conventional armament in those countries. The situation was aggravated by the presence of Soviet, other East Bloc and Cuban forces in the region, particularly in Angola. In addition to the latent conventional threat posed by neighbouring countries, they were also perceived to pose an indirect threat by granting the liberation movements, such as the ANC, training bases or transit facilities in their territories. The ANC was singled out as the main internal revolutionary threat, aided by various countries and organisations. Although the Soviet Union and East Bloc countries were described as the most important supporters of the ANC, certain Western countries were undermining South Africa by lending moral and material support to the anti-RSA revolutionary movements and by applying sanctions against and advocating disinvestment in South Africa. Mr Botha put it as follows:

"There is an attempt, under Marxist leadership, to bring about revolution in Southern Africa, more specifically in the Republic of South Africa. This can no longer be denied. The revolutionary elements are there, and nothing ... can satisfy the hunger of those powers. They want nothing but the overthrow of the present order. They want nothing but the overthrow of the civilisation in this country."

**TOTAL NATIONAL STRATEGY**

9. The RSA Government believed that it was confronted by a "total onslaught" and in order to counter it, they had to develop their own total strategy. The need for such a total strategy was identified in the White Paper for Defence: "the process of ensuring and maintaining the sovereignty of a state's authority in a conflict situation has, through the evolution of warfare, shifted from the purely military to an integrated national action... the resolution of conflict in the times in which we now live demands interdepartmental and coordinated actions in all fields - military, psychological, economic, political, sociological, technological, diplomatic, ideological, and cultural, etc."

10. In parliament it was stressed that the only counter-strategy against a total onslaught with any hope of success is also a total strategy - total resistance must be offered, fragmentary and ad hoc efforts in any sphere would be futile and pointless. The onslaught must be resisted on a national basis in all spheres, by all national groups and inhabitants of the South African subcontinent.

11. This strategy based on principles of self-determination and protection of minorities, Christian values, civilised norms and general welfare provided by a capitalist economy and underwritten by strong security forces were at the foundation of the whole plan. This plan, which had the approval of the highest authority, was based on the fundamental analysis of the enemy's strategy and tried to draw all believers across the colour lines into a united anti-Marxist alliance.

**THE NATIONAL MANAGEMENT SYSTEM**
12. In order to formulate a total strategy to counter the total war being waged against the RSA, the State established an organisation for managing the machinery of government. A high degree of orchestration and coordination is required within the body politic in order to ensure integrated joint planning by all the Government Departments involved, which resulted in the formulation of a Total Strategy. This requirement for joint planning led to the rationalisation of the organisation for managing the machinery of government into two main systems, i.e.

a. The Welfare System; and  
b. The Security Management System.

**STATE SECURITY COUNCIL**

13. The SSC was established in terms of the Security Intelligence and State Security Council Act, Act 64 of 1972, as a statutory Cabinet Committee with the function of advising the Government on:

a. The formulation of national policy and strategy in respect of the security of the RSA, as well as the implementation of such policy and strategy.  
b. Policy regarding the combatting of any specific threat against the RSA.  
c. Intelligence priorities.

14. In terms of the Act the SSC would consist of:

a. The Prime Minister (later President) as chairman.  
b. The senior Cabinet minister and the ministers of:
   i. Foreign Affairs;  
   ii. Defence;  
   iii. Justice;  
   iv. Law and Order, and  
c. The Chief of the SADF, the Commissioner of Police and the directors-general of National Intelligence, Foreign Affairs and Justice.

15. Other ministers and officials, who were not statutory members of the Council, were co-opted to attend specific meetings of the Council. The Minister of Constitutional Development and Planning, the Minister of National Education and the Minister of Finance were among those co-opted in this way. The SSC was assisted by a Working Committee, which comprised the Secretary of the SSC and the heads of departments represented on the SSC.
16. A permanent secretary to the SSC was first appointed in August 1979. The secretariat was later expanded to include three main sub-divisions, one for strategic planning, one for the co-ordination and evaluation of intelligence and a third for strategic communications. The secretariat of the SSC was responsible to the office of the Prime Minister/President for:

a. The provision of co-ordinated intelligence to the security management system.

b. The co-ordination of strategic planning for national security purposes.

c. Co-ordination of the implementation of national security strategies.

d. Co-ordination of strategic communications.

17. In March 1980, the Cabinet approved the first extensive national strategy, titled, Boek 1/Beleid: Die RSA se Belange en die RSA-Regering se Doel, Doelstellings en Beleid vir Ordelike Regering. This document sets out the philosophy of Total War and Total Strategy. Arising from the threat analysis, the national aims, objectives and policy, as well as the political, economic, social/psychological and security policies for the RSA, the independent homelands and Southern Africa, were clearly defined.

18. It is however important to note that the State Security Council Act only provided the SSC with an advisory function. All recommendations and advice by the SSC were referred to the Cabinet for further action. The SSC had no decision-making powers in its own right. This meant that whereas the SSC was charged with the responsibility for advising the Government on national security matters, the ultimate responsibility was vested in the Cabinet. Any recommendations made by the SSC were subject to final approval by the Cabinet, while the execution of policy was the responsibility of the various government departments as part of their normal line functions.

NATIONAL SECURITY POLICY

19. The National Security policy defined the following aims and objectives:

a. The establishment of a National Security Management System (NSMS), decentralised to the regional level, based on the doctrine of Total Strategy - the need for co-ordinated action between all departments - to address the multidimensional (total) threat.

b. Maintenance of a policy of non-aggression against any other state or group of states, but with a pro-active posture which could include pre-emptive action against real or potential aggressors to ensure the security of the RSA.

c. Provision of co-ordinated, reliable and evaluated intelligence.

d. Protection of the RSA against any form of external aggression or internal revolution.

f. Involvement of all population groups in the maintenance of law and order and the protection of the RSA. This included a system of national (military) service.
g. Maintenance of a conventional military capability to ensure national security through pro-active steps and self sufficiency in the development and manufacture of armaments, where practically possible.

h. Ensuring orderly government by maintaining the rule of law and protecting the country's borders.

20. This strategy, as well as others that followed later, included the concept of pro-active or forward defence. For this purpose, Africa, south of the equator, was sub-divided into three areas, namely, the vital area (the RSA), the tactical area (the neighbouring states) and the strategic area (countries to the north of the neighbouring states.)

21. The National Security policy made explicit provision for pro-active actions beyond the borders of the RSA, if necessary, for self-defence or pre-emptive purposes.

INTERDEPARTMENTAL AND DEPARTMENTAL STRATEGIES

22. In 1980, the SSC laid down the procedure for the planning and approval of national, interdepartmental and departmental strategies.

a. As the first step, the guidelines for the National Strategy (Total Strategy) were formulated and approved by the SSC. These guidelines formed the nucleus of the Total Strategy.

b. Thereafter, the details of the Total Strategy were developed by inter-departmental committees and working groups with the assistance of the secretariat of the SSC and the Working Committee. The final draft Total Strategy had to be submitted to the SSC for approval, after which it provided the framework for departmental and inter-departmental planning and implementation.

23. The various departments submitted regular progress reports on the implementation of specific strategies. These reports were consolidated by the secretariat and submitted to the SSC, thus enabling the Council to monitor the progress and scope of implementation.

MANIFESTATION OF THE RSA NATIONAL SECURITY STRATEGY: GUIDELINES AND DIRECTIVES

24. The influence of the ANC strategy of revolutionary warfare on the development of the RSA National Security Strategy can clearly be seen in the development/manifestation of this strategy. There is a clear interface/correlation between the development of the ANC strategy and the counter-revolutionary strategy of the RSA Government.

25. The strategy against the ANC, included the following tasks for the SADF:

   1. The development of the required military infrastructure for effective counter-insurgency operations.
b. The prevention and suppression of terrorism against the RSA, including military actions against bases and training facilities in neighbouring states.

c. The disruption and immobilisation of ANC operational command structures and centres.

d. Neutralising the propaganda and espionage threat of the ANC to military personnel and installations.

e. The protection of the RSA borders and coastal areas against terrorist infiltration.

f. The protection of national key points against sabotage.

g. Supporting the SA Police in stabilising the internal situation.

26. In the later counter-revolutionary strategy (1986-88), the following three objectives formed the basis of the strategy:

a. That revolutionary organisation and mobilisation had to be halted so as to create a situation of stability and lawfulness in South Africa.

b. Continued revolutionary 'contamination' of the population was to be prevented through effective government and local administration, particularly in the major unrest areas.

c. The population had to be influenced to accept and support the national aim of peaceful and evolutionary political change and to combat revolutionary organisations that sought change through violence.

27. Several types of guidelines, directives and strategies were formulated by the SSC and submitted to the Cabinet for approval from 1980 to 1990, and sent to departments for implementation.


b. SSC Directive no 9, on the implementation of radio propaganda and the neutralisation of hostile radio broadcasts aimed at the RSA.

c. A total strategy for Southern Africa (October 1980).

d. SSC guidelines for the protection of educational institutions (March 1981).

e. A total strategy against the ANC (August 1981).

g. A total strategy for Soweto and other black urban areas (September 1981).

h. Total strategies for Lesotho, Malawi, Botswana, Mozambique, Zimbabwe, Zambia and Swaziland (November 1981).

i. A total strategy in respect of the role of trade unions in labour unrest (April 1982).

j. SSC guidelines for economic warfare (April 1982).

k. Guidelines for a total strategy against the UDF (October 1983).

l. Revised authorisation procedure for cross-border military operations (October 1985).

m. Revised strategy for Southern Africa (May 1986).

n. National strategy for the Revolutionary Onslaught against the RSA (December 1986).

o. Revision of the functions of the SSC and the addition of a Cabinet Committee for Security Affairs (November 1989).

p. Guidelines for future secret and covert actions and special operations (June 1990).


28. These documents provided the framework for the implementation of security actions. Each department represented in the SSC was responsible for the implementation of the strategies applicable to its particular area of responsibility.

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PART 2

THE REVOLUTIONARY WAR IN SOUTH AFRICA FROM THE PERSPECTIVE OF THE SOUTH AFRICAN DEFENCE FORCE

INTRODUCTION

1. The revolutionary war in South Africa lasted for more than forty years but it escalated during the period 1980 - 1990. The main role players were on the one hand the ANC (MK), and to a lesser degree the PAC (APLA), assisted by several mass democratic organisations and on the other the South African Government with its security apparatus, namely the South African Police (SAP) and the South African Defence Force, (SADF).

2. The principal participants on the side of the revolutionaries were
a. the Charterist Alliance comprising the ANC/SACP/COSATU, with Umkhonto We Sizwe (MK) as the military wing, and internal front organizations such as the United Democratic Front (UDF) and later the Mass Democratic Movement (MDM) and SA National Civic Organization (SANCO);

b. the Pan-Africanist Congress (PAC) and its military wing, the Azanian People's Liberation Army (APLA); and

c. the Black Consciousness Movement of Azania (BCMA) and its military wing, the Azanian National Liberation Army (AZANLA).

THE REVOLUTIONARY WAR

THE BEGINNING : 1912 - 1958

3. The ANC was established in Bloemfontein in 1912 to fight for the political rights of the black population of South Africa. From 1921 to 1950 the ANC aligned itself with the South African Communist Party (SACP - which was formed in 1921) in several labour disputes and strikes against employers and the SA government. However, it was unsuccessful in making real progress in securing political rights for blacks in South Africa.

4. In 1948 the National Party won the general election and as promised in its election manifesto and after nationwide strikes, the SA Government banned the SACP in 1950. The result was that the party went underground, creating front organisations through which it continued its operations. The most important front organisation was the Congress Alliance, which drafted the Freedom Charter in 1955. In 1958 the ANC incorporated the Freedom Charter into its constitution.

BANNING OF THE ANC AND PAC

5. After the adoption of the Freedom Charter the ANC alliance continued with violent activities. Violent demonstrations and strikes became common as the SACP, the PAC and the ANC cadres were doing their utmost to turn every possible incident into physical confrontation and conflict. In early 1960 both the ANC and the PAC decided to organise an anti-pass law campaign. The response of the security forces to this campaign resulted in the Sharpeville shootings on 21 March 60.

6. The Sharpeville incident reverberated throughout South Africa and around the world. Riots and protest erupted in black townships. On 30 Mar 60 the RSA government declared a state of emergency and enacted the Unlawful Organisations Act, Act No 34 of 1960 which on 8 Apr 60 formalised the banning of both the ANC and PAC.

M-PLAN AND RIVONIA TRAIL

7. After the banning of the ANC and PAC, the command of the ANC developed a strategy which
later became known as the M-Plan (named after Mr Nelson Mandela). It was a revolutionary strategy, which made provision for the division of the Black townships into zones, each having a local revolutionary committee appointed by the regional command of the ANC. The M-Plan also made provision for an operation, called "Operation Mayibuye". The aim of this plan was to seize power in the RSA, through acts of violence and sabotage. The second part of the plan defined certain rural areas of the RSA where guerrillas were to trigger a revolution.

8. At a secret meeting in June 1961 the ANC decided to establish an armed wing, Umkhonto we Sizwe (MK) - Spear of the Nation. They purchased a small farm, called Lilliesleaf, from which to conduct "operations", while Mr Mandela visited several countries to gain support for their campaign against the RSA. The first batches of MK recruits left the RSA in July 1962.

9. Before the ANC/SACP could implement the M-Plan, the SAP raided the Lilliesleaf farm on 11 Jul 63 and arrested most of the ANC (MK) leadership. The Rivonia Trial followed, where Messrs Mandela, Sisulu, Goldberg, Mbeki, Mhlaba, Motsoaledi and Mlangeni were found guilty on charges of high treason and sentenced to life imprisonment.

THE MOROGORO CONFERENCE

10. After the Rivonia Trial the ANC, SACP and PAC made attempts to infiltrate3 the RSA via Southern Rhodesia (see Part 1, page 3, para 5). In 1969 the ANC decided that a new strategy was necessary and a conference was held in Morogoro, Tanzania, where the document "Strategy and Tactics of the ANC" was drawn up. It was a document full of optimism for extending the guerrilla war to the classic mobile phase which would lead to the collapse of the SA government. The document spelled out three stages, namely

a. the initial guerrilla phase which would involve acts of armed propaganda, sabotage, landmines and car bombs;

b. the equilibrium phase in which strong MK units would engage the government's forces in mobile warfare, and

c. the third phase, which would culminate in a general offensive which would coincide with the collapse of the the RSA economy, demoralization of the government's security forces and the isolation of the government.

STUDENT UNREST

11. The sixties will be remembered because of worldwide student unrest. The neutralisation of the ANC and PAC inside the country created a vacuum which was filled by a group of Black students who formed a student organisation, called the South African Students' Organisation (SASO). Steve Biko was elected as its first president. This was followed by the establishment of the Black People's Convention in July 1972. Together they formed the Black Consciousness Movement (BCM) to carry on with Steve Biko's Black Consciousness Ideology (The Black man's
struggle for empowerment.

12. 1976 was characterised by ongoing student unrest in Soweto. The unrest and the death of Steve Biko in detention in 1977 caused a mass of students to join the ANC.

INDEPENDENCE FOR THE PORTUGUESE COLONIES

13. One of the biggest problems facing the ANC was the lack of bases close to the border of the RSA. In 1974 the Portuguese government was overthrown in a coup which led to FRELIMO's accession to power in Mozambique and in Angola of the MPLA, after the collapse of the Alvor Accord and the expulsion of the FNLA and UNITA from Luanda. This development gave the ANC the much-needed bases close to the RSA border.

"PEOPLE'S WAR"

14. In 1978 the ANC leadership began to investigate a new strategy and undertook study tours to many Third World countries. This was followed by a visit of a high-profile delegation (including Messrs Tambo, Mbeki, Hani, Slovo and Modise) to Vietnam to study that country's struggle against the USA. In their report presented to the ANC executive in Luanda, key aspects of the Vietnamese struggle were highlighted, for example "the combination of a political and military struggle, the mobilisation of the whole of the people to fight the enemy; the unity of the internal situation and international solidarity; and the party's leadership role over the armed forces." This was a classic recipe for a "total" revolutionary war.

15. After this visit to Vietnam the ANC formulated a new strategy for a "people's war". Officially it was termed "The Four Pillars of the Revolution - a Strategy for People's War." These pillars were

a. the all-round activity of the underground structures of the ANC;

b. the united mass action of the people (mass mobilisation);

c. the armed offensive, and

d. the international drive to isolate the RSA.

16. The document of the Political-military Committee, Planning for People's War, was drafted in 1983. The National Executive Committee of the ANC approved the document but stated that "we have to be a little more clear about what we mean in practice". Therefore the ANC leadership gave more details about what was meant by this strategy in official ANC publications:

a. In Sechaba it was emphasized that

i. the role of the workers and trade unions will be to bring South Africa's economy to a halt;

ii. white "anti-apartheid" movements must be created to oppose compulsory military service and the war in Angola;
iii. the "people's army" must be strengthened so that the ANC "could march in the vanguard of semi-spontaneous mass upsurges", and

iv. the masses must be armed and trained as part-time guerrillas.

b. In *The African Communist* it was stated that: "by people's war we mean a war in which a liberation army becomes rooted amongst the people who progressively participate actively in the armed struggle both politically and militarily, including the possibility of engaging in partial or general insurrections. The present disparity in strength between the enemy forces and ours determines the protracted nature of the struggle ... such a struggle will lead inevitably to a revolutionary situation in which our plan and aim must be the seizure of power through ... whatever ways might present themselves."

c. In *Sechaba* it was explained that the goal of transforming the "armed offensive into a people's war remains one that we must pursue with the greatest vigour. Our mass military offensive must aim to increase the number of casualties among the enemy's armed forces, to disperse and reduce these forces, make it increasingly impossible for them to defend themselves and undermine the material-economic base ..."

d. In another article the concept of arming the people was discussed "In other words ... it must become part of a policy to involve more and more armed people as organised contingents in support of our struggle and acting under our leadership."

**KABWE CONFERENCE 1985**

17. With the influx of new recruits in the late seventies and the new bases in the Frontline States, the ANC decided to hold a conference at Kabwe, Zambia to examine its new strategy. In a report, *Commission on Cadre Policy and Ideological Work*, the conference recommended that the ANC

a. should establish cores in existing youth organisations;

b. must be in charge of the process; and

c. should educate youth and religious groups and other cultural organisations to translate their beliefs into the rejection of apartheid and to become more involved in the struggle. This was the birth of the concept of people's education - revolution before education.

**PRACTICAL IMPLEMENTATION OF THE PEOPLE’S WAR AND THE FOUR -PILLAR STRATEGY**

**PILLAR 1 : ALL-ROUND ACTIVITY OF THE UNDERGROUND STRUCTURES AND UNITED MASS ACTION OF THE PEOPLE**

18. One of the biggest problems facing the ANC was the lack of bases inside the country. Mr R.
Kasrils explained this problem in Sechaba: "the problem facing us is that the bulk of our army is recruited and trained outside the country, and remains there". It was therefore necessary for the ANC to develop, organise, arm and train MK cadres inside the country to lead the revolution.

19. In the same article Mr. Kasrils outlined the organisation of MK inside the country:

a. Guerrilla units (operating in the rural areas of the RSA).

b. Underground fighting groups (sabotage and assassinations in urban parts of SA).

c. Self-defence Units (SDU-security elements for the ANC cadres and fronts).

20. Other publications outlined the role of the underground as follows:

a. "(it) links the armed struggle to the masses, popularises the skills of warfare, and prevents professional combatants being isolated."

b. "The underground acquires and transports weapons, spreads the politics of the movement, recruits cadres, observes targets and gathers information."

c. "(the underground) must plan its actions and ensure that these reinforce and merge with people's mass action."

**PILLAR 2: MASS MOBILISATION**

21. The second pillar of the revolutionary strategy, that of mass mobilisation, depended upon the successful implementation of the first pillar. The implementation of the first pillar - that of underground structures - created an environment where the masses cooperated and adhered to the demands of the revolutionary structures. One of these organisations was the United Democratic Front (UDF), which was established on 20 Aug 83 as "a broad front of popular resistance". The UDF claimed that over 700 different groups in South Africa were members of this loose-knit coalition. Although the UDF repeatedly denied that it had any links with the ANC, its political agenda was almost parallel to that of the ANC. The ANC saw the UDF as a political arm of revolution, under one command, focusing on the central question of all revolutions - the question of state power. Because of its involvement in violence, the RSA government declared the UDF an illegal organisation in 1986. In 1989 the Mass Democratic Movement (MDM) was formed, which was in fact the old UDF under a new guise. The MDM saw its aim as to deepen the isolation of the regime, maximize unity against it and weaken its ability to resist the struggle for a democratic and non-racial South Africa. The SA National Civics Organisation (SANCO) assumed a large part of the role of the UDF and MDM.

22. During the period 1984 to 1989 members of the ANC's underground saw themselves as the guardians of the revolutionary forces inside the country. According to the M-Plan and the strategy of people's war they created the following:
a. Liberated Zones. These were no-go areas for the police and other administrative functionaries. The aim of this step was to make the country ungovernable and to establish political and paramilitary control over communities through SDUs and Combat Units and for these areas to serve as safe areas for MK.

b. Alternative structures. After an area had been "liberated", alternative revolutionary structures were instituted. The most prominent alternative structure was civic organisations that were locally based and aimed at mobilizing the people within a specific area around bread and butter issues. Their mass base however, offered a tremendous potential for militant action.

23. The underground structures determined their own disciplinary code where they enforced their will by intimidation and fear - those found buying goods from white-owned shops were forced by the comrades to eat their soap powder or drink their cooking oil. One of the most feared methods of intimidation was the so-called people's courts and the gruesome necklaces where anyone accused of collaborating with the RSA government was sentenced to death by the necklace method. An example of the execution of a so-called collaborator was the necklace murder of councillor Benjamin Kinikini and his sons on 21 March 1985, while a Dutch television crew filmed the incident. Necklacing was a very contentious subject and several comments/statements were recorded, for example:

a. In Sechaba Mr Chris Hani wrote that "the necklace was a weapon ... to remove this cancer (of collaborators) from our society ... to cleanse the townships from the very disruptive and even lethal activities of the puppets and collaborators. I refuse to condemn our people when they mete out their own traditional forms of justice to those who collaborate."

b. "Here (in townships/liberated zones) collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their homes and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which we set alight, and burn them to a charred despicable mess".

c. "We want to make the death of a collaborator so grotesque that people will never think of it."

24. Between 1984 and 1989, 399 people died as a result of necklacing. An additional 372 were burnt to death in their homes or after petrol had been poured over them and they were torched to death. The result of this intimidation was that although a very small part of the country was affected the government decided to stabilise the situation by declaring a partial state of emergency in South Africa in 1985. In 1986 it was extended to a national state of emergency.

25. Armed violence was merely one of many strategies adopted by resistance groups in the RSA between 1976 and 1994. Further actions were also aimed at political, economic, social, educational and psychological bases of society. Over time, however, violent acts were increasingly integrated with other strategies.
26. Armed action by the ANC (MK) and PAC (APLA) against the RSA Government was initially conducted from the RSA's neighbouring states. From the mid-eighties onwards, it also took on a strong internal character.

THIRD PILLAR : ARMED STRUGGLE - THE VIOLENT COMPONENT OF THE REVOLUTION

27. This pillar of MK's armed struggle was under the command of the ANC headquarters in Lusaka. In an interview with Der Spiegel, the president of the ANC, Mr O. Tambo, explained how command and control within the ANC were executed: "We convey messages and tell people what has to be done...Our followers often decide for themselves what targets they want to attack. However, they are organized. (The command structure) was built by our people. The people follow our advice."

BASE AREAS AND ACCESS ROUTES

28. The ANC (MK) and the PAC (APLA) were supported in their liberation struggle by the African states. This commitment to the struggle was reflected in the following agreements:

a. Lusaka Manifesto (1969);

b. Mogadishu Declaration (1971);

c. Dar es Salaam Declaration (1975); and

d. the Arusha Declaration (1984) which refers to the collective protection of the ANC and PAC against South African retaliation.

29. From 1963 onward the operating structures underwent several changes, eg

a. From 1963 the main base areas, headquarters and training facilities of the liberation movements were situated in Dar es Salaam, but from the late seventies and beginning of 1980, these were moved to Lusaka.

b. In 1976 Angola became the main military training facility of the ANC (MK).

c. Between October 1976 and August 1977 Lusaka was the main operational centre, while Botswana, Lesotho and especially Swaziland were the main transit routes for the infiltration of terrorists, arms and equipment destined for the RSA. (Eighty per cent of the MK members arrested in the RSA between January 1977 and April 1978 had infiltrated through Swaziland.)

d. After April 1978 Mozambique was the pivot of the ANC's armed action against the RSA, but MK was prohibited from operating directly from Mozambican territory.

e. By 1980, regional headquarters had been established in Botswana, Swaziland, Mozambique and Lesotho, for the planning, control and monitoring of MK operations. Swaziland, especially,
was an unwilling host and continuously took political and security action against armed MK members.

f. After ZANU (PF) came to power in Zimbabwe on 18 April 1980, Zimbabwe's territory became accessible to both MK and APLA as an assembly and transit area. In June and July 1983 the first direct infiltrations by MK members from Zimbabwe to the RSA occurred. By 1985, two operational headquarters and two sub-headquarters had been established in Zimbabwe.

g. After the conclusion of the Nkomati Accord with Mozambique on 16 March 1984, use of Botswana, Lesotho and Zimbabwe for actions against the RSA increased in importance for the ANC and MK. A clandestine MK presence (and headquarters) were however maintained in Mozambique and in the last part of 1985, Mozambique, especially Maputo, was again the main centre for the ANC's armed campaign against the RSA, although actions were launched mainly through Swaziland. The Swazi government tried to prevent this, but did not have the capacity to deny the ANC and MK the use of its territory.

COMMAND AND CONTROL

30. Up to 1985 MK operations in the RSA were controlled by a Revolutionary Council with regional headquarters in Lusaka, Maputo and Maseru. After 1985 the command and control function was vested in the Politico-Military Council (PMC), which oversaw two divisions - the Political Headquarters and the Military Headquarters or High Command. The High Command was commanded by a Special Operations Group and Regional Political-Military Committees (RPMCs). Each RPMC had its so-called 'machineries' or task groups responsible for specific geographic areas in the RSA. In time RPMC's were brought into existence in Botswana, Zimbabwe, Mozambique, Swaziland and Lesotho.

a. RPMC Maputo. From April 1978 the RPMC in Maputo was responsible for operations in the Transvaal (Witwatersrand, Vereeniging, Eastern Transvaal and Northern Transvaal) as well as Natal. Swaziland was the main transit area.

b. RPMC Swaziland. By 1983/84, Swaziland had its own RPMC and operations into the Transvaal and Natal were conducted from Swaziland, with support from the RPMC in Maputo. The RPMC in Swaziland was disbanded in 1988 and all subsequent operations were controlled from Maputo.

c. RPMC Botswana. MK actions from Botswana were controlled from an operational headquarters in Lusaka up to 1983. In 1983/84 a RPMC was established in Gaberone, which was mainly responsible for operations in Western and Northern Transvaal and the Northern Cape. The Botswana RPMC functioned up to 1988, after which it was withdrawn to Lusaka.

d. RPMC Lesotho. An operational headquarters was established in Maseru, Lesotho in 1978. The headquarters was replaced with a RPMC in 1983/84, which was responsible for operations in Eastern Cape, Border/Transkei and the Orange Free State. The RPMC was active until
e. RPMC Zimbabwe. Up to April 1984, MK actions in and from Zimbabwe were controlled by an operational headquarters in Lusaka. In June 1985 a RPMC was established in Harare and two sub-headquarters were established in Bulawayo and Masvingo. The RPMC was responsible for actions in Venda and Northern and North-Western Transvaal.

MANIFESTATION OF THE REVOLUTION INSIDE SOUTH AFRICA

31. The situation inside the country escalated from 1983 and the following is a catalogue of the violent and non-violent components of the revolutionary strategy of the ANC and its allies, as well as the PAC and BCMA for the period 1976 - 1994. The violent onslaught can be divided into four periods:

a. 14 October 1976 to 31 August 1983.

i. A total of 362 acts of violence were perpetrated in the RSA in this period. Of these, 170 (47 per cent) were incidents of sabotage mainly aimed at railway property, police stations, government buildings and the electricity supply infrastructure. Forty eight were offensive and comprised 24 attacks, mainly against police stations and 24 contacts with the SA Police. Approximately 40 MK members were killed and 155 were arrested. Eleven security force members were killed and 24 were injured.

ii. By 31 August 1981 a sharp increase in the use of limpet mines had been noted and the use of conventional explosives and detonators appeared to have been discontinued.

iii. Eighty eight per cent of the 362 incidents occurred in urban areas and 12 per cent in rural areas.

iv. Some of the most important incidents were the following:

(1) 24 November 1977. Bomb explosion at the Carlton Centre in Johannesburg. 17 civilians were injured.

(2) 8 December 1977. Bomb explosion at parking area in Benoni. 12 vehicles damaged.

(3) 24 February 1978. Bomb explosion at Daveyton, Springs. A building was badly damaged.

(4) 1/2 June 1980. Sabotage at SASOL 1 and NATREF at Sasolburg, and SASOL II at Secunda.
(5) 21 July 1981: Sabotage of an electrical transformer in Pretoria;

(6) 12 August 1981: Rocket attack on Voortrekkerhoogte, Pretoria.

(7) 19 August 1982: Sabotage at Koeberg Nuclear Power Station.

(8) 20 May 1983: Motorcar bomb in Church Street, Pretoria. 19 people were killed and 200 injured.

v. The most important development during the period 1 September 1980 to 31 August 1982 was the decision of the PMC to establish a so-called "People's Army". The MK members played an important role in the "People's Army" in intensifying the revolutionary onslaught against the state. Political and military training of MK members inside the RSA and in neighbouring countries commenced at this time.

b. 1 September 1983 to 31 August 1985:

i. This period was marked by an increase of violence and re-direction of focus from so-called "hard targets" (security forces and infrastructure) to "soft targets" (civilian institutions and personnel).

ii. There was also an upswing in violent incidents. Between September 1983 and August 1984, there were 92 incidents and in the following year, 101 incidents.

iii. MK began to establish military structures and political cells in some of the township areas, which were developed into "base" or so-called "no-go" areas. Military and political training in the RSA and in neighbouring states continued.

iv. The end of the period was marked by a blurring of the distinction between "armed incidents and unrest".

v. The most important incidents were the following:

1. 11 October 1983. Sabotage of a fuel storage tank in Warmbaths.

2. 10 November 1983. Contact between SA Police and MK at Alldays while the MK unit was infiltrating from Zimbabwe. Four MK members were killed.


   i. 13 May 1984. Sabotage of a fuel storage depot in Durban.
(6) 17 March 1985. A limpet mine exploded under a SA Police vehicle in Mamelodi.

(7) 30 April 1985. A limpet mine exploded at an Anglo American building in Johannesburg, causing extensive damage.

c. 1 September 1985 to 31 August 1989

i. The period was marked by the maintenance of the level of MK activity. The number of incidents were:

(1) 1 September 1985 to 31 August 1986 - 245.

(2) 1 September 1986 to 31 August 1987 - 208.

(3) 1 September 1987 to 31 August 1988 - 245.

1. 1 September 1988 to 31 August 1989 - 315.

ii. There was a sharp shift in emphasis from "hard" to "soft" targets.

<table>
<thead>
<tr>
<th>Period</th>
<th>% Hard Targets</th>
<th>% Soft Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>80</td>
<td>20</td>
</tr>
<tr>
<td>1984</td>
<td>63</td>
<td>37</td>
</tr>
<tr>
<td>1985</td>
<td>33</td>
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<td>69</td>
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<tr>
<td>1989</td>
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<td>83</td>
</tr>
</tbody>
</table>

iii. This shift in emphasis saw the degeneration of the "liberation struggle" into a planned campaign of armed struggle where the lives and property of ordinary South Africans were destroyed in the hope of gaining political benefits.

iv. Limpet mines, hand grenades and small arms were increasingly used, and landmine incidents occurred in Northern and Eastern Transvaal and Northern Natal until the end of 1987. The highest number of incidents occurred in September and October 1988, just before the municipal elections.

v. The concept of a "People's Army" was further developed in the establishment of self-defence units (SDUs) and combat groups, with locally-based MK members acting as the core. The structures were manned by members trained internally and in neighbouring states.
vi. From 1986/87 the smuggling of arms for the manning and arming of internal MK units increased.

vii. From 1988 the constitutionally independent Transkei was increasingly used by MK and APLA as a base area for the training of recruits and for armed actions in Eastern Cape, Western Cape and Natal.

viii. The most important incidents were the following:

1. **26 November 1985.** A private vehicle detonated two landmines on a farm in the Weipe area.

2. **27 November 1985.** Three MK members of the Special Operations Group infiltrating from Maputo, tried to launch an attack with 122mm rockets on SASOL II at Secunda. All three were killed in the follow-up operation.

3. **23 December 1985.** A limpet mine exploded in the Sanlam Centre, a shopping complex, in Amanzimtoti. Five civilians were killed and 61 injured.

4. **4 January 1986.** A civilian vehicle detonated a landmine in the Ellisras district near the Botswana border. Two civilians were killed and two were injured.

5. **7 May 1986.** A limpet mine exploded in the Benmore shopping centre in Sandton. Extensive damage was caused.

6. **14 June 1986.** A car bomb exploded in front of the Garfunkel Restaurant in Durban. Three civilians were killed and 69 were injured.

7. **24 June 1986.** A limpet mine exploded at the Wimpy Bar at the President Holiday Inn in Johannesburg. 20 civilians were injured.

8. **6 October 1986.** A SADF vehicle detonated a land mine near Mbunzi in Eastern Transvaal. Six SADF members were injured.

9. **28 March 1987.** A civilian vehicle detonated a double landmine in Northern Transvaal. Four occupants were killed and one injured.

d. **1 September 1989 to 31 August 1994**

i. The start of the period was marked by the legalization of previously banned organizations on 2 February 1990 and by talks between the government and the ANC with a view to find a negotiated political solution for the RSA. The PAC did not initially join these talks.

ii. The freedom to operate inside the RSA was used by the ANC, SACP and PAC as well as other organizations to expand their power bases and to erode those of their opponents.

iii. The PAC/APLA also became active in the RSA.
iv. One hundred and eighty one armed incidents occurred between 1 January 1990 and 31 August 1990. Five MK members were killed and 192 MK members and sympathizers were arrested.

v. The SDUs were re-designated "self-protection units" (SPUs) to avoid accusations that agreements between the government and the ANC were being violated.

vi. By 1991 armed actions had increased and it became increasingly difficult to distinguish between armed incidents and violence deriving from general internal unrest.

vii. By 30 September 1992, there were 203 SDU/SPU structures in the townships, and there was strong suspicion that a further 143 existed. Most of those identified were in the Witwatersrand and KwaZulu/Natal.

viii. The aim was to create so-called liberated areas on the East Rand, Vaal Triangle, Western Cape and Natal Midlands.

ix. By September 1993 the Transkei was consolidated as a base area for MK actions in Ciskei, Eastern Cape and Natal.

THE STRATEGY OF THE PAN-AFRICANIST CONGRESS (PAC/APLA)

BACKGROUND

32. After the banning of the PAC in 1960 militant PAC members founded a paramilitary movement called POQO (ie "pure", "we stand alone" or "black alone"). POQO's aim was to create a climate of chaos and panic through carefully planned and well-executed armed action. During the period 1962 to 1963 POQO was responsible for isolated incidents but in 1963 the SAP arrested the most prominent POQO leaders and thus effectively neutralised the organisation. In 1968 the military wing of the PAC became known as the Azanian People's Liberation Army (APLA).

33. The aim of the Pan-Africanist Congress (PAC) was to overthrow the SA government by revolutionary means to establish an "Africanist socialist democracy". The primary aim of APLA was the seizure of state political power by means of an armed revolution.

STRATEGY

34. The PAC/APLA's strategy for the take-over of government was based on the classic revolutionary model, ie

a. a national "liberation struggle" or "people's war", and

b. a social revolution with the aim of establishing a new socialist order.
PAC/APLA ACTIONS

35. The Azanian People's Liberation Army (APLA) was not a substantial factor in the armed struggle or revolutionary war but they played a leading role in the development of the Soweto unrest in Jun 76. APLA's military capabilities increased from an estimated 300 trained members in 1982/83 to approximately 2700 trained members in 1991/92. By 1992, approximately 300 members were deployed internally, mainly in the Transkei. The PAC had not joined the political dialogue between the government and the ANC and was not party to any agreements.

36. From 22 February 1991 to 6 February 1994, APLA was responsible for 77 acts of violence in the RSA. The actions were scattered throughout the Eastern Cape, Transkei, Western Cape, Witwatersrand, Northern Transvaal, Natal and the Free State.

37. Major APLA actions in this period included:
   a. 17 February 1992. Kathlehong: Three SAP members were killed and three wounded when their vehicle was attacked with AK-47 rifles and 9 mm pistols.
   b. 28 November 1992. King Williamstown: Four persons were killed and 17 were wounded during an attack on a golf club, in which R-4 and R-5 rifles, petrol bombs and hand grenades were used.
   c. 5 December 1992. Queenstown: A limpet mine exploded in a restaurant. One person was killed and 19 were injured.
   d. 1 May 1993. East London: Four persons were killed in an attack on Highgate Hotel; an AK-47 rifle and a F-1 hand grenades were used.
   e. 25 July 1993. Cape Town: Eleven people were killed in an attack on St James' Church. AK-47 and R-5 rifles and hand grenades were used. Carl Zimbiri and another person admitted responsibility.
   f. 4 September 1993. Ladybrand: R1 million in damage was caused in an attack on a hotel. Automatic weapons, petrol bombs and hand grenades were used. Carl Zimbiri and Ropa Honda admitted responsibility.
   g. 30 December 1993. Observatory, Cape Town: Four persons were killed and five were injured in an attack with R-4 rifles and a rifle grenade on Heidelberg Tavern. Carl Joma accepted responsibility.

ESCALATION OF THE PEOPLE'S WAR: INTERNAL UNREST

38. In 1981, promotion of unrest in schools and the labour force as well as targeted actions by MK were the main components of the "People's War". In 1985/86 activities in these fields were intensified and expanded to efforts to disrupt health services and administration of justice, to undermine the SADF, to organise mass action and create so-called "liberated areas" in the
39. By September 1985, the ANC alliance had established a support infrastructure in the neighbouring states, especially Mozambique and Swaziland, for the smuggling of arms, ammunition and explosives into the RSA.

40. MK members integrated inside South Africa with the so-called "mass combat units", to give substance to the "People's War." By August 1992, an estimated 1500 MK members had been identified in these actions, and by August 1993, an estimated 6500 MK members were involved in integrated actions of this kind.

41. By August 1986 the ANC alliance was mobilizing resistance amongst the youth, students, women, labour and religious groups. National structures such as the National Education Crisis Committee (NECC), COSATU, and a number of youth and women's organizations, were created to ensure co-ordinated actions countrywide.

42. In September 1984 the UDF called for a change of emphasis from passive resistance to more militant and violent action. By 1984, the UDF had established regional organizations in the Western and Eastern Cape, Border, Transvaal, Natal and Northern Transvaal. UDF planning in September 1985 aimed at the creation of a situation of ungovernability, and at the establishment of "people's power".

43. Three periods can be identified in the development of internal unrest:

a. June 1976 to 31 August 1984

i. In 1980/81, the country was ravaged by unrest at schools, with the Eastern and Western Cape as the focal points. On 6 October 1980, for instance, 19 000 pupils in Port Elizabeth were evicted from their classes by radical students.

ii. The economy suffered extensive strikes in Western and Eastern Cape, Durban and the PWV area in 1980/81. In 1980 there were 207 strikes in the RSA and 282 between 1 January and 31 August 1981.

iii. The increase in rent and service fees in Soweto in August 1980 led to extensive violence in October and November 1980.

b. 1 September 1984 to 31 August 1989

i. Approximately 48 000 incidents of unrest and rioting occurred in the RSA in this period. There were high levels of unrest between 3 September 1984 and 31 August 1986, after which the situation levelled off and a relative low was experienced in 1988/89. From September 1989 to 31 August 1994, however, incidents of unrest increased sharply.

ii. Violent conflicts between supporters of the UDF, Black Power and Pan-Africanist organizations occurred in Eastern Cape and between the UDF and Inkatha in the Durban area. The conflict
between Inkatha and the ANC/UDF later spread to Pietermaritzburg, the Natal Midlands and Northern Natal. By August 1989, more than 60 per cent of all politically motivated violence in the RSA occurred in Natal.

iii. Between 1 September 1984 and 31 August 1989 the following property was destroyed or extensively damaged during rioting:

(1) 7187 private homes, mainly in townships, and including 1084 homes of members of the SA Police (up to June 1980).
(2) 1779 schools.
(3) 1265 shops and factories.
(4) 81 offices, mainly of third tier authorities (up to June 1990).
(5) 66 post offices (up to 30 June 1990).
(6) 49 churches (up to 30 June 1990).
(7) 29 clinics (up to 30 June 1990).
(8) 12188 private delivery vehicles.
(9) 10318 buses.
(10) 4450 vehicles of the SA Police.
(11) 152 trains (up to 30 June 1990).

iv. From 1 September 1985 to 31 August 1986, damage of approximately R90,54 million was caused in riots.

v. From 1 September 1984 to 31 August 1989, 399 persons were "necklaced" and 372 died when their homes or their persons were doused with fuel and set alight.

vi. On average 271 schools were subject to boycotts each day in September 1985, 351 in April 1986 and 219 in August 1986.

vii. The involvement of MK internally established in the townships was confirmed. In March 1986, seven MK members were killed in anti-riot actions in Guguletu near Cape Town. They were all also registered members of the Cape Youth Congress, which was among the organisations responsible for organising the rioting.

c. 1 September 1989 to 31 August 1994
i. The development of internal unrest during this period must be seen against the background of the prevailing political/military negotiations, the transitional period and the run-up to the general elections on 27 April 1994.

ii. Incidents of unrest increased from 1989 to 1994 on the following lines; 8337 in 1989, 15772 in 1990, 13592 in 1991, 12780 in 1992, 16066 in 1993 and 8154 up to 30 April 1994. By April 1994, KwaZulu/Natal and the East Rand were experiencing the highest incidence of violence, while relatively low levels were reported in Western and Eastern Cape.

**BLACK ON BLACK VIOLENCE**

44. Three dimensions can be distinguished:


b. The rivalry which existed between factions of the ANC and PAC in general.

c. Violent actions undertaken to neutralize/destroy local authorities in the townships, by intimidating these authorities through murders, necklacing, the setting alight of homes, petrol bombing and armed attacks. Alternative political ("Civics"), para-military (SDUs/SPUs) and legal ("People's Courts") structures were put in place. The townships were regarded as "no-go" or "liberated" areas. Murders, including necklacing and fire bombing of houses with their inhabitants inside and the destruction of private property characterised the strategy employed in establishing and consolidating control in the so-called "liberated" areas.

45. Between 1 January 1990 and 31 December 1990, 2109 petrol bombings, 1009 incidents of arson, 1369 murders, 182 hand grenade attacks and 71 explosions, related to this campaign, were recorded in the RSA. During the same period, 666 members of the security forces were killed and 635 were injured, 202 rioters were killed by the security forces and 2377 civilians were killed while 2396 were injured by rioters.

46. Between 31 August 1985 and 30 September 1993 the position of third tier (local) authorities worsened dramatically:

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Date</th>
<th>Total</th>
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<th>Not functioning</th>
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<td>5</td>
<td>16 Sep 92</td>
<td>269</td>
<td>113</td>
<td>156</td>
</tr>
</tbody>
</table>
47. By September 1993 the SDUs/SPUs had become the main elements involved in actions to destabilise the townships in the RSA, Ciskei, Bophuthatswana and the self-governing states. The use of grenades, other small arms, necklaces and arson characterised the "struggle" in the townships. Growing numbers of SDU/SPU members were trained in the handling of hand grenades and arms by MK, in both urban and rural areas.

48. During the period 1 September 1990 to 31 August 1994, 12921 persons were killed.

**ACTIONS AGAINST SECURITY FORCES**

49. Members of the security forces were also particular targets especially in the townships. Between 1 September 1984 and 31 August 1990, 13540 attacks against members of the security forces were recorded and between 1990 and 1994, another 7078. Between 1 September 1990 and 31 August 1994, 756 members of the security forces were killed.

**FAR RIGHT WING INVOLVEMENT IN VIOLENCE**

50. From 1990, far right wing organizations were also involved in various incidents in the RSA. These actions were aimed at all parties involved in the process of transformation.

51. The more important incidents were:

a. **May 1990.** A bomb explosion at COSATU offices in Rustenburg.

b. **June 1990.** A bomb explosion at the National Party offices in Auckland Park, Johannesburg and Roodepoort.

   i. **July 1990.** A bomb explosion occurred in the Breë Street taxi-rank, Johannesburg. 27 people injured.

   d. **July 1990.** An ambush of a bus near KwaMashu, Durban. 7 people killed and 27 injured.

e. **July 1991.** A bomb explosion at Hillview High School in Pretoria.

f. **April 1992.** Explosion at the Rand Show, Johannesburg. 9 people injured.

g. **September 1993.** A bomb explosion at a shopping centre in Bronkhorstspruit.

**SMUGGLING OF ARMS AND AMMUNITION**

52. Violent actions by the ANC, APLA, the IFP, right wing organizations and organized crime resulted in a sharp rise in the demand for arms and ammunition, which were chiefly smuggled to the RSA from Mozambique, either directly, or via Swaziland; and via Namibia from Angola. Members of all the above organizations were arrested and charged with smuggling arms and illegal possession of arms and ammunition.
53. The numbers of incidents concerning the smuggling of weapons between 1990 and 1994 were as follows (SA Police figures):

a. 1990 : 7315
b. 1991 : 9702
c. 1992 : 10566
d. 1993 : 9543
e. 1994 : 8808

PART 3

ORGANISATION AND FUNCTIONS OF THE SA DEFENCE FORCE

Appendix A : Organisation of the SADF

B : Organisation of the SA Army

C : Organisation of Wit Command

D : Organisation of the SAAF

E : Organisation of the SAN

F : Organisation of the SAMS

G : Organisation of Special Forces

H : Organisation of MID

ORGANISATION IN BROAD OUTLINE

1. Introduction. The SA Defence Force was a monolithic (one commander) organisation under the military command of the Chief of the Defence Force (CSADF) who was accountable to the Minister of Defence for implementing the South African government’s Defence policy. The Minister, therefore, was responsible for the political control of the force while the CSADF was responsible for its employment. (See Appendix A for the Organisation of the SANDF).

2. Command. The supreme command of the SADF was vested in the State President in terms of the Constitution but all normal command functions were carried out by CSADF. Command is the function of giving orders along the command line to subordinate commanders, who in turn interpret them and give orders to their subordinate commanders until the lowest level of command is reached. The line of command is shown in red on the transparencies.
3. **Supporting Services.** The CSADF was assisted by certain supporting services under his command that provided him with specialist support in their particular disciplines. They are indicated in blue on the transparencies.

4. **Staff Organisations.** The CSADF was assisted in his command function by staff divisions each in respect of its own particular specialist function. They are indicated in green on the transparencies. On SADF headquarters level the Staff organisations performed certain limited executive functions on behalf of the CSADF:

   a. The Personnel Division was responsible for controlling the personnel matters in the SADF.

   b. The Intelligence Division was responsible for intelligence related services in the SADF. It will be dealt with in more detail in paragraph 9.

   c. The Operations Division was responsible for overall control and co-ordination of operational planning in the SADF.

   d. The Logistics Division was responsible for the overall control and co-ordination of logistic planning and logistic support in the SADF.

   e. The Finance Division was responsible for the overall control of financial matters and the co-ordination of the budgeting process in the SADF. It had no command function but exercised control over the Computer Information Service in the SADF.

   f. The Planning Division was responsible for strategic and long-term planning in the SADF which covered aspects such as force development and economic utilisation of resources within the context of the external environment.

5. **The Main Functions of the SADF**

   a. The mandate for the execution of the main functions of the SADF was derived from Sec 3(2) of the Defence Act, Act 44 of 1957, as amended. These functions entailed:

      i. The employment of the SADF organisation or parts thereof

         (1) on service in defence of the Republic;

         (2) on service in the prevention or suppression of terrorism;

         (3) on service in the prevention or suppression of internal disorder in the Republic;

         (4) on service in the conservation of lives, health or property or in the maintenance of essential services.

      ii. Service in pursuance of those police duties mentioned in Sec 5 of the Police Act, 1959 (Act No 7 of 1959) as may be prescribed.

   b. The execution of the services mentioned in the preceding sub-paragraph was delegated to the Arms of the Service mentioned in paragraphs 6 to 8.

7. **The Role, Functions and Organisation of the SA Army**

   a. The SA Army, commanded by the Chief of the Army (C Army), was responsible for the national safety of the RSA and SWA within the Army context with the following functions in mind.
i. Observing and evaluating the nature and extent of the threat as far as the involvement of the SA Army is concerned. (The Army's own intelligence function).

ii. Developing a credible deterrent capability to discourage landward conventional onslaughts and insurgency. (Force development and training functions).

iii. Providing the landward defence of the RSA.

iv. Engaging in the land battle in co-operation with other combat services.

v. Preventing and suppressing internal unrest in support of the SA Police and assisting them in maintaining law and order.

vii Providing emergency relief during disasters or emergencies and maintaining essential services under such conditions where necessary.

b. The Army was organised along the same lines as the SADF at headquarters level i.e. the staff divisions. (See Appendix B). The CArmy commanded a vast force, consisting of full-time and part-time soldiers organised into a conventional force for the landward defence of the country, a territorially organised counterinsurgency force to support the SA Police, a SWA Command with a SWA Territory Force for employment in SWA and Southern Angola, as well as certain functional support commands and training establishments.

c. The SA Army's policy on training required that all conventional forces be double trained, i.e. in their conventional role as the primary function consideration and in counterinsurgency as a secondary function. This policy ensured that when there was a shortage of forces for counterinsurgency tasks in support of the SAP, these primarily conventionally trained troops could be and were employed, e.g. maintaining law and order or on the prevention and suppression of internal unrest. The shortages of troops resulted from the vast number of troops that were required for operations in SWA and Angola especially in the years from 1985 to 1989.

d. In respect of the organisation of the SA Army, the line of command ran through each of the 10 territorial command headquarters, to a number of group headquarters in each territorial command and then to the units. See Appendix C for the organisation of Witwatersrand Command as an example of a typical command.

6. The SA Air Force (SAAF)

a. The SAAF, organised as shown at Appendix D, had as its aim to provide an air capability for attaining the security objectives of the RSA with the following functions:

i. To secure a favourable air situation.

ii. To participate in the land battle.

iii. To patrol the RSA coastline in co-operation with the SA Navy.

iv. To provide air support to the SA Police when required.

v. To provide air support to other organisations during disasters and emergencies.

vi. To participate in search and rescue operations when required.

b. The SAAF was commanded by the Chief of the Air Force (CAF) assisted by a headquarters with similar
staff divisions to the SADF. The SAAF was organised into:

1. The Command Post at SAAF Headquarters. It controlled air operations in the main threat area, i.e. the RSA except the areas controlled by the two regional commands.

ii. Southern Air Command (Cape Town). It controlled operations in support of the Navy in coastal waters and operations in the Eastern Province, Southern and Western Cape.

iii. Western Air Command. It controlled all air operations in the old SWA and Southern Angola in support of the SA Army, SWA Territory Force and SAP.


v. Airspace Control Command. It controlled Air Defence and Air Traffic Control in the main threat area.

vi. Tactical Support Command was responsible for ground support and providing air base facilities when the Air Force was to operate from airfields other than SAAF bases and where facilities did not exist.

8. The SA Navy (SAN)

a. The SAN, organised as shown at Appendix E, had as its aim to defend the RSA against maritime threats and attacks, to support landward operations and to assist in safeguarding the maritime assets. The main functions of the SAN were:

i. Naval operations, either independently or in conjunction with the other combat services.

ii. Counterinsurgency operations in the Naval areas in the Cape, Natal and Walvis Bay.

iii. Relief during situations of distress as well as to assist in search and rescue operations, when required.

b. The SAN was commanded by the Chief of the Navy (C Navy) assisted by a headquarters with similar staff divisions to the SADF and was organised as follows:

i. A Western Naval Command with its Headquarters in Simon’s Town and with under command bases, units and ships mainly in the Cape, but also further afield in Walvis Bay and Saldanha.

ii. An Eastern Naval Command with its Headquarters in Durban with under command bases and units in Natal, the Eastern Cape and Transvaal.

iii. Support units directly under command of Naval Headquarters situated in the Cape and Durban.

9. The SA Medical Service (SAMS)

a. The SAMS, organised as shown at Appendix F, had as its aim the provision of medical and related support to the SADF and other organisations with the following functions:

i. To execute medical and related supporting operations.

ii. To render a military psychological service to the SADF.

iii. To undertake specified medical selection for the SADF.

iv. To provide medical supplies to the SADF and other prescribed organisations.
b. The SAMS was commanded by the Surgeon General assisted by a similar staff organisation in his headquarters to those of the other Arms of the Service with the addition of a Chief of Medical Staff Professional Services. The SAMS was organised as follows:

i. Divided into seven regional medical commands within the RSA responsible for providing medical support to all other SADF units and personnel in those regions.

ii. A SWA Medical Command to support the SADF and SWA TF units and personnel in SWA and Southern Angola.

iii. A Medical Training Command.

iv. No 1 Military Hospital and 7 Medical Battalion Group directly under SAMS HQ.

v. Nos 2 and 3 Military Hospitals and various other medical units and establishments under command of the various regional headquarters.

10. Special Forces

a. It is an internationally accepted practice to have an organisation or organisations in military forces which are capable of carrying out special military tasks. These require such skills and are usually carried out under such risky circumstances that normally trained soldiers, airmen and sailors are not able to perform them. Such organisations, e.g. the British Special Air Service and Special Boat Squad, Royal Marine Commandos or United States Special Forces are generally known by the name of Special Forces. The SADF also had such an organisation, known as such, and commanded by the General Officer Commanding Special Forces (GOC Spec Forces). See Appendix G for the organisation of Special Forces.

b. The GOC Spec Forces was assisted in his command function by a headquarters similar to those already described. Special Forces was organised as follows:

i. 1 Reconnaissance Regiment was an airborne (paratroop) special forces regiment specialising in external landward actions mainly in the conventional warfare role.

ii. 2 Reconnaissance Regiment, a Citizen Force (part-time) organisation, did not operate as an independent unit. Members of this unit were utilized individually as specialists to supplement other units.

iii. 4 Reconnaissance Regiment was a seaborne special forces regiment specialising in seaborne operations.

iv. 5 Reconnaissance Regiment was a landward (also airborne) special forces regiment. It specialised in counter-revolutionary warfare.

v. During 1985/86 the ANC changed its tactics by intensifying its underground and unconventional methods both externally and internally, as discussed in Part 2. This led the SADF to counter the changing threat and establish a new subdivision of Special Forces called the Civil Cooperation Bureau (CCB) in May 1986. Civilian and demilitarised personnel from various sources were appointed under contract to form the CCB. The CCB was investigated by the Harms Commission. No documentation other than that contained in the records of the Harms Commission is believed to exist. At the time of the drafting of this submission the Harms Commission records were not available to the Nodal Point. It is believed that they are available to the TRC. The TRC's attention is drawn to the evidence pertaining to the mandate, composition and functions of the CCB. CCB activities were terminated in April 1990 and the organisation was finally closed in February 1994.

11. Intelligence Staff Division: Military Intelligence Division (MID)
a. MID was the intelligence staff component of the SADF and had as its aim the provision of customised military intelligence services to enhance effective decision making in support of the Department of Defence (DOD). According to the White Papers of 1984 and 1990 the mission of MID was to determine the nature, extent and time scale of the military threat against the RSA.

b. The functions of the MID were to:

i. provide strategic military intelligence to the DOD and the National Interpretation Branch of the SSC;

ii. provide counterintelligence to the DOD;

iii. coordinate, and in certain instances conduct, intelligence operations for the SADF;

iv. collect intelligence covertly for the DOD, and

v. Military diplomacy.

c. The organisation of MID is shown in Appendix H. It is important to note that:

i. Chief Directorate Intelligence Operations was responsible for special intelligence projects. For more detail see Part 5. Remark. This chief directorate was terminated in 1992.

ii. Directorate Covert Collection (DCC) was responsible for the collection of military related information in a covert manner. Remark. DCC collected information as requested by its clients and had no executive power.

12. Participation in the National Joint Management System. The SADF played an important part in the National Joint Management System on all levels.

a. National Level. The Minister of Defence and CSADF served on the State Security Council (SSC) and the CSADF on the Working Committee of the SSC. Several SADF officers served on the Secretariat of the SSC while there was a SADF representative on almost every functional inter-departmental committee or working group.

b. Regional Level. In each of the regions in which a SA Army Command Headquarters was situated, a Joint Management Centre was established and the Army Commander served on the body, often as chairman. On the subcommittees the SADF was represented by Staff Officers of the Command Headquarters.

c. Local Level. Group commanders or senior unit commanders served on Local Management Committees or Liaison Committees responsible for joint planning in local areas.

13. Joint Planning in Independent States. Four Joint Management Boards (JMB) in the Independent States were established for coordinating Security Management. They were established in:


b. North Western Command.


14. It must be stressed that assistance to the SA Police in the Internal role was a secondary role of the SADF. During the same period, which is being covered, the SADF was involved in operations in SWA and Southern Angola, which was part of its primary role. It consumed a large portion of the SADF's effort and much of the time of senior commanders.
PART 4
DEFENCE STRATEGY, PLANNING AND AUTHORISATION

BACKGROUND

1. As explained in Part 1, the RSA Government's National Security Strategy was based on the concepts of cooperative co-existence, non-alignment, self-determination and self-sufficiency, deterrence, cross-border operations, support to anti-Marxist resistance movements in neighbouring states, counter-revolutionary movements and the maintenance of law and order. The RSA Government made it clear that the RSA was not pursuing a policy of aggression against any state or group of states, or contemplating any territorial expansion, but that the RSA would defend its people against any threat. In this regard the security forces should have the means to preserve the highest democratic body, i.e. Parliament and afford it an opportunity to bring about changes to the RSA's political dispensation in an evolutionary way, so as to meet the constitutional and cultural needs of its peoples. The SADF was pre-eminently a peacekeeping task force, but owing to the perceived threat and the increasing instability in Southern Africa, the SADF strategy was directed at ensuring the security of the people of the RSA by taking offensive pro-active steps.

SADF STRATEGY

2. SADF Strategy was based on the Defence Act, 1957 (Act 44 of 1957) and strategic guidelines from the SSC. This strategy stated clearly that:

a. no component of the SADF strategy existed independently from the national strategy or any other guidelines or commands of the State Security Council. Components of the SADF strategy were established as a result of a national strategy; and

b. if the SADF identified a need for a national strategy or guidelines, the Chief of the SADF (CSADF) should take the matter up with the WG (Working Group) and/or the SSC, or through the SADF representative on the IDCs (Interdepartmental Committees), or CSADF should take the matter up with the SSSC (Secretary of the SSC).

3. The RSA Government's policy guideline to the SADF was that the RSA's national security interests should be furthered through a pro-active posture. This strategy emphasized that the promotion, development and maintenance of the national security interests of the RSA should be achieved through military actions, primarily outside the borders of the RSA.

4. The SADF Strategy made provision that the SADF must have the ability to exercise the
following actions:

a. In the SADF's Area of Responsibility the SADF must be in a position to
   i. conduct conventional military operations;
      1. conduct counterinsurgency operations;
   iii. conduct intelligence;
   iv. conduct strategic communication operations; and
   v. support the SAP in maintaining law and order.

b. In the SADF Area of Influence the SADF must be in a position to conduct
   i. restricted conventional operations in support of counterinsurgency operations;
   ii. special and retaliation operations;
   iii. conventional pre-emptive operations;
   iv. full-scale conventional operations, if necessary;
   v. intelligence; and
   vi. strategic communication operations.
      1. In the SADF Area of Interest the SADF must be in a position to conduct intelligence; and if necessary also to
         i. exercise special and retaliatory operations;
         ii. exercise air and maritime reconnaissance;
         iii. deploy ground forces (restricted), and
         iv. render air and maritime support to friendly governments

5. The SADF Strategy also made provision for the conflict in Namibia/Angola, but this will not be discussed in this submission.

THE STATE OF EMERGENCY

6. In July 1985 the RSA government felt compelled to declare a State of Emergency in 36 magisterial districts in terms of the Public Safety Act of 1953 and the security forces were given increased powers to deal with the situation. Mr Botha said in his statement that it was the duty of the state to ensure that a normal community life be re-established and that the situation be
normalised in such a way that the climate for continued dialogue be ensured.

7. To cope with the unrest and the state of emergency, the powers of the SADF in support of the SAP were extended in December 1985. The Government Gazette stipulated that members of the SADF who were to be used in connection with any police function would have the same duties as conferred or imposed upon a member of the SAP.

8. In July 1986 a national state of emergency was declared, and which was extended annually until 1989.

PLANNING

FORECAST OF OPERATIONS

9. One of the first SADF strategic documents was the Forecast of Operations, approved by the Chief of the SADF in August 1980. This document was updated annually. The Forecast of Operations included the objectives and tasks set out in the National Strategy and the Strategy for Southern Africa. It served as the point of departure for force design and development and the operational planning of the SADF. It also detailed the operational responsibilities of the Arms of the Service.

10. After 1980, the forecast document was followed by more specific strategies and guidelines on the basis of the national directives. The defence strategies were once again based on the total strategies cited above. These documents were compiled by the staff of the Chief of the SADF for approval by C SADF and were disseminated in the form of Military Strategic Documents (MSDs). Each Arm of the Service within the SADF was responsible for strategic planning and, after approval, for implementation in accordance with that Service's role and functions.

SADF PLANNING PROCESS

11. The process through which a military plan is reached entails the following steps:

a. **Initiation of Planning for an Operation**. The planning can be initiated by the executor, or be given to him as an order. A study is done to determine the necessity to carry out the operation.

b. **The Formulation of a Feasibility Study/Broad Plan**. The chief executor makes an appreciation in which all relevant factors and restrictions are evaluated in order to determine whether the envisaged operation is feasible or not.

c. **Approval in Principle of Envisaged Operation**. The plan in broad outline is presented to the relevant commander, who approves further planning.

d. **Operational Guidelines**. This serves as a framework within which further planning is done.

e. **Coordinating Conferences**. These conferences are held from time to time in order to formulate
the plan.

f. Approval of Final Plan. The final plan, including the support plans, are presented to the relevant commander for approval.

g. Issue of Operational Orders/Instructions. Written Operational Orders/Instructions are issued to all parties involved in the execution of the operation.

h. Progress of Operations. Higher Headquarters are at all times to be kept informed of the progress of all operations.

i. Debriefing. A debriefing is held after the conclusion of the operation.

AUTHORISATION FOR SECURITY ACTIONS

12. The role and functions of the SADF, are set out in section 3 of the Defence Act, 1957, as amended, provided for the Defence Force to be placed in service in defence of the RSA in the prevention or suppression of terrorism; in the prevention or suppression of internal disorder in the RSA and in the preservation of life, health or property; or the maintenance of essential services. (For more detail see Part 3).

13. Specific authorisation for the conduct of security operations derived from policies, strategies, directives, guidelines and instructions issued at national and departmental level. Each Arm of the Service of the SADF had specific responsibilities and authority, e.g.

a. the SA Army was responsible for the conduct of the land battle and internal security operations in support of the SAP;

b. the SA Air Force was responsible for the air battle and internal security operations in support of the Army and the SAP; and

c. the Navy was responsible for seaward defence.

14. Specific actions and operations were authorised in departmental policies, strategies and directives.

15. The division of responsibility between the SADF and the SA Police (SAP) for the conduct of internal operation, was set out in a policy directive approved by the Prime Minister in December 1979 and amended from time to time. Inside South Africa, the SAP had primary responsibility for urban operations, while the SADF was responsible for rural operations and border protection.

16. On the regional level, the responsibility and authority for the conduct of operations was granted in specific command directives and guidelines applicable to the territorial commands of the Army and military units. This meant that regional commanders had authority and responsibility for the conduct of military operations within their regions, in accordance with approved defence policy, strategies and directives.
INTERDEPARTMENTAL COORDINATION

17. The co-ordination of interdepartmental actions and operations at the regional and local levels was effected through the National Security Management System. This provided for numerous Joint Management Centres (JMCs), made up of the senior representatives of the relevant departments at those levels.

18. In the context of regional security, the JMCs were responsible for ensuring stability and security in their areas and for normalising the local situation. Authority and accountability were based on the line functions of each department. (For more detail see Part 3).

OPERATIONS OUTSIDE THE BORDERS OF THE RSA

19. Authority for the conduct of operations outside the borders of the RSA was contained in a directive approved by the SSC in 1979. These guidelines were initially compiled to provide for operations in southern Angola and were later amended to include other areas.

20. In essence, the directive limited the authority of the Chief of the SADF to immediate hot pursuit (cross-border) operations, while the Minister of Defence could approve reconnaissance into neighbouring areas. The planning for all other military actions beyond the borders of the RSA and SWA/Namibia had to be referred to the Chairman of the SSC for his decision, in consultation with those members of the SSC he decided to involve.

PART 5

DEFENCE FORCE OPERATIONS

INTRODUCTION

1. As explained in the previous parts, and in accordance with the National Security Strategy and the SA Defence Force Strategy the SADF undertook several operations. (For the authorisation see Part 4). It should be stressed that the list of operations, as set out in this Section, may not be complete.

ARMY OPERATIONS

2. The SA Army became involved in combating internal unrest in the RSA on a meaningful scale
only during the early 1980s. This involvement gradually escalated after serious unrest broke out in the Vaal triangle during September 1984. The most important areas of deployment were the Witwatersrand, Natal, the Eastern Cape and the townships in the Cape Town area. Unrest in the Witwatersrand and Natal were further complicated by the conflict between Inkatha and ANC-aligned organisations.

3. The SA Army rarely operated independently of the SA Police in the RSA and then only in the self-governing national states - Lebowa, Gazankulu, Kwazulu, Kwangane, Qwa-Qwa and Kwa Ndebele. All other SA Army actions were undertaken in support of the SA Police. These consisted mainly of roadblocks and cordon-and-search operations or the provision of reserve forces. Most operations were ongoing and given the following code-names which were changed from time to time:

a. Border Control
i. Operations PEBBLE and PORCELAIN - to protect all international borders;
ii. Operation INTEXO - to monitor the electric border control fence on the RSA/Mozambique border; and
iii. Operation LONGLIFE - to assist the SA Police against cattle rustling along the Mozambique border.

b. Internal Security
i. Operation XENON, REDEYE, TANTO and PAAL - to support the SA Police in combating general unrest throughout the RSA;
ii. Operations EARDRUM, PHOENIX and PIKADEL - to support the SA Police in combating internal unrest in specific areas of Natal, the Eastern Cape and in the Witwatersrand respectively;
iii. Operations BUTTARD, HOPSCOTCH, SPIDER and ZIGZAG - to support the SA Police in recovering illegal weapons and to combat gun-running especially in Natal; and
iv. Operations CONTROL and NAIL - to deploy roadblocks by air in various parts of the country in support of SA Police operations.

c. Self-governing States. Operations QUEST and WINDMEUL - to combat unrest in support of the authorities of the self-governing states mentioned in paragraph 3.

CHRONOLOGY OF OPERATIONS

4. The following chronology gives an indication of the types of operations undertaken and of the number of Army troops deployed internally from 1980 onwards:
<table>
<thead>
<tr>
<th>SERIAL NO</th>
<th>DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jun 1980</td>
<td>1755 Men for roadblocks</td>
</tr>
<tr>
<td>2</td>
<td>Jul 1980</td>
<td>30 Men for cordon and search</td>
</tr>
<tr>
<td>3</td>
<td>Aug 1980</td>
<td>140 Men for roadblocks</td>
</tr>
<tr>
<td>4</td>
<td>Jun - Dec 1980</td>
<td>2050 Men per month for the protection of National Key Points (NKPs) throughout the country</td>
</tr>
<tr>
<td>5</td>
<td>20 Mar - 16 Apr 1981</td>
<td>Approximately one brigade for cordon and search in Soweto.</td>
</tr>
<tr>
<td>6</td>
<td>Mar - Jun 1981</td>
<td>480 Men per month for cordon and search.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>620 Men per month for roadblocks countrywide.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1060 Men per month for the protection of NKPs.</td>
</tr>
<tr>
<td>7</td>
<td>25 Apr - 10 Mar 1981</td>
<td>6 Companies for cordon and search in Soweto.</td>
</tr>
<tr>
<td>8</td>
<td>15 May - 11 Jun 1981</td>
<td>Cordon and search in Krugersdorp, Magaliesburg and the East Rand</td>
</tr>
<tr>
<td>9</td>
<td>15/16 May 1981</td>
<td>Cordon and search at Meadowlands Hostel</td>
</tr>
<tr>
<td>10</td>
<td>17 May 1981</td>
<td>Cordon operation at Mondeor</td>
</tr>
<tr>
<td>11</td>
<td>27 May - Jun 1981</td>
<td>Operations in support of SAP in Western Province Command, Witwatersrand Command, Kimberley and Queenstown</td>
</tr>
<tr>
<td>12</td>
<td>27 Jul - 5 Jul 1981</td>
<td>Road movement by a squadron to NKP power stations in Eastern Transvaal</td>
</tr>
<tr>
<td>13</td>
<td>30 Nov - 10 Dec 1981</td>
<td>Road movement by a mechanized company to discourage ANC(MK) presence in the Eastern Transvaal</td>
</tr>
<tr>
<td>14</td>
<td>27 Jul 1984</td>
<td>Operations to protect duty buses and buildings occupied by the SADF.</td>
</tr>
<tr>
<td>15</td>
<td>3-5 Aug 1984</td>
<td>Countrywide roadblocks</td>
</tr>
<tr>
<td>16</td>
<td>16-17 Aug 1984</td>
<td>Countrywide roadblocks to safeguard polling stations</td>
</tr>
<tr>
<td>17</td>
<td>4 Sep 1984</td>
<td>Approximately 700 troops made available to assist SAP in unrest control in the Vaal triangle.</td>
</tr>
<tr>
<td>18</td>
<td>13 Sep 1984</td>
<td>Northern Transvaal Command issues instructions that duty bus sentries be armed.</td>
</tr>
<tr>
<td>19</td>
<td>19 Oct 1984</td>
<td>SADF placed into service by Presidential order to combat unrest</td>
</tr>
<tr>
<td>20</td>
<td>22 Oct 1984</td>
<td>Operation PALMIET: Cordon and search by approximately 5000 troops in Sebokeng and Boipatong</td>
</tr>
<tr>
<td>21</td>
<td>3/4 Nov 1984</td>
<td>Countrywide roadblocks in view of stay away-action on 5 and 6 Nov 1984</td>
</tr>
<tr>
<td>22</td>
<td>13 Nov - 13 Des 1984</td>
<td>Simultaneous countrywide action in support of SAP in townships.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td></td>
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<tr>
<td>------------</td>
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<td></td>
</tr>
<tr>
<td>6-9 Jan 1985</td>
<td>Countrywide roadblocks to address deteriorating internal situation, especially in Eastern Cape</td>
<td></td>
</tr>
<tr>
<td>16/17 Feb 1985</td>
<td>Witwatersrand Command Reaction Force in support of SAP to recover arms in Suurbekom</td>
<td></td>
</tr>
<tr>
<td>22-28 Mar 1985</td>
<td>SADF become involved on a large scale in support of SAP in combating unrest, spreading to total areas. SADF formally ordered into service by the Minister of Defence to combat unrest, and given additional powers throughout RSA on 28 Mar</td>
<td></td>
</tr>
<tr>
<td>18 Apr 1985</td>
<td>Man shot and killed by Army patrol during unrest in Nyanga</td>
<td></td>
</tr>
<tr>
<td>3/4 May 1985</td>
<td>Cordon and search in Kwandabuhle, Eastern Province</td>
<td></td>
</tr>
<tr>
<td>5 Sep 1985</td>
<td>In terms of Operational Instruction 15/85, the SADF assumes responsibility for border protection in Eastern Transvaal. (Army does protection tasks and police policing)</td>
<td></td>
</tr>
<tr>
<td>Aug 1985</td>
<td>Operation PEBBLE: SADF assumes border control ops from SAP in Eastern Transvaal. Remark. Operation PEBBLE was initiated in Eastern Transvaal and expanded during 1985 to Transvaal, Northern Natal and Eastern Free State along international borders.</td>
<td></td>
</tr>
<tr>
<td>13 Oct 1985</td>
<td>Army sergeant stabbed to death after giving chase to a rioter on the East Rand</td>
<td></td>
</tr>
<tr>
<td>Nov 1985</td>
<td>Three MK cadres killed in follow-up after rocket attack on Secunda</td>
<td></td>
</tr>
<tr>
<td>4 Dec 1985</td>
<td>Driver of minibus wounded, captured and handed over to Police after he threw a grenade at SA Army Buffel vehicle in Wit Command area</td>
<td></td>
</tr>
<tr>
<td>31 Dec 1985</td>
<td>Hitchhiker who threw stones at vehicles is shot through arm in Witwatersrand area</td>
<td></td>
</tr>
<tr>
<td>20 Jan 1986</td>
<td>SA Army force levels increased after landmine incidents in Far Northern Command</td>
<td></td>
</tr>
<tr>
<td>31 Mar 1986</td>
<td>Operation PEBBLE: 16 Companies deployed. Result of operation: 2615 illegal immigrants arrested. Estimated to be only 20% of total number of illegal entrants.</td>
<td></td>
</tr>
<tr>
<td>16-18 Apr 1986</td>
<td>Operation LUIS. Cordon and search in support of SA Police in Lamontville, Chesterville and Kwa Mashu, Durban</td>
<td></td>
</tr>
<tr>
<td>10/11 May 1986</td>
<td>Cordon and search by SADF in support of SAP in Alexandra</td>
<td></td>
</tr>
<tr>
<td>Jun/Jul 1986</td>
<td>SA Army take over overall responsibility for border protection from SA Police</td>
<td></td>
</tr>
<tr>
<td>29 Jul 1986</td>
<td>High density operation in Tembisa and Alexandra in support of SA Police</td>
<td></td>
</tr>
<tr>
<td>Jul 1987</td>
<td>Brigade deployed in Eastern Transvaal for almost three months in stabilization role</td>
<td></td>
</tr>
<tr>
<td>23 Mar 1989</td>
<td>Operation SKAAP. SA Army actions in support of SA Police in Eastern Transvaal against possible MK infiltrators from Swaziland</td>
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<tr>
<td>24 Jul 1989</td>
<td>SADF deployment in terms of National Joint Operation Centre's guidelines for the curtailment of the Defiance Campaign's effort to disrupt the election on 6 September. Operations include patrols, roadblocks and cordon and searches</td>
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<tr>
<td>Date</td>
<td>Event Description</td>
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<tr>
<td>31 Mar 1989</td>
<td>Operation WINDMEUL Deployment. (Lebowa, Kangwane and Kwandebale) - 7/8 Companies per month</td>
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<tr>
<td>1-2 Feb 1990</td>
<td>In Operational Instructions 1/90 and 2/90 the SADF was ordered to withdraw from the townships in which it was deployed but be ready to support the SA Police on request, if unrest were to break out after the speech of the State President on 1 Feb and the release of Mr Mandela</td>
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<tr>
<td>12-14 Mar 1990</td>
<td>Show of force in Venda by 14 Ratel Infantry vehicles</td>
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<tr>
<td>30 Mar 1990</td>
<td>Army's border protection plan. First filter - the border fence. Second Filter - patrols and roadblocks. Third filter - arrests inside country</td>
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<tr>
<td>4 Apr 1990</td>
<td>Operation EARDRUM: Natal Command plan to stabilize situation in Natal - ongoing</td>
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<tr>
<td>17/18 May 1990</td>
<td>Cordon and search in Welkom</td>
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<tr>
<td>22/23 May 1990</td>
<td>Cordon and search in Welkom</td>
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<tr>
<td>1 Aug 1990</td>
<td>Operation LONGHORN. Cordon and search in Sebokeng</td>
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<tr>
<td>7 Dec 1990</td>
<td>SA Army takes over search responsibility at certain border posts from SAP</td>
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<tr>
<td>11 Mar 1991</td>
<td>Patrols and cordon and search at the IFP hostel in Alexandra</td>
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<tr>
<td>12 Mar 1991</td>
<td>A suspect who escaped from SAP custody during a cordon in Witwatersrand command area was shot and killed</td>
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<tr>
<td>4/5 May 1991</td>
<td>High-density operation in Alexandra and Soweto</td>
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<tr>
<td>13-21 Jul 1991</td>
<td>High-density operation near Richmond, Natal</td>
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<tr>
<td>2 Jan 1992</td>
<td>One person killed and two escaped during an incident at the Army base at Zebedelia</td>
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<tr>
<td>13-19 Mar 92</td>
<td>Operation BUTTARD. Combined SAP/SADF operation to trace illegal weapons</td>
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<tr>
<td>4 Sep - 15 Dec 1992</td>
<td>Operation DIVER. Stabilization and support in Ciskei</td>
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<td>Date</td>
<td>Operation Description</td>
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<tr>
<td>2-24 Oct 1992</td>
<td>Operation HOPSCOTCH. Several high density operations in Natal to patrol intensively, trace weapons and maintain a high profile</td>
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<tr>
<td>1 Jul 1993</td>
<td>SA Army places a cordon around the World Trade Centre. All demonstrations to be contained</td>
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<tr>
<td>5-8 Aug 1993</td>
<td>Operation REGTER. Roadblocks and reaction force provided for SA Police during AWB ceremony in Schweizer Reineke</td>
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<tr>
<td>1 Sep 1993</td>
<td>Operation BAKKOP. North Western Command Task Force deployed in support of SAP at ceremony in Sannieshof</td>
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<tr>
<td>15 Dec 1993</td>
<td>Operation in support of SAP to search for weapon at Monatse pass</td>
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**EXTERNAL OPERATIONS**

5. The following external operations were carried out against ANC(MK) and PAC (APLA) bases and facilities:


b. **Lesotho : 9 December 1982** An attack on ANC facilities in Maseru, Lesotho.

c. **Mozambique : 17 October 1983.** An attack on an ANC planning facility close to the official residence of the President of Mozambique in Maputo.

d. **Botswana : 14 June 1985.** An attack on eight houses and two offices of the ANC (Western Front) in Gaborone.

e. Botswana and Zimbabwe : 19 May 1986. Attacks on an ANC transit facility and an operational centre in Gaborone; as well as an office and a house used for transit purposes in Harare.


g. **Transkei : 17 October 1993.** An attack on a PAC transit facility in Umtata.

**SA AIR FORCE (SAAF) OPERATIONS**

6. Throughout the seventies and eighties, SAAF operations were carried out on an ongoing basis. Operations carried out in support of and in conjunction with, other arms of service or the Police are defined as joint operations and those in which only the SAAF took part, as autonomous operations.
7. The planning and execution of operations were decentralized at SAAF Command level after authorization was obtained from SAAF Headquarters. The threat situation within each Command determined the amount of air support required and used. External operations were planned jointly through the SADF's Operations Division and submitted for approval at the appropriate level.

JOINT OPERATIONS

8. By the end of the 1980s, the deterioration of the security situation called for a more structured, formalized reaction by the security forces to counter threats. Extensive air support was provided for the following operations:

a. Operation ACCLAIM. To assist the SA Police with crime prevention.

b. Operation ALWYN. To assist the SA Police to control the RSA/Lesotho borders for crime prevention and stock theft.

c. Operation VENTIC. To assist the SA Police in maintaining law and order during mass action.

d. Operation HANDEVAT. To assist the SA Police in crime prevention.

e. Operation NOORDER. To assist the Department of Foreign Affairs and the SA Navy in establishing a maritime border between the RSA and Mozambique.

f. Operation ROOIKAT. To provide air support for the Gazankulu and Lebowapolicce.


9. The following were joint operations where the SAAF played a key role:

a. Photo Reconnaissance (PR) sorties were continually flown (2-3 times per week) over "informal" (squatter) settlement areas throughout the country after influx control measures were scrapped.

b. A continuous programme of daylight visual reconnaissance flights, using SA Police and Army observers to combat serious crime and SDU/SPU activity in townships.

c. Specialist night reconnaissance sorties carrying SA Police and Army observers to assist ground forces navigation in townships.

d. Night lunar operations with helicopters to combat SDU/SPU activity, violence and crime.

e. Assistance in monitoring the progress and safety of the funeral corteges of Chris Hani and Oliver Tambo.
f. Integrated operations using helicopters to transport ground forces rapidly into areas to combat serious crime and unrest. This took place continuously throughout 1993 and 1994 in townships in the Witwatersrand, especially Katlehong and Thokoza.

g. Support to the Rapid Deployment Force deployed in the Witwatersrand area in transporting mobile roadblocks to combat gun-running.

h. Use of C130s and Dakota transport aircraft as well as Oryx helicopters to "show force" in Soweto, sealing off areas to permit the SA Police to conduct search operations.

i. Reconnaissance flights in conjunction with SA Police and ESKOM to combat the theft of copper wire from telephone lines.

j. Patrol flights along bus routes south of Johannesburg after school children were shot at near Eikenhof.

k. Patrol flights along railway lines during peak periods after violence and shooting increased on trains in the East and West Rand.

l. "Skyshout" and pamphlet-dropping flights were used to encourage people to disregard the ANC's calls for boycotts and non-payment of services.

m. Helicopters were used to fly in and protect medical teams visiting townships.

n. Reaction forces were flown in for surprise raids on hostels.

o. A Remotely Piloted Vehicle (RPV) was used to monitor election procedures in the Witwatersrand area.

p. Temporary air control posts were deployed around the country to coordinate air requirements to facilitate the elections. Voting equipment, ballot papers and personnel were flown to crisis areas.

**AUTONOMOUS AIR OPERATIONS**

10. Autonomous air operations were carried out to combat particular threats, using the distinct capabilities of the SAAF. These operations were intelligence-gathering reconnaissance sorties. The exception to this was Operation SKERWE - the reprisal attack into Matola - after the explosion of the ANC bomb outside SAAF HQ in Pretoria. The following were the main autonomous air operations conducted externally:

a. **Mozambique : May 1983.** A RPV was flown from Komatipoort over Maputo to collect and update intelligence on ANC facilities there.

b. **Mozambique : 23 May 1983.** Operation SKERWE took place, using 12 Impalas and two
Mirage F1 AZs, to attack known ANC facilities in the Matola suburb of Maputo in retaliation for the car bomb detonation outside Air Force Headquarters, Pretoria, on 20 May. Two ANC houses and a headquarters were attacked.

c. **Zambia and Botswana : 16-19 October 1984.** A photo reconnaissance (PR) mission was flown to cover areas in Zambia and Botswana where ANC presence was suspected after the Mozambican government had ordered the ANC to cease activities from Mozambique and withdraw to neighbouring countries.

d. **Mozambique/Swaziland/RSA borders : 8 May 1986.** Photo reconnaissance of the Mozambique/Swaziland/RSA borders was undertaken to develop intelligence to combat gun-running and illegal border crossings between Mozambique and the RSA.

e. **Zambia : 19 May 1986.** Operation LEO was launched by two Canberras and five Mirage F1s against ANC targets at Makeni Plots, 15 km SW of Lusaka, Zambia in retaliation for the sabotage on Sasol II and Secunda plants.

f. **Botswana/RSA border areas : 18-20 July 1986.** PR of certain Botswana/RSA border areas, including the road from Nata to Kazangulu, in order to combat infiltration by ANC cadres to the RSA.

g. **Zimbabwe : 14 September 1986.** Six aircraft were used to photograph suspected ANC targets throughout Zimbabwe.

11. **Conventional Special Operations.** Conventional special operations are covered under the SA Army operations.

**SPECIAL PROJECTS**

**SUPPORT FOR ANTI-MARXIST LIBERATION MOVEMENTS**

12. In *Boek 1* (1980), chapter 5, the RSA Government accepted as government policy enhance the image and posture of anti-Marxist liberation movements in Southern Africa. This principle was reiterated in the *Nasionale Strewes en Beleidsgrondslae van die Republiek van Suid-Afrika, 1987*, the amended *Strategy for Southern Africa* (1 December 1986), and the *Recommendations by the SSC* dated 19 March 1984. This principle was included in the SADF Strategy (1987).

13. **Angola**

a. The 1986/87 Strategy for Angola gave, *inter alia*, the following guidelines: The SADF

i. could proceed with clandestine reconnaissance in Angola,

ii. should continue with military operations against SWAPO; and
iii. must support UNITA.

b. The support for UNITA was co-ordinated under the code name Operation SILWER. With the signing of the New York Agreement, the support for UNITA was restricted to humanitarian aid, verified by the RSA department of Foreign Affairs and the UN.

14. Mozambique

a. The support of RENAMO was part of the RSA Security Strategy up to the Nkomati Accord in 1983. After the signing of the accord, contact was maintained with the RENAMO leadership in order to influence them to take part in the peace process in Mozambique.

b. The Strategy for Mozambique made provision that the SADF:

i. could undertake military operations against ANC bases and facilities and

ii. must ensure that the Mozambique Government honour the Nkomati Accord wrt support for the ANC (MK).

c. Up to 1983 the support for RENAMO was coordinated under the code name Operation PIKI.

15. Lesotho. The support for the Basutoland Congress Party (BCP) was to neutralise the threat or potential threat from Lesotho against the RSA. Eventually the SADF played an active role in reconciling the conflict between the political parties in Lesotho. To achieve this the SADF had to separate the Lesotho Liberation Army (LLA-military wing of the BCP) from the conflict in Lesotho. This project was known as Operation CAPSIZE and was terminated in 1989.

16. Transkei/Ciskei. In 1984/85 the relationship between the Ciskei and the Transkei reached an all time low. The RSA Government and the SADF were very concerned about the situation and the spill-over effect it could have on the Eastern Cape. In 1986 the SADF commander of the Eastern Province Command made a suggestion to the Chief of the SA Army as to how to stabilize and normalize the situation. This appreciation became known as Operation KATZEN. The SADF started with the implementation of this project, but in October 1987 the Minister of Defence instructed the CSADF to terminate the project.

17. Inkatha. In 1985 Chief Minister Buthulezi requested paramilitary support from the RSA Government. The RSA government decided on 20 December 1985 to grant him this support and tasked the SADF to render the support. The project was known as Operation MARION.

STRATEGIC COMMUNICATION (STRATCOM)

18. Background. The mass mobilization for "People's War" and widespread acts of violence was supported by a sophisticated domestic and international propaganda campaign. In Boek 1 (1980
the RSA government acknowledged the need for a similar strategy and the following guidelines, *inter alia*, were formulated:

a. to discredit the terrorist organization in Southern Africa, as well as the Cuban and other communist surrogate forces;

b. to neutralise the propaganda of the mass media inciting the RSA population against the goals and aims of the RSA government in Southern Africa; and

c. to enhance the posture and image of anti-Marxist Liberation Movements in Southern Africa.

19. **SSSC Guidelines**. In a policy document of the Secretariat of the State Security Council (SSSC), approved on 21 August 1986, the following guidelines regarding Strategic Communication were set out:

a. **Definition**. STRATCOM is the planned, coordinated execution of an act and/or the presentation of a message to:
   
i. create, maintain or change attitudes, behaviour, and ideologies; and to
   
ii. neutralise opposing propaganda.

b. **Aims of STRATCOM**. To
   
i. influence the internal population positively in respect of declared national goals;
   
ii. influence the international community positively in respect of the policies of the RSA; and
   
iii. neutralise/undermine enemy/opposing propaganda.

c. **Overt STRATCOM**. This comprises the functions of informing, enhancing the image of, and monitoring State policies openly executed by Departments. (Known in business terminology as marketing.)

d. **Covert STRATCOM**. In order to achieve the aims of STRATCOM, it is often necessary to exercise a positive influence in such a way that the involvement of the State is not apparent. It entails making use of individuals and/or organisations which have no obvious ties with the State, but are financially assisted by the State and act according to agreed-upon programmes and guidelines emanating from approved strategies.

e. **Execution of STRATCOM**

   i. Within the State Security System the Branch Strategic Communication (BSC) of the SSSC is responsible for the co-ordination of STRATCOM and for issuing overall policy to Departments, the Bureau for Information and the Communication Committees (COMCOMS) of the Joint Management System (JMS).
ii. The Bureau for Information is the primary line functionary with respect to the marketing of national goals and co-ordination will be done via an interdepartmental STRATCOM-committee under Chairmanship of the BSC.

iii. Departments must execute strategies and STRATCOM plans as co-ordinated by the BSC. Departments are also responsible in their own right for the marketing of their line functions.

20. SADF Responsibilities iro STRATCOM Projects. In the SSSC guideline document, certain departments were responsible for covert STRATCOM projects in specific fields. Those allocated to the SADF were:

a. Youth Clubs.

b. Community Organisations.

c. Women's organisations.

d. Traditional Authorities.

e. Arts.

f. Rural Development.

Within the SADF, the Military Intelligence Division (MID) and the SA Army were responsible for covert STRATCOM projects. The Arms of the Service were responsible for the motivation of own troops and SADF civic action.

21. SADF Covert STRATCOM Projects

a. MID was responsible for the

i. overall control, policy, monitoring and co-ordination of projects;

ii. management of certain STRATCOM projects; and

iii. international communication.

b. The SA Army was responsible for STRATCOM iro Own Forces, the population and revolutionary forces fighting against the RSA.

22. SADF Civic Action

a. Continuous infiltrations by ANC (MK) and PAC (APLA) placed a strain on administration in the rural areas and the SADF realized that, in order to contain the revolutionary war, the support to the local population needed to be improved and maintained. It was imperative that the administration had to be seen to govern - a collapse of the administration would be chaotic.
Therefore the SADF embarked on a Civic Action programme aimed at bolstering the administrative structures. Soldiers were deployed in various disciplines to create a positive image amongst the RSA population: eg

i. **Education.** National Servicemen (NSM) with educational qualifications were deployed in support of the Departments of Education at, for example, the following schools: Fort Hare (Ciskei), Kwenza Moloto College of Education and the Seshego High School (Northern Transvaal).

ii. **Medical.** Medical orderlies formed part of patrols and provided basic medical care. Military doctors were deployed at hospitals, eg Shongwe Hospital (Eastern Transvaal), Helena Franz Hospital (Northern Transvaal), Jozini and Umlazi (Natal) and Mdantsane (Ciskei).

iii. **Veterinary Services.** Veterinary Surgeons were available at military bases and were also detached to provincial governments.

iv. **Agricultural.** In the Northern Transvaal, approximately 30 NSM were detached to the Department of Agriculture to assist with agricultural training.

iv. **Water Supply.** NSM were detached to the Department of Water Affairs to assist with projects into water provision. In the area of Natal Command, up to 58 emergency water points were manned on a daily basis.

b. At the same time Own Forces were trained in the need to win the "Hearts and Minds" of the people. Patrols made contact with the rural population and assisted them in numerous ways such as repairing windmills/water holes, minor repairs to schools, low-key medical assistance, etc. Added to this, civilian victims of the war, for instance those injured by land mines, were evacuated, often by helicopter, to State hospitals.

**KHAN COMMISSION**

23. In August 1991 the State President appointed a committee, known as the Khan Advisory Committee on Special Secret Projects. On the recommendation of the committee certain secret projects were terminated in 1991. In 1993 the rest of the secret projects were terminated when Sub Division Intelligence Operations at MID was dismantled. As far as could be ascertained, the relevant documentation, apart from the documents submitted to the Khan Committee, was disposed of in accordance with existing regulations. At the time of the drafting of this submission there was therefore no documents on project detail available to the Nodal Point. It is believed that the Khan Commission documentation is at the disposal of the TRC.
CONCLUSION

1. In conclusion the Nodal Point wishes to emphasise two aspects:

a. The first is an observation made by members of the Nodal Point during the research of documentation and interviews with ex-members of the SADF while compiling this presentation. Although we cannot speak on behalf of the old SADF, it became abundantly clear that there is a deep regret for the death, pain and suffering that was caused on all sides by the conflict of the past and also a firm resolve to contribute to a better future for all. The saying that people who know war, those who have experienced it, are the most earnest advocates of peace was clearly demonstrated during these interviews.

b. The second aspect is that answers to questions of what happened in the past are not readily available in files and documentation at the press of a button. Information is spread over the country at the different levels of command (as I have tried to explain to you in the presentation), in archives and in people's minds. The Nodal Point therefore wants to reiterate its offer which I mentioned in the opening remarks of this presentation. We are a facilitating body at the service of the TRC and will do our utmost to ensure access to the information needed to carry out your mandate.

I thank you.
ADDRESS TO THE TRUTH AND RECONCILIATION COMMISSION BY THE CHIEF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE, GENERAL G.L. MEIRING, SSAS, SD, SM, MMM

Your Grace, Ladies and Gentlemen

Today I stand before you having myself requested this opportunity to address the Commission - not as a member of the SADF, but as Chief of the SANDF the South African National Defence Force. I requested this in line with a spirit of reconciliation that can promote a sense of common purpose, the very reason for which we believe this Commission was called into being by the Government of the Republic of South Africa.

It might be said that what I am going to talk about has little to do with that period which the Commission is investigating. This, in my view, is not the case, because what I am about to submit has its roots in and is based upon the legacy of the period with which you are concerned.

In order to assist the TRC to meet its responsibilities in accordance with the Constitution, as well as with the Promotion of National Unity and Reconciliation Act of 1995, I established a Nodal Point to facilitate access to any information needed for this purpose. In this regard it has already facilitated the compilation of a submission in respect of the former SADF from available documentation of that period and from discussions with ex-SADF members. The Nodal Point will be presenting it later today, but I want to stress that it does not form part of my submission on behalf of the SANDF. The Nodal Point will continue to be at the disposal of the TRC to facilitate any questions that may arise.

Your Grace, soldiers are often perceived as men who only pursue conflict. This is not the case if one takes cognisance of all the peace keeping and peace making operations over the past years in many parts of the world. The Longman Dictionary of Contemporary English describes reconciliation as "to make peace between" and "to make friendly again". This definition, I would like to submit, more closely describes the true mission of military forces, namely to restore peace so that former adversaries can become friendly again. Soldiering is not a selfish profession, as a true soldier is prepared to lay down his life for his fellow citizens and for his country. This definition of reconciliation also provides a very simple, but fine perspective on the ultimate mission of this Commission - to make peace between South Africans and to make them friendly towards one another again. In this regard we as South Africans ought not to be selfish but to make peace and become friends for the sake of our fellow citizens and our country.

It is important to note that the submissions by the various political parties to the TRC, although they differ in approach, all stress the fact that a war situation existed. It is called by different names, for example a revolutionary war, an irregular war, a liberation struggle, a people's war and a total war, but in essence it was a war.

We regret the loss of life, personal grief and suffering of those affected on all sides. I have sincere appreciation for the deep scars left on our society by the conflict of the past and the ensuing animosity, fear, mistrust, suspicion, insensitivity and even hatred. I also fully realize that, to forgive, to forget and to become friends again, will take time. I do not, however, believe that we should wait in docility for a miracle to make this happen. We should not allow time to become an excuse for continued animosity. I am convinced that we must and that we can, with honest intention and effort, and the grace of Almighty God, make this happen in our lifetime.

I say this with the conviction of my experience in the SANDF over the period since 1993, when the top echelons of the SADF and Umkhonto we Sizwe (MK) came face to face in the search for a new dispensation which could bring hope, peace and prosperity to our beloved country. Their combined vision of a new unified National Defence Force was instrumental in creating such a force for the Republic of South Africa in a mere two years. It is true that, as an organization, the SANDF still faces many challenges in many respects, but it is also a fact that the new National Defence Force as a proven and trustworthy instrument of state power has become a reality.

All this did not come about by chance. It emerged from a vision and a sense of mission which motivated former adversaries to commit themselves in a joint planning process which would shape a unified force for the new dispensation. This process required fighters who were previously adversaries to deny all other feelings but unflinching
loyalty towards the future of South Africa. Of course this did not always mean calm waters! Many heated moments ensued, but always in the unrelenting pursuit of this vision. True to a soldier's nature, the loyalty to his force, not himself, at times caused disputes which seemed of sufficient magnitude to upset the apple cart. But the future mattered most as is proven by the many terms and concepts, which are commonly used today. For example, the idea of a Service Brigade, aimed at preparing former military men to be absorbed into civilian life again, was devised and conceived in the process. A new post was created - the Chief Director Equal Opportunities and is at present filled by Maj Gen Masondo, an ex-MK member. Nothing was left to chance. A sense of purpose and urgency directed energies right onto crucial issues such as the return of externally based personnel, the establishment of assembly areas, the creation of models for integration, control over weaponry and transitional arrangements in respect of Defence.

Although there were earlier and lesser known but nevertheless also important contacts, the historical initial formal meeting between MK and the SADF took place in March 1993. By the end of April 1993, sufficient consensus was reached for a working group at staff level to commence with detailed work. On 11 January 1994, six of the forces that existed at the time were unified in the first meeting of the JMCC. The JMCC supervised a strategic planning process which scrutinized issues such as an environmental analysis, the future mission of a unified Defence Force, criteria for and finally a force design, which would dictate the size and shape of the new Defence Force, standards to be adhered to and international advice and arbitration. Professionalism, diligent planning and goodwill enabled the relatively painless process with which the six forces, joined shortly after the elections by APLA as the seventh, unified in the National Defence Force on the eve of the national democratic elections in April 1994.

The new military dispensation thus created, despite a lack of homogeneity at the time, undeniably played a crucial role in creating a stable environment before, during and after the elections and in safeguarding the democratic process which most of the citizens of South Africa support. The current and future role of the SANDF, not only with regard to its primary role - the protection of our country's sovereignty and territorial integrity against external aggression but also relating to its secondary role - the protection of life, health and property - is clearly reflected in the latest White Paper on Defence, as well as the current Defence Review.

Chairperson and Commissioners, my humble submission today is that the South African National Defence Force, in the way that it was established, and is now developing, perhaps sets an example for reconciliation. The SANDF was not paralyzed by the prospect of change. Its members, many of them long-time adversaries, rose above the past to shape the future in the interest of our country and our nation. In order to do so they made peace and became friends.

I want to conclude with an appeal to you that, in judging the past, we should be wary not to be so harsh as to make reconciliation difficult. The classic Prussian strategist Carl von Clausewitz pointed out that it is difficult, even impossible, to judge the actions of a person without being influenced by the knowledge of subsequent events which were not known to the person who so acted. What is sometimes subjectively perceived to be the truth, may, when seen in perspective, not be the true picture at all.

South Africans need never, and should never, forget the past, as the past serves as a compass for the future. However, in the greater interest of national security, which is the basis of our future prosperity, we must learn to forgive. We must make peace and become friends again.

Therefore we in the SANDF fully associate ourselves with what is set out in the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993) and which is also reflected in the Promotion of National Unity and Reconciliation Act (Act No 34 of 1995). I quote:
"The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society;
"There is a need of understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization"
"In order to advance such reconciliation and reconstruction amnesty shall be granted in respect of acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past."
We as the ex-members of the constituent entities pledge ourselves for a united, reconciled Defence Force, a force of soldiers of which the RSA can be justly proud.

I thank you.
1. INTRODUCTION:

1.1 I would like to thank this Commission, and particularly, the Chairman, Archbishop Tutu, for their willingness to afford me an opportunity to address this Commission on such relatively short notice.

1.2 Although I appear before this Commission voluntarily, I tender my evidence on the specific understanding that the provisions of section 31 of Act 34 of 1995, including the protection afforded by it, are applicable to me.

1.3 If you have expected me during my address to you today, to merely vilify MK and the ANC and to justify the actions of the South African Defence Force, you will be disappointed. I requested this opportunity because on the one hand, I am deeply distressed about the relentless campaign which is being waged at all costs, to discredit the South African Defence Force and its former members regardless of the true facts. On the other hand, I am profoundly concerned about the state of reconciliation in our country.

1.4 Unless the different population groups of South Africa become truly reconciled, our country does not have a realistic hope of overcoming the ever increasing problems facing all South Africans, irrespective of race or creed. Crime and unemployment come to mind. Should we permit ourselves to become obsessed with the past, insisting on opening up old wounds and becoming evermore divided, we will all loose what we have in this wonderful country of ours.

1.5 Those who served in the South African Defence Force were honourable and decent men and women. I respect them and shall stand by them. I do not expect you to necessarily agree with all that was done by the South African Defence Force. Neither do I expect the family and friends of people who died in South African Defence Force operations to forget. My appeal to you and to them is only to accept the bona fides of the members of the South African Defence Force involved. I hold no brief to speak on behalf of Umkhonto we Sizwe ("MK"), but am prepared to accept that, as an organization, it also acted bona fide in the furtherance of its ideals, irrespective of what I think about the merits of their methods.

I appeal to my fellow countrymen to also accept the bona fides of the members of MK, although the family and friends of those innocent civilians who perished in land mine and bomb explosions may find it very difficult, if not impossible, to forgive certain acts committed by those MK members. We have to accept that, irrespective of the methods used, both sides performed their duties bona fide, in what they perceived to be service to their respective political masters. Whether we regard the opposing side's cause as morally just, is in my view neither pertinent to reconciliation, nor relevant in the assessment of the appropriateness of the actions of a military force in any given situation.

1.6 I do not suggest that people on both sides did not overstep the bounds of their authority. To keep harping on so-called "Apartheid crimes", conveniently ignoring the fact that atrocities were also committed by the opponents of Apartheid, is not conducive to reconciliation and amounts to an attempt to manipulate history. In retrospect both the ANC and the South African Defence Force succeeded in its objectives: the ANC achieved its political goal, while the South African Defence Force managed to maintain an acceptable climate in which negotiations could take place.

PERSONAL BACKGROUND:
1.7 I was born on 30 January 1930 at Pretoria. In 1950 I joined the Union Defence Force. The following command posts were occupied by me:

- Chief of the South African Army (1973 - 1976)
- Chief of the South African Defence Force (1976 - 1980)

1.8 During 1980 I was invited by the former Prime Minister, Mr P.W. Botha, to serve in the Cabinet as Minister of Defence. I accepted the invitation and served in this capacity from 1980 to 1991. In July 1991 I was transferred by the former State President, Mr F.W. de Klerk, from the Defence Portfolio and appointed as Minister of Water Affairs and Forestry, in which capacity I served until my resignation from Cabinet and Parliament on 28 February 1993.

1.9 I am a professed Christian and believe in the preservation of family life. I believe that the forgiveness of sins is the exclusive right of God Almighty. Among us as sinners, and I include all of us, irrespective of status and prominence, forgiveness is but an ideal that often remains unrealised. The human ability to reconcile and to come to terms with others' actions, is often limited to an acceptance of the fact that others, like yourself, acted in good faith in the light of facts available to them at that time.

1.10 I believe in a democratic political system where justice prevails at all levels.

2.1 I am a strong supporter of reconciliation. It is the only path we can follow in this country, if we wish to prevent a situation in which South Africa is thrown into chaos.

2.2 The revelation of what happened in our country a number of years ago, does not exclusively result in the potential disadvantaging of the previous functionaries of the State - it also undermines trust in the present State, especially if the past actions of its present functionaries are made public in the process. Internationally it is still not commendable if a functionary of a state authorised the planting of a bomb in a public place. The repercussions for people like Mr Robert McBride illustrate this point clearly. Similar actions of persons in more senior positions will compromise the national interest. The fact that this Commission did not want to disclose (not even to the victims) the identities of the direct handlers of McBride, demonstrates the dilemma we are faced with. Who authorised the direct handlers to conduct this type of operation? What are the true and full facts of other bomb massacres in which innocent citizens were also injured and killed? What is the position regarding the Church Street bomb? Who planted the bomb, who was the handler(s) and who were involved in authorising the planting of this bomb? Who conceived the "necklace" method and ordered the application thereof? Who chose and authorised the targets? Should it appear that any of the current Cabinet members or any other senior government functionaries were involved, it will cause our country indeterminable harm.

2.3 Initially the goal was set that forgiveness could take place only if there was a full disclosure of all the facts. Is it truly possible? Is it truly essential? Is it truly necessary to go beyond the acceptance by the conflicting parties on both sides, and particularly also by the broader public, that both sides acted bona fide in promoting their cause, painful as it may be? Acceptance by the public is naturally the responsibility of the political leaders of all political persuasions and all population groups. What can judgements on the moral justification of each other's actions contribute, if at all, to the ideal of reconciliation?

2.3.1 Of course, bombs were planted in public places and innocent citizens were killed, injured and maimed.

2.3.2 Of course, innocent citizens were also victims of bona fide operations by the South African Defence Force.

2.3.3 Of course, the ANC was, after its banning, tremendously limited in the options that it could exercise in the struggle against, what it perceived to be an unjust system, and of course it was practically extremely difficult and dangerous for them to act against military targets (so-called hard targets).

2.3.4 Of course, the ANC's agents frustrated the South African Defence Force in its conventional operations by hiding in
neighbouring states amongst the local population.

2.3.5 Of course, the ANC would have lost credibility if it could not have referred to successful operations, even if they had to include civilian casualties.

2.4 The revelations of such actions in the present peacetime situation can result in extensive damage to the State: the trust of the population in leading figures of the State and the image of the State abroad. This can not be conducive to reconciliation. In this sense I have been and still am sceptical about this Commission's ability to achieve the goal of reconciliation. In my view reconciliation will be better served by letting the divisions of the past be and rather encourage all our people to join forces to tackle the immense problems facing our country. Reconciliation can only be achieved in the hearts and minds of all South Africans. This will take time. It is, however, the responsibility of all political leaders to actively promote this ideal.

3.

3.1 If the former government had fulfilled its responsibility in respect of general amnesty, to which the ANC was inclined in those days, this Truth and Reconciliation Commission, with the associated risks for the truth and for reconciliation, would have been unnecessary. A golden opportunity for reconciliation has been lost.

3.2 The members of previous governments, with a few exceptions, such as Mr P.W. Botha, avoid taking a clear, comprehensive, collective, political and moral responsibility for the actions of the South African Defence Force and its members. I, as former Chief of the South African Army, Chief of the South African Defence Force and Minister of Defence, wish to state clearly before this Commission, that I take moral responsibility for the actions of members of the Army and the South African Defence Force, during the respective periods when I was involved, and for the execution of the tasks of the South African Defence Force to uphold the then Constitution and to preserve the sovereignty of the Republic of South Africa.

3.3 Where members of the South African Defence Force acted unlawfully during the period of conflict, I wish to offer my unqualified apologies. The background against which such acts were committed must, however, not be forgotten. The sound judgement of members of the South African Defence Force sometimes suffered in the heat of battle, owing to the abhorrence generated by the deeds of terror committed by the liberation movements. If, however, moral blame is to be attached to the lawful actions of the South African Defence Force, such blame must be levelled at the former governments and not at individual members of the South African Defence Force. I make this statement with the full realisation that I was a part of those governments.

3.4 I hope, with all my heart, that the other members of the previous governments will also be prepared, as I am, to accept this collective moral responsibility for the actions of all members of the South African Defence Force during the armed struggle. I can, however, not speak on behalf of my previous colleagues.

3.5 This is one of the main reasons why I decided to appear voluntarily before the Truth and Reconciliation Commission. I shall not and cannot abandon the honourable and brave men and women who loyally served South Africa under very difficult circumstances in the past.

3.6 On the other hand the ANC on its part released a very important statement a while ago, namely

"All members of the ANC involved in planning, commanding and carrying out the actual operations fall within the ambit of this submission. The leadership has taken collective political responsibility for the conduct of the combatants in the course of the armed struggle. The political responsibility is accepted for all the cadres even though we know that during the course of the liberation struggle anomalies may have arisen."

In my view the acceptance of this responsibility by the ANC is correct. If there is moral blame to be assigned, in respect of MK's and the ANC's actions, it would likewise be that of the politicians.
4. THE AMBIT OF THIS SUBMISSION:

4.1 In my capacity as former Chief of the South African Army and of the South African Defence Force and former Minister of Defence, my submission is limited to the Department of Defence during my respective terms of office.

4.2 When judging the actions of the South African Defence Force during the conflict, one must keep in mind that it was a service organisation of the State and that it had to act in support of the State and the Constitution of the day, just as the South African National Defence Force is obliged to do today.

In this context the Truth and Reconciliation Commission must note that the previous government of South Africa

4.2.1 was a lawful government, and

4.2.2 was subject to a written constitution.

That Government, as well as the revolutionary struggle that reigned in the country, were internationally recognised. In other words, these circumstances and the then reigning situation of violent war were internationally recognised and accepted.

4.3 Against this background members of the South African Defence Force gave, interpreted and carried out their orders.

4.4 From the point of view of experience, it is a real pity that none of the Commissioners of the Truth and Reconciliation Commission were actively involved in the military struggle. Actual experience of soldiering in conflict is, in my opinion, essential for true insight. The emotions generated by contact with enemy fire, the loss of comrades and the shock of land-mine detonations negatively influence the judgement of the most reasonable and rational individual. War, in whatever form, has a degrading effect on the most civilised of men. On the other hand, one experiences the apparently strange anomaly that, although opposing forces in war zealously strive to destroy each other, they, shortly after the cessation of hostilities, exhibit an incomprehensible propensity to accept and forgive. This is precisely what has happened here in South Africa. Members of the South African Defence Force and of MK are already working shoulder to shoulder, as comrades-in-arms, towards the success of the South African National Defence Force - the past forgotten! This, I maintain, originates solely from battle experience and a mutual understanding of the circumstances during the conflict. You, who were not soldiers, can gain such insight only by listening closely and objectively and by trying to understand what the South African Defence Force and MK explain to you. Should you not do so, you will fail both to arrive at the truth and to achieve reconciliation.

4.5 When making this submission I am consequently obliged to consider and deal with this factor. I hope with all my heart that, in this important aspect, I shall succeed in assisting the Truth and Reconciliation Commission in the execution of its assigned task.

5. In the preparation of this submission I was hampered by one specific shortcoming. I had almost no official documentation at my disposal. Upon vacating office in the past I always left, for preservation, all official documents, writings et cetera at the office or organisation concerned. I was thus obliged to rely mainly on my memory or on public documents and speeches that I made during those terms of office.

5.2 The advantage in using these dated documents and speeches, is that it intrinsically reflects something of the background of the circumstances under which it was drawn up or delivered. This very fact ought to assist this Commission to judge in perspective. This also negates any suggestion that I have fabricated these speeches, background and circumstances.
5.3 I shall make use mainly of official White Papers on Defence that were tabled in Parliament and were made available to members of Parliament and members of the public. Members of this Commission who served in Parliament in those days ought to have knowledge of this. I shall further refer to speeches that I delivered in Parliament and in public during my term of office. Many of both my statements and the content of the White Papers were repeated during my term of office, while others were adapted to the changes in the security situation which prevailed during this fluid period and were published for the public and for the South African Defence Force.

5.4 My plea is, however, that you and the people of South Africa should accept that the official actions of the South African Defence Force were at all times bona fide in the execution of its orders and of its statutory duty, as interpreted by it.

6.

THE SOUTH AFRICAN DEFENCE FORCE:

6.1 It is of fundamental importance to keep in mind that the South African Defence Force was a creature of statute and as such bound by the provisions of the Defence Act, Act 44 of 1957. It was also a well-disciplined professional organization and not above the law and a-political.

6.2 The South African Defence Force as an organization had a decentralized command structure. This meant that authority and the responsibility in the execution and functioning of the South African Defence Force was delegated. This is an universal accepted philosophy of management and applied worldwide by military forces. This has been explained in detail to you in the submission of the South African Defence Force.

6.3 The South African Defence Force played an important role in the combating of the revolutionary onslaught on the Republic of South Africa. The utilisation of the South African Defence Force in support of the South African Police is a procedure that is not limited to the Republic of South Africa. It is an internationally recognised procedure and principle to utilise a defence force in support of the police in combating unrest.

6.4 As in any other state, the government was responsible for ensuring security, to maintain law and order, to prevent crime, to bring criminals to book and to defend its territory and people against attacks and onslaughts. Both the South African Police and the South African Defence Force were given that responsibility.

6.5 The South African Defence Force was, in terms of the Defence Act, Act 44 of 1957, as amended, inter alia responsible for the following:

- Service in combating and repressing terrorism.
- Service in preventing or suppressing local unrest within the Republic.

6.6 The situation in the Republic of South Africa during the 1980's, during which unrest occurred on a greater scale than in the past, rendered inevitable the utilisation of the South African Defence Force in support of the South African Police for the prevention and combating of unrest. It was necessary that peaceful circumstances should be created and maintained, in which the government's own initiatives could develop fully. Therefore in 1985 the government was forced to internally employ the South African Defence Force in service in addition to the South African Police; in other words, the territory of the Republic of South Africa was declared an operational area for the South African Defence Force.

7.

7.1 During the seventies the Minister of Defence and the top management of the South African Defence Force removed all departmental discrimination that could still possibly have existed on the grounds of colour, religion and gender. At that stage it was generally known in the political community and it was said that the military within defence context and in the territories under its direct control had already achieved political objectives that would have been achieved only
twenty years later in the rest of South Africa by the government of the day. This prediction has been historically proven.

7.2 This action of the South African Defence Force, namely the removal of discrimination or, as it was referred to by some in those days, "integration", was also one of the main reasons for the breakaway of the Conservative Party in 1982 and for its forming a new political party. They regarded this timeous, necessary and very well managed Defence Force action as politically unacceptable.

7.3 The military community thus already realised the necessity for normalising internal relationships and took the lead in creating such a situation within its area of responsibility. Today this requirement, namely that human rights apply to all South Africans, is stipulated in our present Constitution.

7.4 This essential direction of the South African Defence Force was not in all cases limited to only its own terrain. The South African Defence Force applied it wherever it could act independently. Here reference can be made to hundreds of community projects over the length and breadth of Southern Africa, where thousands and thousands of members of disadvantaged communities were assisted and/or trained to assist themselves. There was Project Molteno, whereby the manual skills of unschooled or poorly schooled people, mainly rural, disadvantaged people were developed, so that they could make a substantial contribution to their families and communities. In the same way South African Defence Force resources were utilised for medical, veterinary, educational, management of local authorities and other assistance.

7.5 The above mentioned large number of Defence Force activities were a great success and also provided an opportunity for members of the South African Defence Force and National Servicemen, who preferred to assist in upliftment tasks and to make humanistic contributions in the interests of the country and of this I am proud.

7.6 The South African Defence Force also had many civilian members. Taking these civilians into account, black and brown members of the Defence Force made up more than 50% of its total strength. Much effort and money was devoted to this important civilian component in order to ease their living conditions outside Defence Force context.

7.7 When judging the South African Defence Force, this Commission cannot solely take into consideration the sharp end of the organisation: in order to judge objectively, it must examine the organisation as a whole and, in this sense, the above is very relevant.

8.

THE BACKGROUND TO THE ACTIONS OF THE SOUTH AFRICAN DEFENCE FORCE DURING THE YEARS OF CONFLICT:

8.1 It sometimes happens that in peacetime, when people look back on periods of conflict and war, they are astounded that man can act against himself with such cruelty. Upon such retrospection many things appear inexplicable and morally difficult to justify.

One must guard against the selective morality of the winner. The British force's establishment of the first concentration camps in the world during the Anglo-Boer war in which innocent women and children were incarcerated and died by the tens of thousands is not considered as the precursor to the Nazi concentration camps and is not commemorated annually as a crime against humanity. The Allied bombings on Germany did indeed contribute to Hitler's downfall, but how many innocent women and children who died in the process will never be known. The United State of America's attempt to end the conflict in the Far East against Japan reached its climax with the launching of the first two nuclear bombs. This event is commemorated to this day, but the fact that approximately 25 000 innocent children died in the explosion is seldom emphasised. Why? The selective morality of the winner.

We may not shirk reality: On the one hand the successes of the South African Defence Force in both its cross-border operations and its internal actions and on the other hand the ANC’s car bombs in Pretoria and Johannesburg, the bombs in shopping and recreation centres, were both, in their own way, aimed at establishing a better South Africa.
8.2 In times of war and conflict people's perceptions change and they act differently. To judge viewpoints and actions in times of conflict from a narrow peacetime perspective is dangerous and negates the reality as experienced in times of conflict.

8.3 I seriously appeal to this Commission that throughout your judgement of the testimony dealing with events that occurred in the past, you should constantly consider the perception of the government and members of the South African Defence Force in terms of the threat against the South African community, consider what conditions prevailed when those decisions were taken and when orders were given and carried out. The ANC was trained by experienced masters of the revolution and they geared their struggle based on a combination of the doctrines of textbook revolutionaries. This in effect meant that no visible military order of battle was drawn up against the State, but that the sight was set on every aspect of life that really matters, in order to terrorise the community in all possible ways. The mobilisation of the population against the existing system was of great significance and sporadic, continuous terror was but an aspect thereof. I am often scathingly referred to as the architect of an imaginary "total onslaught". Finally, however, the reality of the ANC's combined onslaught on political, cultural, economic, military, sports and other fields was exposed. Since approximately 1985 terrorism was taken visibly and intensively to the cities, and particularly the townships, with the ultimate aim of making the country totally ungovernable. This is not my personal reconstruction of the facts fabricated for my own use. Simply read the ANC's own writings or ask them if it is true. Once again I do not attempt to debate the justification thereof. I say, however, that the reality of the context of that time is crucial and decisive in gaining insight into the defence action of that time. Objective judgement is impossible without it.

8.4 The Truth and Reconciliation Commission must judge the actions of all those concerned, but for the purposes of this submission the focus is on the actions of the South African Defence Force. It would also be helpful to try and determine the attitudes and perceptions that prevailed at a given time in the past. Some of the statements and events of the past sound bitterly unreal, but that was the reality then and, in the light of that reality, the *bona fides* of the South African Defence Force must be judged. I wish to repeat that the actions and *bona fides* of MK must similarly be judged against their perceptions and fears of that time.

8.5 What then was the background against which the actions of the South African Defence Force and its members should be judged as far as *bona fides* is concerned? In this regard the following are pertinent:

8.5.1 The threat of global Marxist expansion;
8.5.2 The incidents of terrorism and attempts to make the country ungovernable;
8.5.3 Public statements by ANC and its leaders about the stated aim of their organization;
8.5.4 Public statements by myself and other government leaders; and
8.5.5 The public documents tabled in Parliament.

8.6 All documents, data, testimonies and actions of both sides must be considered and judged according to the circumstances and the fluid situation that prevailed when documents were drawn up and orders issued, interpreted and executed. This necessarily means that, in the course of this submission, I shall often refer to the circumstances that prevailed at the time, which, by today's standards, will probably not always be deemed to have been correct.

9.

**THE THREAT OF GLOBAL MARXIST EXPANSION:**

9.1 Although it is difficult to appreciate the threat which communism posed to the free world and South Africa, in particular, especially after the demise of communism in Eastern Europe during 1989, it is necessary, for purposes of a proper analysis of the policies and actions of the South African government during the 1980's to have a brief look at the actual position during that time. I shall endeavour to give a short summary of the international climate as interpreted by the government of the day, and against which that government's action should be seen.
(a) "The threat was the expansion of marxism by fomenting revolution in Southern Africa

(b) Its aim was perceived to be

(i) the overthrow of the white regimes in Southern Africa so that the militant Africa bloc can realise its aspirations with regard to the destruction of so-called colonialism and racialism and the establishment of Pan-Africanism. In its desire to destroy alleged racism, the Arab bloc can, with certain exceptions, be regarded as the partner of the Africa bloc in its hostile actions as far as this serves its own purposes; and

(ii) the striving after an indirect strategy in order to unleash revolutionary warfare in Southern Africa and, by means of isolation, to force the RSA to change its domestic policy in favour of Pan-Africanism."

9.2 These are not my ex post facto interpretation or perceptions. These sentiments were repeatedly stated over the years. Everything can be found in the Defence White Papers tabled in Parliament, by me and my predecessor as Minister of Defence, at the time. In particular I refer to the Defence White Papers tabled in 1975, 1977, 1979, 1982, 1984, 1986, 1987 and 1989.

10. ACTS OF TERRORISM AND ATTEMPTS TO MAKE THE COUNTRY UNGOVERNABLE:

10.1 Just as important as the threat of the marxist onslaught mentioned in the previous paragraph was the internal situation within the RSA during the 1980's against which the government was obliged to react. For a brief resume hereof I once again refer to the White Papers on Defence, which reflect the governments perceptions.

10.2 In the book, *Terrorism: How the West can Win* under the editorship of Benjamin Netanyaho, the concept of terrorism is defined as follows:

"*It chooses innocent victims precisely because they are innocent. What distinguishes terrorism is the wilful, calculated choice of innocents as targets. When terrorists machine-gun a passenger waiting area or set off bombs in a crowded shopping centre, their victims are not accidents of war but the very objects of the terrorist' assaults*"

and later also, as:

"*Terrorism is the delicate and the systematic murder, maiming and menacing of the innocent to inspire fear for political ends.*"

In this work the difference between terrorists and guerrillas is given as follows:

"*Terrorists habitually describe themselves as guerillas. Guerillas are not terrorists. They are irregular soldiers who wage war on regular military forces - not on civilians. Actually, guerillas are the very opposite of terrorists. While they put themselves against far superior combatants, terrorists choose to attack weak and defenceless civilians - old men, woman, children - anyone in fact, except soldiers if they can avoid it. Civilians then, are the key to the terrorists' strategy. They kill civilians and more often than not they hide behind them, hoping that the prospect of more innocent deaths will help them escape retribution.*"

The ANC chose to operate as terrorists. I say these things not as a veiled criticism against MK - if you see it in this light, you do not understand the essence of what I am trying to convey to you. On the one hand the difference between terrorists and guerrillas, as given above, was also adopted by the South African Defence Force and was presented as such to its members. Consequently, it was against this background that individual members of the South African
Defence Force evaluated the moral justification of their actions against MK. On the other hand it resulted in the maximum development of the counter-insurgency and counter-revolutionary capability of the South African Defence Force. The traditionally defensive posture was, as a result, replaced by with an offensive, proactive posture. This formed the military basis for all cross-border operations that ensued.

10.3 In the eighties South Africa found itself in a unique conflict situation. A brutal revolutionary onslaught, utilising unconventional methods, was inflicted upon South Africa. The escalation of the conflict and the change in the targets of the attacks are reflected in the following statistics as given in the book by H.D. Stadler, The Other Side of the Story:

(a) ANC's choice of targets

In 1981 attacks against hard (military) targets comprised 88% of the total. By 1986, however, attacks against soft targets comprised 80,7% of all attacks.

(b) Statistical analysis of terrorist incidents:

July 1976 - April 1990

<table>
<thead>
<tr>
<th>Target</th>
<th>Number</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>485</td>
<td>31,3%</td>
</tr>
<tr>
<td>Military</td>
<td>63</td>
<td>4,1%</td>
</tr>
<tr>
<td>Juridical</td>
<td>36</td>
<td>2,3%</td>
</tr>
<tr>
<td>State</td>
<td>242</td>
<td>15,6%</td>
</tr>
<tr>
<td>Economic</td>
<td>339</td>
<td>21,9%</td>
</tr>
<tr>
<td>Civilian</td>
<td>369</td>
<td>23,8%</td>
</tr>
<tr>
<td>Other</td>
<td>15</td>
<td>1,0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,549</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

(c) Unrest related statistics September 1984 - April 1992:

- Unrest related incidents: 80,507
- Persons injured during unrest related incidents: 18,061
- Persons killed during unrest related incidents: 9,280

(d) Death or injury through burning in unrest related incidents

September 1984 - December 1989:

- Death by necklace method: 406
- Injured by necklace method: 28
- Death by other burning: 395
- Injured by other burning: 150

People were burned alive in the streets, bombs exploded in shopping centres and restaurants, innocent women and children died. The sight of dead and mutilated people was not uncommon. This was reinforced by threats from the neighbouring states that the struggle should be extended to white neighbourhoods. Once again, the actions of the members of the South African Defence Force should be judged against this background.

10.4 The psychological effect of the onslaught became visible in the community: homes with walls had steel gates added to them, schools were fenced with razor wire, security measures in public places were intensified and security personnel exercised access control in buildings and shopping centres.

During this time the Government's policy was clear: stop the perpetrator of violence at all costs. The carrier of the car bomb, landmine, limpet mine from the neighbouring states had to be destroyed, outside our borders or inside the country before he could commit his atrocity. The destruction of the terrorist, his base and his capability was the mission of every
soldier in the South African Defence Force and was also the policy of the government of the day. In this way the killings of innocent civilians could be prevented.

The trust of the community was paper thin: it was mainly maintained by the security forces' actions and battle-readiness - accompanied by tremendous risks and sacrifices.

10.5 The perception of the rules applicable during this period by members of the security forces was clear: should the ANC succeed in breaking through the security forces, the lives of innocent members of the public would be threatened; should they be stopped in time, the danger is warded off. The way this war was fought by both the security forces and MK was mutual annihilation: with land mines, limpet mines, firearms or by means of agents. Both sides focussed at the destruction of the opponent. This is the modern concept of warfare. Let us not delude ourselves today that it was the perception and approach of one side only.

10.6 These actions during a time of conflict are in no way strange or exceptional. They have been performed internationally throughout the centuries: for this reason organisations, such as the USA's CIA, Delta Force and SEALS; Britain's MI5, MI6 and SAS and Russia's KGB operate. The same applies to other countries, such as Germany, Spain, France, Israel and Australia. President Reagan ordered a direct attack on President Ghadaffi of Libya, President Bush invaded Panama. Mrs Thatcher ordered the IRA to be challenged in Gibraltar - and declared that she accepted full responsibility for this action because she saved the lives of innocent people.

However, it goes without saying that the State must responsibly ensure that such actions do not occur during peacetime situations, because then it is inappropriate and unjustifiable.

10.7 War is waged and people die without ever declaring war. This is a situation with its own rules, perceptions and morality. Governments speak as little as possible about it. This type of action cannot be condoned, but it has a place in certain circumstances. To evaluate it *ex post facto* from a peacetime perspective is very difficult and often dangerous, because there is always a tendency to swing to the opposite pole and to summarily condemn such actions retrospectively, and to reject them outright as *mala fide*.

10.8 It is against this background and these circumstances that the members of the South African Defence Force acted. Right or wrong, they saw themselves as the shield between innocent citizens and mutilation or even death.

11.

PUBLIC STATEMENTS BY THE ANC LEADERSHIP:

11.1 At the end of 1980 the ANC became a signatory of Protocol 1 of 1977 of the Geneve Convention of 1949, whereby it committed itself to direct its future actions in South Africa against military or hard targets only - articles 1, 52(1) and 57 being especially relevant.

11.2 In the same year Mr Thabo Mbeki, as a member of the National Executive Committee of the ANC, formulated the ANC's position as follows:

"*We can't fight a bush war in South Africa. Look at the map. It is all developed. There are roads, radios and landing strips everywhere. This is not Angola or Mozambique. We do not have forests. The (military) machine would smash us if we tried to send in an army from outlying areas. Also, 87% of the Whites are in towns and cities. Our masses have to serve as our bush. The Black community is our bush."

11.3 ANC president Mr Oliver Tambo left no doubt about the ANC's position in the mid-1980's regarding the continuation of the armed struggle in an interview with the Zimbabwe Herald on February 4, 1985:

"*In any case if there were any talks and if we thought the time had come for talks with the Pretoria regime, we would not abandon the armed struggle, we would simply carry on."
"Ambushes must be prepared for policemen and soldiers ... with the aim of capturing weapons from them. Our people must also manufacture home-made bombs and petrol bombs with material that can be locally obtained. In addition, our people must also buy weapons where possible.

"After arming themselves in this manner, our people must begin to identify collaborators and enemy agents and deal with them. The collaborators who are serving in the community councils must be dealt with. Informers, policemen, special branch police, and army personnel living and working among our people must be eliminated."


11.5 According to the August, 1985 edition of Sechaba, the ANC adopted the following resolution during its second National Conference, which was held at Kabwe in Zambia from 16 to 23 June 1985:

"This ANC conference which took the form of a council of war decided that the distinction between "hard" and "soft" targets should disappear."

Even whilst the Kabwe Conference was being held, indications that the new strategy was already being implemented became very clear when, between the 15th and 21st June 1985, four bomb attacks were carried out in East London and Durban. The targets were a hotel, a tearoom, a garage and a city hall respectively.

11.6

"Anybody who mobilises the Zulu speaking people is regarded as a rival to be wiped out from the scene."


11.7

"There is going to be more bloodshed and the whole country will be involved. The Soviet Union will give us what the West does not want to give us - namely weapons."

Mr Oliver Tambo in an interview with the Washington Post, 9 September 1985.

11.8

"We want to make the death of a collaborator so grotesque that people will never think of it (i.e. collaboration)."

Mr Tim Ngubane, ANC representative in the USA, in an address to students of the California State University at Long Beach, on 10 October 1985.

11.9

"Our people must organise themselves into groups, manufacture traditional weapons which must be used against the enemy. After arming ourselves in this manner, our people must begin to identify collaborators and enemy agents and kill them. The puppets in the tricameral parliament and the Bantustans must be destroyed."

Radio Freedom broadcast by Mr Joe Modise on 1 December 1985.

11.10

"Together, hand in hand, with our boxes of matches and our necklaces, we shall liberate this country ... We
Ms Winnie Mandela, as quoted by Agence France Presse, Sunday, 13 April 1986.

11.11 The ANC for the first time publicly condoned the practice of the execution by "necklace" of blacks who "collaborate" with the South African Government. "Collaborators with the enemy" had to be eliminated. Asked if this included necklacing, he nodded emphatically. He is quoted as adding:

"Whatever the people decide to use to eliminate those enemy elements is their decision. If they decide to use necklining, we support it."

ANC general secretary Mr Alfred Nzo in an interview as reported by the London Sunday Times, 14 September 1986.

11.12 Why do I refer to these public utterances by the ANC leadership? What is their relevance to the actions of the South African Defence Force? The Commission should keep in mind that neither the actions of MK, nor the actions of the South African Defence Force occurred in isolation. Members of the South African Defence Force were kept informed of the statements by the ANC. Their sense of morality was obviously shaped and influenced by the sentiments expressed by the ANC leadership. This should be taken into account when the bona fides of the actions of members of the South African Defence Force is considered.

12.

MY OWN PUBLIC STATEMENTS REGARDING THE ANC:

12.1 I referred to the onslaught against South Africa and in particular to the ANC, over the years before its unbanning, on many an occasion in harsh terms. That my views and statements carried weight amongst the men in uniform and similarly shaped and influenced their sense of morality, is undeniable. (I am quoting here from Parliament's Hansard translation. Kindly compare with the text in Afrikaans, as delivered in Parliament.)

12.2 On 24 September 1981 I said the following in Parliament:

"As point of departure we have to accept that the onslaught here in Southern Africa is communist-inspired, communist planned and communist-supported. .... Stalin said it for the first time in 1923 and Brezhnev subsequently reiterated quite a number of times what communism was striving for, was world domination.

.... The onslaught is aimed at the prevailing State structure, i.e. the present South African democratic way of life as represented and symbolized by Parliament.

.... However, they are communist-supported. The onslaught by those organizations is aimed at bringing about violent changes here by over-throwing the political structure, instead of pursuing their goals by means of evolutionary, legal, constitutional and peaceful methods.

.... (T)he security of the Republic of South Africa must be maintained by every possible means at our disposal. Therefore the Defence Force must be prepared to guarantee orderly government by maintaining law and order and securing the country's borders.

.... (O)wing to the communist threat and the instability which is increasing in Southern Africa, the Defence Force must also be prepared at all times to ensure the security of the territory of the Republic of South Africa by taking offensive pro-active steps.

The body politic of the Republic of South Africa must be protected and safeguarded by every possible means at the disposal of the security forces against any form of foreign or internal revolution, whatever its nature or origin. .... In this connection the taking of pro-active steps may be required."
12.3 On 29 May 1985 I made the following remark during an address to parliament:

".... Let me place it clearly on record, once again, that the ANC and its fellow-travellers are constantly threatening our security in this country.

.... My colleague, the Minister of Law and Order, spelt this out recently, and I want to make it clear again - and I make no apology for doing so - that we shall do everything possible to sniff out and locate the ANC and take action against them, wherever they may be...

.... (F)or we are concerned here with a continuous onslaught which has been made on the Republic of South Africa for the past 19 years. The timing and such factors cannot make any difference if it is a continuous onslaught. Just think of the bomb incident in Pretoria on 20 May 1983, while we were dealing with a Defence Vote here. Think of the massacre of innocent White and Black civilians of this country of ours. They demand it of us. I want to make it very clear that the legislation in question authorizes us to take these actions; and this House agreed to that legislation.

.... (Our neighbours) who still continue to accommodate the ANC and the PAC are requested once again to adopt the way of peace and to remove those people from their countries. We can ensure our stability. It is terrorism against us which brings about destabilization for those neighbouring countries. They want to make us ungovernable - and when I say "they", I am referring in particular to the enemies of South Africa, and ANC and the PAC. They want to establish a dictatorial state for elite Black Marxists in the Republic of South Africa.

When the terrorist organizations, specifically the ANC and PAC, were requested to follow the road of peace, they replied: "With greater violence". It was violence which was not timed to suit us. We shall take action for the sake of South Africa and assure our country of a position of strength. Then the Government can go to the diplomatic conference table again to negotiate for peace and prosperity for all our people, Coloured, Black and White.

.... My colleague, the hon. the Minister of Foreign Affairs, and all my other colleagues, agree with this. In my presence the Honourable the Minister of Foreign Affairs repeatedly warned the Angolan Government against the accommodation of ANC members in that country."

12.4 On 4 February 1986 I once again stated the government's position with regard to cross border raids:

"I wish to give this House the assurance that this Government will not permit these murderous gangs to complete their planning, training and preparation in the security and protection of neighbouring states and from there act against South Africa. The Security Forces will hammer them, wherever they find them. What I am saying is the policy of the Government. We cannot permit these terrorist organisations to decide at what place, at what time, and when they will commit these contemptible acts within or outside the Republic of South Africa. I therefore warn the states of this subcontinent that the Security Forces that are responsible for the safety, protection and security of the Republic of South Africa and all its inhabitants, will act against our enemies across the borders. We shall not sit here with hands folded waiting for them to cross the borders. We shall carry out ongoing surveillance. We shall determine the correct target and we shall settle the hash of those terrorists, there fellow-travellers and those who help them."

12.5 On 15 September 1987 I somewhat prophetically stated in parliament that irrespective of which party is governing in South Africa, the six basic requirements for national security will remain the same, namely the eradication of intimidation, the establishment of democracy at local government level, the provision of sufficient housing, the creation of job opportunities, the provision of adequate education and training and peace in the work place.

12.6 On 17 May 1988 I made the following statements regarding the nature of the revolutionary onslaught against South Africa during an address to Parliament:
"That brings me to the following matter, i.e. the task of the SA Defence Force. The Defence Force is an organisation serving South Africa. In the Defence Act the tasks of the SA Defence Force are also spelled out. Briefly the Defence Force are there for the defence of the Republic, for the prevention or suppression of terrorism, for the prevention or suppression of local unrest, for the preservation of life, health and property or for the maintenance of essential services.

.... South Africa made a choice, and that was to move into a post-apartheid era in terms of a model reflecting the orderly broadening of the democratic base. In the process the diversity in South Africa must be acknowledged and respected.

.... It is not the task of the South African Defence Force or Armscor to impose a specific political model on the Country.

On the same day I continued as follows:

".... In winning the revolutionary war it is therefore not merely a question of using violence; in essence what is involved is the improvement of the quality of people's lives through the granting of housing, job opportunities, educational opportunities, etc. ....

It is an onslaught in the face of which we may not relax our vigil. It is an onslaught by which we may not allow ourselves to be misled.

.... It is now appropriate to say something about the terror which is being planned and proceeded with against the Republic of South Africa by the SACP-ANC alliance, and about our actions in this regard.

The facts speak for themselves, except to those who do not wish to hear that terrorist techniques are being applied against South African society from inside some neighbouring countries. The question is what can we do about it. May we do anything about it?

In this regard I should like to share a few thoughts with this House emanating from Mr George Schultz, the USA Secretary of State:

"From a practical standpoint a purely passive defence does not provide enough of a deterrent to terrorism and the states that sponsor it. It is time to think long, hard and seriously about more active means of defence - defence through appropriate preventive or pre-emptive actions against terrorist groups before they strike.

We will need to strengthen our capabilities in the areas of intelligence and quick reaction. Intelligence will be particularly important. Experience has taught us that one of the best deterrents to terrorism is the certainty that swift and sure measures will be taken against those who engage in it.

Clearly there are complicated moral issues here, but there should be no doubt of the democracies' moral right, indeed duty, to defend themselves."

What Mr Schultz is saying here, we realized a long time ago. Preventative actions against the ANC, and against Swapo are being taken, as well as hot pursuit operations, about which the public has always been accordingly informed. The principle is clear: South Africa reserves the right to defend itself and its people ....

The revolutionary onslaught on South Africa from terrorist ranks has another dimension. ANC terrorists reduce their exposure to preventative actions or counter actions in that they do not stay in permanent bases or residential dwellings in the neighbouring countries. They have reached the phase in which they blend in with the civilian population in residential areas in the neighbouring countries - ....

The ANC is hiding amongst civilians in neighbouring countries with the knowledge and approval of the governments concerned. Our intelligence service is good enough to ensure that we know this. In this way
the ANC terrorists are using the population as a hiding place. ....

We have no conflict or swords to cross with the governments of the populations of our neighbouring countries. This is our fundamental point of departure, and I have frequently said so. But we cannot allow the ANC to proceed with its acts of terror against our own population from a safe hiding-place either.

Neighbouring countries must consequently realise that we have a right to act against the ANC, and the will to do so. Those governments are exposing their populations to violence because they offer terrorists accommodation in their residential areas.

This brings me to a level of action in regard to which I shall furnish only general guidelines. Below the level of official government action, when the Defence Force, for example, admits and announces that it is undertaking cross border operations, lies the level of international espionage, of undercover operations and agents.

To deal with conflict, one must be in the front line, particularly in regard to intelligence or information. The utilisation of methods - this includes agents - is a reality which has to be taken into account. ....

South Africa is expected to sit with folded hands, because if South Africa were to lift its hands, it would be guilty of so-called destabilisation, suppression and all kinds of other so-called devilishness.

South Africa cannot live with such a morality. If the ANC, with worldwide approval, reserves the right to plant bombs against innocent people in South Africa, and continues to export revolution and terrorism to South Africa, the Republic of South Africa reserves the right to act against the ANC in neighbouring countries. South Africa is not acting provocatively or tauntingly. We are not seeking confrontation, but when innocent people are murdered or crippled by terrorists beyond our borders, we cannot sit with our hands folded.

Let me again remind hon members of the words of Mr George Schultz: The civilised world will have to think long, hard and seriously about more active means of defence, namely defence through preventative actions against terrorists before they strike. Consequently to act against the ANC in neighbouring countries and destroy their facilities is a form of self-defence for the Republic of South Africa. It is based on a justified principle.

For this reason the ANC is being fought on all levels, although it is being done with a very important difference in premise. The SA Defence Force directs its actions purely against ANC houses, strongholds and training centres, and in the process warns the inhabitants not to become involved with the ANC. Time and again these warnings are directed to governments along specific channels. Last week Botswana was again warned by my colleague, the hon the Minister of Foreign Affairs, about the Broederstroom terrorists who came to South Africa through Zambia, Zimbabwe and Botswana.

The actions of the SA Defence Force remain aimed purely at the ANC, as various operations in neighbouring states have consequently demonstrated in the past. The essence of the matter is that if the ANC, with world approval, reserves the right to plant bombs in South Africa, which are aimed at innocent people, South Africa reserves the right to take steps against the ANC in neighbouring countries."

12.7 The purpose of these quotations is not to fuel the fire of criticism against the ANC, but to illustrate to this Commission the atmosphere which prevailed at the time when objectives were set, planning was done and orders were given, interpreted and executed. It is against this background that I submit that the bona fides of the actions of the South African Defence Force should be judged.

12.8 In the light of this situation, the South African Defence Force, led by the previous government and the State Security Council considered it their lawful duty and responsibility during that period to protect the former dispensation, to maintain the security of the citizens of South Africa and to maintain law and order.
12.9 The government judged that it was not possible to withstand this onslaught only by normal and traditional military actions. In the process, therefore, use was made of unconventional methods. These methods included cross-border operations, strategic communication operations (STRATCOM), disinformation operations, other covert operations, such as the CCB, and support for anti-Marxist liberation movements.

13.

PUBLIC DOCUMENTS APPROVED BY PARLIAMENT:

13.1 The manner in which the South African Defence Force was organized and functioned was not kept secret. It was described in detail in several Defence White Papers over the years.

13.2 Those of you who served in parliament have knowledge of these documents. In this regard I again refer to the White Paper on Defence tabled in Parliament between 1975 and 1989.

14.

SPECIFIC MATTERS CURRENTLY OF PUBLIC INTEREST:

THE THIRD FORCE:

14.1 A consistent allegation against the South African Defence Force is that it was involved in the creation of a sinister and shadowy so-called "Third Force" by the previous governments. Despite the persistent propaganda to the contrary, no "Third Force" ever existed. This is the stark reality which this Commission will have to face up to.

14.2 During my trial in the High Court in Durban last year, the Attorney General of Natal made available to the accused a bundle of documents in which reference to a third force is contained. The contents of all these documents have to my knowledge never been made public, but I deem it in the best interest of all South Africans to do it now, so that this ghost can be laid to rest once and for all. I assume that your Investigating Unit is in possession of copies of these documents, but I attach copies of the documents to which I refer hereto.

14.3 During 1985, as a result of the increasing intensity of the onslaught against the State and the concern about the unrest situation, the question arose whether it would not be in the interest of both the South African Police and the South African Defence Force, having regard to their image and their primary functions, to establish a separate third force which task would exclusively be to deal with unrest and counter revolutionary matters. This debate was not restricted to government circles, but was openly debated in public. In this regard I refer you to an article by Otto Krause in the newspaper, Die Vaderland, of 22 October 1985, in which the establishment of a separate special unrest police force was debated. A copy of the said article is attached hereto as annexure "A".

14.4 No sinister covert or unlawful aim was intended. The issue was whether a separate force, openly established by statute, should take over the role played by the South African Police and the South African Defence Force in unrest situations.

14.5 Towards the end of 1985 this question was raised at a meeting of the State Security Council. From a letter by the Secretariat of the State Security Council, dated 4 December 1985, it appeared that the establishment of such a force was to be investigated.

14.6 During December 1985 military attaches at South African Embassies in countries where a third force existed parallel to a police and a defence force, for instance Germany and Italy, were requested to research the structure, jurisdiction and roll of such forces. I attach hereto a copy of such a request to the military attache in Bonn, Germany, as annexure "B".
14.7 From the minutes of the State Security Council no 18/85 of 4 November 1985 it appears that instructions were issued that the working committee of the State Security Council, in conjunction with the security services, should investigate the possible establishment of a third force, parallel to the South African Defence Force and the South African Police. In terms of a letter of appointment, dated 5 February 1986, it appears that the Deputy Minister of Defence and Law and Order, Mr Adriaan Vlok, was appointed as chairman of the investigating committee. In the same letter the aims and objectives of the committee were defined. Copies of the minutes of the said meeting and the said letter of appointment are attached as annexure "C" and "D".

14.8 On 3 February 1986 Operation Marion, which involved the training of a para-military unit for the protection of V.I.P.'s in Kwa-Zulu, was approved by the State Security Council. Any suggestion, therefore that the training of the Kwa-Zulu units had anything to do with the establishment of a third force, which was at that stage still under consideration, constitutes a blatant disregard for the facts.

14.9 During or about the period January to May 1986 several studies where done and inputs from a variety of people and organizations were obtained.

14.10 In a substantial and well reasoned submission the Senior Deputy Commissioner of the South African Police: Unrest Control, Maj Gen A J Wandrag expressed his opposition to the creation of a separate force to cope with unrest. A copy of this document is attached as annexure "E".

14.11 From all the relevant comments it appears that there was general opposition to the idea of a third force to deal with unrest, separate from the South African Defence Force and the South African Police. I was personally opposed to the idea of such a separate force and instructed the Chief of the South African Defence Force, Gen J.J. Geldenhuys, to co-operate with the investigation by the committee appointed by the State Security Council, but to clearly express my unequivocal opposition to such a force.

14.12 The investigating committee appointed a work group. In a report to the investigating committee dated 13 March 1986, the work group recommended the restructuring of the South African Police instead of the establishment of an independent force. A copy of this report is attached as annexure "F".

14.13 During its meeting on 24 March 1986 the investigating committee adopted a resolution recommending against the formation of a third force in favour of the further development and restructuring of the capabilities of the South African Police. This appears from page four, paragraph 10(e) of the minutes of the investigating committee. A copy of the minutes is attached as annexure "G".

14.14 A discussion document titled "Establishment of a Special Anti-Revolutionary Ability (including a Third Force)" dated 9 May 1986 was thereafter prepared for discussion by the State Security Council. Several options were identified, the fourth being a variation of the others and based on a restructuring of the South African Police which would leave the line function responsibilities of the various Ministers unchanged. This document was signed by Mr Adriaan Vlok. A copy of this discussion paper is attached as annexure "H".

14.15 At a meeting of the State Security Council on 12 May 1986 it resolved to accept the fourth option as set out in the discussion paper (which envisaged a restructuring of the police force), subject to "considerable amendments". A copy of the said minutes is attached as annexure "I".

14.16 It is general knowledge that the South African Police subsequently expanded its capabilities in counter insurgency. An independent third force, as originally envisaged, was, however, never established.

14.17 From an extract of the minutes of a cabinet meeting of 22 June 1988 it appears that State President P.W. Botha at this meeting again raised the possibility of the establishment of a third force. If a third force was in fact established in 1986, these utterances by Mr Botha would be nonsensical. A copy of the said extract is attached as annexure "J".

14.18 On 8 May 1989 Gen De Witt, the Commissioner of Police, informed a committee of the State Security Council that the creation of a third force was made inappropriate due to the surrounding financial and legal problems. He further stated that the establishment of Municipal Police and the extension of the Riot Control Unit negated the need for the
establishment of such a force. It was specifically minuted that the committee accepted Gen De Witt's exposition. A copy of the said minute is attached as annexure "K".

14.19 A third force was consequently never established.

15.

THE CIVIL COOPERATION BUREAU:

15.1 Let me now deal with the matter of the CCB. The CCB-organization as a component of Special Forces was approved in principle by me. Special Forces was an integral and supportive part of the South African Defence Force. The role envisaged for the CCB was the infiltration and penetration of the enemy, the gathering of information and the disruption of the enemy. The CCB was approved as an organization consisting of ten divisions, or as expressed in military jargon, regions. Eight of these divisions or regions were intended to refer to geographical areas. The area of one of these regions, Region Six, referred to the Republic of South Africa. The fact that the organization in Region Six was activated, came to my knowledge for the first time in November 1989. The CCB provided the South African Defence Force with good covert capabilities.

15.2 During my term of office as Head of the South African Defence Force and as Minister of Defence instructions to members of the South African Defence Force were clear: destroy the terrorists, their bases and their capabilities. This was also government policy.

As a professional soldier, I issued orders and later as Minister of Defence I authorised orders which led to the death of innocent civilians in cross-fire. I sincerely regret the civilian casualties, but unfortunately this is part of the ugly reality of war. However, I never issued an order or authorised an order for the assassination of anybody, nor was I ever approached for such authorization by any member of the South African Defence Force. The killing of political opponents of the government, such as the slaying of Dr Webster, never formed part of the brief of the South African Defence Force.

16.

CHEMICAL AND BIOLOGICAL WARFARE:

16.1 The chemical and biological warfare program of the South African Defence Force was codenamed Project Coast. It was directed at developing effective countermeasures against the chemical and biological threat which was posed by the Soviet and Cuban forces in Angola. It was approved by me in 1981 at a stage when the Republic of South Africa possessed no chemical and biological capability and could not rely on the assistance of any major power for assistance should such threat materialise.

16.2 From time to time progress on the research done in and funds spent on Project Coast was reported to me. At no stage did I authorise the use of any chemical or biological capability developed by Project Coast. This project never had any sinister connotation. The capabilities developed through Project Coast since 1981, to the best of my knowledge, still exist. As recently as 5 March 1997 the present Surgeon General of the South African National Defence Force testified as follows in an application to court:

"Uit hoofde van die huidige pos wat ek bekleë, was ek betrokke by 'n projek van die destydse Suid-Afrikaanse Weermag sowel as die huidige Suid-Afrikaanse Nasionale Weermag met betrekking tot die daarstelling en instandhouding van 'n defensiewe vermoë in chemiese en biologiese oorlogvoering. ... In die lig hiervan was ek bewus daarvan dat daar projekte binne bogenoemde projek gedurende die tydperk vanaf 1981 tot die huidige rondom die defensiewe aspekte van chemiese en biologiese oorlogvoering van stapel gestuur is en dat van die lede wat in die SAGD werkzaam was, ook daarby betrokke was."
16.3 I have in my possession a report compiled by the project officer, Dr. W. Basson, reporting to government on the status of the project and requesting authority for fiscal approval in terms of amended procedures introduced at the time. I enclose a copy thereof marked Annexure "M". It is interesting to note that this comprehensive Top Secret document fails to report to me any sinister motive or intention of killing people.

16.4 I have been informed that the members responsible for this project briefed President Mandela fully on the existence, scope and ambit of Project Coast and that he thereafter granted his approval for its continuation.

17.

CROSS BORDER OPERATIONS:

I, as a member of the former Government authorised numerous cross border raids against enemy targets in Southern Africa. Specific guidelines for cross border operations against enemy targets in Africa were formally adopted by the State Security Council, with subsequent approval by the Cabinet, and were from time to time reviewed. An example of such guidelines is contained in the minutes of a meeting of the State Security Council on 21 October 1985, annexure "L". The Chief of the South African Defence Force and I adhered to these restrictions and requirements.

Cross border raids caused bloodshed. As a Christian I regret the loss of lifes. I, however, do not intend to seek amnesty for those operations. I consider those operations as legal acts of State which soldiers performed as servants of the State. I never regarded myself to be above the law. If with the wisdom of hindsight my authority, which I endeavoured to exercise with responsibility should be regarded by some as culpable, I am prepared to face the consequences. I come here to tell you my story and to face your judgement. I shall be content if what I am saying may spur the slightest of understanding of former adversaries. I shall rejoice if my efforts can contribute in the minutest sense towards reconciliation and if all soldiers may obtain moral amnesty. In the final analysis that is all that really counts for me. I, and most of my generals are in the autumn of our lives anyway. It is understanding and forgiveness we realy seek, not legal pardons.

18.

CONCLUSION:

18.1 This Commission can only hope to promote reconciliation if it is perceived to treat both parties to the conflict on an equal footing and to respect the principle of equality before the law. Without accepting the bona fides of all parties to the conflict, reconciliation will be, in my opinion not feasible.

18.2 I wish to take this opportunity to set the record straight as far as my relationship with this Commission is concerned. In the past, I cautioned this Commission against becoming involved in a witch hunt. However, I never accused this body that it was in fact involved in a witch hunt. My words of caution are today as valid as they were when first delivered. Perceptions are as important in reconciliation as they are in many other facets of life. Keep in mind that in terms of the provisions of section 7(2)(a) of the Promotion of National Unity and Reconciliation Act, no 34 of 1995, you are by definition required to be impartial.

18.3 Mr Dumisa Nsabeza stated last Tuesday that he did not believe that I would come and confess to this Commission and accused me of wanting to use this Commission for my own reasons. I humbly submit that this created the perception of a prejudiced and intolerant attitude. Sir, you could have at least waited until I have delivered my submission, before expressing your opinions about me.

"We don't need Malan to teach us - we have been involved in the past. I was involved as a lawyer - defending freedom fighters in this country, who know at first hand what the SADF was doing in the townships, what they were doing in Namibia, in Mozambique and everywhere else", 
he was quoted as saying by the SABC. In a scarcely veiled attempt to intimidate me, he reportedly hinted that subsequent to my appearance before you here today, I would be summoned to appear before the Investigative Unit, which is headed by him.

Well sir, your unit is in terms of section 30 of the Act obliged to afford an opportunity to any person implicated in a manner which may be to his or her detriment during any investigation by your unit, to submit representations to you. Up to now I have not yet been invited to make any submission to your unit.

18.4 I never refused to cooperate with the Commission as the SABC allege. Due to malicious charges which were brought against me (and I am not referring to the role of the Attorney General of Natal) by false witnesses and an Investigation Task Unit, whose methods of investigations were severely criticised by the presiding judge, I was forced into a criminal trail, which prevented me from considering assistance to this Commission.

19.

19.1 In the final analysis I want to pose the following question: what am I doing here?

19.2 I am here because out of conviction I want to cooperate in building a South Africa where there is room for all of us and our grandchildren to live in peace and prosperity.

19.3 The pendulum in South Africa has swung. Ten years ago our country was involved in the conflict, violence and bloodshed of an armed struggle. Now we have a more democratic system. Our country is, however, not free of violence and crime. The past is history, we can not recreate or change it. My view was always that one can not build one's future by recreating the past. What we do now determines our tomorrows.

19.4 You at this Commission are intensively concerned with the past. In contrast I am worried about the future. You cannot recreate the past, but you can contribute to a brighter future for our grandchildren. Therefore a tremendous responsibility rests with you.

19.5 Where we stand today we can thankfully say that we have a basically democratic dispensation, to which all parties concerned have contributed. I say to you with a troubled heart that we do not yet have peace and stability. The country is divided. Have you seen how broken the country is? Kilometres of bars in front of buildings, houses, schools and churches? The never-ending reports in the media of frightening crime. Over the past six years during negotiations on the Constitution an entire debate has raged over the dignity of life, but today a person's life in South Africa is worth practically nothing. The country is virtually ungovernable. Anarchy and a total lack of respect for law and order is the order of the day. Innocent victims are losing their lives daily in an unprecedented crime wave. What about their human rights? I am deeply concerned with the future of all South Africans.

19.6 We shall pay a price for the instability in this country. Foreign investors see the chaos and invest less where it matters most. Unemployment and consequent poverty will result.

19.7 Whether you like it or not, the investigations by your Commission affect the country. All evidence led before you create impressions both inside South Africa and abroad. You have no control over this. By your incessant probing into the past you may create a reaction which will be difficult to control.

19.8 In many different ways I retain contact with people throughout the country. You must remember that the Defence Force during my term of office trained more than 500 000 soldiers. They are among the best trained troops in the world. Soldiers that bravely achieved military success against all that the Soviet Union could throw at them. They have not disappeared. They still live in this fatherland of ours. They still cherish expectations of a better South Africa.

19.9 Our military leaders were feared and admired for their expertise and strategic thinking. They were also people with integrity.

19.10 I plead for peace and tolerance; I am not a rebel or a revolutionary that plots in the dark of night. In my entire life
I was open in what I did and strove for. I reject allegations against me to the effect that I was involved in unlawful actions.

19.11 I appeal here in public for a country in which our grandchildren will all have a place in the sun. Let not our past destroy our future! We must also create a future for those 500 000 soldiers to which I referred and for their grandchildren. In this your Commission’s contribution is paramount.

I thank you for this opportunity.

M.A. de M. MALAN
SUBMISSION TO THE TRUTH & RECONCILIATION COMMISSION

The Caprivi Trainees: 4 AUGUST 1997

A. BACKGROUND

B. INTRODUCTION

Provision of an offensive para-military capacity to Inkatha

C. THE CONTEXT

1. Counter Revolutionary Strategies
2. The UDF as an internal revolutionary threat
3. The internal threat: a spiralling revolutionary war situation
4. Inkatha as a counter revolutionary force
5. Inkatha's own political and military objectives
6. The process of authorisation

D. OPERATION MARION

1. The request for an offensive para-military unit
2. The SADF acts upon the request
3. Placing before the SSC
4. SSC sub-committees investigate
5. A dispute: Interdepartmental committee: Recommendations to the SSC
6. Decision of the SSC: referral to the highest political level
   6.1 Approval at the highest level
7. Offensive as pre-emptive
8. The Liebenberg Report
9. The location and arming of the offensive element.
10. Training
11. Parallels between Marion and Katzen
   11.1 Both operations involved the elimination of targets
   11.2 John More was a key player in both projects
   11.3 The liaison role of the Security Branch
11.4 The security risks
11.5 The role played by John More in procuring weapons
11.6 The groups trained
11.7 The overseeing role of Putter and Geldenhuis

12. A financial arrangement
13. Offensive actions = unlawful actions. The question of legal costs
14. The mysterious year of 1987
15. The role of the Security Branch
16. 'Swing the conflict in the townships in his favour'
17. More training
18. 'Temporarily disappearing'
19. Meeting with Buthelezi on 14 September 1988
20. The disappearing; Indemnity; small offensive groups
21. Targets
22. The SAP Commissioner and cover-ups
23. Buchner and the choosing of targets
24. Offensive actions and hit squads
25. Do not admit or deny. The spike
26. The closure of Op Marion

E. OFFENSIVE ACTIONS IN THE EARLY 1990s
1. Introduction
2. Key role players from Operation Marion
3. The operations of the squad
4. The KZP and cover-ups

F. CONCLUSION
A. BACKGROUND

This hearing will focus on human rights violations carried out by state sponsored hit squads operating in the townships of Mpumalanga in the late 1980s and Esikaweni in the early 1990s. This violence caused untold destruction and misery to the residents of these townships. The wider evidence suggests that much of this organised violence had its roots in certain state initiatives taken in the mid 1980s. These activities were the subject of intensive investigations undertaken
by the Investigation Task Unit (ITU) between 1994 and 1996. The ITU's primary brief was to investigate hit squad activities carried out under the cover of the KwaZulu Police. I have been asked to give an overview of the picture unearthed by the ITU. This story, I believe, explains how it was possible for hit squads such as the Esikaweni hit squad, to act with impunity for several years.

This particular story relates to acts of violence and brutality committed against supporters of the United Democratic Front (UDF) and the African National Congress (ANC) by hit squads of the Inkatha Freedom Party (IFP) and KwaZulu Police (KZP), supported by the former National Party (NP) controlled South African Government and its security organs. It does not suggest that the IFP was not the target of similar actions launched by the ANC and UDF. Numerous IFP, KZP members and others involved in governmental structures were the targets of hit squad actions launched by the ANC's armed wing, Umkhonto weSizwe; Self Defence Units and militant comrades. Since the mid 1980s KwaZulu Natal and areas on the Witwatersrand have been involved, in varying degrees, in a low intensity war. This war has claimed the lives of more than 20 000 persons. It is not the aim of this submission to apportion blame onto one side or another for starting the conflict. Members on all sides have been both perpetrators and victims. It is however plain to see that the conflict was not a matter of acts of spontaneous violence carried out aimlessly by foot soldiers. The conflict would never have reached the intensity it did without the direct involvement of leadership elements at the highest level, on all sides. Sadly, with regard to KwaZulu Natal, we are still waiting for political leaders - on all sides of the political spectrum - to display statesmanship by revealing their roles in this war. True reconciliation and peace will not be achieved by face saving disclosure 'behind closed doors' and secret amnesty deals. Only the truth, boldly stated, and for all to see, will permit us to put the past behind us.

At the end of the Commission's term I believe that the central question it must answer, on the set of facts arising out of this inquiry, is whether the Caprivi operatives, such as Luthuli and Mkhize who are to testify in this hearing, acted out a series of unconnected private frolics, or whether they were not part of a wider strategy devised and orchestrated at the highest political levels. I will argue that the documentary and oral evidence, and the probabilities point conclusively to the latter.

B. INTRODUCTION

In the case of Esikaweni the High Court in the matter of S v Mbambo (NECLD Case No. CC123/94) made a finding that organised hit squads were responsible for much of the violence in the area between 1992 and 1993. In his finding on sentence, the presiding Judge, Mr Justice N Van der Reyden made the following finding:

"The present case is confirmation of speculation that hit squads are one of the factors, which contribute to the violence in this country, and more specifically KwaZulu Natal, as experienced during the last few years. ....All attempts......to restore peace have been unsuccessful. .....People who exploit the unrest and disorder reigning in our province, be it common criminals or supporters of political causes, however noble the cause might seem to them and their leaders, must be told in no uncertain terms that a civilised society shall not tolerate the assassination of political opponents by members of a police force, who are duty bound to serve and protect the citizens of that society, irrespective of their political persuasions."

(Finding on Sentence, page 12)

He called further for a:

"full investigation into the alleged involvement of those persons identified by the accused as the masterminds and puppet masters behind the Esikhaweni Hit Squad.......".

(Sentence, page 3)

Central to the hit squad actions in Esikaweni, Mpumalanga and elsewhere were the Caprivi Trainees. For this reason it is necessary to examine the source of this group in the mid 1980s. It is my submission that those who gave birth to the Caprivi Trainees are ultimately accountable for the actions taken by the group.
The training and deployment of the Caprivi Trainees fell squarely within strategies adopted by the South African state in the mid-1980s. The state perceived itself to be facing an onslaught of 'total revolutionary war' from within and outside South Africa. To combat this threat the state employed counter revolutionary strategies which involved the taking of a wide range of actions. These included political, psychological, economic and security or forceful measures. By the mid-1980s political and violent actions executed by anti-apartheid groups such as the ANC and allied organisations reached unprecedented levels. The state adopted equally drastic measures to counter these threats, which included the use of acts of terrorism and guerrilla warfare. These were carried out by specific security organs and 'middle' or counter guerrilla groups, within and outside South Africa. The IFP's SADF trained offensive element was a case in point of such an operation within South Africa. The operation was codenamed 'Marion' and was executed by Intelligence Operation's Directorate of Special Tasks (DST). DST's support of groups such as Renamo in Mozambique and Unita in Angola are examples of such operations carried outside South Africa. Operation Marion was naturally accompanied by a program of deception and cover-ups. They still continue today.

The originals of all the documents referred to in this submission are held at the State Archives, or are authenticated exhibits in Court trials and Inquests.

Provision of an offensive para-military capacity to Inkatha

The Operation Marion documents point unambiguously to the offensive or attacking nature of the offensive element supplied to Inkatha. While there are two references which can attract debate if considered in isolation, the offensive theme which runs through documents is set out in blunt and obvious terms. Examples include direct references to 'offensive steps' meaning 'hit squads' and the ability to 'take out undesirable members'. The duty sheet of the liaison officer appointed to support the operations on the ground set out the nature of offensive actions:

**OFFENSIVE ACTIONS**: Must only be carried out by trained cells under strict control. Authority must be granted by DST-2 beforehand. Targets must be approved by REEVA, SAP(S) and SADF. Criminal prosecution of participants must always be taken into account...

It is little wonder that another document referred to the deep concern that because 'offensive actions were part of Marion's tasks' the Chief of Staff Intelligence and other senior officers involved in the 'planning of Operation Marion' may be charged with crimes carrying the death penalty.

I think the Commission will have little difficulty in comprehending the meaning of such passages. The documents speak for themselves. To extract an innocent interpretation requires the taking of an adventure into the absurd. If the Commission declines to engage in such theatrics it must consider whether this conduct was confined to the parties implicated in such documents, that is, the military command structure - or whether there was a connection that lead to higher levels. Put another way, did those in the authorising structures at the highest political levels approve of an entirely laudable project, which the military and Inkatha, behind their backs, subverted into something unlawful and monstrous? There is nothing to support this proposition. This submission will endeavour to show that there was an unbreakable connection between the authorisation by the highest political structures of offensive support to Inkatha and the passages quoted above. The offensive capacity requested by Buthelezi in 1985 and approved of by the South African government is the same offensive capacity referred to in subsequent military documents.

In short, it is my submission that the references to an offensive capacity and offensive actions in such passages refer to an ability to carry out pro-active actions or attacks against enemy targets. This resulted in the committal of an unquantifiable number of extra-judicial killings. It is my further submission that it is not only those who carried out such killings on the ground who should be held responsible, but those who facilitated the launching of the operation in the first place. This submission will highlight the roles of those senior politicians who requested the offensive capacity, and those who authorised its provision. It is plain to see that these politicians anticipated that the supplying of an offensive unit together with arms and ammunition to a civilian organisation, involved in an ongoing violent conflict, would result in attacks being launched against the political opponents of the organisation in question. Although the SADF had withdrawn support for offensive operations by the end of the 1980s - the military feared exposure of its own role following the arrests of trainees involved offensive actions - it was an aim of Operation Marion to provide Inkatha with a capacity of 'self sufficiency' to enable it to act independently of the SADF. This led to the placing of many of the
trainees into the KwaZulu Police (KZP) during 1989, through which hit squad activity continued. The Esikaweni hit squad which operated during the early 1990s is a case in point of this capacity of 'self sufficiency' being implemented under the cover of the KwaZulu Police.

While the political leaders of the South African government and Inkatha may not have been aware of the individual actions carried out, they are accountable for the murders and atrocities that flowed from the project.

It will no doubt be argued by representatives of those implicated, that the 'offensive' passages to which I referred to earlier, ought to be excised from consideration, because they are out of place, a misinterpretation of what was actually meant, or alternatively they are fabrications. The authenticity of the documents has not been seriously disputed. Their authors confirm their contents. It is only their interpretation which has been the subject of much debate. It will almost certainly be argued at this forum that the term 'offensive' in the Marion documents should be read as 'protective'. That view was accepted by the Court in the judgment of Mr Justice Jan Hugo in the trial of former Minister of Defence, Magnus Malan and others. It was an astonishing finding. While the offensive actions envisaged were aimed at preventing or stopping the ANC/UDF from carrying out attacks on Inkatha members, they were intended to be in the form of initiative taking pre-emptive strikes. Seen from the perspective of Inkatha and the state, this objective can be described as 'protective'. That however does not make such actions legitimate in terms of the law, no matter how noble the overall cause.

Those urging the Truth and Reconciliation Commission (the 'Commission') to let matters rest with the Hugo Judgment may also wish the Commission to rely on other judicial findings, such as those of the Harms Commission. These findings are not compelling. I would suggest that the Commission devote most of its energies in evaluating the enormous quantity of documentary and oral evidence before it.

Before dealing with Operation Marion in greater detail I intend to set the scene to explain how projects such as Marion and others came into being. It is important to understand that Operation Marion did not take place in a vacuum. It was part and parcel of the state's counter revolutionary program in place at the time. It is necessary then to examine this background in some detail.

C. THE CONTEXT

1. Counter Revolutionary Strategies

During the 1980s the SSC and its superior and subordinate bodies devised several strategies for deployment against the United Democratic Front ("UDF") and the African National Congress ("ANC"). The government adopted the guiding strategies of Counter Revolutionary Warfare ("CRW") principles. CRW involved tactics aimed at destroying the insurgents / revolutionaries while winning the hearts and minds of the population. Key tactics of CRW included the use of terror in certain circumstances and the establishment of 'counter guerrilla' or 'middle groups' to mobilise politically and to act violently against revolutionary forces. This is evident from:

1.1 A SSC meeting held on 18 July 1985 adopted a number of CRW principles under item 8(a). All these principles coincided with 'lessons' and principles set out by CRW writers such as General C A Fraser and J J McCuen to whom I will refer to shortly.

1.2 During 1986 the State President at the time, P W Botha, authorised the circulation of a document titled 'Rewolusionere Oorlogvoering: Grondbeginsels van Teeninsurgensie' dated 10 September 1986 (hereinafter referred to as the 'Botha document') to all those involved in the counter revolutionary struggle. The document was a para-phrasing of a paper by the SADF's General C A Fraser's titled 'Lessons learnt from past revolutionary wars' (hereinafter referred to as the 'Fraser document'). Both documents referred to the 'careful weighing up of the use of force before it is used. Fraser's original document specifically related the use of force to acts of terrorism. Terrorism was referred to as a 'particularly appropriate weapon since it aims directly at the inhabitant'. After cautioning against the indiscriminate use of terror he advocated that:

the use of terrorism by government forces must be decided upon at the highest level, and it must be so applied as to avoid it boomeranging.
1.3 The Botha document referred to J J McCuen's 'The Art of Counter Revolutionary Warfare', 1966. McCuen's book had been para-phrased and distributed within military and security structures. Paragraph 98 of the summary of McCuen referred to the creation of 'Counter Guerrillas':

The development of a counter-revolutionary guerrilla force which is employed according to guerrilla tactics to annihilate revolutionary guerrillas and take control over the population.

The Fraser document at paragraph 39(b) also advocated the creation of guerrilla forces as 'an important adjunct to a government's strategic force'. The government adopted this strategy. The political and military support supplied to Inkatha (and other anti-revolutionary groups within and outside South Africa) fell squarely within this strategy.

1.4 The SSC meeting of 12 May 1986 tasked the then Ministers of Defence and Law and Order to create a Third Force to 'effectively wipe out terrorists'. The security forces were further tasked with countering the 'underminers' using 'their own methods'. The SADF in a document compiled by Brig B A Ferreira of the office of the Chief of Army titled 'The creation of a "Third Force" to combat the revolutionary onslaught', dated 28 February 1986 set out where the Third Force to a 'lesser or greater degree' already existed within the security forces. According to paragraph 6 of the document the Third Force was situated within the following organs:

a) The SADF's counter insurgency forces;
b) The SADF's Special Forces;
c) The SADF's Special Tasks;
d) The SAP's Security Police;
e) The SAP's counter insurgency forces;
f) The SAP's Special Task force elements.

The SADF's Directorate of Special Tasks supplied military and political support to counter revolutionary groups within and outside South Africa, including such support to Renamo, Unita and Inkatha.

DST and the other departments mentioned in the Ferreira document set out to counter the revolutionaries using their own methods as directed by the SSC. In pursuance of this plan leaders, activists and supporters of the ANC, UDF and allied organisations were targeted for elimination. An aspect of Operation Marion involved the elimination / destruction of enemy targets using a 'middle group'. Similar actions included DST's Operation Katzen in the Eastern Cape; and operations conducted by the SADF's Special Forces, the CCB, the SAP's Units C10 (Vlakplaas) and C4 (Trewits).

2. The UDF as an internal revolutionary threat

The UDF was seen by the government as part and parcel of the 'revolutionary onslaught' and 'mass offensive' orchestrated by the ANC. Little distinction was made between the external and internal threat. The UDF and its activists were accordingly targets for counter revolutionary actions. This is evident from:

2.1 A SSC document titled 'Riglyne vir n totale strategie teen die UDF: Tiende monitorverslag 1 April 1985 tot 31 Julie 1985' dated 15 August 1985, the UDF was declared to be an organisation that was 'dangerous to the state which had to be neutralised'. The UDF was further accused of formenting unrest and 'directly and indirectly promoting the aims of the SACP / ANC'.

2.2 According to the SSC the UDF was responsible for the 'systematic wiping out of recognised leaders'. This conclusion was referred to in Item 1(d)iv of the minutes of the SSC meeting of 14 April 1986.

2.3 According to an addendum titled 'Bedreigingsontleding' attached to a strategy document titled 'Riglyne vir n Strategie teen die Rewolusionere Oorlog teen die RSA' dated 24 April 1986 and circulated to all SSC members at the
SSC meeting of 28 April 1986 the UDF was singled out as the most important body in the 'internal revolutionary onslaught' and:

...although the UDF publicly distances itself from violence, the violence that flowed from UDF arranged actions was so intertwined with ANC terrorist actions that it was difficult to differentiate between them.

2.4 A strategy document titled 'Aanstelling van Advieskomitee: "United Democratic Front" en ander organisasies' dated 7 May 1986 and circulated at the 12 May 1986 meeting of the SSC stated under paragraph 4d that UDF members were trained in the handling of weapons and explosives and that the UDF had spoken out in favour of violence.

3. The internal threat: a spiralling revolutionary war situation

3.1. It was noted in paragraph 31 of a document titled 'Strategie Nr 2/81 teen die ANC: 18de Monitorverslag vir die tydperk 1 April 1986 tot 30 June 1986' circulated to all members of the SSC for the 28 July 1986 meeting, that the ANC had announced that it had taken the 'strategic initiative internally and was now in the final phase of a mass-offensive (peoples' war). According to a document titled 'Riglyne vir n Strategie teen die Rewolsionere Oorlog teen die RSA' dated 24 April 1986 circulated to all SSC members for the SSC meeting on 28 April 1986 radical organisations were:

...already engaging in a revolutionary war pattern.

3.2. According to a SADF General, Marius Oelschig, during the mid 1980s South Africa was in a phase of revolutionary war which was 'going from terrorism towards guerrilla warfare'. The South African state adopted equally war-like methods to counter this threat, including the use of terror and guerrilla warfare.

4. Inkatha as a counter revolutionary force

4.1. The government viewed Inkatha as a bulwark against internal revolution and took steps to build up Inkatha as an anti-revolutionary force. This is evident from a SSC memorandum, dated 27 February 1986 titled 'Die Rewolusionere Bedreiging teen die RSA' and circulated to all members attending the 3 March 1986 SSC meeting. Under paragraph f:

Structures such as Inkatha must be built up to be an obstacle to radicalism.

4.2 Under paragraph 19(a)(ii) of the SSC document dated 24 April 1986 'anti-revolutionary' groups such as Inkatha' were seen as part of the:

RSA's capacity in countering the revolutionary war.

5. Inkatha's own political and military objectives

According to announcements made by Inkatha leaders and secret state documentation Inkatha wished to establish a military type force and that it was willing to employ force to achieve its objectives:

5.1 On or about 28 May 1984 and at Ulundi, M G Buthelezi, President of Inkatha and Chief Minister of KwaZulu (hereinafter referred to as 'Buthelezi') set out in an address to the KwaZulu Legislative Assembly his need for a para-military wing to carry out protective and offensive actions. Buthelezi identified the UDF/ANC as the organisations responsible for the attacks:

...In fact I believe that we must prepare ourselves not only to defend property and life, but to go beyond that and prepare ourselves to hit back with devastating force at those who destroy and kill...

5.2 According to a top secret SSC document dealing with the unrest situation in Natal, produced during March 1989, Inkatha took a decision during 1985 to turn the whole of KwaZulu and Natal into a 'no go area' for the UDF.

During 1985 the expressed mutual hostility and mistrust between Inkatha and the UDF became a visible reality when Inkatha realised that the UDF represented a threat to its power monopoly in KwaZulu and decided at a Central Committee meeting of Inkatha that the whole of KwaZulu and Natal be turned into a so-called "no go area" for the
UDF, regardless of the consequences.

6. The process of authorisation

It is evident from state security and military documentation that clandestine operations, internally and externally, were authorised at the highest levels.

6.1 The SSC at its meeting of 12 February 1979 approved of a set of guidelines for the conducting of operations in foreign countries. The memorandum was drawn up by the Departments of Foreign Affairs, Defence and Police. The memorandum divided the envisaged actions into different categories: Planned operations; Cross-border raids (hot pursuit); Reconnaissance actions; and Clandestine operations. In respect of reconnaissance and clandestine operations the document said that such actions would be difficult to justify in terms of international law, and in respect of clandestine operations:

'The scope of these type of top secret operations are unlimited and the rules of international law make no provision for them'.

The SSC approved the following authorising bodies for the different categories:

1. Planned operations - by the SSC
2. Cross-border raids (hot pursuit) - by the Head of the SADF
3. Reconnaissance actions - by the Head of the SADF
4. Clandestine actions:

'As a result of the far reaching implications that can flow from these types of operations they can only be authorised at the highest level and the planning and execution must take place on a 'need to know' basis'.

The authorisation of external actions was further refined in by the SSC in November 1986:

In terms of the chain of command in respect of Cross-border operations, large scale 'oorwoe' offensive operations had to be cleared with the Chairman of the SSC, the State President. Small scale offensive operations had to be cleared with the Minister of Defence, and where necessary in consultation with the Chairperson of the SSC.

6.2 The Operation Marion documents and the SSC meeting of 3rd February 1986 refer to the fact that the offensive para-military support for Inkatha - an internal operation - had to be cleared at the 'highest level'. (See Annexure 'A' of the SSC meeting of 3rd February 1986). It is likely that the same 'highest level' and was involved in the authorisation of clandestine operations externally and internally. Operation Katzen a DST operation run in the former Ciskei and which also involved the elimination of targets, also had to be cleared at the highest level.

6.3 The authorisation of such operations from the highest levels which included offensive actions, involving acts of terror and elimination, is in line with Fraser's recommendation that:

the use of terrorism by government forces must be decided upon at the highest level, and it must be so applied as to avoid it boomeranging

D. OPERATION MARION

1. The request for an offensive para-military unit

During November 1985 Buthelezi set out his need to the then Director of Military Intelligence, Major-General T Groenewald (hereinafter referred to as Groenewald) for military support, which included an offensive or attacking capacity. This is set out in a memorandum from Chief of Staff Intelligence, Vice Admiral A P Putter to Chief of the
SADF, General Geldenhuys General T Groenewald, titled 'Voorligting aan Hoofminister Buthelezi' dated 27 November 1985. Groenewald recorded in the document on Buthelezi's comment that although he was a supporter of a peaceful resolution:

.. the ANC must realise that if it uses violence against KwaZulu, the Zulus are also in a position to take violent steps against the ANC. He himself would like to take the struggle to the ANC in Lusaka, although at present he does not have the capacity.

A handwritten note at the foot of the last page of the document called for the document to be destroyed after reading. It indicated further that a copy of the document had gone via the Minister of Defence to the State President, P W Botha.

The passage is an expression of a desire for an offensive capacity to carry out retaliatory or pre-emptive actions against the ANC.

2. The SADF acts upon the request

The SADF accordingly took steps to supply Buthelezi with an offensive military capacity. Groenewald prepared a memorandum titled 'SADF assistance to Chief Buthelezi and Bishop Lekganyane' dated 19 December 1985. Buthelezi's request for an offensive arm was confirmed in paragraph 10c:

...He himself referred to the use of an offensive capacity to act against the ANC. He referred further specifically to the need for a para-military task force.

The anticipation of the unlawfulness of the envisaged actions against members of the UDF and ANC was recognised under paragraph 17. It was noted that:

..it would be practically impossible to indemnify from prosecution such a huge group for steps taken against members of the ANC and UDF.

It was further suggested that a possible solution to this problem was the setting up of some sort of security structure through which offensive actions could be taken against the UDF. Such a structure would obviously not suddenly make such actions 'legal', and indeed there is no such suggestion in the documents that the creation of such a structure could convert illegal steps into legal ones. Such actions are unlawful regardless of what structure they are clothed in. It would however be of practical assistance insofar as such a structure would act as a cover for their offensive operations. Indeed the trainees were issued with fake 'security company' ID cards, and several were also issued with false KwaZulu Police appointment certificates.

The protective and offensive capacities were clearly distinguished as separate entities in this document. These passages reflect an awareness by the military of the pro-active or attacking and unlawful nature of the offensive capacity.

The obvious question is of course if the group was to carry out purely protective and lawful duties - why then did the state simply not increase this capacity in the KZP or establish a properly constituted and open reserve guard system. As will become evident the KZP was to be expanded as part of the wider package, so they had another purpose in mind for this clandestine operation. Even the then Chief of the Army conceded that:

"geen burgerlike mag offensief optree nie"

Then why did they train civilians to act offensively. Liebenberg claimed that although it was a 'grey area' he thought they were destined for the KZP or the military. That then begs the question as to why they were not trained normally in one of these institutions. However the documents are clear - they were destined for Inkatha. Two and half years later many were placed into the KZP, but for very different reasons - as we will see.

3. Placing before the SSC

Buthelezi's requests were placed before an extra-ordinary meeting of the SSC at Tuynhuis on 20th December 1985.
Minister of Defence, Magnus Malan (hereinafter referred to as "Malan"), Minister of Law and Order, Louis Le Grange (hereinafter referred to as "Le Grange") and Minister of Constitutional Development and Planning, Chris Heunis (hereinafter referred to as "Heunis") were tasked with establishing a "security force" for Buthelezi.

4. SSC sub-committees investigate

An Interdepartmental Committee of the SSC was appointed to investigate the implementation of the SSC decision. A subcommittee was appointed to draw up a detailed report.

4.1 The subcommittee under the chairmanship of H J R Myburg of the Department of Constitutional Development and Planning met in Ulundi on 14 January 1986 where the matter of special support to Buthelezi was 'discussed and investigated in depth'. The written notes of a member of the Subcomittee, Colonel C J van Nierkerk of the SADF's Directorate of Special Tasks ("DST") envisaged that offensive support would be supplied by the SADF's DST and protective support by the SAP and National Intelligence (NI):

Buthelezi & VIP protection........SAP / NI

Inkatha against UDF..................SADF - DST

4.2 The Subcommittee compiled a report dated 15 January 1986. The report recorded that Buthelezi pointed out himself that:

he has not got the offensive capability to act against the ANC.

The report distinguished between the protective and offensive capacities. The report called for the following requirements of Buthelezi to be met:

a. Personal protection.

b. Protection of other selected VIPs.

c. An offensive para-military element.

d. Enlargement of the existing KwaZulu Police Force.

e. A conventional / ceremonial force.

f. A national security management system, and an intelligence service.

g. The authority to issue firearms licenses.

The report under paragraph 27 proposed that the SAP and NI supply the protective measures and that the SADF create an offensive para-military element and a conventional / ceremonial force for KwaZulu.

5. A dispute at the Interdepartmental committee: Recommendations to the SSC

The Subcommittee report was considered at a meeting of the Interdepartmental Committee on 16th January 1986, according to a memorandum compiled by Groenewald and sent from Chief of the SADF, General J J Geldenhuys (hereinafter referred to as "Geldenhuys") to Malan, a copy of which is annexed hereto marked "S". The recommendations of the Subcommittee report were largely accepted by the Interdepartmental Committee. However Dr Barnard of National Intelligence and Dr Van Wyk of the Dept of Constitutional Development and Planning objected to the provision of an offensive para-military element as set out in paragraph 27b(ii) of the subcommittee report. However, General Coetzee, Commissioner of the SAP, and the KwaZulu representatives strongly supported the proposal. The Chairman suggested that the SADF prepare a detailed report setting out the advantages of the para-military element against the political risks involved. The SADF representative (Groenewald) objected to this proposal because of the "sensitivity and security". He further pointed out that without the para-military element, the steps as proposed by the
Sub-committee would be incomplete and would "not meet the Chief Minister's requirements and would not succeed in dealing with the security situation in KwaZulu".

It was argued that Inkatha was already taking para-military steps which were conducted unprofessionally and consequently carried high risks and that the planned para-military steps made up only a small element of the political, economic and welfare-psychological actions.

It was decided to make the following recommendation to the SSC:

The creation of a para-military element must be investigated at the highest political level and clarified with the Chief Minister.

The highly sensitive issue of whether to authorise the creation of an 'offensive para-military element', as set out in para 27(b)ii was then placed squarely before the SSC.

Neil Barnard, former Director General of the National Intelligence Service (NI), has confirmed in a statement which he released to the media shortly before he appeared before a s29 inquiry confirmed that he opposed the creation of an offensive para-military unit for Inkatha because:

...it would lead to a further increase of the military conflict in Natal and the result would be more loss of lives...

He also pointed out that the force would not be subject to 'command and control'.

While the foresight of the offensive force engaging in life taking actions was obvious, Barnard's statement confirms that this specific concern was the subject of the debate at the IDC meeting and at the SSC meeting of 3rd February 1986.

6. Decision of the SSC: referral to the highest political level

The Interdepartmental Committee's recommendation was approved of at a SSC meeting on 3rd February 1986. The issue was regarded as even too sensitive for the SSC to give the final authority and the matter was referred to the 'highest level' as recommended by the Interdepartmental Committee. Malan and Heunis were tasked with:

contacting Buthelezi in order to conduct an evaluation of his needs and requirements with regard to a para-military element. The question of the sensitivity had to be cleared at the highest level.

If protective lawful measures were being deliberated there would have been no need to defer this decision to the 'highest level'.

6.1 Approval at the highest level

It is evident from a memorandum sent from Chief of Staff Intelligence, Vice Admiral A P Putter (hereinafter referred to as "Putter") to Geldenhuys dated 10 February 1986 that approval had indeed been supplied at the 'highest level'.

The State Security Council was seized with the issue of whether to authorise the creation of an offensive para-military unit for Inkatha. Although the SSC members deferred the decision it is apparent that the body supported the initiative. They anticipated that such support would result in Inkatha's offensive unit carrying out attacks on its political opponents. The minutes do not indicate any opposition or dissent, or an endeavour to stop the operation. Nobody present at that meeting has to date distanced themselves from the decisions made on 3 February 1986. If such details had been disclosed at an early stage, an unquantifiable number of lives could have been saved, particularly in the early 1990s when the full offensive force of the Caprivi Trainees was unleashed.

- All involved in the deliberations leading to the decision taken at the 'highest political level'; those present at the SSC meeting of 3rd February 1986; and the participants to the decision at the 'highest political level' are accordingly accountable for the acts of murder and mayhem that flowed from the creation of the project. They are not able to wash their hands from what flowed from the project.
7. Offensive as pre-emptive

With overall approval granted for support to be supplied to Inkatha and KwaZulu structures the military set about to work on the detail on what was to be provided, in consultation with Buthelezi, and how implementation was going to be effected.

Following a meeting held between Groenewald and Buthelezi on 11 February 1986 a memorandum, dated 14 February 1986 and sent from Putter to Geldenhuys. According to Groenewald, Buthelezi purportedly described the requested offensive capacity as:

an offensive (or a protective capacity) whereby the UDF/ANC/SACP can be prevented from breaking up Inkatha meetings, destroying property and terrorising, murdering and injuring Inkatha members.

Groenewald testified in the matter of S v Msane & Others that 'offensive' means 'primarily to take the initiative':

..reactive steps are normally taken in reaction to what the enemy does, while pro-active involves the taking of pre-emptive measures before the time. You take the initiative. And you must especially see offensive in the terms of taking the initiative.

Offensive actions, even if aimed at preventing possible later attacks, are unlawful in terms of South African law. As much has been made of this passage by the military in an endeavour to paint the offensive capacity with an innocent tint I intend to revisit this description. Suffice to say at this stage that properly interpreted in its pre-emptive sense, the documents flow and make sense. If interpreted 'innocently' the documents cannot be reconciled with each other, and simply make no sense at all.

8. The Liebenberg Report

During February 1986 Malan instructed Geldenhuys to draw up a report which would include a detailed implementation plan together with an organogram. Geldenhuys appointed a group under Lt General Liebenberg, then Chief of the Army ("Liebenberg") to produce the report ("the Liebenberg Report"). The Liebenberg Report is dated 27 February 1986. It was sent under cover of a letter during March 1986 from Liebenberg to Geldenhuys.

The document set out in detail Buthelezi's requirements which according to the document "had already been confirmed" with him. Paragraph 3a set out the assistance relating to the personal protection of Buthelezi and identified VIPs. Paragraph 3b set out his requirements in relation to the para-military capacity. This included contra-mobilisation, defensive, offensive, the protection of Inkatha leaders, intelligence and the establishment of a military force when expedient to do so.

The offensive element under sub-paragraph iii was described as 'a small full-time offensive element that could covertly be used against the UDF/ANC (about 30)'.

Paragraph 3c related to the extension and development of the KwaZulu Police, including the training of an extra 500 policemen. Paragraph (d) dealt with the security management system. Paragraphs 8 to 12 summed up the decisions of the State Security Council on 3rd February 1986.

The organogram (security structure) under paragraph 20 (p83) clearly demarcated the support to the KwaZulu Police and Government on the left side of the structure, and the support to Inkatha on the right side. The organigram placed the offensive element outside of the para-military unit. This was in accordance with the proposals in the 19th December 1985 document at paragraphs 26, 27, 29, 33a and b (at p24) and 47 (at p26) which also envisaged the offensive group as distinct from the para-military group. Buthelezi was listed in the organigram as the only link person between the clandestine (Inkatha's armed wing) and overt (KwaZulu government) structures. M Z Khumalo was placed as the commander of Inkatha's para-military and offensive groups.

Paragraph 26(c) set out the proposed activities of the para-military unit. These involved a full-time Leadership Corps, an Offensive Element, Contra-mobilisation and Bodyguard groups. The leadership group was also referred to as the
"defensive group (militia)". Their training included inter alia military procedures and the breaking up of meetings.

The Offensive activities were described under sub-paragraph (ii).

The purpose was to provide a small group of well trained troops for Inkatha which could be used offensively against the ANC, UDF and related groups. Further the group could also be used as personal bodyguards for Buthelezi in his capacity as President of Inkatha.

9. The location and arming of the offensive element.

The clear separation of support to Inkatha and support to the KwaZulu Government

Malan instructed Putter to put the secret part of the organogram to Buthelezi, as suggested in paragraph 20 of the Liebenberg Report. According to a document sent by Putter to Geldenhuys dated 16 April 1986 Buthelezi purportedly emphasized that the support to Inkatha, including the para-military support must not be mixed up with the support supplied to KwaZulu Governmental structures. He further reportedly emphasized that the offensive element must not be a separate unit, but must form part of the larger para-military unit. It is evident from this document that the offensive group was to be armed. It was proposed to set aside a substantial amount of money for weapons and ammunition which would be secretly channeled through Armscor.

10. Training

Two hundred Inkatha men were recruited by M Z Khumalo. The 200 were taken to the Caprivi Strip in Namibia where they received training at Hippo Camp by the Special Operations component of Military Intelligence and Special Forces. The recruits were divided into operational groups, one of which was an offensive group of some 30 men. The trainees were instructed that their targets would be located within the UDF/ANC. The other groups trained included Contra-mobilisation, Defence and VIP Protection. The Defensive group was an intelligence group whose members were trained in collecting information, surveillance, target development and compiling target dossiers. Those in the Contra-mobilisation group were trained in the propagation and promotion of Inkatha politics. The training lasted for approximately 6 months.

According to Captain Gerhardus "Jakes" Jacobs, a former instructor based in the Caprivi, all trainees first received basic training (phase 1) and were then divided into groups to receive specialised training (phase 2). This training included instruction on how to carry out offensive actions. He said that the chief focus of the training given in respect of offensive actions was to create an attacking capability ("aanvadsvermoe").

The eventual goal of the training, according to Jacobs, was to enable the resistance movements to operate independently of the SADF (Msane p4083 - 4098). Indeed the Marion documents make numerous reference to a capacity of 'self-sufficiency'. All training provided by the Directorate of Special Tasks (DST) at all of their schools included training in the handling and use of the AK-47.

No documents were supplied for the months June to December 1986 (except for one October document) which coincided with the training in Caprivi.

11. Parallels between Marion and Katzen

It is instructive here to pause and to examine the Operation Katzen documents, put up in the Goniwe Inquest, for these months, with regard to training and deployment. Katzen like Marion was run by DST and many of the same officers were involved, including Colonel John More, Vice Admiral A P Putter and General J J Geldenhuys. In many respects it was a 'sister operation' of Marion. It was aimed at placing more compliant persons in the Ciskei Government, through a violent removal of its incumbent leaders. The Katzen documents are equally incriminating. It is submitted that there are striking parallels to be drawn between Marion and Katzen, both of which were executed by DST. See for example the following extracts from the Katzen file:
11.1 Both operations involved the elimination of targets

Under Operation Katzen:

The codename for 'Elimineer' (Eliminate) was 'Bank Aksepte' (Bank Acceptance).

Compare with the reference to targets and offensive actions in Op Marion.

11.2 John More was a key player in both projects

Under Katzen the codename for John More was 'Assistent Bestuurder'

At this time John More was also involved in overseeing Operation Marion as its Senior Staff Officer.

11.3 The liaison role of the Security Branch

A handwritten document in the Katzen file recorded a discussion that took place on 10 November 1986 between senior military, SAP Security Branch, and others:

(c) Kwane Sebe must be taken out. He is dangerous and will take over from Lennox Sebe.

(d) Lennox S must be permanently taken out.

The liaison role of the security police in the 2 operations is comparable.

11.4 The security risks

Under para (f)(ii) of the same Katzen document, dealing with Namba Sebe (codename 'Auditor') who was being sought by the SAP:

Namba Sebe must disappear from the scene. The SAP can then not act against him...

Compare with the references in the Marion documents to the 'temporary disappearing' of Caprivi Trainees involved in offensive actions who were being sought by the police. This concern also emerged in the operations of the CCB, and I will refer to this a little later.

11.5 The role played by John More in procuring weapons

See the list in the Katzen file of the military, civilian and terrorist weapons required for 'squad under training' dated 13 November 1986 (p117 of file). Next to items 1 to 5:

Requirements 1 to 5 already by J More.

Note that state witnesses in the KwaMakhutha trial alleged that John More informed them that AK 47s could be obtained at the secret military base Ferntree in the Drakensberg.

11.6 The groups trained

Memorandum 311/1 dated 17 November 1986 referred to the categorisation of the groups trained. See para (c):

It was decided that this group would not be used for intelligence gathering and recruitment, as if they were arrested they could compromise the whole group. They will only be used for "in, out" operations to the Ciskei.

Compare with the separation of roles with the groups trained under Operation Marion. Offensive, Defensive (included intelligence gathering) and Contra-mobilisation (included recruiting).
11.7 The overseeing role of Putter and Geldenhuys

It is evident from the Katzen file that Putter and Geldenhuys were kept informed of developments as part of their line functions, as they were in Operation Marion.

12. A financial arrangement

Returning to Operation Marion, according to military documentation, during May 1986 Mr Kobus du Toit Bosman, a Special Forces operative and Buthelezi's representative in his dealings with Afrikaans speakers, had a falling out with Military Intelligence. It appeared from the documentation that he was taken out of the project in a way so as not "to make an enemy" out of him. It was further recommended that:

"...the subject's problem be referred to the Dept of Finance in such a way that there can be no positive connection between the Department of Defence and Bosman which can thus be made with Chief Minister Buthelezi".

13. Offensive actions = unlawful actions. The question of legal costs

According to a military document dated 20 October 1986 Buthelezi met with DST officers Brigadier Cor Van Niekerk ("Van Niekerk") and Brigadier John More ("More") on 16 October 1986. (This is the only document produced between June 1986 and January 1988 that was supplied). According to the document Buthelezi equated offensive actions with 'unlawful actions' and the 'taking of the law into their own hands'. Here he was referring to Inkatha members who had taken 'offensive actions' against 'radical elements'. Some of these individuals had been arrested and charged. He further purportedly said that although Inkatha had been approached for assistance with legal costs, if money was paid out of party funds this would come down, or be seen as a condonation of unlawful actions, a perception which he as President of Inkatha could not permit.

Those representing the military and perhaps Inkatha will argue that the portion of the paragraph dealing with the question of legal costs should be interpreted simply that Buthelezi would never have approved of any unlawful actions. Such an interpretation requires the magical expunging of every other reference to offensive and its unlawfulness in the documents. It quite obviously cannot be done. There was never any suggestion that the offensive capacity requested in 1985, granted and implemented through to 1989 changed in its essential form. Further the claim that offensive actions means one thing in this document, but another thing in another document rings hollow.

Again, if interpreted innocently the documents make no sense.

As this sentence (together with the paragraph in the 14 February 1986) document is relied upon to paint a virtuous picture of Buthelezi's intentions and view of offensive actions, I will revisit this sentence later.

14. The mysterious year of 1987

There are no documents available for this year, which being the first year of deployment of the Marion members would have been one of the most active. Apart from the carrying out of the KwaMakhutha massacre in January 1987, another example of this activity was the case of the "Eight Directors":

14.1 The '8 directors' were referred to independently by Van Niekerk and Captain J P Opperman (An instructor at Caprivi and Liaison Officer for Operation Marion). On the 6th March 1987 Van Niekerk noted in his diary:

"Reeva sit met 8".

Reeva was the codename for M Z Khumalo. When asked to explain what this meant in the Msane matter at line 10, p3990, vol. 50, he replied that he could not remember. According to Opperman (paragraph 31 "Eight Directors", C3), M Z Khumalo was hiding from the police 8 persons who had murdered somebody. Some of the 8 were Caprivi trainees. Opperman contacted More and they and Van Niekerk met with Khumalo. Opperman took food and money to the eight. They were codenamed the "eight directors". The group was eventually filtered back into society. M Z Khumalo claimed through his Counsel in the Msane matter that he had a problem in finding accommodation for 8 of the trainees. Khumalo
was not being truthful.

14.2 M Z Khumalo played a central role in the launching of offensive actions, including the identification of targets for elimination. Other incidents during and after 1987 in which he was allegedly involved included:

14.2.1 Instructing Luthuli to eliminate, Zazi Khuzwayo, a prominent Clermont businessman and opponent of incorporation of Clermont into KwaZulu. This murder was carried out on 9 May 1987. You were involved in concealing the murder weapons.

14.2.2 The hiding of Inkatha fighters who were fugitives from justice. These included Luthuli himself, Vela Mchunu, Israel Hlongwane and David Zweli Dlamini. Mchunu and Hlongwane were concealed at the secret para-military base at Mkhuze. Dlamini was taken to Venda, and other places.

14.2.3 Instructing Luthuli to lead the fight against the UDF and ANC in Mpumalanga township.

14.2.4 Supplying Luthuli and the Caprivi Trainees with arms and ammunition.

It is unlikely that the absence of documents for the year 1987, the training months in 1986 and specific documents (such as Putters proposals to Geldenhuys ST/UG/310/4MARION dated 7 March 1986) was co-incidental, contrary to claims made by Van Niekerk. According to Van Niekerk, he colluded with Colonel Mike van den Berg in removing the documents from the Operation Marion file. Van Niekerk testified in the Msane matter (p3865) that he and Van den Berg were 'deeply concerned' about how vulnerable Project Marion officers were to criminal prosecution. According to evidence led in the Msane matter the Marion file was still present in March 1992 (p2179). The balance of the Marion documents were not recorded as destroyed in the official register. It is likely then that the balance of the Marion documents were specifically removed from the file at some point. It is not out of the question that this could have taken place in the 3 days between the investigators arriving at Military Intelligence HQ and the handing of the bundle over to investigators.

The documents were apparently removed as an 'insurance policy'. It was claimed in the Malan matter that this 'policy' was taken out in order to show how innocent the project was. That is a fabrication. If that was the case the documents could quite easily have been kept for that purpose in MI headquarters - and further they would have been disclosed to nip the controversy in the bud when Goldstone Investigators first approached the military. It is quite obvious that the documents were taken in order to show that the project was properly authorised from the highest levels. Of course proper authority and lawfulness are not necessarily the same thing, as in this and other cases.

15. The role of the Security Branch

The SAP's Security Branch (SB) supplied key support to Operation Marion. SB's most important function was to ensure that investigations of crimes committed by offensive element members never saw the light of day. Assistance was provided in concealing fugitives from justice and investigations were interfered with. An example was the investigation into the KwaMakhutha massacre carried out by Inkatha's offensive element members in January 1987.

The first Investigation Officer, a Warrant Officer Sipho Mbele, complained that the investigation was not conducted properly insofar as normal procedures and practices on the murder scene were roundly ignored, and his own investigation was interfered with by individuals in the Security Branch. He was instructed by his superiors to release possible suspects (one Ephriam Buthelezi, and Sipho Shange), who had also been found in possession of an unlicensed firearm. The suspect Ephriam Buthelezi was in fact the contact person in the township for the defensive group members involved in the surveillance of the Ntuli house. Mbele was instructed by his Station Commander in the presence of a senior Inkatha official to take the suspects to the Umbumbulu Court to have the charges withdrawn. He and members of his investigation team were further intimidated by Security Branch members. Two detective sergeants on his team, Fulumane and Kheswa, were detained without being charged under the emergency regulations following the arrest of Ephriam Buthelezi in KwaMakhutha.

16. 'Swing the conflict in the townships in his favour'
On 21 January 1988 Putter and Chief Director Intelligence Operations, Major General Neels Van Tonder ("Van Tonder") met with Buthelezi. Van Niekerk (DST 2), Colonel Mike Van den Berg, Senior Staff Officer for Operation Marion and M Z Khumalo were also present. Putter sent a memorandum to Geldenhuys dated 28 January 1988. According to this document Buthelezi asked for further clandestine training. M Z Khumalo sketched 'his problems in respect of discipline, command and control'. Khumalo was of the view that the solution to the problem was a base from where Marion members could 'plan and take action'. Such action could only have been of a pre-emptive or retributive nature.

A base for the offensive group (at Port Durnford) and a separate base for the rest of the group (at Mkhuze) were eventually set up. A number of Inkatha fighters who were fugitives from justice were concealed at the Mkhuze base.

Buthelezi purportedly expressed unhappiness with his working relationship with the Natal Command Joint Management Centre. It was recommended under paragraph 16c that covert operations continue to be handled from Pretoria, with decentralisation according to needs.

According to a military document drawn up in February 1988 Buthelezi reportedly called for more Inkatha members to be trained in order to swing the conflict in the townships in his favour.

17. More training

On 21 March 1988 Buthelezi and Khumalo met with Malan in Durban. Malan stressed the urgency of the situation and reportedly said that the maximum number must be trained and 'we must climb in'.

18. 'Temporarily disappearing'

According to a top secret military signal dated 31 August 1988 sent from Malan's office to Putter and Geldenhuys, Buthelezi instructed Khumalo to meet with Malan on 30th August 1988. Khumalo brought numerous matters to the attention of Malan, including the lack of progress with the base for the offensive group. A further complaint was set out in the signal as:

Experiencing serious problems in respect of persons who must temporarily be withdrawn from communities, but liaison officers provide no assistance in this regard, and expect Khumalo on his own to formulate solutions in this regard. Dr Buthelezi is extremely sensitive to the political embarrassment that may occur in the pre 26 October 1988 phase as a result of a person not temporarily disappearing.

This concern related to the arrests of Caprivi Trainees following the taking of offensive actions and the danger of such persons providing details of their operations if the cases against them proceeded. This has been confirmed by the evidence of General Van Tonder. The first nation wide municipal elections were held on 26 October 1988. A number of Caprivi Trainees have confirmed that they were concealed from police detection following the taking of offensive actions. Why if the project was lawful and protective would there be a need to cover up the crimes of its operatives? The military however was clearly worried:

Ideally it is still an aim of MARION to be self sufficient and independent and to build in cut off points in the interests of security,

This confirms that it was always an objective that Inkatha would run its operations independently of the military.

Malan requested that a report dealing with the security problems arising from offensive actions and other problems be presented to him by the end of September 1988.

19. Meeting with Buthelezi on 14 September 1988

Buthelezi met with Putter on 14 September 1988. No documents were made available in respect of this meeting. It is likely that the security problems arising from the taking of offensive actions were discussed at this meeting. It is further likely that the idea of smaller offensive groups or cells carrying out offensive actions was raised at this meeting.
20. The disappearing; Indemnity against prosecution; small offensive groups

The report requested by Malan was produced in October 1988 in the form of a memorandum from Putter to Malan. In the report it was confirmed that the man who had to disappear had indeed disappeared.

- Malan and all the military officers involved in facilitating the concealing of the man in question are accordingly implicated in the cover-up of a crime.

The carrying out of offensive actions in 'small offensive groups' was raised as a possible solution to the security problems. A further step was to give Inkatha the capacity to act on its own without SADF assistance:

Indemnity against Criminal Proceedings. Offensive action is part of Marion's tasks. An attempt is being made to build in cut-off points to protect those involved and to train groups so that eventually they can act on their own without SADF assistance.

The document also raised the concern that because 'offensive actions were part of Marion's tasks', Putter and other senior officers involved in the planning of Operation Marion may be implicated in offenses carrying the death penalty.

The document is further evidence of the acute awareness of the unlawful nature of offensive actions, and the connection between murders carried out by the offensive element and those who provided the capacity in the first place.

21. Approval of targets and criminal follow-up

It is no coincidence that Opperman's October 88 duty sheet on offensive actions referred to 'trained cells', the strict clearing of targets, and significantly:

Criminal prosecution of participants must always be taken into account.

Contrary to claims that the duty sheet is out of place it fits like a glove into the unfolding story.

According to the official duty sheet drawn up for Marion liaison officer, Captain J P Opperman, targets for hits had to be approved by the military, Security Branch and M Z Khumalo (codenamed "Reeva"):

"OFFENSIVE ACTIONS: Must only be carried out by trained cells under strict control. Authority must be granted by DST-2 beforehand. Targets must be approved by REEVA, SAP(S) and SADF. Criminal prosecution of participants must always be taken into account. Highly professional actions are the key to success".

21.1 A parallel with the CCB

The targets related to the elimination or killing of specific targets and was no different to similar references in other military documents. An example is a CCB document dated 28 April 1987 (Exhibit G33, Goniwe Inquest) drawn up after concerns relating to SADF members' liability for extra-judicial killings were raised with Geldenhuys. Note the parallel to Marion and Katzen. The document was authenticated by Joubert (also a member of the Liebenberg Task Group). It referred to the 'elimination of specific targets'. Geldenhuys was reported as saying that he did not see the steps taken by the CCB as 'murder', but rather an attack on an individual enemy target with non-standard issue weapons in an unconventional manner, ensuring that innocents are not hit.

- there is no difference between the concerns expressed here and in the Marion documents? Both dealt with extra-judicial killings and the potential for criminal follow-up.
- Seen in the light of similar concerns raised in the Katzen documents, this points to the modus operandi within the SADF's specialist forces and task units.

22. The SAP Commissioner and cover-ups
These concerns led directly to a top level meeting with the SAP. It is evident that by November 1988 the military regarded continued SADF support for the taking of offensive actions as an unacceptably high security risk. Attempts to secure greater police intervention in the cover-up of crimes committed by Caprivi Trainees were not successful. The Commissioner of Police Johan van der Merwe and his deputy Basie Smit were not willing to assist beyond arranging bail and then assisting in the concealing of the members from detection. Since the SAP could not provide absolute guarantees in this regard as set out in point 3:

"..Help nie om beloftes te maak wat onuitvoerbaar is"

it was decided that the whole group should be demobilised into the KZP (pt 9). Steps were then taken to 'demobilise' the para-military unit and most Marion members were eventually placed into the KwaZulu Police during June 1989. Buthelezi and Khumalo however reportedly opposed the withdrawal of military support for offensive steps. This was the reason why - after some 2 and half years - the group was placed into the KZP.

Note the covering letter to the Nov 88 meetings which referred to a movement away from offensive actions to mobilisation steps.

Why, if offensive steps only involved lawful and protective measures, did the military want to move away from support for offensive steps? Particularly in the light of the deteriorating situation for Inkatha (which is evident from the documents) these so-called protective actions should have been stepped up, not phased out. It appears to make little sense, unless of course offensive steps were in fact offensive steps.

23. Buchner and the choosing of targets

In a meeting held on 28 November 1988 between Security Branch commanders and DST officers, Brigadier Jac Buchner of the SB was reported saying that

"Inkatha must not know that we are choosing targets".

Van Niekerk who attended the meeting made the following entry in his diary:

"Must we rather not go for lower level targets that make less waves".

Also at the 28 November 1988 meeting with the Security Branch Para 17: It was stated that the Marion members should only talk to security branch members.

If they were engaged in bona fide protective actions why should they not have dealt with normal uniform and detective branch members?

24. Offensive actions and hit squads

On 31st October 1989, Van Niekerk and Colonel Van den Berg met with Buthelezi. A report of this meeting dated 6 November 1989, was sent from Van Tonder to Putter. At paragraph 2c:

The Chief Minister expressed his concern over the situation in Mpumalanga and the fact that he was losing the "armed struggle". He referred to the "cell" - idea for offensive action which did not get off the ground.

At the same meeting, according to a document dated 2 May 1990, Buthelezi reportedly expressed concern that he was:

..losing the armed struggle and in that regard emphasized that "offensive steps" were still a necessity; meaning the deployment of "hit squads".

M Z Khumalo was reported as saying that at the very least Buthelezi still required:

"cells" which can take out undesirable members.
Attached to the memorandum was a document titled "Subjects for discussion". One of the subjects was:

"Offensive capability (cells) for Inkatha: In Oct 89 CM Buthelezi asked that Int Div reconsider the training of offensive cells for Inkatha seeing that an urgent requirement for these exists.

Buthelezi's request was taken to Malan who maintained that the 'violent option was a difficult matter'. The security risks were too high. Too bring this home to Buthelezi it was decided to take SAP detective branch commander, General Basie Smit to talk to him. Malan's explanation was put to Buthelezi by Van Tonder at a meeting with him held on 9 May 1990. These passages speak for themselves. The essential nature of offensive actions are set out in crisp terms. Needless to say the documents reflect no crisis or surprise following the reported remarks of Buthelezi.

It is hardly surprising that the military have no way of explaining away such crisp references. It says volumes about the attempts to portray the taking of offensive steps as protective in nature. Under the circumstances the description of the offensive capacity in the 14 February 1986 document could only have been referring to its pre-emptive nature. The documents then are not contradictory. The same goes for the 16 October 1986 document dealing with Buthelezi's concerns around the paying of legal costs for those committing offensive actions. If that document is to be reconciled with the rest it can only be read as Buthelezi not wanting to be seen to be paying the legal fees of those committing unlawful actions.

24.1 The nature of offensive actions

Of course the very nature of a tiny offensive group ranging from a total 30 which was then reduced to 10 men is consistent with a group that takes planned initiatives - it is consistent with the activities of a hit squad.

25. Do not admit or deny. The spike

At the 9th May 1990 meeting Buthelezi was advised by Van Tonder not to admit or deny anything relating to Inkatha / SADF hit squad allegations made in the Vrye Weekblad. Buthelezi reportedly expressed concern that his nephew who had gone over to the ANC / UDF provides great propaganda value to the enemy. He requested to see 'Spyker' (spike/nail) in secret.

26. The closure of Op Marion

Khumalo was informed by Van den Berg and Van Niekerk on 4 December 1990 that the SADF intended terminating Operation Marion. Van den Berg's final meeting with Khumalo was on 23 January 1991. Van Tonder continued meetings with Buthelezi, the final meeting taking place on 16 July 1991.

It was an aim of Operation Marion to supply Inkatha with a capacity of 'self sufficiency'. Inkatha's offensive actions continued, often under the cover of the KwaZulu Police. The actions of the Esikaweni hit squad in the early 1990s is a case in point.

E. OFFENSIVE ACTIONS IN THE EARLY 1990s

1. Introduction

1. Offensive actions of the Caprivi Trainees continued under the cover of the KwaZulu Police force in the early 1990s. In at least one police district, at Esikaweni, a hit squad cell was formed around individual trainees. They were controlled by a local committee comprising IFP leaders and senior KwaZulu Police officers. The Esikaweni hit squad carried out a large number of attacks on ANC and COSATU individuals resulting in many deaths. The KwaZulu Police commander, Brigadier C P Mzimela ensured that their activities were covered up. It permitted the hit squad to act with absolute impunity. It conducted an unhindered and systematic reign of terror over a period of more than 2 years. The few KwaZulu Policemen who attempted to investigate were either murdered or intimidated from acting. Key figures in Inkatha and the KwaZulu Government at Ulundi, including a Cabinet Minister, Prince Gideon Zulu and the Secretary of the KwaZulu Legislative Assembly, M R Mzimela provided logistical support and direction to the hit squad. This was a finding made by the Supreme Court in the Mbambo matter for purposes of sentence. It is likely that the state of affairs in
Esikaweni in the early 1990s was replicated in other areas.

2. **Key role players from Operation Marion**

Key role players in Operation Marion continued to perform central functions with regard to the Esikaweni hit squad.

2.1 M Z Khumalo, who was in overall charge of the para-military capacity under Operation Marion, features in the Esikaweni hit squad. Luthuli reported to Khumalo once the squad had been established and continued to report to him on progress on other occasions.

2.2 Langeni was the commander of the Mkuze camp was placed in overall command of the Esikaweni Hit Squad. He was involved in the authorisation of specific hits. Mkhize reported to Langeni after operations.

2.3 Luthuli, the political commissar of the Caprivi Trainees played a key role in the setting up of the Esikaweni Hit Squad. He selected Gcina Mkhize to head up the squad and also recruited Israel Hlongwane and Zweli Dlamini.

2.4 Caprivi Trainees were the backbone of the operations. Offensive unit member, Constable Gcina Mkhize, headed up the squad. Zweli Dlamini was a member of the squad and was involved in numerous hits. Constable Paulos Ndlovu was involved in the attack on Mthimkhulu. Thomas Buthelezi supplied the squad with arms and ammunition from his home in Port Durnford.

- Given the seniority of the individuals involved, and the role played by Buthelezi in regard to the Caprivi trainees, the possibility arises that he and other senior IFP members were aware of the activities of the Esikaweni hit squad.

3. **The operations of the squad**

Prince Gideon Zulu (then KwaZulu Minister of Welfare and Pensions), B B Biyela (then Mayor of Esikaweni), Mrs Lindiwe Mbuyazi (prominent IFP member in Esikaweni), R Mkhize (then an employee of the IFP office in Empangeni), Chief Khayelihle Mathaba (then a KwaZulu Legislative Assembly member), M R Mzimela (then Secretary of the KLA), Khumalo, Luthuli and Langeni all played a role in establishing the Esikaweni Hit Squad and in supporting its activities. Support actions included general direction; the identification of some of the targets; the provision of arms and ammunition; vehicles; and the cover-up of crimes committed by the hit squad. Members of the hit squad included Constable Gcina Mkhize (as head), Constable Romeo Mbambo, Israel Hlongwane, Zweli Dlamini, Nhlakanipho Mathenjwa, Lucky Mbuyazi and Ben Mlambo. Hits carried out included:

3.1 the murder of Cosatu shop steward, April Taliwe Mkhwanazi, on 19 April 1992;

3.2 the murder of ANC activist, Naphtal Nxumalo, on 10 June 1992;

3.3 the attempted murders of ANC official, Welcome Mthimkhulu, and Thabile Shezi, Gladness Mbuyazi, Sibongile Sithole and Muntuza Sithole on 24 July 1992;

3.4 the murders of D/Sgt M A Khumalo and John Mabika on 27 November 1992. Khumalo was investigating murders carried out by the hit squad.

3.5 the attempted murder of Eshowe ANC chairperson, Samuel Nxumalo, during 1993;

3.6 the murder of M D Mpanza on 27 July 1993. Mpanza was the brother of an active Cosatu activist.

3.7 the counts of murder and attempted murder that hit squad members Mkhize, Mbambo and Hlongwane were convicted for in the matter of S v Mbambo:

3.7.1 the murder of Nkosinathi Emmanuel Gumede in Durban on 27 May 1993;

3.7.2 the attempted murder of Lamula Makhanye at Esikaweni on the night of 19th/20th June 1993;
3.7.3 the murders of Velenkosini, Sipho Mzimela, Bafana Jele, Sibusiso Mdluli and Muzikwakhe Ngocobo at Esikaweni on 19th/20th June 1993;

3.7.4 the murder of Segeant Dumisani Solomon Dlamini on the night of 19th/20th June 1993 at Esikaweni.

4. The KZP and cover-ups

Lt-Gen Roy During ("During"), who was Commissioner of the KwaZulu Police between October 1992 and July 1994, had the following to say about Brigadier C P Mzimela ("Mzimela"):

... information which came to my attention gave rise to strong suspicions that Brig Mzimela was involved in the activities of hit squads suspected to be responsible for several acts of violence in the Esikhawini district. His inability or failure to address the problems in his area coupled with his conduct in certain instances amounted to my mind to a serious dereliction of his duties and the undermining of my authority as Commissioner.

During attempted to transfer Mzimela out of Esikaweni. According to During, senior KZP detectives at the scene of an attack in Esikhawini in December 1992 in which six people were shot dead, suspected the involvement of members of the KZP in the attack, but were reluctant to talk, stating openly that they feared for their own safety. During then summoned Brigadier Mzimela to his office on 3 February 1993 and expressed his concern that officers were implicated in attacks in Mzimela's area and that G3s firearms were used in the attacks. Mzimela, according to During, failed to respond to his request to investigate the matter further. During again summoned Mzimela to his office and announced that he intended to transfer him given his "misgivings concerning his ability or willingness to address the situation". During records that Mzimela then approached Buthelezi to protest the impending transfer. As a result, During himself was summoned to Buthelezi's office where he was told, in the presence of Mzimela, to explain his actions. During adds

During the meeting Brigadier Mzimela's position as tribal Induna came to the fore and his strong tribal support and IFP ties, coupled with a strong anti-ANC stance were quite evident. It was clearly stated that to transfer Brigadier Mzimela from the district of Esikhawini would be, politically speaking, a severe setback for the IFP and would be regarded as a victory for the ANC, who had for some time been demanding his removal from the area. The Chief Minister then indicated to me that he would not wish to interfere with my administration of the KZP but asked me to reconsider my decision in light of the political implications involved.

- In the circumstances a suspicion arises that Buthelezi intervened in the situation to safeguard Mzimela's position in order to ensure that Mzimela could continue with his damage control measures in respect of the Esikaweni hit squad.

F. CONCLUSION

I believe that the Commission should have no difficulty in coming to the conclusion that the Luthulis and Mkhizes, the men on the ground and on the front line, were not conducting a series of unconnected private frolics; but in fact acted at the behest of the most powerful individuals within the apartheid state and its surrogate homeland structures.

It is evident that the actions that flowed out of Operation Marion did not only include criminal offenses such as murder. By necessity the cover up of crimes was the order of the day. As has been pointed out this involved senior politicians and the highest police and military officers, including the Commissioner of Police himself. This deception continues through to today. Most role players have chosen to rely on the unlikelihood of an inadequate and over stretched prosecutorial service ever getting its act together to bring thorough and effective prosecutions in such cases. They rely further on what can be referred to as 'plausible deniability' or the 'blind eye' syndrome. This involves placing some distance between the acts on the ground and the decisions taken at the highest levels. The refrain has often be heard that the highest leaders and officers could not have been expected to know what was going on the ground - and if atrocities did take place this was the work of a few 'rotten apples'.

I believe however that this submission has set out a story, which reveals an unbreakable and consistent connection
between the decisions and strategies decided upon at the level of the SSC and higher levels, with the explicit references in the documents of Operations like Marion, Katzen and the CCB, and with the actions on the ground. If one is to refer to rot, then it was part of the system itself, which was infected from top to bottom.

I may add that I am somewhat perplexed as to why these role players continue with their charade. Apart from the fact that few are persuaded by their denials, all sides adopted strategies which were designed to win the war. During this war the 'struggle' was seen by all participants as a life and death struggle. Tactics used by all sides included violence and terror, which resulted in loss of life. I think few would dispute that the overall aim of all sides to the conflict, aside from their respective political objectives, was to protect their supporters from attack and oppression.

The deception presumably continues in an endeavour to preserve the image of key political leaders. It is a futile exercise. Credibility and statesmanship, in these circumstances, emerges from being open and honest with the entire nation. The endeavour to confine culpability to the foot soldiers involved does a great disservice to these men. They are passed off as thugs and criminals. They are prevented from coming to terms with their actions. The spinning of webs of deceit and half truths also does a great disservice to the nation itself, as it retards the process of South Africa reconciling itself with its past. It will however not stop this process.

While the acts carried out by members of hit squads can only be described as horrific, when seen in context, they are understandable. The actions carried out by hit squads to further a political purpose ought to be seen in context.

The bulk of the activities I have described took place within state structures and its security and policing organs. This culture of impunity and lawlessness still impacts on society today. Those in public office and in the service of the state should, above all others, comply with the laws of the land. They should be subject to the greatest scrutiny. Never again should they be permitted to get away with transgressions of the law.

There were many during these dark years who in their different situations did what they could to bring about peace and justice. Apart from those in civil society, you will find such people even in institutions like the SA Police, the KwaZulu Police and the military. They played such roles at great risk and sacrifice to themselves. The Commission should find a way of acknowledging these individuals. The record would be incomplete without their stories.

Howard Varney

Durban, 4 August 1997
Gender and the Truth and Reconciliation Commission

A submission to the Truth and Reconciliation Commission

Prepared by Beth Goldblatt and Shiela Meintjes

May 1996

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CONTENTS

A. INTRODUCTION

B. WHY GENDER?

C. AN HISTORICAL ANALYSIS OF WOMEN'S EXPERIENCE OF REPRESSION, RESISTANCE AND TORTURE

   THE 1960s
   THE 1970s
   THE 1980s

D. HUMAN RIGHTS VIOLATIONS - A GENDER PERSPECTIVE

   I. UNDERSTANDING GENDER AND POLITICAL VIOLENCE
      1. WOMEN AS DIRECT AND INDIRECT VICTIMS OF APARTHEID
      2. CONSTRUCTIONS OF GENDER IN PRISON: THE WAYS IN WHICH WOMEN EXPERIENCED TORTURE
      3. THE IMPACT OF RACE AND CLASS ON WOMEN'S EXPERIENCE OF POLITICAL VIOLENCE
      4. WOMEN AS PERPETRATORS
   II. SITES OF POLITICAL VIOLENCE
      1. GENDER AND TOWNSHIP VIOLENCE
      2. VIOLENCE IN KWA-ZULU/NATAL
      3. HOSTEL/THIRD FORCE VIOLENCE
      4. VIOLENCE AGAINST WOMEN IN NEIGHBOURING STATES
      5. GENDERED VIOLENCE IN THE LIBERATION MOVEMENTS

E. AMNESTY AND GENDER
A submission to the Truth and Reconciliation Commission prepared by:

Beth Goldblatt and Sheila Meintjes

May 1996

A. INTRODUCTION

The Truth and Reconciliation Commission (TRC) will play an extremely significant role in shaping South Africa's collective understanding of our painful past. It will also have to deal with the individual victims, survivors and perpetrators who come before it and will have to consider important matters relating to reparation and rehabilitation. All South Africans will in one way or another be touched by the truth and reconciliation process. We will argue that by viewing our past through a gendered lens we gain a deeper understanding of how our particular history has shaped the lives of all South Africans.

A gendered approach requires that we look at the way society locates women and men in relation to all areas of their lives, such as the workplace, the domestic sphere and the civic life of the community. In South Africa, race, class and gender have together, but in different ways, structured social relationships. In this conceptualisation, women's experience cannot be understood in isolation from men's, but as a consequence of the interrelationship of women and men's roles and statuses in society generally. In the past and the present women have been and are subordinated to men. This constrains the full development of men as well as women. To transform this imbalance will require measures directed at restructuring all social relationships in all spheres of society.

It is with this understanding that we may be better able to construct a new society based on a human rights culture which allows all people, women and men, to contribute fully to society and develop to their full human potential.

This submission was initiated at a workshop held on the 19th March, 1996 at the University of the Witwatersrand. The workshop, entitled "Gender and the Truth and Reconciliation Commission" was called by the Centre for Applied Legal Studies to further develop a process of thought about the gender issues facing the Commission. A number of psychologists, lawyers, members of Non-Governmental Organisations, members of the Gauteng Legislature and representatives of the Commission were...
present. The workshop, while simply a collection of interested people, included representatives from each of the four regions of the TRC. The participants felt that the issues raised in the workshop should be placed before the TRC in a formal submission. We hope that this submission will be of assistance to the Commission in fulfilling its important role.

This submission is intended only as a starting point to aid the Commission in understanding how gender forms part of the truth and reconciliation process. We have explored some of the issues that need to be looked at further and we certainly do not believe that this is the final word on any aspect covered in the submission. We have drawn upon comparative literature in an endeavour to provide a framework within which to understand how gender has affected women's experience during the three decades that form the review period of the Truth and Reconciliation Commission. We have drawn upon the work of people who have written about their own or other people's experiences of human rights abuses. We have also interviewed a number of women whose experience we believed would be useful in helping us to draw out possible trends during the three decades which are the concern of the TRC. This framework will need to be further developed and refined as more evidence of this gendered experience becomes available in the course of the Commission's hearings.

The interviews we conducted were in-depth, where our informants gave of their time and spoke openly and frankly about their experiences. We wish to acknowledge the assistance given by all of these remarkable women whose insights provide the major substance of this submission.

We have focused on the experience of women alone and have not explored how gender structured the male experience of our past. We acknowledge that by not exploring how men's experience was gendered, we are omitting an important aspect of a gender analysis of our past. We have only looked at women's experience because we believe that it is women's voices that are most often ignored. Failure to approach the experience of human rights abuses through a gendered lens will lead to the neglect of women's experience of abuse and torture, for these are often seen as a male preserve. We have already seen women in TRC hearings emphasise men's experiences of violence rather than their own. This distorts the reality which was that women too were direct victims of past abuses. While a gender analysis involves examining men and women's differing experiences we have chosen to focus on women's experiences lest they be omitted. We would urge that further studies be undertaken to explore male gender constructions in the experiences of our past.

We do not intend to suggest that men were not also subjected to torture, nor, as the evidence which will be presented here will show, that men, like women, were not also subjected to sexual torture. Men and women experienced sexual torture: electric shocks to genitals, and to women's breasts were commonplace. Both men and women were brutally beaten; slammed against floors and walls; flung around on beams; deprived of sleep; forced to stand or to sit on imaginary chairs for hours; teargassed; held in solitary confinement for months on end and forced to endure days of endless interrogation and even killed. But the nature of these experiences, even the sexual aspects, were felt differently. Assaults on pregnant women, which led to miscarriage, body searches, vaginal examinations, were all assaults on the sexuality and sexual identity of women. Our intention is to show that gender was a key aspect in the power relations which pertained in detention and in prisons in South Africa. We wish to show that there was a keen awareness by the police of the nature of gender power relations, and how this could be used to threaten and engender fear in
their victims. Tactics used against women changed considerably during the period under review, as we will show.

The submission begins by examining the reasons for developing a gender analysis of political violence. We then outline our historical analysis of women's role in resistance and their experience of repression and torture from the 1960s to the present. We then examine the three areas of the TRC's work ie: human rights violations, amnesty and reparations and rehabilitation. Within our examination of human rights violations we explore the gendered experiences of victims in a range of situations of political violence. Finally, we suggest that the findings of this report have certain practical implications for the TRC and we make certain proposals in this regard.

B. WHY GENDER?

Gender refers to the social construction of masculinity and femininity, not to the sexual differences between men and women. The purpose of emphasising gender relationships is to highlight the particular manner in which women have been subordinated and oppressed through socially constructed differences. Indeed, gender differences have meant that South African men and women have often experienced our history in different ways. In South Africa, as in most societies in the world, women have been accorded identities which cast them in particular social roles which have restricted their civil and political status. Intersecting with gender are also race, class and other identities, such as ethnic and religious allegiances. These form the basis of the 'public-private' divide, which has given to men the role of civil and political representative of the household, to the exclusion of women.

Patriarchy refers to the social, political and economic system which provides men with unequal power and authority in relation to women in society. Patriarchy existed in pre-colonial societies, and interacted with colonialism to create specific forms of gender subordination in South Africa. Interlaced with the racial and class development of our country, patriarchy has wound its bonds around South African women. As with other forms of social and political control, dominance of women has often been enforced by violence. While apartheid defined blacks as secondary political and civil subjects, women were given an even further diminished social and legal status through both the customary and the common law and other social mechanisms. It is this social imbalance which has enabled men to devalue women and which can be linked to the prevalence of abusive and oppressive treatment of women and girls in our society.

Thus, within the exclusions of customary law, for instance, women were given a secondary status as minors, excluding women from rights of guardianship over children and the right to own property, amongst other things. The common law excluded white women from guardianship and various economic rights so that they, too, were treated as secondary citizens. Although specific advances were made in the first half of the twentieth century, for instance white women received the vote and were given property rights, it was not until the introduction of the equality clause in the new Constitution that all women in South Africa were given formal recognition as equal citizens. However, social norms have not advanced in line with the Constitution and women still find themselves politically and economically disadvantaged and remain the victims of violence and discrimination. Women-headed households are significantly poorer in all race groups. Women make up a disproportional section of the unemployed and are amongst the lowest paid in most industries. Incidents of rape and domestic violence are extremely high in South
Africa. Women make up almost a third of the Parliament but a recent study has shown that their effective participation is much lower.

Our key concern in this paper is to show how gender is an integral component of social analysis. This will provide a fuller understanding of our past and will also enable the TRC to carefully consider the manner in which it conducts its functions. This will impact on the way in which we shape gender relations in our society in the future.

C. AN HISTORICAL ANALYSIS OF WOMEN'S EXPERIENCE OF REPRESSION, RESISTANCE AND TORTURE

The history and development of South Africa since colonial rule is the history of conquest and the institutionalising of racial discrimination and subordination. Less emphasised, but equally important, has been the way in which patriarchal power relations were integrated and used to bolster the power of the oppressors within indigenous communities. Patriarchy, that system of power and authority wielded by men throughout history, was embedded within the social fabric of apartheid in particular ways and meant that women and men from different racial, class and cultural backgrounds experienced life very differently. In this section we do not attempt a comparative analysis of the experience of women and men in a systematic manner. Rather we are concerned here to emphasise women's experience of the system where we believe it to have especially violated their rights during the last three decades. Some of these excesses were experienced equally by men but as we have explained, we have chosen to highlight women in this paper.

This section explains how women's experience of apartheid repression changed during the 1960s, 1970s and 1980s as the nature and scale of organised popular opposition grew. The early 1960s saw the end of open, constitutional opposition and the espousal of armed struggle. The end of the decade witnessed the emergence of a new black consciousness movement driven by a generation of intellectuals educated within apartheid's Bantu education system. This included numbers of women journalists, teachers, and doctors, amongst others. In the 1970s, an independent trade union movement grew from massive strikes in 1973, which included large sectors dominated by women workers. The 1976 Soweto riots drew school children into the growing mass opposition to apartheid. A tidal wave of young people, women as well as men, left the country for the camps of the country's guerilla armies based in exile. By the 1980s, international condemnation of apartheid coincided with the emergence of a broad front of internally organised opponents of the apartheid regime. Amongst them were independent regional women's organisations, whose objectives embraced national liberation together with the eradication of gender discrimination.

The 1960s.

Apartheid, as with earlier forms of domination and control, was founded on and reinforced by violence. The period from 1960, the era which forms the starting point for the Truth and Reconciliation Commission, has been described by Deborah Posel, as the second phase of apartheid, a period which entrenched the notion of 'Separate Development'. During this period women found themselves in a less secure position than men in relation to opportunities for employment, in relation to security of tenure or access to housing. Influx control limited women's mobility more than men's. Forced removals constituted one element of the fulfilment of apartheid, another was the creation of 'ethnic homelands', which provided the context for the development of a collaborative bureaucratic elite, surrogates of the apartheid state. This was a period
which had devastating consequences upon the lives of black people. Whole communities were uprooted from land which many of them owned and were dumped in inhospitable environments without adequate infrastructure.

Families were torn apart and impoverished as migrant labour regulations prevented women from joining working husbands in the towns. Women were left in rural areas dependent upon remittances from their migrant husbands. Rural women were prevented from seeking work independently in the urban areas, or from joining their husbands. Single sex hostels in these areas made it impossible for rural wives and husbands to maintain family life. Children often lived with grandparents and seldom saw their parents. Women in urban areas, with permanent rights of settlement, were prevented from obtaining housing on their own account. Single women, heads of families, and widows were the subject of considerable abuse by both the state and by members of their own extended families. Many a widow was forced out of her home within weeks of her husband's death because of the law, to spend the rest of her life as an exploited 'tenant' in someone else's backyard. Often she was simply "endorsed out" to a rural settlement. Her basic human rights to security and freedom of movement, to freedom from want, were violated by apartheid law.

The 1960s were a period of intense repression, following the vitality of protest movements to the pass laws and to the introduction of Bantu Education and apartheid. The period benefitted from a global economic resurgence. At the same time, influx control was a major focus of government policy. Endorsements out of urban areas became widespread - between January 1959 and March 1962, 7280 women and 18931 men were returned to the homelands from the Cape Peninsular alone, an area where the Coloured Labour Preference policy was rigidly enforced. The African National Congress and the Pan African Congress were both banned after the Sharpeville massacre in March 1960, events which significantly altered the scale of public opposition to state controls. Eight women, ten children and fifty one men were killed at Sharpeville. A state of emergency was declared during which more than 10 000 people were detained.

It seems clear that methods of interrogation changed after the State of Emergency. Mass arrests had given people a chance to consolidate their collective identity into a community of opposition. The state developed strategies aimed at undermining the possibilities for coherent and collective action. In particular, more sophisticated and psychological methods of interrogation were developed. With the introduction of new measures in 1963 which allowed for 90 days detention without trial, a new, more sinister era opened for detainees. In 1965, this was increased to 180 days detention. The Terrorism Act of 1967 entrenched the powers of the state for purposes of deterring all internal opposition.

Techniques of mental torture developed during the 1960s as the Security Branch learned about assaulting the mind during periods of extended isolation in detention. The experience of black and white people was very different. The police were not shy to use brute force against black women. Hilda Bernstein has described the experience of beating, house burning, destruction of possessions endured by the women of Zeerust, for instance, in their struggle against the pass laws and the Bantu Authorities in the 1950s.

Albertina Sisulu spent years restricted by banning orders and house arrest in her home in Orlando. She was held in solitary confinement on several occasions, in 1963 for three months and again in 1981 and in 1985. In 1963 both she and her young son Zwelakhe were detained under the Suppression of Communism Act in order for the
Security Branch (SB) to try and find the whereabouts of Walter Sisulu, who was in hiding. She described the mental torture by her captors, who would taunt her with lies about the severe illness and subsequent death of her youngest child. But for Albertina Sisulu, personal concerns were not an issue, and although she was clear about the centrality of her role as wife and mother, her struggle against the repression and oppression of the state and its legislative apparatus was always a 'national' struggle, and her own will subject to the collective will of the nation.

It is not clear why a prominent person like Albertina Sisulu was not assaulted at any time during her frequent detentions and continuous police harassment. Other women were not so fortunate. Rita Ndzanga had been an active trade unionist during the 1950s, and she and her husband were members of South African Congress of Trade Unions. In December 1969 she and her husband were detained under the Suppression of Communism Act, their children left for months without parents. She recounted her experience in detention:

They dragged me to another room, hitting me with their open hands all the time...they ordered me to take off my shoes and stand on three bricks. I refused to stand on the bricks. One of the white Security Police climbed on a chair and pulled me by my hair, dropped me on the bricks. I fell down and hit a gas pipe. The same man pulled me up by my hair again, jerked me and I again fell on the metal gas pipe. They threw water on my face. The man who pulled me by the hair had his hands full of my hair...I managed to stand up and then they said: "on the bricks!"...and they hit me again while I was on the bricks. I fell. They again poured water on me.

Neither the torture of detention, nor the death of her husband, Lawrence Ndzanga, in detention in January 1977, deterred Rita Ndzanga's continued involvement in the trade union movement, and in resistance to state repression.

Ruth First has described her diabolical experience of personal disintegration in her book 117 Days, where she felt so wretched about giving in to write a statement that she tried to kill herself. More than twenty years later, another member of the South African Communist Party, Jenny Schreiner, also described her breaking point as when she agreed to make a statement. Schreiner also tried to end her life. But Ruth First was not assaulted as far as we can establish, nor were other white women detainees of those early 1960s detentions. The exception was Stephanie Kemp, who was the first white woman to be assaulted in detention in 1963. This changed dramatically after the emergence of SASO in 1968 and during the 1970s. And by the 1980s race was no longer a factor in brutality when Ruth First was murdered by a parcel bomb sent by South African agents in Mozambique.

Whilst white women may not have experienced the same levels of physical abuse, they were subject to continual harassment in other ways. Helen Joseph, for instance, was silenced and politically ham-strung by banning, listing and house arrest. Indian women, too, experienced continuous police harassment and intimidation. Amina Cachalia described to us the way in which the police threatened her and her children, as well as her husband, when they raided their home:

During the sixty's, as early as 1961, everything was in uproar. The ANC and the PAC are the organisations (concerned), and soon after they clamped down on house arrests and bannings... It had a more individual effect on families and people...it was a psychological warfare...because it really clamped down on us in that fashion.

It had a very detrimental effect on my children. We had decided at some stage to send...
the children to boarding school because of the continuous harassment by police. Security police came to the house on a daily basis, at any time of the day and night. The kids were absolutely beside themselves with fear that either their father or I would be taken away...We thought if we sent the kids away to boarding school it might save them that terrible life that they were going through with us.

During the 1960s the methods of banning organisations and individuals, listing people whose activities were seen as a danger to the state, and employing house arrest were all used to demobilise people and organisational activity. Banishment was also frequently used. Frances Baard, a trade unionist who had spent her working life in the Eastern Cape was banished to Mabopane in the Transvaal. Here she was linguistically foreign, without shelter, far from her home and family. She describes her experience in moving terms:

They got this place in Pretoria for me...a little dirty place: it was a two-roomed house. Not a house, a shack, and I was put in there. I had nothing with me from jail - only the clothes I was wearing...There was no blanket, nothing. It was very cold...I didn't even know a person in that place, I couldn't even speak the language of the people there. Since I was brought there by the S.B.(Security Branch) the people were afraid of me, to talk to me...

Persecuted for refusing to take a pass, flung into a hostile environment, Frances Baard, just released from prison, was penniless and jobless. At home in Port Elizabeth, her house was appropriated, her furniture removed. Her children were thrown into the street, one also arrested and jailed for being without a pass. Political activity became personally dangerous, and activists risked extended periods of detention and harassment. This was the case for many people who had been part of organisations now banned, like the ANC Women's League. By 1963 the Federation of South African Women was effectively defunct as a result of state action against its member organisations and individuals.

The 1960s ended, then, with a significant shift in methods of torturing women. Solitary confinement in indefinite detention without trial was combined with psychological and physical torture. Sleep deprivation, standing for long periods and repeated assaults were among the methods used. Further research needs to establish the numbers of women detained during this period, and the conditions of their detention.

The 1970s

Black Consciousness (BC) emerged during the latter part of the 1960s as a new political and ideological current, to become the strongest internal influence on black politics until the resurgence of trade unionism after 1973. "BC stressed the need for blacks to reject liberal white tutelage, the assertion of a black cultural identity, psychological liberation from notions of inferiority, and the unity of all blacks including 'coloureds' and 'Indians'" , argued Jonathan Hyslop. Its origins lie in the South African Student's Organisation (SASO) led by Steve Biko and others including a number of women intellectuals. Its manifestation amongst the youth in fostering confidence was particularly important. In addition, and an aspect not brought out by Hyslop and others, was the significant support given to the youth by adult women. This occurred not simply at the individual level, though this was important, but took the form of organisation. In 1975 the Black Women's Federation (BWF) had been formed to bring black women together in a broad front to create opportunities for themselves, and to reject Bantu Education. In 1976, in the wake of the Soweto
uprising, the Black Parents Association was formed. Even initially, during the peaceful demonstrations, parents supported the pupils. But what really thrust the parents into action was the brutal police killings...Nobody expected the cold-blooded murder of young children. So besides their solidarity with young people they were angered - and their hatred and rejection of the whole system came to the surface. They were completely with the students in their militancy.

Of further significance during the 1970s was the emergence of a burgeoning trade union movement after widespread, and successful, strikes in 1973 and 1974, beginning in Durban, and developing in the East Rand and Eastern Cape. In few of the accounts of these developments does the role and participation of women workers appear. Hilda Bernstein's short history of women's experience of apartheid, provides little evidence for women's involvement in trade union activity, nor the extent of their persecution by both employers and the state. But Bernstein does show that in all the arrests and detentions, women were amongst those rounded up, detained and assaulted.

Methods of torture had by the 1970s assumed a much more violent form against those in opposition. Detention and the process of interrogation was one which involved the most callous and vicious forms of assault, and did not exclude women on the basis of their sex. Thenjiwe Mtintso, a former journalist, member of SASO and later a commander in Umkhonto we Sizwe (MK), described her experience of detention and interrogation as one of constant physical assault and abuse of her womanhood. Mtintso's account of detention shows that in the early days of SASO, women were initially treated by the Security Branch as if they were simply the bed-fellows of the men. There was no perception that women might be equal players in the struggle against the apartheid system. However, this view changed as women proved to be stubborn subjects in detention. Women began to experience similar physical assault to men, which included punches in the face and all over the body. However, Mtintso also suggested that women received a lot of severe blows, either from punches or from kicks, in the area of the womb. She also describes how there were on occasions threats of rape, though she was never in fact raped. However, the assaults were brutal and continuous. For instance during her second detention, in 1976, her head was repeatedly banged against a wall for a whole day by successive members of the torture team. She says that although she cannot prove the connection, the most searing headaches have dogged her ever since.

Joyce Dipale, another Black Consciousness leader, had been kept in solitary confinement during 1976 and 1977 for 500 days. Her graphic description of being tortured by a method known as the 'horse' indicates that by this time women were being subjected to similar brutal treatment as their male colleagues. Hilda Bernstein wrote about Dipale's experience:

She was subject to many agonizing forms of torture, including the 'horse'- she was handcuffed to a pole and swung round and round until she lost consciousness - electric shocks on her bare breasts, buttocks and genitals ('I got used to the pain but never the humiliation'); beatings; prolonged standing with deprivation of sleep, food and water; and being kept in a dark room, she does not know for how long - 'I lost touch with time'.

The combination of physical and sexual torture is evident from both Dipale's and Mtintso's detention experience. Men also experienced torture of their genitals and no doubt psychological attack on their masculinity as well. But as we have indicated, our
aim is to highlight women's experience. During the 1970s, combined with ordinary forms of physical torture, were also quite specific and systematic sexual forms of torture which women found more difficult to cope with than simply being hit or battered.

The sexual dimensions of gender power relations found expression also in the experience of women within political movements. Men from all quarters found it difficult to accept women's growing prominence in political movements. For instance, after she went into exile, Mtintso describes some of the difficulties she faced as a woman in maintaining discipline amongst her comrades. Although she became a senior commander in MK, she experienced forms of sexual harassment which she attributes to the cultural norms within South African society. Men found it difficult to take orders from a woman, and attempted to undermine her authority by using sexual innuendo. Unlike others, she was in a strong enough position to be able to effectively counter this with threats of her own.

**The 1980s**

During the 1980s, the context of resistance had profoundly changed. International hostility had grown considerably, and in spite of British, French and United States' reluctance to take a strong stand against apartheid, an international boycott movement had got under way. Moreover, internal organisation and opposition forces had grown in scale. The South African regime was forced into cosmetic attempts to reform the worst aspects of apartheid. In the context of a combination of reform and repression, internal opposition movements became more strategically organised, and a strong mass movement emerged. Alliances across race and class barriers developed which threatened the cohesion of the apartheid state. State repression became more violent, with the state increasingly supporting reactionary forces within the homelands. The ANC and PAC began to step up their guerilla attacks.

From the mid-1980s the struggle for competing control escalated into what some analysts have termed a civil war. In conditions of war, civil war, or in situations where people were involved in what they conceived to be a political struggle for control over terrain or over resources - in South Africa this was also constructed in ethnic terms, as in the township struggles between hostel and town dwellers - militarised constructions of masculinity and femininity became more pronounced, in spite of counterveiling forces within MK, where it was well known that women were soldiers and commanders. Women increasingly became drawn into the violence which grew throughout South Africa, as activists themselves, or as indirect victims. In the latter case, on all sides of the conflict, women become ideological objects, as both desirable and thus to be protected as nurturers, lovers and wives or to be captured to show the other side's inefficacy in that role. The kidnapping of young women to serve as sex slaves in the hostels is one example. So humiliation of women was at times used to humiliate opponents.

Although these may have been the interpretations that men placed on the role of women, women themselves put a quite different construction upon their own actions. Even though women's role in resistance has often seen them defined within their maternal function, women have used this as a means of lifting themselves out of the private realm and entering the public arena. This has had the effect of politicising private issues and placing women's pain at the loss, abduction and attack on themselves and their families on the oppositional agenda.

But while women were increasingly prominent in struggles against apartheid,
methods of sexual torture during the 1980s assumed greater prominence in women's testimony. In our research there is evidence to suggest that women's sexuality was used to undermine their identity and integrity as human beings during their interrogations.

Elaine Mohammed gives graphic detail of the threat that sexual innuendo played in her detention 1982. She was just twenty one, a University student and a member of the Black Student's Society, when she was detained for organising a meeting to commemorate the founding of the South African Communist Party. She describes an ambience of sexual terrorism imposed by the Security Police in their dealings with her. She also felt extreme vulnerability when she began menstruating in detention:

A policeman came into my cell and said,"You're not allowed tampons in here. You have to wear pads." And he shook the pad and hit it against the wall saying, "Put it on." I found this incredibly threatening. The first week I wasn't allowed to wash or have any change of clothing. After that when they brought in my fresh underwear, they flung it around and said how very small my panties were. I felt far more vulnerable with these kinds of experiences than when I was actually threatened.

Some women had endured the most sadistic torture. Mohamed describes how one woman she knew "-had rats pushed into her vagina as a means of torturing her".

Rats would come into Mohamed's cell at night and eat the soiled pads. This was linked in her mind with her friend's experience, and became an enduring nightmare.

So I'd just pick up the bits of my pads, but that experience was terror for me. I always felt that the rats were gnawing at me. But how could I explain to someone that I found that more threatening than someone hitting me? It's those kinds of experiences that I couldn't talk about for a long time. Some of them I still can't talk about.

It was not only men who were involved in this strategy of attacking detainees sexuality. Mohamed expresses her disappointment at the participation of women police in these sexual tactics:

I felt very betrayed by what the women police did to me in prison, because I expected more of women. I always liked my breasts because they are very firm. The policewomen would flick them with their nails on my nipples, saying, "It's a shame nobody wants you. You've obviously never had a boyfriend. No one touched these breasts, else why are they so firm?" I found this incredibly humiliating.

Men and women police were accomplices in degrading detainees sexually:

I was body-searched twice a day every day at the Fort, which was also very humiliating. They made me stand astride and do star jumps to check that I wasn't hiding anything in my vagina. I remember police-women making me strip in front of men and people laughing at me...When they didn't strip me, they'd feel through my clothes, slipping a hand into my pants and bra. I found this much more traumatic than stripping...

Nor was it only the police who were involved in this system of sexual harassment. Mohamed describes the behaviour of the District Surgeon who visited the prison:

I remember lying on the bed with the prison doctor leaning over me and putting his forearm between my legs to examine my throat. When I stood on the scale to be weighed, he ran his hand over my behind and up between my legs and told me to
walk across the room undressed. I found this traumatic because a doctor is someone I normally trust.

Lydia Kompe describes how the bantustan police were able to brazenly terrorize and torture during the 1980s. They taunted her and used her womanhood against her in their interrogation:

They came in numbers I'm sure there were about 20 well armed police and in the same village there was a police station which was like a camp where they were torturing people and we were taken to that torture camp... The majority of us were woman and they even took Patsy's young girl of about 15 years. A beautiful young girl which I was worried about...They harassed me at that little office and I was very strong I was very adamant and they got very angry with me. They questioned me saying things like "you're such an old woman coming from an oppressive country" because they saw themselves as a different country... "What do you think your husband thinks about you? This is the reason why all the men are getting divorced. You will sleep for the whole six months alone because we're going to keep (you)." And I could hear the screams (of people) being tortured that were kept in those tents but they would never let me go and see what they were doing. It was worse than the central government torture, so people say.

She described how electric shocks were administered during torture by means of instruments powered by a generator specially brought to this rural area for the purpose. She describes how the police later took them to the police station. During the course of the night each young woman was called in turn to leave the cell. On their return, the women would not speak about what had happened to them but Kompe suspected that they had been abused or raped. She explained the failure of the young women to discuss these incidents in terms of the prevailing cultural view that sexual abuse is shameful and cannot be divulged.

During the later part of the 1980s, during successive States of Emergency, women were detained in large numbers. In the Fedtraw publication A woman's place is in the struggle not behind bars a long list of reported sexual assaults and torture on women are described. 12% percent of the State of Emergency detainees in 1986/7 were women. This amounted to 3050 women and girls. The violation of their identity and integrity, their sense of themselves as women, would all have been part of the form and content of their interrogation. In most cases, women will find it very difficult to speak of these kinds of attacks upon their identity in a public, let alone a private, forum. If any of them were raped, as many were, it will be virtually impossible for them to suffer the public humiliation that divulging such experience will entail.

What this brief history has tried to show is that during the three decades during which women were the victims of apartheid, they experienced repression in particular ways. Women's identities whether as mothers, as wives or sexual partners, or as independent beings were systematically abused. Women were abused by laws which blocked mobility, or prevented their acquiring land or houses in their own right, or which treated them as minors. Women were abused by societal norms which treated them as sexual objects, empowering men to treat them without respect, and to degrade their sexual integrity. These laws and norms legitimated the sexual abuse of women by men, particularly those who found themselves in positions of power and authority, such as the police. This meant that women's experience of detention and torture was "gendered" both because of how they were treated and because of their own subjective experience of their treatment.
This development of repression against women is not only worth understanding for historical purposes but affects the way in which the TRC should conduct itself in all areas. With this history as a backdrop we now look at how the TRC should address the question of gender throughout its work.

D. HUMAN RIGHTS VIOLATIONS - A GENDER PERSPECTIVE

The Promotion of Truth and Reconciliation Act defines "Gross violation of human rights" as comprising "the killing, abduction, torture or severe ill-treatment of any person".

We submit that the words "severe ill-treatment" should be interpreted to include a wide range of abuses which took place under apartheid. Detention without trial itself is severe ill-treatment. Imprisonment for treason against an unjust system is severe ill-treatment. Forced removals, pass arrests, confiscation of land, breaking up of families and even forcing people to undergo racially formulated education are all forms of severe ill-treatment.

Whilst it is important to emphasise the killing and torture in our past and the extraordinary suffering of opponents of apartheid, we need also to pause and recognise that the apartheid system itself violated the basic rights of human beings in ways that systematically destroyed their capacity to survive. In addition, the gendered dimensions of this system had an added dehumanising effect on many people's lives. The influx control system, lynch-pin of the migrant labour system, not only separated families, it also criminalised a huge number of men and women who were merely trying to be together and to find work to support themselves and their families. This experience often violated the integrity of individuals in devastating ways.

Lydia Kompe, a former trade unionist and campaigner for rural women's rights, and now a Member of Parliament, points to the multiple meanings and subjective understandings of violence during the apartheid years. She describes her experience of the system which gradually but systematically undermined her identity and her way of life. She lost her rural home, was forced to seek work in town as a domestic worker, where she could not live with her husband nor bring up her children in a family. What she describes is how the law, and its implementation and effects, were different for men and women. While men's lives were hard under apartheid, women suffered even greater economic burdens and social restrictions that oppressed them and caused suffering. To spend time with her husband meant risking arrest. He was twice arrested visiting her room in the suburbs where she was a domestic worker. Of her experience she says:

Can one actually say it's violence... It's not as serious as my husband being killed in jail. One would say, it's not like me having left my own country going to stay thirty years outside. So that's what I always say to myself, what is this violence? How can one express it to somebody who can actually feel sympathetic? What I'm telling you now is a story. I don't think it will be seen as violence. It's a story that this is how we lived in the past. And this was where it actually crippled me in my mind.

The system which Lydia Kompe describes is one which forced her to adopt illegality in order to survive and violated her sense of integrity. She shows how the pass laws had a particular impact on African women. While these laws also determined the movement of African men, they were even more harsh in their effect on women. Because of the nature of gendered social relations, women had primary responsibility for child care and support and were disadvantaged in their access to the labour
It was an internal violence... I lived in a society for many years using false identities for my survival because I was a victim of the influx control... I had to do away with my own African culture, with my own self and call myself a different thing so that I could come and work, because I was not allowed to work in the so-called proclaimed areas of Johannesburg, because I didn't qualify, I was a rural women. I had to use false names and false identities... The surname Kompe is not my surname, it is a false one... I respect that name because it made me bring up my children and send them to school.

Her story is one of dispossession and impoverishment. Deprived of the independence of small commodity production on the land, her family was forced to uproot itself to seek wages in the urban areas:

(The) Betterment scheme, which is another apartheid law I will never forgive and forget, because they made us what we are. We were so independent. My father had a lot of cattle, lots of pigs, lots of chickens... We never ate any bread unless my Mother grinded wheat to make us home-made bread. Sweet potato is the food we grew from. My father was exchanging sweet potato crops for livestock and all those things. That system destroyed them and we saw ourselves, my parents, growing poorer and poorer like somebody knowing he has cancer, one day he will die. That's exactly what happened to us. I did my Standard eight, my parents couldn't make it any more. They were forced to come to Johannesburg in their old age to come and work. That's why I am what I am. I can't speak English properly, I can't write English properly, I can't express myself like I want to express myself to people.

For Lydia Komape, the move to the city required violating her rural and African identity. She acquired a false identity as Lydia Kompe: "Komape was a Bantu name, which would have prohibited me from entering the urban areas". Yet she was tortured by the guilt associated with her new identity as a coloured woman, which gave her advantages over her black fellow-workers. She discovered that the coloured toilets were better than those for African women. It was this which led her to begin organising on the shop floor against the divisions imposed on workers by apartheid. She concludes by saying that "The system crippled me and my mind. I was committing a crime in order to survive, to avoid the crime of stealing".

Whilst this experience may not be a gross human rights violation in terms of a narrow reading of the definition in the Promotion of Truth and Reconciliation Act, in terms of the human suffering and psychological trauma involved, the system as a whole was a gross violation of the human rights of a whole society. Lydia Kompe's experience shows how not only apartheid as a system shaped South African's lives, but how gender fed into this experience and added to the burden suffered by black women. While both men and women suffered from all of these methods of social control, we have argued above that factoring gender into the apartheid equation produces a more complete understanding of South African history. In order to develop this understanding the TRC needs to locate itself within a more expansive reading of the definition of "gross human rights violations".

Some would argue that the Truth Commission is not the vehicle for pronouncing on such rights violations. The Land Court is being used to restore successful claimants to their improperly seized land. The Human Rights Commission, Gender Commission, Constitutional Court and Public Protector are fora for raising grievances and asking for relief. But will any of these bodies look back into our past
and acknowledge the suffering that so many experienced? One of the harshest legacies of apartheid is the poverty it caused and the worst victims of this poverty are women. Where do these women lodge their complaints? The Truth Commission needs to acknowledge all forms of past suffering in some way, even if its main attention must remain focused on the most extreme cases of violent rights abuses. The final report should locate the abuses within the context of the apartheid system as a whole and wherever possible, this context should be used to provide a backdrop for evidence that comes before the Commission. The way in which the final report is used to educate and inform future generations must be carefully considered. This could have a profound impact on the development of equality and a culture of respect for all people.

I. Understanding gender and political violence

1. Women as direct and indirect victims of Apartheid

The definition of victim in the Act also includes relatives or dependants of victims. This is very important since it locates wives, mothers and children in centre stage as having suffered "gross violations of human rights". It is important to see these women as primary, not secondary victims because they themselves suffered directly. It is indeed difficult to separate the psychological pain of a mother whose child has been tortured from the physical and psychological pain of the child itself. Both are victims in need of support and rehabilitation.

This is supported in the law of delict which has developed both in South Africa and elsewhere towards recognising that witnesses, relatives and others who find themselves in a relationship of proximity to someone who suffers direct harm are themselves able to claim pecuniary damages from the perpetrator. This is an acknowledgment by our law that the person who causes harm is liable to compensate the indirect victim who suffered trauma and harm as a result of that person's negligent or intentional act.

Economic loss

A further dimension of loss is the economic or material one. In poor families and communities, detention, imprisonment, exile and death in a family might have meant the difference between starvation and survival. Jesse Duarte emphasised this aspect when she spoke at a recent workshop on 'Gender and the TRC':

Women who lost their sons or daughters for example, at the time when they were just beginning to become economically active, have something to say to us as a society about having reared a child to a particular point and then that child is taken away from them without an explanation... Then there is the cultural perspective of the economic position of that particular family. It may be that that family did not need, or that person did not contribute to the financial security of any family. But in the minds of people right now they lost a potential breadwinner. It seems to me that that issue has been sidelined because it has been raised mainly by women. It also seems that women are (seen to be) raising it because they want to be paid for the contribution that their children made towards the struggle and that is not true. What is true is that there was that reality - that your breadwinner was taken away from you.

Responsibility for maintaining family life rested very much upon women's shoulders. This was the case for wives of political prisoners or detainees. June Mlangeni's experience echoes that of many women as she describes the impact of her husband's imprisonment:
We were young when Andrew was arrested and I was looking forward to the future with him... but it was torn apart by a government which separated two people who aimed to build a future together. After I saw him on Robben Island I became stronger, and I could cope better with the police harassment. Before I used to shiver when the knock came at 2am knocking from window to door, front and back doors ... and they knew that I was a woman alone in the house...When Andrew was arrested I was a housewife .. I started to work when Andrew was in prison and I took time off to go to court to listen to Andrew's case .. then my employers found out that my husband was one of the Rivonia Trialists, and I was fired.

**Cultural loss**

For women, the loss of a husband in struggle had a very significant impact on her status in her community. Widowhood could mean the loss of status. Again, Jesse Duarte pointed to this in her discussion, when she explained the cultural position of widows in society:

It's not so much the economic loss there that is the issue. It's actually the cultural loss and the loss of position within the community that begins to impact on people. I think that a lot of times repression is only understood to be the direct physical inflicted repression on a person not the repression of years afterwards. When women lose their husbands they become doubly repressed by your own community because you are a woman without standing in the present context of the South African cultural reality. Certainly in the eighties we had a number of reasons to provide constructive support to women who became widows at that time because they were almost illegitimized by the communities they came from. These women had no more standing and the son became the women's husband even if that woman was a very high-powered political activist. The minute her spouse or her partner was taken away that was the end of her.

In her testimony to the TRC, Sepati Mlangeni, the widow of Bheki Mlangeni, spoke of the awful effects of her untimely widowhood, a mere two months after her marriage: "I am an outcast in my own society", she said.

**Effect on children and family life**

A number of children were taken into custody and detention with their mothers, whilst others were abandoned and left in the care of relatives or even strangers for long periods. While the scope of this paper does not extend to examining the experience of children, it is important to remember that they were often also direct/indirect victims of human rights violations. Young people disappeared from their homes, detained by the police, who never informed their families where they were. Robert Brand gave one chilling example of this kind already described to the Commission:

Maudline Lutya's brother, Wiseman, disappeared during rioting in Guguletu in 1976. She inquired at police stations and hospitals and asked around the local community, to no avail. Nobody told her anything. Three weeks later...she went to the Salt River mortuary...She found her brother "shot through the head, some of his brains were coming out"

The Report on the Chilean National Commission on Truth and Reconciliation examines the impact of the most serious human rights violations on families and social relations. It talks of the break up of families, for example: "in order to work I
had to distribute my children. I was left with no husband and no children." Other examples include: "The oldest daughter took care of her brothers and sisters while her mother was trying to locate her father" and "my father was the family breadwinner. We were all little. We had to leave school and start working". Poverty also impacted on people's experiences of human rights violations eg: "I went looking for my 17 year old son everywhere. I did it all on foot because I didn't have money to take the bus. I never found out anything about him." This experience resonates with South Africa's systematic control of people's mobility and the brutal and inhumane administration of the apartheid system in general. It also mirrors our experience regarding the impact of political violence and repression on family life.

Women's supportive role

Women's role in supporting their detained husbands and children began to take on a political character. During the detentions of the 1980s a support movement comprised of families and friends of detainees emerged, the Detainees Parents Support Committee (DPSC). This movement constantly brought to the attention of authorities and the public the harshness of the deprivations caused by detention. It acted as a counter to the attempts by the state to destroy political opposition. Indeed it intensified it. Women, traditionally located in the private sphere, were forced into the public sphere by the political struggles.

In another context, Jean Franco argues that the meetings at government offices of mothers and families of the disappeared "constituted a space of memory that also became a counter to the public sphere". The Mothers of the Plaza de Mayo movement in Argentina and Families of the Disappeared in Chile placed women in centre stage when other political activity had ceased - they could "mediate between the state and the individual". The women had been rejected by traditional society and thus had nothing to lose by acting "abnormally" - "The adoption of a public self in the face of ridicule". They physically moved from the private into the public space - the Plaza de Mayo. The mothers "remade" reality and restored individual meaning/proof of existence. Franco says "the movement exploited the traditional view that mothers were the vessel of reproduction, but they also went beyond any essentialist definition of "mother" and thus demonstrated that it was possible to transform protest into a broader ethical position, one based on life and survival".

Many of the people who have already spoken in the TRC are wives and mothers of men who were killed. Many of these women were themselves detained and harassed by the police. Although these women are coming forward to speak about their husbands, fathers or sons, they should also be encouraged to speak about their own experiences. In the first week of the Truth Commission's hearings in the Eastern Cape, the widows of the "Cradock Four", came to speak about their murdered husbands. They themselves had been harassed and arrested, yet their stories were not probed and were treated as incidental. Our society constantly diminishes women's role and women themselves then see their experiences as unimportant. The TRC should empower these women so that they are able to locate themselves not just in the private realm as supporters of men but in the public realm as resisters to oppression. There is nothing in the Act which prevents these types of questions from being asked by Commissioners.

Even Albertina Sisulu, one of the most prominent fighters for justice who suffered a great deal of repression, was more able to talk about her husband and children's experiences than her own. She uses the second person to describe her experience because she finds it difficult to speak about herself as a suffering individual. She also
locates her subjectivity within the collective - the nation.

The above discussion shows that women, even in acting in support of men, must be seen as both victims and resisters in their own right. We must however, also recognize that many women were directly active in resistance and were detained, tortured and killed because of their own effective opposition to the state.

2. Constructions of Gender in Prison: The way in which women experienced torture

The history of torture and violence, explored above, highlighted the varied forms of physical and psychological torture used against women. Some of these were also used against men, but others targeted women's femininity and sexuality and all were experienced in a gendered way. This section explores some of the forms of torture developed to undermine women.

Physical methods of torture

Accounts of women's experience in detention, recorded by the DPSC in 1987, include assault and electric shocks on pregnant women; inadequate medical care leading to miscarriages; teargassing; solitary confinement; body searches and vaginal examinations; rape and forced intercourse with other prisoners; foreign objects including rats being pushed into women's vaginas. Jessie Duarte and Nomvula Mokonyane speak of incidents were women's fallopian tubes were flooded with water, sometimes resulting in their inability to have children.

These forms of cruelty were not simply experienced by women but also by children. During the States of Emergency girls as young as fourteen were detained, tortured, beaten and teargassed.

Jean Franco discusses torture in Latin America in the 1960s and 1970s. She argues that although pain has no gender, sexual difference shaped people's experience of torture. Men were feminized, the torturers revelled in their "masculinity" and women were the vehicle for sadistic fantasies. She argues that social practices which construct gender identity were recreated in an intensified form. Male bonding rituals which reduce the other to the status of passive victim ie: casual rituals of cruelty, were formalized and institutionalized in the death camps. Male prisoners were forced to live as if they were women - for the first time they came to understand what it meant to be constantly aware of their bodies, to be ridiculed and battered.

Women were ashamed to speak of their torture. First person accounts are often laconic or euphemistic. When recording their experiences for commissions on human rights they merely stated they were raped without attempting to describe the event. She shows how pain destroys language. In South Africa where sexual assault is common knowledge, "women are afraid to talk about these assaults", according to people who have worked with detainees.

Although women and men are tortured equally, it is clear from South African accounts and parallel international experience that the differing constructions of gender shape their experience and treatment. Although studies of political violence do not highlight men's gendered experience of their torture, studies of ordinary prisoners reveal systematic attacks on their masculinity. An interesting hypothesis, posed by Inger Agger suggests that sexual torture of men aims to induce sexual passivity and to abolish political power and potency, whereas, behind the sexual torture of women is the activation of sexuality to induce shame and guilt.
Carolyn Nordstrom, argues that sexual assaults attack "the core constructions of identity and security in their most personal and profound sense". The intent is "to break down the fabric of society, and ... thus to break down political will and resistance". One could argue that sexual assaults in the context of political detention/war are institutionalised acts which make public the private.

i Physical assault

Jenny Schreiner talks about how the physical violence she experienced while being tortured came as a particular shock to her as a woman. She says:

Mostert ... insisted that I stand up. My response was that all Section 29 said in terms of detention was that they could hold me until I answered questions, they couldn't even force me to answer questions. They can just keep me until I answer questions, and that standing up was not part of Section 29 and I was not standing up. I could answer questions or not answer questions sitting down. At which stage he walked around the table and physically picked me up and stood me up, but stood me up so that he could slam my back into the wall. Which although, I mean he didn't shatter my skull or anything, but it's a clear statement from step one. "I am in control of this, I am bigger than you, I'm more aggressive than you and I have no respect for you". And there I think that its also a question of it being a gender thing. There's a man who is physically picking you up and shoving you into a wall.

ii Rape and the threat of rape

In an anonymous interview, a woman described her experience in detention.

Some women actually have been raped in detention. And you yourself whilst you are there you have that fear the whole time that you can be raped. I had that fear, in particular after I had been up at the police offices for interrogation and one of the security police intimated that the best treatment for me would be rape.

Thenjiwe Mtintso also graphically described how the fear of rape is always present for women detainees. One night, the police came to take her away from the police station where she had been detained for the first three months.

They stopped on the Kei bridge and there were about three men in the car in which I was and about five men in the other car that was escorting us. And when we got to the Kei bridge they asked me to get out of the car and they all got out. And I had not minded being beaten or anything or even died in the process but rape, just as far as I was concerned, this was it. This was going to be a gang rape and they were just going to leave me here...I wouldn't leave the car, so they dragged me out...they beat me up...I had got a sense then that the others had wanted to rape but I don't know, I can't say whether they were going to rape me but that is when I got the fear that I could be raped.

Diana Russell interviewed Elaine Mohamed who said:

The way women experience detention is totally different from the way men do. I burst into tears when a security policeman said to me, "I really enjoy interrogating women. I can get things out of them and do things to them that I can't do to a man." I was terrified by this statement. I felt horror and pain about it when I was physically hit by the police, and I think the police realised this immediately... I was body-searched twice a day every day...I remember policewomen making me strip in front of men and people laughing at me.
Withholding of medical care

Albertina Sisulu described the near-miscarriage of Winnie Mandela:

And at one time when we were in jail with Mrs Mandela she was threatening (about to give birth) and they wouldn't let us as midwives attend to her. It was terrible, she was bleeding and she could really lose the baby at any moment, until we had to fight as women, then the door was opened.

Psychological forms of torture

The police developed sophisticated methods of psychological torture which specifically aimed to undermine women. These methods targeted the traditional roles and social location of women.

i Attack on women's identity

An anonymous detainee said her detention was different from a man's:

I think detention does affect us in the same way to a certain extent. But a lot differs in terms of how you actually, in detail now, how you actually experience detention. To start with the attitude of the police towards you. They may try many ways to make you feel that you shouldn't be here. A woman shouldn't be here. You are here because you are not the right kind of woman, you are here because your morals are low. They say all sorts of things to you. You worry a lot about responsibilities outside prison, your responsibilities. This last time, I was detained I had a child already and that was my main source of worry and I felt guilty at times. I wondered what was right, but then later I would be quite convinced that I hadn't done anything wrong and in fact what I was doing would eventually benefit myself, my child and humanity.

Jenny Schreiner describes how the security police would search for areas of vulnerability in a detainee and use this to undermine her by trying to make her feel diminished as a woman:

(There was) ruthless prying into an area of a person's personal life that they knew was vulnerable...That all the kind of personal pain of a marriage that doesn't work is brought to the fore and in a context where they are going to send you back to a police cell to sit with nothing other than the emotions that they've scratched open. You're thirty and you're single, therefore there's something wrong with you as a woman, and that's why you get involved with politics...They were attacking your identity with their own particular conception of what a woman is...The bizarre thing is that I had done a lot of work in DPSC. I'd spent a lot of time listening to people who had been through detention, preparing the detention manual, so I knew the methods that they were using...But although, at the time that they're saying it, you know that and you can sit there with your arms folded and kind of stare them back in the face. When you go back into that police cell... you sit in that cell...your own self image depends on the affirmation that you get from other people. And that for me was what came through very strongly, because no matter how much at the time that they were saying it (and rationally I knew that they were talking rubbish), you go back into your cell and you sit there and think, "well"! You know I think back over my life, my personal relationships are difficult, maybe I am, maybe that's why this went wrong...You internalise a whole lot of stuff because there's nobody else to actually say 'OK, so your relationships were difficult, but that doesn't write you off as a person'...But
when you're sitting there, it's not so easy to keep your perspective. The emotional barrage that one is under, the extent to which you have access to nobody other than people who are doing everything to undermine your personality, to undermine everything that they can see about you that is positive, they will find a way of undermining.

ii Targeting women as mothers

One of the cruellest forms of torture used on women was related by two of the women we interviewed. Albertina Sisulu describes how the security police told her that her child was dying, and then that she had died. They later told her that her husband was very ill.

In 63...I was tortured...the police would come, you know twice or three times a day opening the door and saying "Are you sitting here, the child is in the intensive care unit with pneumonia she can die any moment. If you are not prepared to give us the statement then you won't bury that child". Okey, I will remain thinking let the child die, if the nation is saved. Doesn't matter I'm not going to say anything about what is happening. What my husband did, others are doing. I knew a lot because I was also now involved in politics. The worst was when they came, actually came in the morning to say, "We've come to tell you that your baby has passed away in the night". That torture is not for one day, three days, but for ninety days of your detention. You are being tortured by this today and tomorrow...Torture in jail is in many ways. They may not torture you physically, but mentally they get to your brains... At one time they said Walter was in hospital. "Would you like to go and see him?" I said, "Oh yes!". "Not unless you do what we want you to do". Sitting there thinking my husband is very ill. Sitting there thinking my child is dead.

Thenjiwe Mtintso had a similar experience. The police obviously realised that the best way to weaken women detainees was to make them believe that their children were dead or dying. This would play into their worst fears as mothers, and expose their deepest vulnerabilities. She relates the following testimony:

When I was detained my son was nine months and I left him in bed...One day they came in with a big photo in the Daily Despatch that showed a red Volkswagen that had been smashed and I had a red Volkswagen at that time. They said to me "You see, that is your car...one of your colleagues was driving your car with your son inside and we were chasing him and that's what happened to your car and your son is dead there"... That stayed with me for the rest of my stay in prison. They would not say "No, he is not dead". They just continued beating me up, beating me up... I don't know what it would have done to a man, but that was one way of getting to a woman.

iii Women as sexual objects

Thenjiwe Mtintso confirms the security police attempts to undermine her. In her case they accused her of being involved in the struggle for sexual gratification and undermined her contribution as a woman engaged in politics. In her second detention, she says:

The police were beating me up, not because they were torturing me but because I was giving some sexual satisfaction to these men, Steve Biko, Mapethla Mohapi...all those that were in Black Consciousness around King Williamstown....

She then describes how the torture changed in the second month of her detention when they stopped focusing on her as a means to get information on the male
activists and they became angry with her for not breaking down. She says:

Anger at me... for not fitting the stereotype of this woman who was going to break down...so they got very angry that I was thinking that I was a man. It was always "You think you are a man, you think you are strong, we are going to bring you down, we've brought down better people than yourself, men, strong men"...This is where they actually use your womanhood. For instance, they would let you stand for the whole day and you would not be allowed to go to a toilet or anything and it gets to a point where you can't hold on so you will wee-wee standing there. And all of them will be coming in and out just laughing at this women who just pees anywhere. Around menstruation - because at some stage you've just got to menstruate. You are just like this in a cell and there is nothing and you are going to come in stinking obviously...after a month of wearing those pants it is hard here and so as you walk ...and stink. That is the humiliation then where your womanhood is used. "You are useless. These men who sleep with you. Look at you how you smell."

3. The impact of race and class on women's experience of political violence

Caesarina Kona Makhoere, poignantly describes the way in which apartheid divisions structured prison life - food, clothing and prison accommodation where qualitatively different for Asian, coloured and African women. "If you want to find out what racial discrimination is, just go to any South African prison. The reality is very hard. Here are three people sharing the same table. Yet what they eat is divided on racial lines. And you are expected not to be hurt. Mama Aminah has a "coloured" diet, while the four of us - Aus Joyce, Aus Esther, Mama Edith and myself have to eat rubbish food".

The experience of white detainees was also seen to be more privileged. "Mothers of white detainees speak about their awareness that they have had a privileged position in their access to family members and their ability to afford legal help and access to international pressure". Jenny Schreiner confirms that she felt she was at an advantage as a white women in detention:

There was a very strong line that ran through the (interrogation), they weren't questioning me with any seriousness, because my attitude was that of the group of us that I knew had been detained, being white and middle class and a woman I was in a far more protected position than a black woman and two black men, and I decided that since we all had a fair amount of overlap of knowledge, the best thing I could do was to shut up.

She notes, however, that her sheltered life may have made it much harder for her to deal with the torture and the conditions of detention. She attempted suicide during her detention after having "cracked" and made a statement:

I think for me as a woman who grew up in a very secure background in an environment in which violence was just not ever part of it. My Mother gave my brother a hiding when he insisted for the fifty-fifth time of playing with her electric sewing machine, and she burst into tears, I mean that's the extent of violence, we'd get the occasional spank when we were young. So my experience of personal violence has been incredibly limited.

Barbara Hogan was at a particular disadvantage as a white woman during her prison experience. The state had a policy of segregating prisoners according to race. They also kept the political prisoners separately from the criminal prisoners. For a long time she was the only prisoner during her detention and imprisonment. She says:
You lose contact with the outside world, and inside you don't have a supportive community around you...you know that you can always lose that community, if you are lucky enough to have one, as has happened with many women prisoners...you face enormous social and emotional deprivation under those circumstances. I think that I always found myself very profoundly affected by the threat of loss.

The majority of the victims of repression in the 1970s and 1980s were young, black and came from working class backgrounds. The financial burden of detention was very severe especially in communities such as the Eastern Cape, where wives of detainees not only lost income due to their husbands detention but were unable to find work for themselves due to the high levels of unemployment. Middleton et al found that visitors to jailed detainees felt guilty if they could not afford to take food or clothes to the detainee. "Some did not visit their loved ones because they had nothing to take to them."

The interview with Albertina Sisulu, Amina Cachalia and Sheila Weinberg highlighted the different responses each woman received from her (racially separate) community. Sheila Weinberg found the white community very hostile to her family's involvement which made them feel isolated and unable to trust other people. Amina Cachalia and Albertina Sisulu were able to rely on members of their community to warn them when the police were coming and to assist in looking after the children. Jessie Duarte spoke of women from the Indian and coloured communities who were ostracised by their families for becoming involved in resistance politics. And of course, Lydia Kompe's whole life story, (set out above) shows how race has permeated every aspect of people's experience in this country, even going to the toilet.

4. Women as perpetrators

It is important to note that the perpetration of violence is not the preserve of men alone. Institutionalised violence was perpetrated by women in their capacity as officers of the state. There have been press reports of women in hostels organising sex slavery and women central to the necklacing of informers. Witch-burning has included women as much as men. A full understanding of the multi-faceted and cross-gendered nature of political violence in South Africa requires an exploration of these issues.

Many feminist theorists have attempted to explain why women sometimes collude in their own oppression and are even complicit in the oppression of other women. We do not attempt to outline these debates here but, through the words of some women, we will try to shed some light on this complex issue in this section.

Jessie Duarte offers the following analysis:

In looking at the women who became involved by becoming spies, etc. of the system it is quite clear that they may have a legitimate argument that they were politically or economically unable to resist that. Politically they did not need to get involved but economically they were not able to resist the kind of money they were receiving especially in an era where black women were not being employed by the system in other ways. Yet the system was ready to employ them as political spies in the community.

Nomvula Mokonyane says:
The role of women who were perpetrators who were not in State structures which Jesse has mentioned also need to be looked at. Particularly the women who were used as spies to infiltrate units and who were even used in the ANC camps to inflict pain on men ... Women may have been used to serve a particular interest. Some may have done it for economic reasons. Others were actually forced to do it...

Mokonyane speaks also of the devastating effects of fear and uncertainty on family life. She suggests a conscious strategy of destroying families of opponents by the state:

The worst kind of female perpetrator is where you find wives acting against their husbands - inflicting pain on their husbands, partners, sisters, brothers, friends or even their own children. There are such examples in this country. This occurs because of fear, uncertainty or because of survival. Many families have broken up because of this. In many instances the State has actually used what has been perceived as the sexual weakness of women in such cases as where the man has been taken into detention and they bring another man to have a relationship with that woman while that man is detained. The relationship is exposed and the whole fabric of that family is undone. The children are affected and there is divorce. At the end of the day those women cannot be seen as victims because people will just see them as corrupt women who were just doing these things because their husbands were not there and fail to see what actually led to the situation and pardon them and allow them to speak so that they can understand themselves why that other man made those advances, because I think they would be interested to know why it happened and who actually made it to happen like that.

However, Mokonyane finds some acts of complicity inexplicable. The torture of women by women was one example:

When it comes to the state machinery, though I can understand why it may have been for economic reasons, when it comes to some women's actions against other women it makes you wonder that you could actually find a woman pumping water into another woman's fallopian tubes or attaching electric shocks to another woman's nipples. The woman may be perpetrating these acts for survival reasons but the infliction of pain and the manner in which that pain is being inflicted this woman knows exactly what the effects of that pain will be on that other woman. It is hard to know if you will be able to reconcile with that woman perpetrator. It may be easy to pardon some women but not some other women such as these. In many instances women tend to be much more harsh and insensitive than men. For example women [prison warders] may see a women giving birth in a single cell and not intervene until or at all if a man intervenes. A woman [warder] may not help a diabetic detainee who has collapsed in her cell and help only arrives from a man. The treatment you may get from a female prison warder, who may even be younger than your own children, will be totally different than the treatment you get when Goldstone or the Johannesburg magistrate comes. This may be related to the ego or attitude of the woman warder because the prisoner is also a woman.

Barbara Hogan describes the transformation of a prison wardress who started off as a "sweet little thing":

"For the first three days her eyes would be standing out and be red because she'd been crying every night at having to lock people into cells...And in six months that little same wardress would be demanding to see sanitary towels soiled before she'd issue another sanitary towel...If you take a prisoner's side...you lose all your esteem...you
are socially ostracised, and you don't get promotion."

Women who were spies, informers, warders and even torturers were all strands in the complex web of our past. Many of these women were forced to act as they did out of economic pressure, from fear, by being tricked or threatened and because they were brought up in a society which told them cruelty was a necessary response. Some of these reasons do not adequately explain the degrees of cruelty that certain women perpetrated, particularly against other women. Arguably, their own anger regarding their own position in society was misdirected at other women who seemed to so completely defy convention and move from the private into the public realm. The resulting confusion, within a violent political context may have allowed anger and pain to be transferred onto others through cruelty. Understanding that women were capable of perpetrating violence enables us to see that women are not monolithic in their outlook as a group and are not bearers of certain essential qualities such as kindness and compassion. Women, like men, are divided by race, class and ideology. Many women supported apartheid and were fundamentally convinced through their experience of the society, that racism and violence were necessary mechanisms to ensure order, stability and to maintain a particular way of life.

II. Sites of Political Violence

The history of women's experience of state violence set out above looks mainly at state political violence such as detention, imprisonment and assassination. There are a number of other sites of political violence that are not adequately covered by this history. These correctly fall within the ambit of the TRC and in order to fully understand our past we need to further examine these sites.

1. Gender and Township Violence

The political violence of the 1980s had a wide ranging impact on all South African's lives. In particular, the residents of black townships were controlled by the army and police. Within this context of heightened violence and fear, tensions developed between township residents. These tensions related to accusations, often by young against old, of collaboration and failure to stand up to the oppressors. Terrible methods of punishing supposed informers developed, such as the infamous "necklace". Many women were victims of these forms of violence. Political and sexual conflict may have been played out in some of these cases where women, the subject of sexual competition between men, became the target of political violence. Evidence which came to light during a political trial in the Eastern Cape indicated that a woman, whose boyfriend was a "comrade", had been seen being given a fanta and a dress by a policeman. She was labelled an informer and killed.

One of the campaigns of the 1980s was the consumer boycott of white-owned shops - many women were victims of violence by "the comrade's" for failing to heed the boycott. Viewed through a gender lens, women who had to meet the household's needs on a tiny budget and who needed to shop at the cheaper white-owned shops in town, would have found the boycott particularly difficult to observe.

Pule Zwane has conducted a fascinating and chilling study linking rape in the townships to the decline of political organisation, coupled with unemployment and other factors. A group of youth in Sebokeng actually formed a group called South African Rapist Association (S.A.R.A.). One of the members of the group explained why he had participated in forming the group:

"I was a comrade before joining this organisation. I joined it because we were no
longer given political tasks. Most of the tasks were given to senior people. I felt that we have been used by these senior comrades because I do not understand why they dumped us like this. Myself and a group of six guys decided to form our own organisation that will keep these senior comrades busy all the time. That is why we formed S.A.R.A. We rape women who need to be disciplined (those women who behave like snobs), they just do not want to talk to most people, they think they know better than most of us and when we struggle, they simply do not want to join us."

2. Violence in Kwa-Zulu/Natal

The conflict in Natal has grown out of the ethno-national politics engendered by apartheid. The specific context of the conflict is a complex one, involving a range of issues related to specific localities and struggles. In rural areas, the threat of removals by the state during the 1980s had led to pockets of organised opposition facilitated by the Association for Rural Advancement, an organisation initiated by former members of the Liberal Party, and supported by a range of progressive lawyers and individuals. In informal settlements, such as Inanda and Umbumbulu, struggles surfaced around access to resources for survival. In Natal townships, incorporation into Kwa Zulu became a major issue of conflict with the state, as did the issue of KwaZulu control over education, teachers and schools. This was the context of the emergence of a variety of civic, youth and women's organisations which formed the United Democratic Front in Natal's urban townships. Inkatha saw this coalition of organisations as a direct threat to its hegemony in the region, particularly as a potential ally of the banned African National Congress. In many areas, people known to belong to the UDF were attacked, their homes burned, many were killed, and survivors became refugees. More than a million people fled their homes in the ensuing decade. The violence has been particularly brutal and sadistic, with considerable evidence of collusion between the South African security establishment, Inkatha, and armed vigilantes known as Amabutho. Evidence for the existence of the infamous A-Team in Durban townships has been heard by the TRC. Evidence suggests that these groups have punished women by means of gang rape. Jenny Irish, coordinator of the Network of Independent Monitors (NIM), has shown that during the early 1990s, the victims of attacks by groups of armed men have often been women, children and the elderly:

Often the women may be sexually brutalised before being killed. If men are at home at the time of the attack they are often forced to stand by and watch the attackers brutalize and kill the women and children in the house before they themselves are killed.

In the refugee centres on the South Coast of Natal, sexual harassment appears to have been prevalent:

the women have no privacy and often become targets for sexual abuse and assault. In one refugee camp on the South coast at least three women were forced to flee the camp after being raped by men in the camp. Confidential discussions with other women in the camp revealed a chain of sexual harassment.

This experience corresponds to classic accounts of the second world war and more latterly the war in Bosnia. Again, this highly complex war in Kwa-Zulu/Natal and its gendered consequences require further exploration and examination.

3. Hostel/Third Force Violence
During the late 1980s and early 1990s townships on the Reef were torn apart by large-scale violent conflicts, described at the time as being perpetrated by a "third force". Evidence has since come to light that much of this violence was state sponsored in an effort to disorganise resistance and demoralise communities. Many of the victims of the "third force" war were the poorest communities living in informal settlements. In our society where race, class and gender have combined with the result that women are the poorest and most disempowered, women have often suffered most extremely from this type of violence. Women predominate in informal settlements. They are particularly vulnerable to violence because they often work from home or near the home, on the streets as hawkers etc. Their relationship to the public space is linked to their proximity to their homes and their location within the community. The disruption of the home has particularly severe effects on women because it removes their centre of security, their place of work and their networks in the surrounding community.

The perception that men are the main victims of violence is reflected in assistance provided after the Boipatong Massacres. Jessie Duarte notes that in:

the Boipatong Massacre of June 1992, there were 128 people who died in that massacre and 73 people who were eventually accused of having perpetrated that massacre. Of the 128 victims about 48 were men and the balance (80) were women. What was an interesting connection point that we made was that it was only the families of the men who were ultimately provided with legal assistance. The single women who died in that incident were completely ignored. They were totally and absolutely ignored as if they had nothing to contribute to society so they didn't need to be given any kind of legal support.

Many families became refugees in their own country as they were forced out of their homes during the hostel/township wars. The confiscation of homes and the disruption of families was most often a burden borne by women in these communities. A woman described how this occurred:

We left our home two weeks ago. Four men from the hostel questioned me about my tribe. I replied that I am a Sotho. Then I was told to consider leaving. They said Mgadi section is only for Zulus. They said that our section is now Ulundi section...the following day ...I then phoned my husband to inform him that we have left the area...On Sunday we went to check the house under escort by the Katlehong police. We took our property and left some of our furniture.

Evidence has also come to light that women from local townships on the Reef have been abducted by men who have occupied the hostels. Abducted women have been kept for days in the hostels and repeatedly sexually abused. A feature of their abduction has been the performance of peculiar rituals, such as drinking blood. On the basis of an understanding of some of the symbolism attached to the historical role of abduction, one can suggest what significance these actions have in the present.

Historically, abduction was associated with a ritualised and thus symbolic exchange of women between different clans in marriage. The right of men to control women is asserted in this socially sanctioned action. This was accompanied by the exchange of lobolo, bride-wealth, which in effect symbolised the reproductive significance of women. In the current conflict, these actions by hostel dwellers are a travesty of this early tradition, but clearly resonate with it. One might argue that this is part of a strategy to demoralise those engaged in the local political contest. The violation of township women humiliates not only the women, but crucially also implicates the
men who symbolically have control, and are thus responsible for the protection of those women.

Jessie Duarte describes the "third force" violence as indirect repression. She argued that there was:

An absolute determined attempt to undermine an entire community's existence because it was seen to be a community that was very firm in its opposition to apartheid. The whole purpose of undermining the East Rand, and Katorus in particular, was to bring down the community's morale to such an extent that today you have a youth cadre in that community with a very poor morale base and actually no real instinct for human survival except as to see themselves as beneficiaries of the State because 'they deserve to get what was taken away from them.'

She suggests that the hostel system has created the conditions for the brutality with which hostel dwellers have engaged in township struggles:

The long term effects of the Katorus experience may be something which we all want to put our minds to. Similarly the long-term effects of hostel dwelling and the absolute repression of being forced to live as a single man or a single woman in a hostel situation... The fact of the matter is that the political repression of the kind that locked a male of twenty years old behind a fence at nine o'clock at night and later on went on to recruit that same young man to become a killing machine is something that we need to examine.

Where did this originate from and which of the apartheid sociologists understood that triggering that mechanism in that way would provide the best killers that our society has ever known? The most ruthless kind of killers came out of the recruitment of young men out of hostels throughout the country, not just the East Rand. I think we are going to miss out on a lot of the essence of finding out what made the system as cruel as it was if we concentrate on the individual victims only and not look at the collective victimisation of whole communities.

4. Violence against women in neighbouring states

In Mozambique, considerable evidence has emerged from research and counselling carried out in refugee camps in South Africa, of women being raped before their husbands and of sons being forced to rape their own mothers, amongst a range of horrifying forms of abuse. Both women and children appear to have been abducted to RENAMO camps, where children were taught how to kill. First they were taught how to kill animals, then people, and sometimes they were forced to kill their own parents. Those young boys were also taught to rape. The women who were abducted to RENAMO camps were made into cooks, carriers of arms, and were used as sex slaves.

The Mozambiquean legal unit has called for the TRC to extend its scope beyond South Africa's borders.

RENAMO was a South African surrogate but even more direct evidence of culpability of South Africa's security forces exists in Namibia of abuses against SWAPO and other Namibian women. There is a large body of evidence in this regard which must be gathered and further examined. The SADF's strategy, if there was one, regarding rape of enemy women must be researched. The notorious Koevoet Unit and other military personnel, including 32 Battalion have committed many reported rapes within a broader campaign of terror to subdue the Namibian people, particularly in
the North of the country.

5. Gendered violence in the Liberation Movements

The Commission is obliged by the Act to deal with all gross human rights violations "emanating from the conflicts of the past". The Act requires even-handedness in the Commission's treatment of apartheid crimes and criminal acts committed within the liberation movement's camps. Dullah Omar recently said "Those who committed apartheid crimes were participating in crimes against humanity. There are cases where members of liberation movements committed human rights violations, but not one instance in which liberation movements participated in crimes against humanity." We would agree with this statement in relation to the apportioning of blame as a way in which moral judgments can be written into the history that emerges from the TRC. Within this moral framework, however, there is a need to expose and examine the abuses which occurred in the camps. They are also a part of our history.

We would submit that apartheid was a coordinated system within which horrifying abuses were legally sanctioned. Abuses in the camps must be understood both in terms of individual criminal acts and within the context of the conditions of the camps and the nature of the war being fought. Where women were abused in the camps, this needs to be acknowledged and condemned by those involved. If South Africa is to become a truly democratic society with a human rights culture, the message needs to be clearly conveyed that the oppression of women, including sexual abuse and harassment are unacceptable wherever they occur.

We were unsuccessful in our attempts to speak to women about their experiences in the camps. In an interview with Caesarina Kona Makhoere she expressed an unwillingness to speak about the camps but intimated that her experience had been terrible. She said "At least in prison I knew I was in the enemy camp". We interviewed Thenjiwe Mtintso, a senior member of the ANC's army about her experiences. She said she had no personal experience of sexual abuse in the camps and explains that this may have been because "I had already been in the front command structures so I didn't come fresh from home into the camps. And secondly, I had the advantage of a better understanding of gender and how it plays itself out". She was aware of allegations of rape in the camps and says that women are reluctant to talk about their experiences for two reasons. Firstly, on a personal level, they are not easily able to talk about rape. Secondly, on an organisational level, they do not wish to have their experiences used politically in the TRC where apartheid is equated morally with the ANC's actions. Some of these women have chosen to participate in an organisational submission being prepared by the ANC rather than come forward individually but it is as yet unknown whether the submission will cover acts such as rape.

Mtintso provided some insight into the circumstances which existed in the camps which may have led to sexual abuse or rape.

"I think that on the one hand, just like in any society where you have the power relations between men and women, with the men having the power, and where you have rape in society, I don't think that it was something...peculiar to that kind of society in the camps...(It) is to do with gender relations. There is something about being in a camp situation, about sometimes people feeling the hopelessness of the whole thing and about the frustrations of being in a forest perpetually and not seeing your way ever of getting out. There was always hope, of course, but there was always that bleakness some days and that frustration."
She argues that the men's experiences before reaching the camps shaped their aggression and attitudes towards women:

And there was also an element in my own view of some of the comrades who, I would say, were dented somehow in terms of their experiences inside the country and everything and you would then say that psychologically they are people that would have needed attention, therapy or whatever. However, that opportunity was not there. So they find themselves in the camp. And that then manifests itself in aggression. For some of them the aggressive behaviour you could actually look at as frustration on the one hand, but the experiences, on the other, which some of them had gone through. and this leaves this dented individual in terms of their psychological make-up, in terms of their view of life. In that context then they hate women.

She also suggests that women's success challenged men's sense of themselves and their male identity:

I have looked at comrades who just get so angry and frustrated because women performed better than they did. And I can imagine that anger translating itself in one or another way. The man could easily want to prove his manhood, his masculinity in terms of "I am still a powerful individual" and that could, I'm not saying it did, that could result in rape. And most of the people that were in the camps are people that had gone through the hands of the police and I would then argue that in one way or another this affected them. Even those that had not gone through the hands of the police, the comrades had left their homes very young and therefore they missed out on the proper developmental stages as well as parental guidance in terms of their relations with individuals, particularly with women.

Mtintso sees parallels between the anger of the security police and some of the men in the camps towards independent and strong women:

And looking at some of their behaviours, their anger with women performing better, I remember the anger of the security police with me not breaking down. Their anger was more than the anger that they expected or they showed to males. When you are a women they expected you to break down quickly. And when you don't break down quickly they really get so angry with you because you are beginning to break down their beliefs that women are weak and so on. And on the other hand you will then also find the reason as to why you were there, why you were detained, why you were going around with these men is because you were sleeping with all these people. In my case, from the university days when I started getting detained there was always this consistency of "I am a bitch and that is why I get detained with these men because in 1973 there were about two women and about forty men and from then on I kept on being the only woman.

So, I can see that the anger of men in the camps with a woman who performs better and the anger of the security police who performs better in terms of resistance than the men, because that then destroys the stereotypes. And it then means for me, in terms of the treatment that you get as a woman probably is double-barrelled in that you get worse treatment from the boers because they don't want you to behave in that manner and you still get worse treatment from your own comrades because they don't expect you to perform better. It's a can't -win situation.

Mtintso suggests that the lack of support structures in the camps may have prevented some of these "dented" people from getting help:
One was relating this with one of the comrades that I have known who had raped, subsequently committed suicide and to me I had always looked at him, I mean knowing him in the camps and felt that, you know, this is one person you want to sit down with and go beyond what the commissars were doing and so on. That support system that says "talk about it". "What is really eating you up?" But he had been tortured a lot and then he raped, I heard. He was tortured inside the country, left the country, joined MK and remained in the camps very sort of reserved and unhappy. I knew him and subsequently I heard that he had raped somebody, which he denied, and a few months later he committed suicide. So really I was just looking at that relationship of what could have caused this.

Mtintso also talks about the rapes and sexual abuse that occurred in the underground structures of the liberation movement. She says the men knew that women would not want to talk about having been raped. One of her comrades said to her:

"You know, it's going to get to the point that I am going to rape you. And it's going to be very easy to rape you ... and I know that there is no way that you are going to stand in front of all these people and say I raped you".

The prevailing sexism in society coupled with the extreme conditions of the underground lifestyle resulted in men at times taking advantage of women. Nomvula Mokonyane refers to:

The situation where women had to shun or take off the pride and the integrity that they had by sharing rooms or bathrooms with groups of young men and losing all privacy as a young woman. These women had to live as if everything was normal while actually knowing at the end of the day that this actually diminished your integrity and pride as an individual".

Mtintso describes how "comrades who were contacts inside the country would come outside to report...these experiences. They would put up a comrade in a particular place and comrades would sleep with them. And that's rape. That for me is rape."

We have not attempted to research the male gendered constructions developed within the liberation armies and the methods used to ensure conformity and compliance. An understanding of these issues may shed light on some of the incidents committed in the camps. Part of the explanation for what occurred in the camps highlights the link between sexual abuse and domestic violence, in that all these forms of abuse flow from the way society condones, and even supports, discrimination and disadvantage of women in our society. When issues of sexual abuse surface, such as the publicising of abuse by her partner by Thandi Modise, a former MK soldier, they are often censored. The issue of censorship also came up in Zimbabwe where a film, entitled "Flame", highlighting abuse of women guerillas was censored.

There is currently a debate going on in Namibia about SWAPO torture of supposed "informers" during the liberation struggle. The government have attacked those who are raising the issues as divisive and disloyal opponents who are trying to raise something which should be best left in the past. There is also a veil of silence in South Africa regarding some of the experiences within the ANC. We need to be cognisant of the psychological literature that indicates the difficulties many people face in talking about sexual abuse. But we also need to consider the important goal of highlighting the abuse of women so that change can begin to occur in this regard. The only way to do this properly is to explore these issues openly - we do have to lift the veil of silence.
E. AMNESTY AND GENDER

What is a political offence?

Section 20 of the Act allows for the granting of amnesty where an act is "associated with a political objective committed in the course of the conflicts of the past". While apartheid violence against women needs to be understood as part of a political response to resistance, there is a concern that many perpetrators, such as policemen who raped women, should not be allowed to fall within the amnesty net. Jessie Duarte says:

It is going to be very prudent for a number of perpetrators to argue that being accused of rape is simply a matter of whether that person can prove it or not. Whether rape is considered a political act with political motivations is going to be incredibly difficult.

There is a concern that in granting rapists amnesty, this might suggest a tolerance for the oppression of women in society, an acknowledgment that in certain conditions, rape will not be punished. This is not uncontroversial. Can one divide an act such as rape into political and criminal components? Some would argue that a torturer may rape a woman both in order to violate an enemy and in order to take out his personal anger against women. Can these motives be separated?

Jacklyn Cock refers to the rapes in the war in South Africa. She cites a sworn statement made by a 70 year old woman in Cradock. The woman describes how she was walking in the street and some white soldiers stopped her and lifted her into the military vehicle. After a short distance the vehicle stopped and they pushed her out. Two soldiers then raped her violently. She says "The two soldiers were very young. The one held my arms while the other lifted my dress and removed my slip and panties. I said,"What are you doing, children ?" The one replied, "Ons gaan jou naai. As jy nie wil, gaan ons jou doodmaak."

This incident suggests that rape may have been a sanctioned activity by the SADF. If not a conscious strategy, the SADFs role in using violence and rape was to terrorise, intimidate and punish.

Carolyn Nordstrom suggests that rape is a dirty war tactic often a public display intended to "break down the fabric of society". She says "It is an attack directed equally against personal identity and cultural integrity". In this interpretation rape can "be understood as an abuse which targets women for political and strategic reasons". Rape is a war crime in terms of the Geneva Convention whether or not it occurs on a large scale or is associated with a coherent policy. It also applies to individual rapes used as "torture or cruel and inhuman treatment".

Section 20(3) of the Act enables the Amnesty Committee to assess whether a particular act was associated with a political objective. It is submitted that the process of examining a rapist's act by the Committee will allow the political nature of rape to be highlighted, whether or not amnesty is granted. It is further suggested that in most cases, such acts will not be able to fall within the criteria of a political act as defined by the Act. Much of the testimony from women who suffered rights violations suggests that the threat of rape, sexual assault and rape were committed "out of personal malice, ill-will or spite, directed against the victim" in addition to the political motives or orders from a superior that may have existed. Our interpretation of the Act is that where section 20(3)(ii) applies, the perpetrator will not receive amnesty even if that person's act also meets the criteria set out in section 20(3)(a)-(f).
Given the difficulty of separating the political and the personal motive in sexual abuse, few perpetrators are likely to be granted amnesty. Nevertheless, the Commission as a whole needs to focus public attention on the use of sexual abuse within the political conflicts of the past in all aspects of its work.

The major difficulty however, which may render much of the above irrelevant, is the unlikely possibility that rapists or rape victims will come forward to the Commission. In conducting this research we found it very difficult to get women to talk about their experiences of rape. In all the already recorded testimonies, we could find no personal account of rape. Yet many of the people we interviewed knew of women who had been raped. Jessie Duarte says:

I think I can speak fairly comfortably about a number of women who were in fact raped in prison cells while in detention or in the van that was taking them to detention. The women struggled with trauma after these rapes. Furthermore there are many other implications which I would like to spell out. Firstly, women could not say they were raped in the eighties because from the position of the people they worked with that was considered a weakness. If women said that they were raped they were regarded as having sold out to the system in one way or another. Quite frankly speaking the most vicious people were women themselves. When women who were raped came and told other women about their rapes, those women were quite vicious about those particular incidents having happened. The consequences of these rapes were the same for these women as criminal rapes. A political rape has no different consequences. It has exactly the same reason behind it - a violent act against a woman...In fact the women were being punished as women.

Mandisa Monakali of the Ilitha Labantu Centre, dealing with female abuse victims, was reported as saying "the wives and widows of political prisoners are walking around with wounds. But nobody wants to talk about them." Women do not speak about rape out of shame, for fear of loss of status, because they do not want to relive the pain, and because they are often unwilling to subject themselves to cross-examination by the accused person's defence lawyer. Jessie Duarte says:

We also need to consider the women who are going to come before the Truth and Reconciliation Commission and talk about these experiences. What about the loss of pride that they will experience at the time when they talk about it? How are we going to deal with that issue? The incident may have happened ten years earlier and the woman may have dealt with the trauma by herself without ever having lost that loss of pride. Now that woman is being asked to recreate that loss of pride. Furthermore the woman knows that in coming forward to say so-and-so raped me that she may not necessarily see justice being done. All that these women will do is to add to the historical understandings of levels of repression. I think this is fine and many women will be happy to do this. But there has to be consideration for the other side - for the emotional trauma that women have gone through. Some of these women are now in high-powered positions - in government or as executives. How will it impact on them now in the positions that they hold given the gender bias that people have about sexually abused women and the concept that women always ask for it anyway?

In a sense, we are asking women to come forward and say those things. So we need a support mechanism for these women. One of the thirty-nine non-negotiables in the Constitution is the right to privacy but for those women who come forward and tell their stories to the Commission, this privacy is forever violated. I wonder how those women are going to be able to deal with their own environment having elected to violate her privacy in a very public way?... The Commission is actually asking people
to open the empty cupboard and expose that there are no groceries in the cupboard and then they have to live with that.

The Act gives the Commission some powers to limit cross-examination, powers to investigate matters, to hold in camera hearings and to keep the identity of witnesses out of any reports. We make a number of suggestions below as to how the Commission can make use of the Act in order to address these problems in dealing with cases such as those mentioned above.

F. REPARATIONS AND GENDER

The Act requires that victims make application for reparation to the TRC. The Commission obviously requires knowledge of those who have suffered gross human rights violations before it is able to assist them. Nevertheless, the Commission needs to be mindful of the fact that many victims will find it extremely difficult to approach the TRC for help. As has been argued above, women who have themselves suffered violations and in particular, those who have suffered sexual abuse, find it very difficult to speak openly about their experiences. Women tend to define their suffering in relation to other people such as their husbands and children and are reluctant to make public their own experiences of abuse which society often sees as belonging in the private realm.

The other aspect of women as indirect victims, discussed above, must be considered. A number of women who have already approached the TRC have explained that losing a husband or child is the loss of a potential breadwinner in addition to the loss of social status and the obvious emotional pain and loss. Women, like June Mlangeni, lost their jobs because of the imprisonment of their husbands. Children's schooling had to be stopped, electricity was cut off and furniture and property was repossessed.

The reparation and rehabilitation process should not simply be available for those who want it. Despite the possibly limited resources available for reparation and despite the already huge workload facing the Commission, the TRC should not shy away from actively encouraging people to come forward to claim reparation. The Truth and Reconciliation process needs to be one aimed at healing the whole society. This places a positive obligation on the Commission to begin this process as comprehensively as possible by seeking out those who are in need of help.

In formulating a reparations and rehabilitation policy the Commission needs to consider whether women have specific needs and interests. It needs to take cognisance of the requests that people have made in their evidence to the Commission. But the modesty of some of the requests should not deter the Commission from carefully considering an appropriate reparations policy.

There are a wide range of opinions as to how best to rehabilitate and make reparations. Some have suggested that people should receive actuarially quantified monetary compensation as they would in a civil damages claim, particularly as amnesty denies them their right to pursue civil actions against the perpetrators. The arguments against this position vary from the practical (there is not enough money), to the principled (people cannot be compensated financially for their suffering). All of these arguments need to be carefully considered and any assertions such as, "there is no money" need to be backed up by factual evidence and research. The policy also needs to be considered in light of the definition of "gross human rights violations" which we have suggested should be read extremely widely. Finally, the impact of reparations must be looked at not simply from the vantage point of the individual but
also from that of the community of which that person is a part.

It must also be noted that the quantification of civil damages claims by the courts have been criticised by gender analysts all over the world for allowing gender bias to limit the size of the awards that women get. Calculation of quantum often ignores the unpaid labour of women and the other caring functions women fulfil, such as looking after the disabled. The calculation also looks at the individual's potential life chances in determining the loss of quality and expectation of life. This also needs to be studied for gender bias as the calculation is premised on a society which affords women little opportunity to improve their life chances and standards.

We believe that the TRC process is not just aimed at healing one generation's pain. It is also aimed at setting in place the framework for the building of a human rights culture to be treasured by future generations. Part of the reparation and rehabilitation process is the public acknowledgment of our history and a commitment to a better future. We would stress the need for creative public education which not only highlights the truth of our past but also locates gender as a central aspect of the analysis of our past.

G. PROPOSED MECHANISMS TO ACCOMMODATE GENDER IN THE TRC PROCESS

1. We suggest that the TRC actively rejects a gender-neutral approach towards its analysis of evidence and in all other aspects of its brief. This means that gender must be incorporated into the TRCs policy framework, for without this framework, gender issues, and women's voices in particular, will not be heard and accurately recorded.

Human Rights Violations

2. The process of taking statements requires asking the right questions so as to properly enable people to reflect their real experience. Gender issues come into play here. In much of the torture literature, the writers point to the reluctance of many people to revisit the full horror of their experiences. There is a particular difficulty associated with discussing sexual abuse, both because of general social and cultural taboos and because of the added pain that reliving such abuse causes. Some of the literature observes that women often describe sexual torture in vague and general terms. Questionnaires should be carefully reconsidered and further briefing of statement-takers may need to take place.

3. The Commissioners should consider how to question victims sensitively and should be aware that it may not always assist the victim to explore the abuse in graphic detail. At the same time, however, the Commission should not avoid "embarrassing" subjects like sexual abuse as this reinforces the way our society often hides such abuse and relegates it to the "private" realm. The TRC should invite psychologists who have worked with abused women to brief them on how to speak to victims.

4. Women who have approached the TRC in the case of another victim, their husband or son or father, should also be encouraged to speak of their own experience of harassment, detention etc. where this occurred. While the Act may require the Human Rights Violations Committee to determine that a person is a victim for the purposes of reparation and rehabilitation, the Act does not prevent the Commission from asking people about their own experiences.

5. The Commission should encourage women who have been raped or sexually
assaulted within the context of the past conflicts to come forward to speak about their experiences. This public encouragement will in itself help our society to understand how abuse of women formed part of a political struggle and that such abuses are considered gross human rights violations. This can be done both through statements to the press and through NGOs and community organisations such as COSATU and the Rural Women's Movement.

6. The Commission should publicise section 38 of the Act which binds all members and employees of the TRC to the preservation of confidentiality. Women need to know that they can come forward without other people knowing about it, and can give their statement to a person in safe and private conditions. They should be informed that they do not have to repeat their statement in front of the whole Commission in public and under the glare of television cameras.

7. Women should be able to request that their statements be taken by women and they be allowed to further elaborate on their statements in closed hearings, possibly only to women Commissioners. This may make it much easier for women to speak openly about their experiences as cultural and social pressures often prevent women from discussing sexual matters in front of men.

8. During the course of our research it has become clear that women will often relate other women's experiences told to them by the woman who is unable to speak more openly of the experience herself. We suggest that the Commission should arrange for group hearings where women in particular communities are invited to come forward. These could be arranged in conjunction with women's organisations and counselling centres that have been working with these communities. They could be attended by women commissioners only, if necessary, and psychologists or social workers could assist in the conducting of the hearing.

9. Similar hearings could be held for men who suffered sexual abuse during torture and who may also benefit from a single-gender forum. Men should be encouraged to come forward to speak about their wives, mothers, daughters and sisters who were victims of rights violations.

10. The Act does not address the issue of expert evidence. While the short time available to the Commission is a real concern, expert testimony may be particularly useful in providing insights into some of the matters which emerge from the submissions. This needs to be considered, particularly in light of the fact that victims of sexual violence often do not talk about their experiences explicitly.

11. The TRC should call a meeting with the press to encourage them to give prominence to women's experiences and some of the gender issues raised in this submission. The TRC should use other media opportunities such as radio and television interviews to highlight gender in the TRC process.

Amnesty (these points apply equally to the Human Rights Violations Committee)

12. The Commission needs to consider some of the legal issues which face it as a quasi-judicial body. There is considerable foreign research examining judicial bias towards women. This relates to judicial attitudes towards credibility of women witnesses and the way the probability of their evidence is viewed. It also relates to judicial ignorance of the social context of women's experiences, proven male identification with witnesses and accused persons and stereotyping of women's position. Gendered assumptions creep into judicial fora and the Commission needs to consider how they should be handled. A number of NGOs are currently doing work
on judicial training and could be approached for assistance in this regard.

13. The Commission should require that cross-examination of victims be conducted sensitively and without causing further harm to the witness. The principles as set out in section 11 of the Act should inform the Commission's approach regarding its requirements for cross-examination.

Reparations

14. The reparations policy must be carefully considered with due regard to a gendered understanding of past abuses and the impact of such abuses. Women must be encouraged to come forward and must be asked about their needs. The policy must be forward-looking in its approach and must provide for the building of a human rights culture where all forms of discrimination and abuses against women are unacceptable. Women's organisations and other NGOs should be involved in the formulation of the reparations policy.

15. If some of the reparations are quantified according to the approach used in civil damages claims, research must be conducted into the way in which gender bias tilts this standard away from rewarding women fully for their loss.

16. The TRC should assist women by directing them towards existing programmes and resources in communities aimed at providing assistance of all kinds e.g. pensions, housing, education and counselling.

17. A memorial list of the women who were killed and the circumstances of these deaths should be considered. This could be just one of the aspects of a process of preserving our collective memory of past abuses.

18. A Peace Institute should be established, which houses a museum and research facilities. It should ensure that gender is an integrated focus of all projects undertaken there.

Final Report

19. The Act requires the Commission to "initiate, coordinate and facilitate" inquiries and the gathering of information regarding all matters relating to rights violations. We propose that a specific research project be conducted looking at the role of gender in past abuses.

20. The Commission should ensure that a gender analysis to develop a framework and to periodize our history is used in the writing of the final report and that due weight is given to the differing experiences of men and women in recording our country's history. Further research should be conducted into many of the areas mentioned in this submission.

21. The TRC should carefully consider the proposals it makes as to how the report should be used to educate future generations.

H. CONCLUSION

This submission highlights many facets to the pain and suffering that violence in South Africa caused to women and men in particular ways. It also focuses on the violence and inequality which are an ongoing part of women's lives in this country. These abuses are still occurring although within an altered political context. By
raising these issues within the TRC process we cannot simply put them behind us and assume that abuse of women has been neatly dealt with in our past and reconciliation has occurred. Examining the conditions which allow women to be harmed and violated should focus all our attentions on the need to eradicate this ongoing abuse. If the TRC is to leave a valuable legacy it must lift the veil of silence hanging over the suffering of women and must incorporate the struggle to end this suffering in the struggle for human rights in our country.

While violence and cruelty are depressing and difficult topics to engage with we should not reduce our subjects to the status of victim alone. We must also celebrate the bravery of South African women and take note that the aim of this enquiry and research is a positive one ie: to highlight the need for the protection of fundamental human rights so as to work towards our vision of a transformed society.

We conclude with an untitled poem by Dorothy Mfaco, sent to Jenny Schreiner in prison. The poet celebrates the courage and the vision of women, a sentiment which we endorse:

"There is a world where people walk alone
And have around them men with hearts of stone
Who would not spare one second of their day
Or spend their breath just to say your pain is mine
That world is not ours.
We will build a new one
Where we wake in comfort and ease
And strive together to create a world of love and peace"

I. APPENDIX

LIST OF INTERVIEW INFORMANTS

1. ALBERTINA SISULU, MP
2. AMINA CACHALIA
3. SHEILA WEINBERG, GAUTENG MPL
4. THENJIWE MTINTSO, MP
5. JENNIFER SCHREINER, MP
6. CAESARINA KONA MAKHOERE
7. LYDIA KOMPE, MP
8. SUSAN CONJWA

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SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION
CONCERNING THE RELEVANCE OF ECONOMIC, SOCIAL,
AND CULTURAL RIGHTS
TO THE COMMISSION'S MANDATE

18 MARCH 1997

Submitted By:
Community Law Centre (UWC)
Development Action Group
Legal Resources Centre
Black Sash
Centre for Human Rights (University of Pretoria)
NGO National Coalition
National Land Committee
National Literacy Cooperative
Peoples' Dialogue
Urban Sector Network

SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION

CONCERNING THE RELEVANCE OF ECONOMIC, SOCIAL,
AND CULTURAL RIGHTS

TO THE COMMISSION'S MANDATE

EXECUTIVE SUMMARY

This submission is being made by the Community Law Centre (UWC), the Development Action Group, the Legal Resources Centre, Black Sash, the Centre for Human Rights (University of Pretoria), the NGO National Coalition, the National Land Committee, the National Literacy Cooperative, the Peoples' Dialogue, and the Urban Sector Network. We make this submission based on the conviction that an analysis of violations of economic, social, and cultural rights under apartheid is crucial for ensuring the implementation and protection of the rights entrenched in our new Constitution. The Truth and Reconciliation Commission ("TRC") is clearly obligated, as set forth in its enabling legislation, to provide that analysis. While it has the discretion to look at a broad range of issues, the TRC cannot ignore violations of economic, social, and cultural rights (e.g. violations that arose out of the enforcement of the pass laws, forced removals, and bantu education) and still fulfill its mandate under the law. Its obligation to look at such violations is clear from the following provisions of its enabling legislation:

1) the definition of "gross violations of human rights," which states that the TRC is to examine violations of all human rights that are the result of acts of killing, abduction, torture, or severe ill treatment -- thus the use of violence to enforce the pass laws, or the killing or torture of a community activist resisting a forced removal, is a violation of economic and social rights that falls within the mandate of the TRC;

2) the definition of "victim," which includes an individual who has suffered a "substantial impairment" of any of his or her human rights as a result of a gross violation of human rights;

3) the requirement that the TRC establish "as complete a picture as possible of the causes, nature, and extent of gross violations of human rights;" and

4) the requirement that the TRC provide "recommendations of measures to prevent" violations of all human rights.

This submission also draws upon South African constitutional law and international human rights law to show how some violations of economic, social, and cultural rights constitute in and of themselves severe ill treatment, and thus are violations that the TRC must acknowledge.

This submission includes specific examples of the type of analysis the TRC should undertake to fulfill its obligations, and show how fulfilling this obligation is possible given the TRC's resources. The TRC should analyse violations of the right to access to housing, freedom of movement, choice of residence, education, health, access to resources, and welfare and social security -- all rights that are part of our new Bill of Rights. A historical analysis of the State's deliberate violation of these rights based on race and gender is crucial to the creation of a human rights culture.

Finally, this submission makes the following eight specific recommendations to the TRC:

1. Make explicit in its analysis the connection between acts of killing, abduction, torture, and severe ill treatment and violations of economic, social, and cultural rights.

2. Show through illustrative examples how violations of economic, social, and cultural rights were an important cause of gross violations of human rights.
3. Emphasize in its final report the Constitutional imperative of respecting and implementing economic, social, and cultural rights.

4. Provide concrete recommendations, based on its historical analysis, to governmental and non-governmental human rights bodies concerning the protection of all the rights recognized in the Bill of Rights, including economic, social, and cultural rights.

5. Elicit and highlight the connection between gross violations of human rights and violations of economic, social, and cultural rights in its public hearings.

6. Solicit submissions from relevant government ministries, organizations, corporations, and associations concerning the violation of economic, social, and cultural rights under apartheid.

7. Call upon perpetrators of violations of economic, social, and cultural rights to acknowledge their responsibility for past violations, support programs of restitution and reparation, and contribute to the fulfilment and protection of all human rights.

8. Note in its final report that there are individuals and communities that are victims of human rights abuses that are not victims of gross violations of human rights, and emphasize the State's responsibility to recognize and assist such victims.

We are embarking on a new chapter of human rights in this country. The Bill of Rights provides a vision of society that we have chosen to build for us and our children. A full range of economic, social, and cultural rights are for the first time constitutionally protected. In playing an important role in our historic transition, the TRC must emphasize the importance of economic, social, and cultural rights in creating a human rights culture that will ensure that we never revert back to the evils of the past. Indeed, as this submission shows, the TRC is obligated by law to do so.

SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION

CONCERNING THE RELEVANCE OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

TO THE COMMISSION'S MANDATE

The organisations making this submission have a history and track-record in the promotion and protection of human rights in South Africa. We recognise that all human rights - civil, political, economic, social and cultural - are interrelated and interdependent. Consequently, we believe that human rights should be treated in an integrated and holistic manner by all institutions involved in their protection. Our approach is that of the new South Africa. The recently enacted Constitution, which was supported by the vast majority of political parties, adopts a holistic view of human rights, recognizing economic, social, cultural, civil, and political rights. Like the new South Africa, the African region and the international community also take a holistic view of human rights.

The purpose of this submission is to explain why the Truth and Reconciliation Commission is obligated by its enabling statute to examine certain violations of economic, social and cultural rights, and to suggest ways that the Commission can fulfill that obligation.

Examining certain violations of economic, social, and cultural rights will not appreciably increase the workload of the Commission. Much of the information required is already available to the Commission. For example, the submission on education from the National Literacy Cooperation, on gender from the University of the Witwatersrand, and the anticipated submissions from the medical and journalistic professions include useful information and analysis on violations of economic, social, and cultural rights relevant to the Commission's mandate.

The Promotion of National Unity and Reconciliation Act (hereinafter referred to as the "TRC Act") clearly requires that the Commission investigate and examine certain violations of economic, social and cultural rights. The Commission's obligation is clear from the following sections of the Act:
Section 1(ix), which defines gross violations of human rights as "the violation of human rights through the killing, abduction, torture, or severe ill-treatment of any person and any attempt to commit such an act" (emphasis added). Thus the main focus of the Commission is on the violation of all human rights, including economic, social, and cultural rights, that were effected through the actual or attempted killing, abduction, torture, or severe ill-treatment;

Section 1(xix) which defines a victim as a person or group of persons who "suffered harm in the form of ... a substantial impairment of human rights --- (i) as a result of a gross violation of human rights" or as a result of an amnestied act, and those who suffered a substantial impairment of their human rights as a result of intervening to assist other victims. Thus the definition of victim complements the definition of gross violation of human rights, indicating that violations of other human rights, including economic, social, and cultural rights, that were the result of an act of killing, abduction, torture, or severe ill treatment, or that were the result of an act for which someone has received amnesty, or that were the result of an effort to assist victims of such acts, are directly within the mandate of the Commission's work.

Section 3(1)(a), which sets forth as one of the major objectives of the Commission the establishment of "as complete a picture as possible of the causes, nature, and extent of the gross violations of human rights," including "the antecedents, circumstances, factors, and context of such violations." Recognition of the economic, social and cultural policies of apartheid which led to gross violations of human rights is essential to any discussion of the causes, antecedents, circumstances, factors, and context of such violations. The nature and extent of gross violations include their immediate impact on economic, social and cultural rights; and

Section 3(1)(d), which provides that the Commission is to compile a report of its activities and findings, including "recommendations of measures to prevent the future violations of human rights." Thus the Commission must provide recommendations for preventing violations of all human rights, and not just gross violations of human rights. As recognized in the Constitution, the African Charter of Human and Peoples' Rights, the International Bill of Rights, and most of the recent major international human rights treaties, human rights include economic social, and cultural rights.

It is clearly not intended that the Commission examine each and every violation of human rights -- or for that matter each and every violation that qualifies as a gross violation of human rights -- that occurred during the relevant period of inquiry, and we do not here suggest otherwise. The Commission is obligated, however, to focus on violations of "human rights" brought about through the specific acts of killing, abduction, torture and severe ill-treatment. The Commission is obligated to make recommendations for reparations to persons who suffered a "substantial impairment of human rights" through a gross violation of human rights or amnestied act, or as a result of attempting to assist such individuals. The Commission is obligated to investigate and report on the economic, social, and cultural context that led to gross violations of human rights. The Commission is obligated to make recommendations to the President concerning the protection of all human rights, and not just those that qualify as gross violations of human rights. The Commission has already shown that it recognizes these obligations, by, for example, soliciting submissions from the media on their role under apartheid, thus emphasizing the importance of both freedom of expression and the regulatory functions of the media in understanding and curtailing violations of human rights.

In this submission, we discuss briefly the three areas where it is clear the Commission is obligated to take notice of violations of economic, social, and cultural rights; provide some brief examples of the types of economic, social, and cultural rights that are implicated by certain gross violations; and suggest ways that the Commission can fulfill its obligation to look at all violations of human rights.

In the first section, we show how the definition of gross violations of human rights includes certain violations of economic, social, and cultural rights. In the second section, we show how certain violations of economic, social, and cultural rights constitute severe ill treatment. In the third section we show how violations of economic, social, and cultural rights are part of the causes, nature, and extent of gross violations of human rights. In the fourth section we show how an examination of economic, social, and cultural rights is crucial for national efforts to prevent future gross violations of human rights. In the fifth section we provide some brief examples to show the relevance of violations of economic, social, and cultural rights to the work of the Commission. Finally, in the sixth section we show how taking into account violations of economic, social, and cultural rights will not appreciably increase the workload of the Commission.
With this submission, we do not purport to be providing the Commission with an exhaustive discussion of the legal and other arguments we raise, nor with an exhaustive list of the implications of our conclusions, nor with an exhaustive list of the ways the Commission can fulfill its obligations. These and other issues have either already been sufficiently discussed in other submissions to the Commission, or we anticipate will be discussed in future submissions.

I. The Substantive Focus of the Commission and the Definition of Gross Violations of Human Rights

One of the three core functions of the Commission's work is the inquiry into "gross violations of human rights, including violations which were part of a systematic pattern of abuse." It is clear that the Commission is to focus primarily on those violations of human rights that involved killing, abduction, torture, or severe ill treatment. Thus the Commission is not obligated to undertake extensive inquiries into violations of universally recognized civil and political rights, such as equality before the law, privacy, freedom of expression, and the opportunity to vote and otherwise participate in public life. Nor is the Commission required to undertake extensive inquiries into violations of universally recognized economic, social, and cultural rights, such as formation of trade unions, protection of the family, and the enjoyment of a minimum standard of living. The Commission is obviously not obligated to investigate and analyse thoroughly all violations of these and other rights. To impose such an obligation on the Commission would make it a virtual certainty that its job would not be completed within its two year life-span. By the terms of the TRC Act, however, the Commission may not ignore the consequences of the violation of such rights in analysing the causes and antecedents of gross violations of human rights, nor may it ignore the effect of killings, abductions, torture, and severe ill treatment on the enjoyment of those same rights. As the definition of gross violations of human rights makes clear, the Commission is to focus on violations of all types of human rights that resulted from acts of killing, abduction, torture, and severe ill treatment. Thus an analysis of the effect of a particular killing on an individual or group's right to education or health care is clearly part of the Commission's mandate.

"Human rights" is not defined in the TRC Act, so the Commission must look to other sources for a working definition. There are three sources for the definition of human rights relevant to the Commission: 1) Chapter 2 of the Constitution of the Republic of South Africa; 2) the African Charter of Human and People's Rights; and 3) the International Bill of Rights, consisting of the Universal Declaration of Human Rights; the International Covenant on Economic, Social, and Cultural Rights; and the International Covenant on Civil and Political Rights. The first is the authoritative statement of what constitutes human rights within the new South African constitutional system; the second is the authoritative statement of what constitutes human rights at the African regional level; and the third is the authoritative statement of such rights at the international level. Those rights include prohibitions against invasions of a person's bodily integrity (i.e., torture, killing), economic, social, and cultural rights, and civil and political rights. South Africa has joined the rest of Africa and the international community in recognizing that the full range of civil, political, economic, social, and cultural rights are inter-related, and that the violation of any of them affects the fulfilment of the others.

In its inquiries concerning gross violations of human rights, the Commission is therefore obligated to examine violations of all human rights that occurred as a result of killings, abductions, torture, and severe ill treatment. Thus the killing of a student leader who was advocating for better schools in his community has an effect on the right to education guaranteed in the Constitution and under international law. The loss of the student leader directly affects the ability of the rest of the community to attain this universally recognized right. Those that killed the student leader may have had as one of their motives the enforcement of the "bantu education" policy. Thus the killing of the student leader may violate any number of human rights, including the prohibition against summary execution, the right to education, and the right to freely associate, to name only three.

The Commission will soon be hearing testimony on the destruction of KTC, and the desperate efforts of thousands of people to defend their right to access to housing. The right to access to adequate housing is entrenched in our new Constitution at Section 26. Furthermore, no one may be evicted from their home or have their home demolished without an order of court made after considering all the relevant circumstances, and no law may permit arbitrary evictions. The residents of the satellite camps of Crossroads and KTC were not only evicted without a court order, but their homes were burnt and over 60 people were killed during attacks on their homes. Thousands of people had their right to access to adequate housing violated through killings and other severe ill treatment. One of the causes of those killings was a deliberate government policy to deny individuals the right to access to housing, freedom of movement, and right of residence.
II. Some Violations of Economic, Social and Cultural Rights Constitute Severe Ill Treatment

One of the means of violating someone's human rights on which the Commission is to focus is the "severe ill treatment" of a person. While we suggest here that the concept of severe ill treatment should encompass some violations of economic, social and cultural rights, it is clear that the Commission's obligation to look at violations of economic, social, and cultural rights is not dependent on such an interpretation of severe ill treatment.

The Act provides little guidance on what is meant by severe ill treatment. The Constitution prohibits "cruel, inhuman, or degrading treatment or punishment," and one of the first decisions of the Constitutional Court held that juvenile whipping constitutes cruel, inhuman, or degrading punishment. At the international level, human rights treaties have language similar to that found in our Constitution. Interpretations of these phrases by international tribunals and jurists provide useful guidance in interpreting severe ill treatment. International tribunals and jurists have found the following to constitute cruel, inhuman, or degrading treatment:

(a) Forcing detainees to stand for long periods of time; subjecting detainees to sights and sounds that have the effect or intent of breaking down their resistance and will; or inflicting severe mental or physical stress on detainees in order to obtain information or confession.

(b) Expulsion from, or refusal of admission to, one's own country according to a discriminatory application of law; or in order intentionally to inflict physical or mental suffering; or without the necessary due process.

(c) Deprivation of certain basic needs of the person, such as the need for food, water, or sleep, if the pain or suffering inflicted is not severe enough to constitute torture.

(d) Deliberate indifference to a detainee's medical needs and deprivation of the basic elements of adequate medical treatment.

(e) Sexual abuse and other forms of gender-based violence.

(f) Prolonged judicial proceedings and delay in capital cases.

(g) Delay in removing a condemned prisoner from a "death cell" after stay of execution has been granted.

The Violence of Forced Removals

A BAD [Bantu Education Dept.] man gave me a stand which had four poles at the corners and said that was where I could build my house. I was given a tent to erect on the stand. As soon as we had put a roof on the first hut, the tents were taken away for someone else.

A water tanker was parked nearby so that we could get water to make the mud walls of our house. The moment the tents were taken away, the tanker was also taken elsewhere. After the tanker went, we had to carry water in 5-gallon drums from the Tugela which was a mile downhill from our place. This we still do.

There were no latrines. It was horrible to have to squat in public. The stands were clear and there were many of them and everybody had to do that. There was nowhere else to go that was private. We came from homes where the nearest neighbour was half a mile away and there were thick bushes to give us privacy. Now we were all living right on top of each other.

Statement of a woman whose family was moved from a white farm to Sahlumbe. Quoted from Surplus People Project, *The Surplus People: Forced Removals in South Africa* 345 (1985).

Based on the interpretation of cruel, inhuman, or degrading treatment by numerous international tribunals and jurists, we argue that the deliberate impoverishment of an individual brought about through the use of force amounts to severe ill treatment. Thus, a family that was forcibly moved to a location with no running water, inadequate or no latrines, minimal if any medical care, and substandard or no housing, suffered severe ill treatment. Although we believe that the
vast majority of black South Africans who live in poverty, and the vast majority of women who are deliberately denied access to basic opportunities and societal resources, are victims of severe ill treatment, it is not necessary for the Commission to accept that view in order to find that certain extreme and deliberate acts constitute severe ill treatment.

The deliberate application of force by the government that directly results in a lowering of living standards, and that is undertaken with wanton disregard for the well-being of the individuals effected, must constitute severe ill treatment. Deliberate government policy that affirmatively denies, on the basis of race, gender, or class access to basic societal resources, and that deliberately provides unequal amounts and quality of such goods based on race or gender, constitutes severe ill treatment. As with all of the types of violations examined by the Commission, this does not mean that each and every forced removal needs to be thoroughly examined. It does mean, as we suggest below, that the Commission is obligated to examine some examples of such violations, and to include a discussion of the extent of such violations in its final report.

III. Causes, Nature, and Extent of Gross Violations

The Commission is to compile "as complete a picture as possible of the causes, nature and extent of the gross violations of human rights," including "the antecedents, circumstances, factors, and context of such violations." Such a picture would be incomplete without the inclusion of violations of economic, social, and cultural rights as a cause of gross violations of human rights. In addition, the nature and extent of the gross violations include the violation of a large number of economic, social, and cultural rights, in addition to civil and political rights. Finally, the violation of economic, social and cultural rights are certainly an antecedent to, and constitute some of the circumstances, factors, and context of, such gross violations.

The systematic violation of all human rights - political, civil, economic, social and cultural - in South Africa under apartheid created the context which resulted in gross violations of human rights. Through systematic policies and legislation the government deprived black people in this country of their right to vote, the right to freedom of speech and assembly, and basic labour rights. It also deprived the majority of its citizens of their fundamental right to live where they please, work, and receive education and social security without discrimination on the grounds of race or gender. Large numbers of people were subjected to discriminatory and arbitrary forced evictions, demolitions and resettlements in accordance with the dictates of apartheid ideologues and planners.

The Violation of Economic and Social Rights through Violence

This thing came so sudden upon us that I cannot tell you what happened, this thing came so sudden upon us, yes. We did not know that we are coming here, we did not know where we are going to ...Yes, they did tell us but it took so long before they came to us. When they came to us they stalked us. They stalked us because they did not say to us which day or which day. When they came to us, they came with guns and police and with all sorts of things they came to us. And then we see that we are here. Then we had no choice, the guns were behind us. They did not say anything, they just threw our belongings in and they broke off as they went. There is nothing to say or the gun is through your head. If I just talk, the gun is through my head. Soldiers and everything were there. What can we say now, we are not used to these things. Then we have to get in, what can we do. They shoot us dead, then we have to get in, what can we do. No they did not say anything, they just said get in, so that we are here today. We did not know, we still do not know this place...And when we came here, they dumped our things, just dumped our things so that we are still here. What can we do now, we can do nothing. We can do nothing. What can we do?


I saw docile squatters ... dragged by their clothing and beaten with batons and sticks during the second raid on Crossroads...in less than six hours. Passes were grabbed by the police and other officials and thrown to the ground or temporarily confiscated. Ten policemen were injured when they were stoned in an earlier raid....A squatter had been shot dead and soon a baby was to die on his mother's back as they were trampled by panic-stricken squatters attempting to escape yet another teargas attack...

To enforce such deliberately inhumane policies, the State resorted to killings, abductions, torture, and severe ill treatment. Thus the violation of these economic, social, and cultural rights was one of the causes that led to the more immediate violations that are the main focus of the Commission's work. Resistance to these oppressive laws and policies -- through demonstrations, political organizing, and other forms of protest -- provoked in turn further gross violations. In addition, the nature and extent of the violations of economic, social, and cultural rights sometimes amounted to gross violations of human rights. Thus, to use an earlier example, the killing of the student leader not only violated that individual's right to life, but also a range of other rights of that individual and the community from which she came. The submission on gender prepared by Dr. Sheila Meintjes and Beth Goldblatt from the University of the Witwatersrand provides a number of examples of the range of human rights violations that resulted from an act of killing, abduction, torture, or severe ill treatment.

**IV. Prevention of Human Rights Violations**

Finally, the Commission must analyze the full range of the types of violations that occurred during the past in order to make useful recommendations to the President concerning the prevention of violations of all human rights. An understanding of violations of economic, social, and cultural rights under apartheid is crucial for understanding the causes, nature, and extent of gross violations of human rights, and thus crucial to developing recommendations for preventing future human rights violations.

The TRC Act clearly contemplates that the Commission will consider all human rights in formulating its recommendations. As noted above, the South African definition of human rights embodied in the new Constitution -- which was supported by all sectors of the political and legal establishment -- embraces economic, social, and cultural rights. South Africa, by integrating civil, political, economic, social, and cultural rights in its own Bill of Rights, recognizes the importance of all of these rights to the creation of a just and democratic society.

The human rights bodies established under the new Constitution include in their mandate all human rights -- including economic, social, and cultural rights. Thus, the Human Rights Commission is specifically empowered to promote respect for and protection of all human rights. The Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities is to promote the human rights of specific communities. The Commission for Gender Equality is empowered to look at violations specifically affecting women. Statutory bodies have also been created to focus on specific areas of economic and social rights, such as the Land Claims Commission.

In directing that the Commission look at all human rights, the Parliament envisioned that the Commission would provide an analytical background plus concrete and useful recommendations to the existing human rights bodies for the protection of all human rights. These new Constitutional and statutory bodies do not have jurisdiction to investigate abuses that occurred prior to 1994. It is the Commission, therefore, which is to provide the historical analysis for formulating policy to move our society forward to a just and democratic government. An analysis of past violations of all human rights is thus crucial in formulating meaningful recommendations to these bodies.

**V. Relevance of Economic, Social, and Cultural Rights to the Commission's Work: Some Brief Examples**

We present here brief illustrations of how economic, social, and cultural rights can be integrated into the Commission's work. It is by no means an exhaustive list, but we offer it to provide what we hope are useful examples of how the Commission can fulfill its obligations under the TRC Act.

**Education** -- The right to a minimum level of education and the obligation of the state to make further education progressively available and accessible is entrenched in the Constitution and is echoed in the African Charter on Human and People's Rights, and the International Bill of Rights. The violation of the right to education is part of the cause of many gross violations of human rights. Violations of the right to education also contributed to the increased resistance of the population to the state, resulting in additional incidents of gross violations. The submission from the National Literacy Cooperation and others sets forth both the violation of the right to education under apartheid (an important component of the context of gross violations of human rights), and also provides examples of violations of the right to
education through killings, abduction, torture, and severe ill treatment. That submission also provides information on how the denial of the right to education led to other human rights abuses, including gross violations of human rights.

The struggle of South Africans to attain minimal standards of education resulted in gross violations of human rights. The massacre of innocent school children peaceably marching in Soweto in 1976 is a well-known example of a gross violation of human rights involving education rights. The killing, torture, abduction, or severe ill treatment of a child affects that child's access to education.

The legacy of deliberately inferior education for a vast majority of our country's citizens based on race and gender has vast implications for the future of South Africa and the protection of human rights. It is thus crucial that the Commission note where applicable the extent that gross violations were caused by such inferior education, and give some sense of the extent such gross violations contributed to the failure to provide everyone with the education to which they are entitled.

**Housing, Residence, and Freedom of Movement** -- The right to access to adequate housing, to reside anywhere in the country, and to freely move throughout the country, is explicitly protected in the Constitution, and in the International Bill of Rights.

Violations of the right to access to housing, and freedom of movement and residence, include the policy of forced removals. It is estimated that from 1960 to 1983, 3.5 million people were forcibly relocated. In implementing this policy, and in responding to resistance to it, numerous people were killed, tortured, abducted and severely ill treated. In addition, the implementation of the policy itself, as argued above, in many cases constituted severe ill treatment. Forced removals also led to the destabilization of numerous communities, creating individuals with little or no stake in their communities, and creating a greater willingness to resort to violence.

Forced removals, especially of the elderly, infirm, and disabled, may give rise to severe ill treatment. Documented cases of individuals who died immediately before or after a forced removal because of the government's wanton disregard of their health and well-being undoubtedly constitute severe ill treatment. The deliberate and forced removal to a place with no clean water, no sanitation, and inadequate or no housing constitutes severe ill treatment. The Commission does not have to agree that people who live in severe poverty with inadequate facilities -- as many did and still continue to do -- are victims of severe ill treatment in order to find that a specific government act that forced an individual into such a situation amounts to severe ill treatment. We submit that government action that takes a group of people who were living in one place and forcibly removes them to a different location, constitutes severe ill treatment as defined in the TRC Act.

Examples of the violation of the right to access to housing and the right to freedom of movement and residence through forced removals that involved gross violations of human rights include:

1. The fate of the Mogopa community.

2. The destruction of the Crossroads satellite camps and KTC, which resulted in over sixty deaths. (See brief description above at pages 12-13.)

3. The removal of people to Sahlumbe and Onverwacht. The residents of Sahlumbe were given tents and instructed to build their own houses. There were no latrines, and water was obtained from the distant Tugela river. The settlement of Onverwacht consisted of 100,000 people in 1981. There was only one medical clinic, one police station, one supermarket, and nineteen schools that served approximately 20,000 students.

4. The forced removal of the Bakubung people. Some were arrested and tortured as a direct result of their resistance. Thus violations of the Bakubung people's right to housing, freedom of movement and residence were implemented through the use of killing, abduction and torture.

5. The destruction of Langa, including the detention of community leaders as well as those who resisted removal, similarly constitutes a gross violation of human rights involving the right to access to adequate housing.
6. The killing of Saul Mkhize in Driefontein, as part of the resistance to forced removal of this "black spot." Mr. Mkhize was killed because of his leadership role in the resistance to the forced removal. In other words, it was his advocacy for the right to access to adequate housing and freedom of choice of residence for his community that resulted in his killing.

7. Similar violations can be found in the treatment of the people of the following communities: Mfengu, Moutse, Braklaagte, Leeufontein, District Six, Pageview, and Fordsburg.

These are examples not only of gross violations themselves, but also of crucial parts of the antecedents, causes and context of a wide range of gross violations that occurred during the relevant period. By focusing on some of these violations, and by underscoring the connection between them and the right to housing, the Commission will assist us in understanding the violations of the past and better prepare us for preventing such violations in the future.

Health Care -- The right to adequate health care is entrenched in the Constitution, the African Charter, and the International Bill of Rights. The most obvious examples of the violation of this right concern the lack of medical attention provided to those in the government's custody. The deliberate failure to provide medical attention to those who had been tortured or severely ill-treated illustrates the intersection between the right to adequate health care and gross violations of human rights. The case of Steve Biko is only one prominent example of many such occurrences. The death of doctors, such as Neil Aggett and Fabian Ribeiro, raise issues regarding the right to health similar to those that the killing of the student leader raised for the right to education. The deliberate refusal of an ambulance legally reserved for white people to stop and provide medical attention to a black patient constitutes severe ill-treatment. We realize that the medical profession is in the process of preparing a submission to the Commission on its role during the apartheid years, so we direct the attention of the Commission to that submission for a more thorough discussion of the types of issues raised by the acts and omissions of that profession.

Welfare and Social Security. Apartheid created massive inequalities between people based on race and gender. Patterns of violence under apartheid that constitute gross violations of human rights contributed to these inequalities, and these inequalities, in turn, comprise part of the causes of and antecedents to gross violations of human rights. While we do not discuss here the complicated dynamic between poverty, discrimination, and violence, we would refer the Commission to other submissions it has already received, and note some recent statistics compiled by the government. In August 1996, the Lund Committee on Child and Family Support noted that South Africa is characterized by extremes of wealth and of inequality, that 95% of the poor in South Africa are African, and that many of the poorest households are those headed by women. The report also noted that an estimated 2.3 million South Africans do not receive a basic level of nutrition, including 87% of all African children under the age of 12. While a thorough analysis of the causes and effects of such inequalities is beyond the scope of the Commission's mandate, the causal effect of such inequalities on incidents of gross violations of human rights, and the perpetuation of such inequalities through killings, abductions, torture, and severe ill-treatment, clearly are part of the Commission's mandate.

Allocation of Services. The distribution of resources under apartheid deliberately denied basic services to individuals based on race and gender. The deliberate denial of basic services in some cases certainly constitutes severe ill treatment, especially where it is clear that the denial was not caused by limited resources or technology, but was based on a deliberate policy of discrimination. The perpetrators of such violations include the numerous statutory bodies specifically empowered to provide such basic goods and services to the country. For example,

1. Water. The Minister of Water Affairs was specifically empowered to distribute water from a government waterworks to any person for any purpose approved by the Minister. Notwithstanding this, water was distributed in such a manner that the vast majority of white group areas had houses serviced by running water while the majority in other areas often had no running water and had to walk miles for access to water.

2. Electricity. Legislation provided for the provision of electricity throughout the country. Eskom was empowered "to investigate new or additional facilities for the supply of electricity within any area ... so as to stimulate the provision, wherever required, of a cheap and abundant supply of electricity. Local authorities were licensed to provide electricity, and were obligated to "supply electricity within the area of supply mentioned in his license to every applicant who is in a position to make satisfactory arrangements for payment therefor." This mandate was carried out in a deliberate fashion so that powerlines ran over but not into many townships, while citizens in white areas enjoyed the benefits of those
3. **Planning.** Government policy and planning under apartheid was specifically designed to foster "separate development," which in effect meant the diversion of most of societies resources to the white population, and mostly to the white male population. Such planning included structural inequalities based on race and gender in access to and distribution of property; the brutal dislocation and forced removal of entire communities; grossly unequal access to economic opportunities and services based on race and gender; and gross disparities in access to residential, recreational, and community facilities. The deliberate allocation of burdens and benefits under apartheid -- through, for example, taxation; access to land, property, and other economic resources; and provision of municipal services -- were implemented through specific acts of gross violations of human rights, and are an important part of the cause of such violations.

A similar inquiry to the three outlined above can be undertaken with respect to a variety of government policies. For example, government policy regarding the denial of post and telecommunication services, and the effect that such denial had on the provision of health care and other basic rights, is another area where incidents of severe ill treatment can probably be found.

In addition to being directly responsible for acts that constitute severe ill treatment, many of the parastatals also developed quasi-private security forces that were directly involved in acts of killing, abduction, torture, and severe ill treatment. Thus in many cases the basic rights to water, health care, and a minimal level of subsistence were violated through such acts.

**VI. Impact of Including Violations of Economic, Social, and Cultural Rights on the Commission's Work**

The inclusion of violations of economic, social, and cultural rights as set forth above will not appreciably increase the current workload of the Commission. As mentioned above, much of the information needed for such an analysis has already been submitted to the Commission, or is in the process of being submitted to the Commission. The inclusion of such violations will also not have an appreciable affect on the number of individuals who qualify as victims under the TRC Act, since as noted above victims include those who suffered a "substantial impairment of human rights" through a gross violation of human rights, or through an act for which amnesty has been granted. Many individuals who were denied adequate housing suffered a violation of their human rights. Those individuals will qualify for reparations under the terms of the TRC Act only if they can establish that the means by which they were made a victim included an act of killing, abduction, torture, or severe ill-treatment, or was the result of an act for which someone has been granted amnesty.

**VII. Conclusion**

The Commission has achieved much in its first year of existence. The information it has elicited concerning killings, tortures, and other violent acts in our past has contributed greatly to our understanding of the suffering that occurred under apartheid. The purpose of this submission is to emphasize the Commission's obligation to provide us with an understanding of why these violations occurred, and to help us to understand their occurrence within a political, economic, social, and cultural context. The vast majority of black people in this country still live under abject conditions that were deliberately created under apartheid. South Africa enjoys the unenviable distinction of having one of the worst disparities in the world in distribution of income, wealth, and resources based on race and gender. Conditions that fuelled resistance and subsequent reactions from the state led to many of the gross violations of human rights the Commission is examining. It is our view that until the personal and social consequences of the socio-economic discrimination and deprivation inflicted on black people in this country is properly acknowledged, the ultimate objectives of national unity and reconciliation will not be achieved. This does not mean that the Commission must provide a thorough analysis of all the violations of human rights that occurred in our past. It does mean, however, that the Commission must provide an analytical framework for us as a society to ensure the creation of a durable human rights culture that protects all our rights. The socio-economic legacy of apartheid is a daily reality for millions of people in South Africa struggling to obtain access to adequate housing, health care, education, food, water and social security. It is by and for those millions that the new South Africa has been formed. We owe to all South Africans, and to the
legacy of past suffering and the reality of the suffering that continues, a clear statement of the devastating consequences of keeping the vast majority of our population in such abject conditions.

It is clear that the Commission is obligated under the Act to examine violations of economic, social, and cultural rights, and that focusing on such violations will enhance the usefulness and relevance of the Commission's work, its final report, and its final recommendations. It is also clear that the Commission has neither the time nor the resources to undertake a thorough and systematic investigation and analysis of all of the violations of human rights that occurred under apartheid. We do not here argue that it should. We do argue, however, that the Commission cannot escape its obligations as clearly articulated in the TRC Act. The Commission should, therefore, at least do the following:

1. In its analysis of gross violations of human rights, make the connection between such acts and all of the violations that resulted. Thus, to use an example, the analysis of the killing of a student leader should include references to the right to education and how its violation contributed to the killing, and how the killing resulted in further violations of that right.

2. In its analysis of the past, show how the violation of economic, social, and cultural rights was a direct cause of gross violations of human rights. This can be done by focusing on one or two illustrative examples of each type of violation. Thus the final report should include one or two case studies of the inter-relationship of gross violations of human rights and the right to housing, education, health care, etc.

3. In its final report, note the Constitutional imperative of respecting and implementing economic, social and cultural rights in the new South Africa, and impress upon the government the importance of legislative and other measures, including appropriate reparations, to ensure the protection and fulfilment of these rights.

4. In its final recommendations concerning the protection of human rights in South Africa, draw upon our history of human rights violations to formulate meaningful recommendations to the various constitutional and statutory human rights bodies concerning the protection of all human rights recognized in our Constitution. This would include organizations involved in education, housing, and social security. We know that the Commission is already consulting with those bodies, and urge that such consultations continue for the purpose of formulating realistic and meaningful recommendations to such bodies.

5. In public hearings on gross violations of human rights, elicit the connection between the incidents of killing, abduction, torture, or severe ill treatment and economic, social and cultural rights (as well as civil and political rights) to create a holistic picture of the abuses of the past.

6. Solicit submissions from relevant ministries, organizations and associations concerning the violation of economic, social, and cultural rights. Such organizations might include the parastatals, such as Eskom, Telkom, and Transnet (for and on behalf of the former South African Railways and Harbors). Since many of these organizations have publicly committed themselves to the new Constitution and its Bill of Rights, they should be approached to submit information either to the Commission or another suitable body on their past violations of human rights and their current plans to remedy such past violations. This falls squarely within the Commission's mandate to further reconciliation between perpetrators and victims, and between citizen and state.

7. Call upon the perpetrators of violations of economic, social, and cultural rights (a) to admit publicly their role in and responsibility for these violations, (b) to pledge publicly that neither they nor their organizations will commit such violations in the future, and (c) to commit publicly to contributing to a program of reparations (including increased provision of relevant services) to victims of their past violations.

8. Note that there are individuals who are victims of human rights violations but who are not victims of gross violations of human rights, and that it is incumbent upon the state to recognize and assist such individuals by means other than reparations as set forth in the TRC Act.

The overall purpose of the TRC during this transition period has been clear from the start: to provide an authoritative base for not only understanding what violations occurred, but to begin to understand why they occurred, and to make initial recommendations aimed at preventing their future occurrence. An examination of the violation of economic,
social and cultural rights during the relevant period is thus a crucial part of the Commission's task.

We have emphasized the Commission's clear obligation under the TRC Act to examine certain violations of economic, social, and cultural rights, and to offer a few suggestions of how, given its current resources and activities, the Commission can fulfill that obligation. The Commission has already received a number of submissions that expand upon many of the issues we raise here, and will undoubtedly through its own solicitations and through the activities of other organizations, be receiving additional information that will expand upon what we have only briefly touched on here. We only make this submission to underscore the importance to the Commission's work of looking at violations of all human rights as required by its enabling legislation. We would, of course, be willing to discuss the issues raised in this memo with interested Commissioners and staff, and remain eager to assist, given our own limited resources, the Commission in fulfilling its important mandate.
Section 1: Executive Summary

a) Where the company failed in the human rights field

* The commercial nature of the company limited its political role in exposing apartheid abuses.

* Because of a concentration on white political rivalries, black political aspirations and the doings of the liberation movements were insufficiently covered by the company's newspapers.

* Insufficient effort was made to circumvent restrictions imposed by apartheid and other legislation.

* Recruitment of black staff began too late, proceeded too slowly. This was discriminatory.

* White perceptions monopolised news judgements on most of the company's papers. On black newspapers in the group, the reverse applied.

* The contribution of black editorial staff was not recognised and rewarded timeously.

* The Press Council, recognised by the company, was established to prevent government control of the press, but it was unrepresentative of the population.

* Liberal and liberationist journalists followed different agendas and pursued clashing goals. The company failed to resolve this dilemma.
* The company's gradualist anti-apartheid editorial policies caused perceptions of collusion with apartheid.
* The growth of the alternative press showed the company had to some extent lost touch with the oppressed masses.
* In a climate of intensive State propaganda, contacts with liberation movements were insufficient.
* Petty apartheid was practised on company premises. Opposition could have been stronger.
* Discriminatory practices were followed in reporting accidents and crime.
* Black editors were in some cases treated paternalistically. Some black staff were paid less with worse facilities.
* The company's handling of the strike at Post Transvaal was insensitive, causing bitterness.
* Insufficient efforts were made by the company to provide proper training for black staff.

**b) The company and its staff as victims of human rights abuses under apartheid**

* Restrictive legislation and regulations interfered with the watchdog role of newspapers.
* Access to news sources was impeded by enforced segregation.
* Laws prevented black journalists from practising where white journalists could, and vice versa.
* Journalists were harassed, intimidated, assaulted, detained, arrested and prosecuted.
* Black and white staff attitudes were adversely affected by the racial polarisation of apartheid society, and the intensification of the struggle against apartheid.

**Section 2: The brief; Source list; Scope of the inquiry; Historical context; The company culture**

**Brief**

To provide an independent and objective overview of the experience of Independent Newspapers (previously the Argus Company) from 1960 to 1993, the period covered by the Truth and Reconciliation Commission's investigation into the media, with the aim of identifying areas in which the company and its staff were either victims or perpetrators of human rights abuses, or either directly or by default, played some part in allowing human rights violations to occur.

**Source list**

Interviews with:

1) Michael Green, retired editor, Daily News, Durban
2) Ian Wyllie, retired editor, Sunday Tribune, Durban
3) Mostert van Schoor, Editor-in-Chief, Natal Newspapers, Durban
4) Dennis Pather, Editor, Daily News, Durban
5) Peter Sullivan, Editor-in-Chief, The Star, Johannesburg
6) Aggrey Klaaste, Editor-in-Chief, Sowetan, Johannesburg  
7) Joe Latakgomo, former editor, Sowetan, Johannesburg  
8) Andrew Drysdale, retired editor, The Argus, Cape Town  
9) Jon Hobday, editor Saturday Argus and Sunday Argus, Cape Town  

Others approached for interviews:  

1) Thami Mazwai, editor, Enterprise magazine, and former managing editor, Sowetan, who declined to answer questions until an assurance could be given that this report would not be submitted to the Freedom of Expression Institute. When that assurance was forthcoming, he did not return calls.  

2) Joe Thloloe, Editor-in-Chief, Television News, SABC, and former deputy editor, Sowetan, who declined to answer questions because he did not support corporate submissions to the TRC. If he wanted to make a submission, he would do so himself.  

3) Harvey Tyson, former Editor-in-Chief of The Star, who gave an interview on a non-attributable basis while allowing himself to be quoted from his book, "Editors under Fire". He made it clear that if the commission required information about violations of human rights, censorship within the media from him, he would be more than willing to provide any information which the commission directly sought.  

4) Wilf Nussey, retired editor, Pretoria News, who allowed his answers to questions to be used on a non-attributable basis. He wants no further involvement in the inquiry.  

Conversations with:  

1) Gordon Schwormstedt, legal adviser to The Cape Argus, Cape Town.  

2) Anthony Sampson, former editor, Drum magazine, Johannesburg, member of the editorial board of Independent Newspapers  

Published articles referred to:  

1) Mathatha Tsedu in The Star, January 7 1997  

2) Jon Qwelane in the Saturday Star, January 11 1997  

**Scope of the inquiry**  

My investigation into the company's practices, and into its experiences in projecting to the public the dark years of apartheid, is intended to sketch in broad strokes the culture of its operations, its prevailing philosophies, its problems and its failings during a crucial period of the country's history.  

This study has been made by a retired former editor, now outside the company but with 38 years of service to the company embracing the whole period of the TRC investigation.  

At the express wish of Independent Newspapers, this report has been commissioned as an independent study, not as a defence of the company.  

It is a contribution to assist the Truth and Reconciliation Commission in its understanding of the Argus Group's (now Independent Newspapers') role.  

Because it is an overview, no attempt has been made in this study to list or comment in comprehensive detail on every
one of the multiplicity of incidents affecting all or some of its publications over this lengthy period, though some examples are given.

The study does not preclude the company's management, any of its editors (or former editors) or other employees from making their own submissions to the TRC in connection with the inquiry.

**Historical context**

The Argus Company was started last century by home-language English-speakers as a vehicle for information and advertising for their own community and to represent the interests of that community in the larger public life.

While it retained this character over the decades, its newspapers' readerships and advertising bases expanded later into other communities, first picking up support among Afrikaners and later spreading to include substantial readerships among communities of colour.

While controlled for much of this period by leading mining group Anglo American through its associated company JCI, the company came to represent wider interests founded on support for free enterprise and the upholding of liberal Western democratic values, including freedom of speech, the rule of law and justice for all.

Even before the period of this study, South Africa was a country of divided communities - divided by language, culture, way of life, religion, economic involvement and level of wealth, education and experience.

Division in communities was reinforced by a history of conflict, prejudice, discrimination and exploitation.

In spite of these divisions and levels of hostility, which may have made up part of the National Party's justification for the policies of apartheid, economic forces were bringing those communities inexorably together into a situation of mutual dependence.

Especially after the Second World War, with the rapid industrialisation that took place, the prospect of separate futures for the different communities became ever more impossible.

Though former Nationalist Prime Minister Dr Hendrik Verwoerd believed the tide of black migration to the white urbanised and industrialised enclaves would be reversed from 1978 onwards, it was apparent from long before that date that no such reversal would occur.

Efforts at social engineering, designed to achieve separation of communities, were eclipsed by economic forces.

Increasingly inhumane and ruthless moves by the apartheid government to try to impose separation led to confrontation and long years of conflict, finally resolved by all-inclusive negotiation when it became apparent that conflict was tearing the country apart and would lead to irreparable damage.

The company throughout this period opposed the apartheid policies of the government, but was itself subject to the laws of the land.

Though editorial and management policies opposed apartheid, some of the company's employees actually agreed with aspects of apartheid and insisted on social separation between race groups on company premises. This led to some internal friction, but eventually to relaxation of petty apartheid restrictions, even before they were abolished from law.

As the level of conflict in SA society grew, so differences also emerged among staff as to how to react to the conflict, though these did not change the prevailing liberal policies being followed, except in the case of black-orientated newspapers in the group.

Transformation of the company, from being dominated by home-language English-speakers to being more representative of the wider community, took stronger hold in the 1970s and, since the National Party's abandonment of apartheid from 1990, has speeded up considerably in recent years.
The company culture

One former editor of the company says of the company's character: "Going back to the beginning, the fault lies in history - the fault as perceived today, and everyone sees history in hindsight.

"The fault lies in the fact that we were almost exclusively white, male WASP (white Anglo-Saxon Protestant), certainly Western-orientated. That was our heritage, that was our system. That's where the newspapers started. They started, just like all alternative newspapers start, with a purpose, a political purpose, and their purpose was to put the views of the English settlers at that time, I am talking about the English press, and its audience was virtually male, white, English-speaking for a hundred years, perhaps more than a hundred years. In the last 70 years, they became commercial newspapers.

"Why were there no women editors? The simple reason was society dictated it. There were no all-round woman journalists. It wasn't that the newspapers kept them out. There weren't any trained in society. Women didn't work that much. You were again a victim or a lax instrument of history. And my answer on women editors was: because it takes 25 years even to get into line for a major editorship.

"You can start your own newspaper if you want, but if you want to run one of the big ones, it takes 25 years at least before you could be in line for it, because it requires that amount of experience and seniority to be put in charge. Not quite so today, but that was the formula of corporate newspapers.

"So there is no doubt the accusation is true, if there is an accusation, that we were always white male and our audience was white male, but for the last 50 years, because of the weakness of the Afrikaans press, The Star had more Afrikaans readers in the cities than the Transvaler, and more black readers in the city than the Sowetan, and it had a higher proportion of Indian and coloured readers than any other race group. So the paper had a large audience, but its base remained the same. My own view is that our newspapers, compared with any other institutions, were way ahead in catering for other than sectional interests, both in content and staffing.

"Thirty or 25 years ago when I was appointed an editor, the principles were: you were not to pander to any sectional interest. It was the only real briefing you had. These are basics. The next basic is this. The accusation is that we are Western-orientated. It is absolutely natural and I don't think it is anything to apologise for. It happens that the Western liberal press is virtually the only free press in history and on earth. There isn't any other.

"And the principles of the liberal Western press are ones that have moved through to all other societies. We all aspire to those principles of independence and freedom of expression. It is this very press which reports criticisms of themselves. So I think, if there is an accusation that we are liberal, that doesn't require defence. It is a fact of life. And it is probably preferable to any other ideology."

What he said of women editors has applied with equal force to the question why there were no black editors.

Saturday Argus and Sunday Argus editor Jon Hobday looks at another aspect of the company culture: "My impression of the Argus Company was that it was a very conservative company. It paid conservatively. It took to innovation conservatively. It was a slow-moving company. To try to class us in the category of pioneers and pace-setters is a mistake. It was not the nature of the company. It was conservative economically, it was conservative in every way. It was an establishment company run by establishment people. And very successfully over the years. So it would be wrong for us to claim to have set the pace.

"That is not to say we did nothing. We certainly made efforts, many editors were very conscious of it, valiant efforts and quite successful ones. I think many of the journalists you see around at the top of the pile today came through, as white journalists did, through the Argus Company mill and are what they are today because the Argus Company (now Independent Newspapers) trained them."

Jon Hobday highlighted another feature of Argus Company culture, the relationship between management and editors: "There was a definite hands-off approach. Management was management and editorial was editorial, and the twain did not meet. It was a clear line. If management did feel constrained to contribute, it would be done in the most circumspect
civil, non-aggressive way. The concept and perception that Oppenheimer phoned up and told editors what to write is absolute b...t. That is the last thing in the world he would have done. He never did it. I am not aware of any manager who ever delivered that kind of dictum, not at all, ever.

"Managements were by nature conservative and sometimes were less than defiant when it came to authority. Their instinct was to be good boys and not to interfere with the business. It was left to editors to cause the trouble. But I think, in fairness to Argus managements, there were some brave managers. I mean Slater and Miller were principled men who stood fairly sternly against apartheid. They understood what the political role of a newspaper was. And they supported editors and let editors get on with the job. And I don't know any editors who did not get on with that job. But I must say managers were not political animals, generally."

Andrew Drysdale, retired editor of The Argus, gives this impression of the company's stance: "Now if the suggestion is that we were party in any way to the apartheid structures or the dictates of the National Party or sympathetic to the National Party in any way, I would refute that in the strongest terms. In fact, it would be a despicable accusation. Not only would it be despicable, it would be totally untrue. I know of not a single Argus/Independent newspaper which had to contend with the tyranny of apartheid - and I use the word tyranny advisedly, because it was a tyranny - not a single title that I am aware of supported the National Party on a single issue that purported to strengthen apartheid or the violation of human rights in any shape or form. I think we were all committed to quite the reverse. In fact, none of us would have been appointed to editorial chairs had we held views that were not contrary to the views of apartheid.

"It is worth recording the mission statement of the Argus Company, which is in black and white what the Argus Company stood for. Apart from the desire to make reasonable profits, I think in the broader context the mission statement recorded that 'we should try to place South Africa's advancement and wellbeing before all else. To this end, to adhere to independent, honest and responsible standards that do not pander to personal or sectional interests, but are concerned solely with the public interest. To further the cause of racial co-operation and to pursue a balanced policy calculated to enhance the welfare and progress of all sections of the population. Aim to avoid discrimination against any members of the public or members of the Argus Company staff on the grounds of race, colour, creed or sex, and to help staff who were disadvantaged by observing the company's code of employment practice.

"Well, elements of that kind I would suggest fly in the face of any view that we consorted with the apostles of apartheid. So I think that, if one examines one's own role in these things over a long period of time - over the decades - we strove as human beings and as journalists and as editors to do the right thing by all the people of this country. And finally the company will be judged by the record.

"The record lies within the bound volumes of our newspapers. The content of those newspapers, the reporting of events based on what we knew at the time and philosophically in terms of what we wrote in our editorials. What it was we believed was right for the country and so on. So I think the record must speak for itself and I don't think an apology is needed and I would not apologise for the efforts we put in under conditions of great travail, of enormous pressures, of great threats and anxiety and anguish, which we all experienced personally, and that was also the hardships endured by very brave staff throughout the country, brave and very young people who were exposed to great danger, not only from the state but from opponents of the state. Life-threatening situations many times. I think that the courage of our journalists, far from being called in question, ought to be commended, saluted."

Section 3: Inhibitions on functioning as a fully democratic press

Profits, readers, advertisers

The fact that at all times during the period reviewed here the company was run as a profit-orientated business meant that commercial considerations of what was possible economically coloured many judgements of executives, both in management and editorial, when considering tricky politically sensitive issues, where aggressive journalism in the cause of justice and freedom could be threatened by government politically action against the press.
The question often raised in editors' minds was: "How far do we dare to go?" rather than simply deciding to publish something because it was news.

The needs of the newspapers' main customers - its readers and its advertisers - played a significant role in the marketing of the group's newspapers and required that it stay substantially in touch, and not out of sympathy, with those customers, but not to the point of being dictated to by them, being intimidated by them or meekly bowing to every pressure, because the imperative to report the news of the day - whether good or bad - remained throughout.

It was common knowledge within the company that the rival Rand Daily Mail had been closed not only because of management failings but also because it had lost touch with its advertisers.

Its readership had become increasingly black, but that rise in black readership was not underpinned by advertising needed by those readers.

Traditional advertisers (especially of upmarket goods) found response to their advertisements falling off, which discouraged them from continuing to advertise through that medium.

What happened to the Rand Daily Mail was a warning to all other newspapers in the commercial press, including all the papers in the Argus Group.

Retired Daily News editor Michael Green spoke of editors' awareness of these considerations: "Nobody from head office ever said: 'Please be careful you understand the risks, we've got a valuable property etc.' To be fair, you knew this. When you got appointed, you knew what your responsibilities were. They didn't have to say to you: 'Don't go mad, Don't make the newspaper bankrupt, don't drop the circulation by half. Don't get it closed down and don't get yourself into jail. These are elementary kind of things."

Another former editor, however, put an important additional editorial perspective to this subject. He was asked whether he thought it was sometimes necessary to push publication of the news of the day regardless of whether this would damage the commercial side of the business. He replied: "Yes. I think we were given that right, we were given that duty. That was our role. Our role was spelt out. The manager and the editor were equally responsible for the fate of the newspaper. The editor was directly in charge of the content, the editorial policy and everything else. And the manager was in charge of the commercial concerns of the paper, and of course there were many examples of that, telling the biggest advertiser in your paper to go and jump in the lake, to the horror of management. Those things happened. So we perceived it, I certainly did, as my duty to ignore the commercial consequences of most of the political and other kind of reporting. I mean some of our bigger pressures were not political. They were commercial."

He was asked whether he had experienced direct commercial pressure, not through management. "Yes. It happens now. Rupert says he is going to withdraw his ads. We had Checkers, they said they were going to take R5-million worth of advertising away. I said: 'You do that. We would love to report it. Would you like to put that in writing or shall I just quote you?' He said: 'No, no, I'm not saying that.' We got direct pressure quite often."

Apartheid laws

South Africa lived in a straitjacket of laws designed to force society to conform with the separation of races as far as possible. While black workers were allowed into industrialised areas, this was true only if they could find work within 72 hours. They could join trade unions, but the unions were not recognised (until the 1970s) so had little economic clout in bargaining with managements. The townships were dormitories for workers, out of bounds to everyone else. Education was separated by race, so too were hospitals, sport, public transport, hotels, restaurants, toilets. All this was enforced by officers of the law.

The Argus Group was on the white side of these official racial barricades. Its access to news across the barricades was limited, often, to official communiques and the complaints of objectors who came to the papers with their troubles.

Life on the other side of the official barricades was not very accessible, and much of it was not covered well because of
the obstacles placed in newspapers' way.

Jon Hobday, Saturday Argus and Sunday Argus editor, points to one of the problems: "We should perhaps have recruited, done the process of getting more people of colour into our newsrooms earlier. The fact is I can recall recruitment beginning in the early 1970s, generally in association to boosting soccer coverage. But you must remember black reporters couldn't go anywhere. This was still apartheid. You could hire a black reporter, but you couldn't send him to court. You could send him to a soccer match, but you couldn't send him to court, because the magistrate would throw him out. So there were practical problems."

And those problems extended beyond the courts to many, perhaps most, activities affecting public life - the territory covered by newspapers.

Ian Wyllie, retired editor of the Sunday Tribune, recalls a clash with the Administrator of Natal of the day: "Stoffel Botha phoned me up (we were investigating allegations of fraud against him) and said: "I am the Administrator of this province and you send an Indian reporter to me." I said: "I sent a reporter to you." He said: "But he is an Indian reporter." I said: "That's not relevant". He said: "What do you mean, it's not relevant? I am the Administrator." He was doubly aggravated, not only that we had got onto this very embarrassing fact about him (he actually settled with the insurance company), but the outrage of this man, because we used an Indian reporter. It was worse to face an Indian than to have to face the questions."

Other laws

Besides laws relating to racial segregation, there were numerous other laws making it difficult for newspapers to report what was going on in the country, and in relation to the country, without relying on official sources either for permission to publish or for information (very often with the right to publish the other side denied).

The laws included limitations on reporting on police activities, Defence Force activities, atomic energy matters, oil purchase and transportation details, national key points, prison conditions, pre-trial detention of prisoners and their appearances at court, even trade figures.

It was said that there were close to 100 acts on the statute book, apart from measures normally inhibiting the media in a Western democratic state (such as the laws of libel), that interfered with media rights to inform the public.

Harassment of journalists

Reporters who ventured into covering the activities of people and movements unpopular with the authorities were subjected to continual harassment. Daily News editor Dennis Pather recalls: "Blacks courted more police attention than white journalists. It was a fact of life. Black journalists were more prone to arrest, house arrest or confiscation of passport or restrictions in travel than most of the white journalists."

He was asked whether it was because of his colour or his activities, and replied: "I think it was a bit of both. More because, especially the special branch, read our by-lines and saw the kind of stories that you tackled. It was more the reporters who reported on politics, on the inequalities of that particular era who were targeted for special attention. I would go and attend a meeting and on my way back it was not unusual to be followed by plainclothes policemen and then be waved down off the road, have all the things confiscated from my car, my notes, whatever I had picked up from the meeting, and then they would help themselves to it, only because they didn't have access to the meeting. It was an easy way of harassing journalists and taking away their notebooks and copies of reports and so on for their own information. There was nothing I could do about it. That happened at least half a dozen times.

"And then also, I was then secretary of Mwasu (Media Workers' Association of South Africa) in Natal, and on more than one occasion I was aroused in the early hours of the morning and had the house searched. This was especially so when the previous group to Mwasu was the Union of Black Journalists, which was banned on October 19 1977. The police had also visited the offices of the Daily News and went through our desks and took whatever they wanted."

Sowetan editor-in-chief Aggrey Klaaste recalls what was behind the government decision to close The World
newspaper in 1977: "Jimmy Kruger was the Minister of Justice and he was a nasty guy. And Percy (Qoboza, editor of The World) had massive fights with him all the way. You remember, too, Steve Biko was killed. There was a big staff, and we were all angry. And Bophuthatswana got its independence and we were also against that, you know. And then the thing which probably climaxed it all was that we kind of formed the Committee of Ten in the office of The World. We were kind of responsible." (The Committee of Ten was an advisory group of prominent Soweto residents who tried to assist in the running of the township after the Soweto riots)

Klaaste also spoke of the time the police wanted him to give evidence against an activist: "Then of course the cops used to come into the office. I almost got into very serious trouble when Mkwanazi (who went to Robben Island) was arrested, because they wanted me to give evidence. This is the time I actually ran, I ran for it. I went to Harvard on the Nieman thing. I was actually escaping the clutches of the police.

"They wanted me to go and talk about this young man, and it was touch and go, because I could have done so. I thought there was no reason to arrest him. I thought he was just being a stupid fool and I was going to say that.

"He had helped some people to escape across the border or something."

Question: And you wouldn't have been in a position to give evidence. You would have said: "I won't give evidence."?

"Exactly. That was my problem. I had a very serious debate with myself. I could go there and tell them that this guy is not a revolutionary at all, but that wouldn't help my credibility. Anyway, even if I went and spoke up for him ... I literally bolted. When I came back, he had been sentenced, to 10 years. Can you imagine? I would have been in such a mess. I would have been in a terrible mess. I would have been seen as part of getting him that 10 years. Other than that, cops used to come in to check on stories we wrote. I mean it was normal."

Question - It was a kind of intimidation? - "Absolutely. All the time.

"Question - Did they just walk in? Or did they make appointments? - "No they just walked in.

"There are many, many more examples of harassment that can be given, for example, editors and their reporters threatened with prosecution under Section 205 of the Criminal Procedure Act. Harvey Tyson, whose book "Editors under Fire" makes up a far more comprehensive account of newspapers' tussles with the apartheid government than this document, wrote: "As an editor of a newspaper, I must confess the '205' process certainly frightened me. It gives police the power to demand that a person appear before a magistrate, in secret if necessary and without legal representation, and reveal under oath his or her sources of information. Ostensibly it is legislation aimed at ensuring that citizens do their duty in furnishing the police with all information needed to prosecute a crime ... in South Africa it was used for other purposes as well. It could frighten witnesses into perjuring themselves. It turned people into informers. Most of all, it was used against journalists. If reporters went to interview certain people, the police would want to know what was said at the meeting. They wanted press photographers' pictures as evidence against protesters. They wanted, especially, our sources of information. The '205' became a sinister weapon, not only in hindering accurate reporting - but in preventing the press from investigating allegations against the police.

"In a period of a fortnight in 1984, three editors in the Cape, Andrew Drysdale of The Argus, Tony Heard of the Cape Times and Willem Beukes of Die Burger were all summoned to 'talk - or else'. So were nine Transvaal reporters of the Rand Daily Mail, The Star and the Sunday Express in that same fortnight."

Tyson also mentions the severe effects of Clause 27 (b) of the Police Act. Witnesses threatened by police, denied their stories, but confirmed the stories to The Star, because they were faced with being forced to give evidence under Section 27 (b) "Chris More summed up the dilemma of black journalists: 'Our fate may as well be written today, the "necklace" (burning tyre around the neck) or "three cents" (a petrol bomb) is what we - and our entire families - can expect if we provide statements to the police. The option we have, in fact, is no option. If we give statements, we go all the way to court and give evidence - then the community will exercise its retribution. If we refuse to make statements, we go to
Tyson records also how police used non-co-operation as a pressure on the paper: At the beginning of 1977, the head of the security police, Mike Geldenhuys, said he was breaking off relations with The Star.

The Star faced an almost total information embargo. The consequence was to force reporters to rely on unofficial sources. From these cases, the NPU liaison committee compiled a case that led to changes in the police/press agreement, which Tyson says 'helped not at all'.

The Commissioner of Police, General Prinsloo, announced a total boycott of The Star, because an editorial Tyson wrote suggested police had too much power.

Former Sowetan editor Joe Latakgomo tells of another form of harassment that was quite common: "Sometimes we got telephone calls, people telling us what was happening. But we knew our telephones were being bugged. If we got a call like that and published it, it could be somebody sitting in security headquarters giving the impression he was from Tanzania or Lusaka, giving you disinformation and you would end up publishing what would eventually be untrue information and they would prove that you published false information and therefore discredit you forever. So we were very careful about that. Therefore it inhibited us in terms of what we could publish. Of course, there was also the danger that once somebody called you, I don't know the number of times that, while you were talking to a contact, somebody would interrupt and in a very famous kind of way would say: "Julle praat maar kak, man."

Question - This was the cops listening in?

- "Yes. He would lose it and probably suddenly regret having done this. I don't know how many people have had that kind of experience, and I bet you it will be hundreds of people. It was either arrogance about it or they were particularly dumb."

Question - Or were they just trying to tell you your conversations were being listened to? A hint?

- "Yes. So that was the kind of approach."

Question - You and your staff were you regarded as a whole bunch of activists rather than a whole bunch of journalists?

- "Absolutely. Some people were more of targets because of their political activism."

Former Sunday Tribune editor Ian Wyllie tells of one incident of harassment: "We had, believe it or not, run a supplement on the opening of Richards Bay harbour. Among other things we had got an aerial picture of Richards Bay from the Richards Bay Publicity Association, which we used on the front of the supplement, an aerial of the harbour area. I got a telephone call from Natal Command 'advising you we are taking action against you under the Key Points Act on grounds you have published a photograph.' I said: 'It sounds quite serious.' He read me the section. He was just purring. I said: 'This is Ian Wyllie here. You will be interested to know I have just got the Natal telephone directory for the North Coast and I am happy to say that I shall be comfortable sharing the dock with Louis Rive, the Postmaster General.' He said: 'What do you mean?' I said: 'Well, have you seen the new Natal North Coast telephone directory?' - 'No.' I said: 'Well it's got exactly the same picture on it.' He said: 'Ah. Christ.' I never heard another word."

"As I put the phone down, in walked my secretary, Joan Puttock, with a telephone directory for the North Coast. I picked it up and it had a beautiful front cover of exactly the same picture. I asked her to get me Natal Command. I asked to speak to the colonel I had just spoken to. I said: 'This is Ian Wyllie here. You will be interested to know I have just got the Natal telephone directory for the North Coast and I am happy to say that I shall be comfortable sharing the dock with Louis Rive, the Postmaster General.' He said: 'What do you mean?' I said: 'Well, have you seen the new Natal North Coast telephone directory?' - 'No.' I said: 'Well it's got exactly the same picture on it.' He said: 'Ah. Christ.' I never heard another word."

This incident serves to show that harassment of newspapers was a deliberate tactic of the authorities, in this case frustrated by the fact that it would have meant having to prosecute a government official as well.

Harassment of journalists, however, was not only a phenomenon of the apartheid authorities.
There was, especially when the campaign was in progress to make the townships ungovernable, in the second half of the 1980s, considerable pressure on black journalists to conform to the wishes of those organising the liberation struggle.

Covering atrocities like necklacings, the activities of the Winnie Mandela soccer club, burning of schools and looting of shops and other such matters were affected both by this form of intimidation and by black journalists' putting commitment to the cause above objective news-gathering.

The Star was visited by a delegation from a particular political pressure group in Soweto and ordered not to send a certain reporter to any more of its meetings.

When the group was told The Star made its own decisions on who it sent to meetings, the group said they would then not take responsibility for the safety of the reporter if he was sent again.

Though the delegation denied this was a threat, it was taken as a threat and a way of intimidating the newspaper into reporting according to that group's wishes.

During these township troubles, also, the newspaper had to deviate from its normal journalistic practice of identifying its sources wherever possible (a practice aimed at giving maximum credibility to reports).

Sources would no longer speak to the newspaper if they were to be identified, because they didn't wish to be seen as part of a revolutionary movement or were fearful of police action against them.

Journalists often deliberately did not ask the name of their sources, so the police would be unable to extract names from them through "205" prosecutions.

The system of not identifying sources had a major weakness in that it could be abused by partisan journalists for presentation of propaganda as news, without the necessary checks and balances being in position to prevent that sort of reporting.

e) political developments

The way the struggle against apartheid escalated into violence in public places raised the emotional climate immensely, and newspapers were not immune from these emotions.

Most of the company's newspapers were on the white side of the political divide, and though anti-apartheid in policy and philosophy, were nevertheless targeted with white society by liberation struggle strategies.

The result was, for a long time, increasing hostility also within the newspapers to these strategies.

Actions which had the most negative effect were bombs placed in public places like streets, shopping centres and fast-food outlets, with land mines on country roads being equally strongly condemned as acts of cowardly terrorism.

But other measures also raised anger in white society - the sport boycott, sabotage of electricity supplies, the arms boycott, the disinvestment campaign, boycotts against shops in certain towns etc.

While these were all reported on, and the company's culture required that they be reported on factually and as objectively as possible, including getting the views of "the other side", there is no doubt that the mood among most white newspaper staffs was heavily against the liberation struggle methods.

The sister of a member of the printing staff of the Pretoria News was killed by the Church Street bomb in 1983, which added considerably to emotional reaction within that newspaper.

Staff in the printing works and in the commercial departments were overwhelmingly hostile to these strategies, but even in the journalist newsrooms and sub-editors' rooms (where the strategies were understood and where the culture of even-handedness was believed in individually as a treasured principle to a greater extent than in other departments) there was
disgust and vehement disagreement expressed.

I can myself remember reporting a meeting of Prime Minister John Vorster in the vast hall at the University of the Free State in Bloemfontein during the late 1970s, where a journalist colleague (from The Friend, a sister Argus Company publication sharing the company's liberal norms) got so inspired by the Prime Minister's defiant rhetoric that he jumped to his feet shouting ecstatic applause as the Nationalist audience gave Vorster a standing ovation.

This incident seriously embarrassed the whole press corps attending the meeting, because it had long been a practice among all journalists to show their independence by avoiding participatory involvement in public meetings.

Nevertheless, it showed something of the mood among many whites at the time, a mood shared to some extent by whites on newspaper staffs.

This mood must have played some part in the fact that newspapers in the group were generally lacking in good contacts among the liberation movements.

Activists were often seen as "the enemy" (in fact, some members of staff were called up for conscription duty to fight against the liberation forces), and they in turn must have regarded reporters from these mainstream newspapers as unsympathetic to their cause and therefore not to be entrusted with sensitive information.

By the same token, black journalists who were becoming increasingly common in newsrooms of the company, were staunchly supportive of liberation struggle strategies, and many of the journalists were activists in that cause.

This political polarisation within newsrooms actually caused very little overt friction between staff members.

In spite of personal emotions, there was a mutual understanding of the reasons for the different emotions involved.

But, where white journalists lacked enthusiasm for many liberation struggle strategies and actions, and suffered from too few contacts, the reverse was the case with black journalists. They were, perhaps through the circumstances within the townships, even more emotionally partisan than their white counterparts on the other side. Many of them were actually involved actively in the struggle (whereas most white journalists were consciously non-participants on any side). Some would report only the atrocities of the police, not the atrocities against the police. Some would use activist contacts, but ignored police as news sources.

Sowetan editor Aggrey Klaaste recalls the mood among black journalists: "In the 1970s the anger became very, very bad. The anger from the people."

Question - And you were affected by it yourself?

- "Of course, I mean I lived there. I lived with it. In 1976 I was doing a course at The Star and I just heard the news (of the Soweto riots), that this place was on fire. We all left whatever we were doing and rushed into Soweto. The place was literally on fire. So we also joined and burnt down ... I mean it was just like madness. Like the French Revolution. Just burning down halls and stuff. For days on end it happened."

f) staff failings

Although alignment of political views was to a minor extent a factor in the approach to news coverage among journalists, perhaps the most significant internal factor inhibiting the Argus Company newspapers from telling the full story of what was going on in South Africa (across all racial groups) - certainly in the years leading up to the Soweto riots in 1976, and in spite of the earlier warning signs from Sharpeville and the sabotage campaigns of the initial armed struggle - was an inherited lack of consciousness by whites of the full plight of blacks under apartheid and a certain lack of interest on their part in finding out.

There was also a lack of commercial incentive to pursue certain black interest subjects, because there was no advertising to back up the editorial space for such stories, and low black readership to justify the placing of such stories.
While government measures to enforce apartheid were fairly fully reported, the drastic extent of the effect of these measures on the daily lives of blacks was not vigorously pursued.

Instead, considerable effort was devoted to detailed reporting of the activities and rivalries of the white community. This was done at the expense of involving themselves as fully as they might in the whole cross-racial scene.

White politics (hingeing as it did on what the white approach should be to political rights for different population groups) was itself for a long time a cause of considerable tension and emotional division, only later giving way to the realisation that it was a sideshow compared with the need to deal and negotiate directly with the majority population of the country in a transfer of power to a full democracy.

While that was the generalised failing of white staffs, black staff members were employed very late in the day (except on the black newspapers) and were themselves seriously affected by being the victims of oppressive apartheid policies.

It was only later that they emerged from the minor role of reporting sport and crime in their own communities to becoming advocacy journalists against apartheid.

They then went from incomplete involvement in the game of independent, arms-length reporting, to enthusiastic participation in full-involvement advocacy journalism for the liberation cause.

Latakgomo says: "I think we saw political development going through various stages. There was that political lull after Sharpeville, and newspapers like The World were literally thriving on sports, women and wine coverage ... not political coverage at all. It was fairly neutral kind of coverage. Whether that was by design or because of the climate of the time, I don't know."

Interviewer's comment - The Nationalist government was very much on top at that time.

- "Yes and there was that euphoria that they had overcome. If you remember, there was capital flight after Sharpeville. Then things started getting better towards the end of the 1960s, even when Afrikaans writers were beginning to question things. You will remember the Sestigers. They were beginning to question things, question the policies of apartheid, question the government. There wasn't the same kind of keenness to push it on the black side, because resistance had been crushed, literally, post-Sharpeville, so there wasn't much happening on the news front then, but I think there was a new wave of black consciousness following the American experience, people like Steve Biko beginning to emerge at the black universities. Students were beginning to assert themselves as people.

There were major strikes around 1973. The biggest one was at Frame in Natal. It was fairly interesting, because there was a feeling ... there was a gap in soccer because of some administrative problems in the soccer world. So there wasn't any soccer activity. People were beginning to say the reason you are having these strikes is because there is no soccer. Some publications were actually punting that view, when in fact people were legitimately beginning to question whether they were being treated fairly."

Klaaste remembers it this way: "The action started in 1974. If you remember The World was a kind of a bit of a rag in those days, quite frankly. I don't think we made any money. Percy Qoboza was the editor. I am talking about the times from the independence of Mozambique in 1974. The black journalists began to assume a position of relatively more importance than heretofore. I mean in the past we used to do a lot of crime and sports and stuff like that, but this time we were thrust into the political milieu, also because of guys like Steve Biko coming to the fore and all the black consciousness things. Then we formed the Union of Black Journalists, if you remember, which was a time when you were black before you were a journalist. Percy's editorship was very interesting because of the bunch of interesting periods, because after 1974 came 1976, which was the Soweto thing. And then of course the black journalists came..."
Section 4: Victims of apartheid

To a considerable extent, newspapers became victims of human rights abuses in their own right - a different range of violations compared with those in which activists were victims when being tortured and killed by the police, or innocent by-standers were when they were "killed in the cross-fire" during Defence Force cross-border raids or killed by "third-force" operations on board a commuter train, or when innocent by-standers were killed by liberationists' bombs, or when suspected police informers were burnt to death by "necklaces".

Newspapers and their staffs were victims of human rights abuses in that the media have a special place in a democratic society.

They are the fourth estate whose job it is to reflect events, to dig up the truth about bad government, maladministration, crimes, abuses.

And in that extremely important function, the media in South Africa were endlessly harried and obstructed by the Nationalist government from doing their job.

This took the form of hiding relevant public information from the media, actively obstructing the media in their efforts to get at the truth, harassing and intimidating journalists and newspapers in numerous ways, including the threat of prosecution, arresting and prosecuting individual journalists, detaining journalists without trial, torturing them while in detention, and closing down or suspending newspapers.

They suffered considerable harassment and intimidation also from activists in the liberation struggle who didn't want their excesses publicised or themselves identified as culprits.

Though a valiant fight was put up by sections of the press against these measures, there can be no doubt whatever that press freedom was seriously affected and seriously diminished - at times almost obliterated.

Tyson says in his book "Editors under Fire" that newspapers, in countering restrictions against them, were "winning minor battles but losing the war".

For a long time that was true, though other editors in the company have also pointed out that the war was eventually won.

a) arrests and prosecutions

The most infamous of examples of journalists being arrested occurred on October 19 1977, when editorial executives on the staff of The World were detained and held without trial in Modderbee Prison on the Reef. Klaaste was one of them.

He recalls that he and editor Percy Qoboza were held.

He adds: "The others weren't detained that day, some of them were even detained before that, but quite a few other guys. In 1977 that day The World was banned, the government picked up a whole lot of people, over 100, you remember, the black leaders. We were there, and of course, although it was very unhappy, it also made us pretty well known, because of that."

They were detained for "six or seven months", as he recalls. "It was terrible. We thought we were going to be out in a couple of weeks."

Conditions were not too bad within the prison. "We were a group together. It wasn't too bad. We were not like Section 6 (of the Terrorism Act) detainees. We were not tortured or anything. We were just kept there. We didn't know why or for how long. By Christmas time, they started building things and we thought we were going to be there for years. It was very worrisome."

Question - Could your families visit you?
"Yes they did. But getting a visit from the family was most traumatic, because when they leave, you all start weeping. It was really terrible." But, while that was the best known incident of arrest, there was another that sent ripples through white society in 1974.

Retired Daily News editor Michael Green remembers it well: "I was the deputy editor and (John) O'Malley (the editor) happened to be away that day. At the time of the Frelimo victory in Mozambique, a pro-Frelimo rally was organised, banned by the Minister of Justice, Jimmy Kruger, in terms of the Riotous Assemblies Act. We had a report submitted to me for approval to say that, in spite of the banning order, the meeting would go on. The meeting was scheduled at Currie's Fountain near residential parts of Durban. I knew the law did not allow us to advertise a banned meeting, nevertheless I felt it was essential to inform the people of Durban, in case of trouble or whatever, that the organisers intended to hold the meeting. So a very carefully phrased report, without giving the time, was published, saying the organisers intended to carry on with the meeting.

"The upshot was that O'Malley and I were arrested at a function we were attending that night, kept in a police station until the early hours of the morning, had to produce the original copy from the printing works. By some strange chance, we found the last printer there. We were prosecuted in terms of the Riotous Assemblies Act, were defended at great cost by Sydney Kentridge and, after a trial that lasted intermittently for three or four months, O'Malley was acquitted, because he wasn't in the office that day, and I was cautioned and discharged."

Besides the most publicised of arrests of journalists, there were numerous others. Klaaste says simply: "A lot of our guys got detained, really. It was like half the staff was detained at some time."

The case of The Star's reporter, Harry Mashabela, is worth recording from Tyson's book: "After the 1976 Soweto riots, he was on leave, but in the newsroom when the police came for him. They simply took him away. Somebody rushed into my office and told me 'they've got him under Section Six' (of the Terrorism Act). I telephoned the lawyers."

He went on to write: "Harry's troubles came immediately. He was assaulted even before he was officially admitted into custody. He was interrogated in the detectives' office about a pamphlet bomb exploded in distant Cape Town."

Then he quotes Mashabela telling what happened: "'Where are the pamphlets?' 'What pamphlets, sir? I don't . . .' He slapped me on the side of the face and, as my spectacles flew off, followed with a stiff punch to the chest. And, as I staggered back, Morsdood, standing on the side, chopped me with a solid karate punch on the back of the neck. I folded up instantly."

Tyson records: "Harry's neck was dislocated and the injury was with him for years - almost as long as it took to try to get compensation from Minister of Justice Jimmy Kruger."

It is unnecessary in this overview to mention every case of arrest, detention or prosecution of journalists, but several of them are recorded in Tyson's book.

Besides the detentions without prosecution, there were the "205" cases, where prosecutions were most often threatened without materialising, there was the prosecution of former Star editor John Jordi under the Defence Act (the first such case), which eventually fizzled out with the charges dropped.

He had published a report that Defence Minister Frans Erasmus was in Lisbon and which repeated speculation that South Africa might be about to purchase frigates from Portugal.

And there was the prosecution and conviction of Star reporter Patrick Laurence in the 1970s under the Suppression of Communism Act.

He had, as a freelance contributor to the London Sunday paper, The Observer, interviewed the banned and restricted PAC leader Robert Sobukwe.

His report, which he posted surreptitiously to a colleague in The Star's London office, for on-passing to The Observer, was intercepted by the security police, providing the evidence for the prosecution.
Laurence was also more than once the subject of "205" prosecutions.

b) threats, abuse and intimidation

There is hardly an editor or political journalist who has not at some time during this apartheid period been pressured unduly, personally intimidated or seriously threatened either for what he/she had written or to coerce him/her into writing or publishing what was desired.

English press reporters covering Nationalist public meetings were regularly subjected to crowd pressure, and were often made the targets of audience derision by remarks from the platform speakers.

Black reporters in the township troubles of the 1980s were under heavy pressure from activists to report as they required, with very real threats of "necklacing" and burning of houses or harming families as the punishment for defiance.

This was in addition to the intimidation and arrests they experienced from the police.

Editors had numerous threatening telephone calls and letters. Wyllie remembers a National Intelligence Service operative, Martin Dolincek, making a pest of himself by just walking into the office at any time and trying to pal up to reporters. He remembers, too, the veiled threats of a man such as Duncan du Bois, later a right-wing Durban city councillor.

"He didn't actually threaten me, but he used to argue that I was putting myself into a position - rather like Buthelezi does - where it would be inevitable that the newspaper would burn down. Buthelezi says this kind of action will lead to..."

Question - It was supposed to intimidate?

- "It was designed to tell me to stop. But it didn't matter, because your judgement was from one story to the next. A lot of people don't understand that newspapers don't operate on a long-term kind of plan. We're dealing with the events of the day."

Klaaste, as reported above, mentioned the way the police often just walked into the Sowetan office, an obvious intimidation. In addition, the paper was caught in the middle of disputes and rivalries between black political groups. The Sowetan was subjected to boycott action, because - as Klaaste says - "we didn't support the formation of Cosatu. Then they picked up the feeling that we were more PAC, black consciousness, than ANC." So the Sowetan was punished with a boycott to persuade it to fall in line.

One former editor says he was the target of many threats.

"I had a drawerful. I took my telephone, my home phone, out of the book, because of filthy calls my wife had, threats. Yes, but I had a drawerful of death threats. You didn't take them very seriously. You really didn't. Some of them were Portuguese. I don't know what that was about, but the Portuguese were always going to kill you. There were lots. I just used to take them and stick them in a drawer. It wasn't a major worry. What do you take seriously? You look at them and say this one could be more serious than that one. You can tell the nutty ones. I don't see that as a major pressure. I see it as part of the job. Also in this country, which is emotionally extreme, so we got much more of it than most places in the world."

Drysdale recalls an incident while he was still editor of the Pretoria News in the 1970s: "At the time of the World Bowls Championship, the year Watson won, we got up to a story. In Atteridgeville, there was woman's bowling club that was formed, and the local authorities promised these people that they would lay a bowling green. Well, the bowling green never got beyond a kind of excavation. So we had a picture of all these women, black women in white bowling clothes, standing inside the excavation. We ran the story on the front page and we didn't make direct reference to the World Bowling Championships, which was at that time. I've got to tell you that night I had several threatening phone calls, of the kind that said: "We know where you live."

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"And in fact it was very easy to know, because my number was listed, as was my address. 'We will get you, and we
don't have to worry about getting you, we will get your family. How could you possibly draw attention to this thing
while the World Bowls Championships were in progress?' That was not funny. Things like that happened over the years.
During the emergencies, from white and black. I always kept my telephone listed, because I always believed people
should have access to me, until later, after the threats became that heavy, I instructed the post office to remove my
address. So my name was there and my phone number was there, but not my address. For myself I didn't worry unduly,
but for my family I worried. The kids would pick up the phone and get these heavy threats and obscenities. We could do
without that. It was mostly anonymous. That is how those sort of people work. It was the old story. I always considered
myself to be a middle-of-the-road journalist. I insisted on balance as far as one was able to. We reported accurately and
objectively without side, people could make up their own minds. I felt strongly about that. I still do. The trouble about
being in the middle of the road is you get knocked down by traffic passing on both sides, so that is an uncomfortable
place to be. Some people call it fence-sitting. Not quite."

Even in the 1990s, when the transition to democracy was in process, threats were common.

I can remember as editor of The Mercury, with a readership previously accustomed to fairly conservative commentary,
having a rebellion from right-wing readers when I moved the policy of the paper to a liberal stance. Besides numerous
abusive letters, I also received an anonymous call from a man who said "I know were you live. I know what car you
drive. I know which routes you take. We will get you or your family."

As I believed the country was coming out of this era of intimidation, I did not have my telephone number removed from
the directory, or my address, and the upshot of that was that I often received calls deep into the night from threatening
and abusive callers.

One particular caller phoned repeatedly, well after midnight - at intervals of about 15 minutes (just time enough to go
back to sleep) - and he kept up these calls two or three times a week for almost two months.

A bullet was also fired into my office, ricocheting off the window frame behind my desk and burying itself in the wall
on the other side of the room. If I had been at my desk at that moment, it would have gone through my head. I never
managed to establish whether this was a random attempt to intimidate me, or whether my office had by chance been hit
by a stray bullet from a taxi war exchange of fire (which happened from time to time at a taxi rank about 100 metres
away).

Section 5: Efforts to fight government-imposed restrictions

The Nationalist government, for almost all of the period under review, kept the press under constant threat of action
being taken against it. The Press Commission sat for many years investigating the press, so that the editors of the time
were kept in a constant state of having a Sword of Damocles dangled over their heads. When the commission's work
was finished, and little action was taken, there was no cause for rejoicing, because the warnings continued.

Prime Minister John Vorster repeatedly warned the press to "put its house in order", and his Information Minister, Dr
Connie Mulder, as often claimed he "put a high premium on press freedom, but ...

The pressure was kept up in the 1980s by Dr Stoffel Botha, with threats of new press legislation, which was actually
published but not enacted, providing for a register of journalists, but it was later withdrawn.

Over all the years, the government - apart from threats - took no legislative action against the press, but simply kept
newspapers in constant fear of measures being taken.

When it came to action, the government used such acts as the Terrorism Act, the Criminal Procedure Act, the Defence
Act, the Suppression of Communism Act, the Riotous Assemblies Act and, of course, a series of ever-tougher state of
emergency regulations to force the critical press into toning down its coverage or commentary.

a) Press council

Faced with this constant rumble of intimidation against the industry as a whole, newspaper proprietors decided to take defensive action against state intervention - voluntary steps some would have called it, but steps actually taken under government duress in an attempt to diminish the likelihood of further restrictive press legislation.

The electronic media were in the monopoly hands of the government, and were used for heavy pro-government propaganda, so were unaffected by these threats.

The Newspaper Press Union set up a Press Board of Reference, later called the Press Council or the Media Council, to provide a body outside government control that could discipline the press for any misdemeanours that breached its press code.

The council did occasionally rap newspapers for breaches, but actually received few serious complaints over the years.

This led to pressure from the government to ensure it had more teeth, because the government remained dissatisfied with the tone of the press in relation to its policies.

One slight benefit that did eventuate for the press was that signatories to the Press Council were exempted from the controls contained in the Publications Control Act.

Among editorial staffs, the Press Council was not well received. Though it was accepted that it was better for the industry to regulate itself than that the government should do so, it was also felt that the industry was being forced under government pressure to do its dirty work for it.

I served on two Argus Group papers which were found guilty by the Press Council of breaches of the code, and in each case the editor concerned, though publishing the council's finding (as was required), also saw fit to write an editorial attacking the council's ruling.

The council itself had all the failings of the old South Africa, being in no way representative of the whole population or even of the newspaper reading public among its public representatives and being represented only by whites among its press representatives.

In latter years, editors from all groups became so dissatisfied with the council that they no longer wished to recognise it (even though obliged to do so by their managements).

It is now in the process of being replaced by an ombudsman and appeal committee.

The Press Council, though formed as a counter to Nationalist government pressure to contain anti-apartheid publicity, was itself an example of unconscious discrimination against blacks, and something the industry should be apologetic about.

b) Finding loopholes in the law, and breaking the law

The problem editors faced with so many laws affecting the press, and with the emergency regulations, was a non-acceptance of these laws, for being unfair and unjust. But the laws were there, and editors had to decide what to do about them.

One former editor said: "In hindsight it is very easy to say: 'We defy you.' It wasn't like that. I said more than once what a wonderful, tempting thing it would be to say: 'I defy you.' Whether management backed me or not, I would have had a major golden handshake, freedom and fame, and a guaranteed job elsewhere. It is very tempting. The trick was not to do that. The trick was to keep your newspaper going, so that you could get the messages out. That was our job and our function."
Natal Newspapers editor-in-chief Mostert van Schoor, who edited the Pretoria News during part of the emergency, said: "We tried to operate within the law, but often we sought legal counsel on how far to go on the interpretation of the law, and we became pretty expert at interpreting the law ourselves. There was a time during the state of emergency when we began avoiding taking legal opinion, because the lawyers were taking decisions on the law that were more conservative than we wanted to take, politically or editorially. We preferred our own interpretations, because we found their interpretations restrictive."

Question - You were prepared to take a greater risk?

- "We were prepared to take a greater risk than our lawyers felt should be taken. We were all cowed by the emergency regulations when they first came out. You sat with the emergency regulations on your desk, but we learnt how to get around them. We learnt what we could get away with and we learnt to interpret them, and that lawyers' interpretations were too restrictive. The sole purpose was to give as much information to the public as possible. We were fully aware of the fact there were many areas where we weren't getting sufficient information.

"There were times when we knew more than we could publish. It was a very uncomfortable feeling, but our guiding principle was to publish as much as we could without getting ourselves shut down."

Editor-in-chief of The Star, Peter Sullivan, who edited the Saturday Star while Harvey Tyson was editor-in-chief, said Tyson always looked for loopholes in the law, "all the time. He didn't necessarily put his life on the line, but he put his career and his newspaper on the line, almost daily. When I was there, we were breaking the law four times a day. Harvey said: 'Keep it at around four times a day and don't move it up to too many.' "

Sullivan also recounts how, when he was The Star's political correspondent, he and Helen Suzman MP conspired to get something published which parliamentary rules actually did not allow.

"Helen Suzman and I conspired against Parliament, and we were then accused by Parliament. We had this letter from Neil Aggett (who died in jail after being assaulted), and we weren't allowed to publish it. I said to her: 'Well, read it into the record. I'll publish it for you.' She said: 'They will scrap it from the record and they won't allow me to read it.' So I said: 'Well, don't say it is from Neil Aggett. Say: 'I have a letter from a prisoner' and then read the whole letter. And then at the end, you say: 'The prisoner who wrote that letter was Neil Aggett.'"

"Helen said she would do that, but they would then scrap it from the record. So I said: 'Helen, I will put it into the second edition of The Star. It will be in the paper.' And, I mean, the way it happened...You could not have written it better. At the end of the speech... 'I saw the man being beaten...' and she said the person was Neil Aggett. Up jumped the Nats and said: 'We object. That matter is sub judice.' Then in walked the messengers with copies of The Argus with the headline. It went to P W Botha. It was a speech she had finished making ten seconds before. I said clearly it now doesn't help to take it out of the records of Parliament. The Speaker started the next morning to say it grieved him to say the honourable member for Houghton, an honoured member of this establishment, 'appears to have conspired against the wishes of Parliament'. I think we did those kind of things every day."

One former editor said in an interview recently: "It would be very comfortable to dodge taxes because your taxes were paying for tanks. Again it comes to principles, which laws do you break? Once you have broken the law, where do you stand in terms of your own principles? I personally wrestled with that all my life, but I never quite solved it. I started off not breaking any law and in the end I openly declared we were breaking the law. I went from one thing to another. The principle kind of decays. But it is still a major jump, to say I will break laws, because I disagree with them. I'm saying I paid my taxes. I obeyed the laws."

Question - So you didn't break the law unless there was a point to breaking the law?

- "Yes. I could have broken the apartheid laws, but it didn't seem of much effect to me."

Green says: "Without directly breaking the law, which might have led to prosecutions, one would try - as far as I was
concerned - to push the law as far as possible to give those people some right of expression and to look after their interests.

"The kind of thing I'm thinking of, I can't give you the exact date but it would probably have been in the early 1980s, our reporters in Durban had information about gross police abuses in Umlazi township, no, Lamontville township. The police had raided various people, kicked their doors in, knocked them around, forced their way into their houses in the middle of the night and so forth looking for political suspects, and a report was compiled that I was satisfied was accurate. The police had got wind of the fact that our reporters had interested themselves, and our police reporter, Greg Dardagan, came to me to say the police had told him if the Daily News uses this, the police will use the Police Act. If you publish this, it will be a contravention. You have to refer it to the police, obviously, and the police will simply deny it. I was faced there with a dilemma. What I did, after a certain amount of thought, was to get in touch with Harry Pitman, a Progressive MP, and we got him to raise the full document in Parliament the next day, which we could then report. So furious was the government, I'm not sure who the minister was at the time, that they threatened to extend the Police Act to statements made in Parliament. That didn't go very far. But I merely cite that as an example of the lengths one went to try to circumvent the law, to break down the laws that prohibited publication.

"If I might cite another one, a man who is now quite an important ANC member of Parliament and chairman of committees, Pravin Gordhan, was detained without trial. This was probably in the late 1980s. We had wind that, after he had been kept in solitary confinement for several weeks, he had been taken to a hospital in Durban for psychiatric treatment suffering from long periods of solitary confinement, and we checked this out. In fact, two of our reporters who knew him saw him through the hospital window and waved. We knew he was there. We approached the local police officer, couldn't make any headway, nothing was to be reported about this, but we informed Mrs Gordhan, who knew nothing about this. With our help, she got to the head of security police in Natal and he said yes, her husband was in hospital, wasn't seriously ill and she couldn't see him. And she told us this and we put it in the paper. We had a regulation visit from two senior officers and a captain of the security police saying they were investigating a charge against us. And I said: 'This information is confirmed by your own chief of security police.' 'Ah,' he said, 'did he confirm it to you?' Well, eventually that threatened prosecution was dropped. It was part of police harassment. It was another example of the lengths which newspapers went to try to protect the interests of people who were not in a position to do so themselves. It hasn't stopped Mr Gordhan, I may say, from criticising us quite severely from Parliament."

Tyson, in his book "Editors under Fire", recalls how The Star first reported that South African troops were fighting in Angola: "On August 9 1975 SA forces invaded Angola at Ruacana. Government delayed confirmation of the invasion. On August 11, Defence Minister P W Botha banned reports of military movements on the Angolan border. The first SA soldier killed had a death notice in the Rand Daily Mail put on front page just below an SADF denial that SA soldiers were at war in Angola.

"Then on September 9, P W Botha sent a confidential message to editors confirming the incursion into Angola. It had been withheld, because of negotiations with the Portuguese. However, the press had already side-stepped the Defence and Official Secrets Acts ban by slipping through a technical loophole. The BBC and overseas media, unable to confirm official SA involvement, reported 'SA elements' and 'SA mercenaries' in armoured convoys deep in Angola. These reports made front page lead reports in some papers, and Botha could do nothing about them."

Almost all Argus Group editors at that time whom I interviewed have admitted trying to go as far as they could to tell the public what was happening, in spite of the restrictive laws. Some went considerably further than others in actively seeking loopholes in the law, and in actually breaching the law.

Tyson, in his book, put the problem in context: "But during those 40-odd years we operated on continually shifting sands. Some newspaper people, even in the mainstream press, responded by turning to advocacy journalism to promote the anti-apartheid cause. At the other end of the scale, some 'old-fashioned' editors who aspired to balance and objectivity became the easiest to manipulate. Some editors never understood that the 'rules' were continually changing.

"After 1985, for instance, one of the 'new rules' was: 'Never ask a censor for a ruling. Never ask even your own lawyer for a legal guideline on a restricting measure.

"The reason is that, if you ask that silly question, you will receive a restricting answer. Yet, even towards the end, some
newspapers were still relying on 'official' news, and 'official' checks on news, which had been gathered at considerable risk by other newspapers. The 'unofficial' - and of necessity unsourced - news would be put to a government spokesman, who would not merely deny the report, but condemn it and produce some fiction of his own. In following this safe and 'responsible' course, a number of journalists failed dismally to reflect reality - or at least that portion of reality which it was possible by devious means to publish."

My experience recently, in interviewing editors of those days, was that all admitted they could possibly have gone further than they did in testing the limits of what they could get away with. The great problem was that they were dealing with an invisible line, so they did not know what would be regarded by the authorities as overstepping the mark to the point of facing a prosecution.

To the extent that editors may have failed to push these news-publishing risks to the absolute limit, they could be said to have failed the South African public in an area often covering human rights.

It was certainly not a failure by intention, quite the opposite, but there were areas of failure in this area of news coverage.

In the earlier years before the 1980s emergency, there was less searching through regulations and laws with the intention of finding ways to breach them, so the degree of omission was greater earlier in those apartheid years than it was later.

For instance, it was believed for many years that the press was not able to quote prisoners or publish their pictures. This was based on the understanding that it was unjust to prisoners for the press to keep harping on their previous crimes while they were still serving their sentences. A law was actually interpreted as preventing the press from such reporting or from publication of pictures.

But later on, when the campaign was on for the release of Nelson Mandela, it was suddenly discovered that he could be quoted from jail and the press could even publish his picture. There was a great scramble to try to find pictures of him, because press library files generally didn't have any from so long before.

Similarly, it was thought that the press could not publish ANC statements, because it was a banned organisation and because its main spokesmen were listed banned persons. Only later was it discovered that, though the organisation was banned, its statements were not, provided they were not issued by a banned person. The press then took to publishing ANC statements without attribution to spokesmen (so avoiding the need to establish whether the spokesman was banned or not), and the government took no action.

It is in this area, of not being aware just how far the press could go, and of not taking the trouble to explore these opportunities until news coverage very close to base was seriously impeded by the emergency regulations, that the press, including Argus company newspapers, omitted news coverage affecting many human rights issues.

**Section 6: Different agendas**

I believe it is of key significance in considering this report to take note of the main two vantage points from which the issue of human rights abuses under apartheid is being viewed from within Independent Newspapers and in press circles.

So fundamental is the division of opinion based on these separate agendas that it can colour the whole field of assessing arguments presented, from both sides, in this report.

Unfortunately, there is little common ground between them in the handling of apartheid issues (though the liberals' view may be quite widely accepted by black journalists under a full democracy), resulting in a so-far unbridged chasm between the two schools of thought when looking back at many of the fraught issues of those times.
The differences can be summarised briefly as the liberals' view versus the liberationists' view. The liberals' view is held generally by white editors and many of their white staff. The liberationists' view is held generally by black journalists, so it has the added disadvantage of representing a racial split in the company.

a) The Liberals' View

In terms of this outlook, the newspaper's role is seen as requiring journalists to seek maximum objectivity in news coverage, to seek to reflect balance between different viewpoints, to eliminate where possible allowing personal feelings to place a bias on coverage given, and to be fair to every point of view, even while the newspaper in its editorials might take a strong stand on one side or another.

One white editor after another expressed complete commitment to these principles. They felt this justified them in sending reporters on assignments with government spokesmen, even when the purpose of the assignment might have been to generate propaganda for apartheid. This was done as part of representing one side of the unfolding drama of apartheid, and suggestions that these practices could be seen as collusion with apartheid, or with the perpetration of human rights violations, were firmly rejected.

Here is a sample of how editors expressed this approach:

Green: "The role we saw ourselves in was to try to print the truth and as much of the truth as was possible and in particular to try to protect the people who were rendered to some degree defenceless by the laws of the time."

A former editor of the Pretoria News and earlier of the Argus Africa News Service (who does not wish his name to be recorded here): "The purpose of a newspaper is to survive to inform. If it casts aside the fundamental principle of objective journalism and is seen to be one-sided, it would lose its readership base and its revenue and die. This is what happened when the Rand Daily Mail's ordinary news pages became so heavily political and soaked with subjectivity it lost its base. It is a fact that most readers of any racial or political coloration respect a medium which is factual, honest and comprehensive irrespective of its political stance as stated in its editorials. Proof of this is the wide spectrums of readership of such disparate papers as the Mail and Guardian and The Citizen."

Tyson, in his book, said: "When the Rand Daily Mail folded, Allister Sparks said of The Star: 'It is desperately trying to remain a dull neutral and not assume the leading role of the Rand Daily Mail.' Our own view was more prosaic. The Mail had failed for managerial reasons, but it had also failed in its own editorial mission - its message was reaching only the converted. The Star cherished its image of "grey" dependability, authority and credibility. The dispassionate reporting of both sides of every issue is the culture, as well as the strength, of a dominant mainstream newspaper. We were desperately trying to be an effective agent of change.

"Many times readers thought The Star was losing its balance and was 'giving too much exposure to allegations against the police and to the people with grievances'. My fear is not that The Star will be unable to maintain a reasonable balance in the future, but that our society itself will become so unbalanced as to make the middle of the road irrelevant."

Van Schoor: "Africa has not been kind to its liberals. But liberals and liberal democracies have nonetheless played a critical role in keeping alive the concepts of freedom of speech and democracy, human rights and equality before the law... I also believe we played a pivotal role in keeping alive in the public mind concepts that the massive machinery of government repression and propaganda were trying to suppress. I refer to the democratic liberal principles of freedom of speech, freedom of the press, human rights and equality before the law."

Drysdale: "The argument that if you are not for a political party, then you are against it, is not true. What it does show is that you wish to be independent. The core of my thinking as a journalist was that I did not want to belong to a party. I did not want to be seen on the platforms of any political party. And there were many journalists black and white who did. There are many journalists black and white who identify with political organisations. That is their right. I have no quarrel with that. I am saying those of us who believe that we should stand independently, and independent of political movements, serve the interests of the readers better, because what happens when the party goes down the tubes, then the journalists abandon the cause. Ah, that's great. What kind of morality is that? That is infamous. That's not morality. What we are talking about for independent, accurate journalism is actually to stand aside from political interests, vested
interests. That is the sort of approach we certainly tried to take. That is not to say that at various elections and referendums, when they came to the fore as political issues, that we did not declare for political parties. But we were not party-politically affiliated on a day-to-day basis, as were some of the Nationalist papers. Most of them were party organs. That could not be said of most English language newspapers."

Hobday: "What should be understood about Argus newspapers was that even in these extraordinary circumstances, unreal abnormal circumstances, we tried to stick to the principles of newspapering in which we were founded. The principles were essentially summed up in the word objectivity, balance, accuracy, fair, free flow of information and even through those bad years, it is fair to say we tried our best to maintain balance and to get both sides of the story. It caused a clash. We knew it in our own newspapers. You would get reporters, not necessarily only black reporters, but white reporters as well, who saw their role in a militant and one-dimensional function. They were there to promote one angle, totally anti-government, a totally liberationist role. This is not how we were trained. Those principles of professional journalism were part of the mix of our approach we adopted. It was the culture of our profession at the time. It clashed with the liberationist's culture, which said you are a militant journalist, you were their propagandist. We eschewed propaganda. We were not propagandists. We were reporters. That was the fundamental difference. It did lead to a clash. And to disappointments among reporters who were trying to present propaganda.

"We said: 'This is not balanced. You have got to get the other side of the story.' I think today that culture remains an overriding culture in the Argus Company, now Independent Newspapers. It is the Western traditional method of reporting."

New Nation, a black newspaper committed to the liberation struggle, refused to publish an advertisement of the Natal KwaZulu Indaba. Green wrote: "... it is singularly unfortunate if bishops and journalists committed to the cause of freedom, have much to say about it and are internationally honoured for their efforts, are reluctant to publish things they don't agree with.

"The only other papers I know of in South Africa that adopt a similar attitude in rejecting advertisements of political opponents are the government-supporting Afrikaans papers. Odd bedfellows in this instance, aren't they, the Nats, the bishops and the radicals?

"As I noted earlier, it is not always easy for liberals to stick to democratic principles in South Africa. But stick to them we must, even when they go slightly sour on us."

Tyson, who recorded this article in his book "Editors under Fire", commented: "That column reflects a small sample of the differences, often the tensions, between 'committed' journalists and those striving for 'objectivity'."

b) the liberationists' view

Tyson explained the attitude of Zwelakhe Sisulu, now chief executive of the SABC, but earlier the editor of New Nation, more fully: "Zwelakhe Sisulu rejected co-operation with the state," Tyson wrote.

"He was committed to the cause of liberation, and said there was no place for neutrality or 'objectivity' in South Africa. Neutrality meant co-option, he believed. After he launched the New Nation, following periods of detention and going on a Nieman Fellowship, he said his philosophy as editor was 'not whether one is propagandist or not, but whether one is a collaborationist propagandist or a revolutionary propagandist ... If committed is an alternative to non-committed, then surely we are propagandist.' This is a viewpoint shared by many black journalists, but by no means all, and was particularly true of black journalists in relation to the liberation struggle against apartheid. Today there are more black journalists who are happy to be independent and objective (some recently ran foul of President Mandela for that stance), but they were not independent or objective about apartheid. After the Soweto riots, the liberation cause was their cause as much as it was the cause of ANC, PAC, UDF, BCM, Azapo or any other black political movement. From this attitude has come the view that journalists and newspapers following the liberal philosophy were "collaborationist propagandists", colluders with apartheid, part of the apartheid system, bearing some of the responsibility for the sufferings of blacks under apartheid.

The alternative press, seeking a niche as champions of the liberation struggle, tended to reinforce this view of the
mainstream press to make legitimised space for itself in the market, but this smear has been rejected by mainstream anti-apartheid newspapers inside and outside the Argus Group. Pather was asked whether there were tensions between white and black journalists in the Daily News newsroom when he was a reporter.

"Yes there were. We came out of different experiences. And we viewed things through different perspectives, especially you take the question of apartheid in sport. If the South African selectors decided to include a token black in their rugby team, the black members of staff would have said so and that this was totally unacceptable. We actually needed a situation where everyone had equal opportunity to get into a totally non-racial side. And there would sometimes be very fierce arguments in the newsroom. Some whites accused us of being over-sensitive, singing the same old story whenever we were consistently critical of whatever was being done by government. They did not go through the same sort of experience as blacks did. Blacks courted more police attention than white journalists. It was a fact of life. Black journalists were more prone to arrest, house arrest or confiscation of passport or restrictions in travel than most of the white journalists."

Pather, as has been recorded above, was repeatedly harassed by police in trying to do his job as a reporter. He was asked whether his newspaper took the matter up with the authorities.

"I must say at that stage I did not even expect anybody on the newspaper to take up the cudgels on my behalf. I'm not saying there were not people who were concerned. There were people quite high up in the newspaper I know would come to me and sympathise and express anger at what had happened to me and some of my colleagues. Nothing more than that was done about it, so over time it was something you did not expect, that anybody would take it any further. There would have been an editorial expressing criticism of bans on organisations and so on, but not down to the behaviour of policemen searching your homes. I also think that while some editors at that stage did a sterling job in opposing apartheid, in opposing the entire policy, others believed that editorials criticising that obnoxious system would suffice. I believe there was more for them to do."

The difference of attitude to liberation struggle methods was contrasted in a conversation I had with Pather. He said: "It was understandable that black people under the conditions in which they lived in many instances couldn't tell the difference between what was right from what was wrong. Many things fell into the area of criminality when they were just the makings of the government. Just the carrying of a passbook was a requirement of the government of that time and non-compliance meant he was guilty of a crime.

"I remember saying to my white colleagues on the Daily News that I had once lied under oath, and I did not think it was wrong. And they were aghast. I said if you were in my shoes you would have done the same, because the police had called me into the police station and said to me that a person who had been banned had come in to see me at the newspaper office.

"I do not regard that as something wrong. I actually regard that person as a respected member of society and he had come in to see me. He wasn't preaching terrorism or anything of the sort. To me the law was wrong. When he asked me whether my friend had come into the office, I said no.

I was prepared to take an oath and say no. I had not done anything wrong. In different circumstances, I would probably have acted differently."

I have quoted Klaaste as saying that during the activism of the late 1970s and during the 1980s black journalists were black before they were journalists. He also said: "I think it was almost like a high people were on. And that is how they reported too. They reported with an advocacy which was plainly out there. You must remember we had rather a suspicion of all whites. All South African whites. We were very suspicious of them. Sometimes there was downright hatred of them."

But while that was the mood, black journalists on the Sowetan had to respond to one huge threat to them. Two newspapers had been closed by the government under them already.

"When the World was banned, the company lost a lot of money and there was always this sword hanging over our heads. You guys have got to watch out because you can't get another paper banned like this. And that was like a Sword
of Damocles."

Questioner - Your jobs were at stake?

- "Absolutely, and not only our jobs, but it was quite plain everybody else would be without a job if we got into trouble."

Questioner - So you had to feel your way pretty carefully?

- "Absolutely. And in the 1980s and 90s it got bad, you know. We also got into trouble with the ANC, with Cosatu, and the paper was boycotted. It was a terrible time for us."

Section 7: The great divide

a) socialism, communism and the total onslaught

The South African liberation movements, in advancing their struggle against apartheid, had no compunction in forming alliances and receiving financial and military aid from communist or socialist countries, and from countries spurned in the West because of their support for international terrorist actions.

This "alliance with the devil" (as seen through liberal eyes) increased the tension not only between liberation movements and the government, but also caused them to be opposed by the mainstream opposition press, including Argus newspapers.

Communism and even milder forms of socialism have generally been opposed by the majority of whites in South Africa, whether within the Nationalist government or inside opposition parties, and Argus Company editors generally took a liberal position opposed to communist/socialist expansion into South Africa.

Though they were themselves often accused by Nationalist propagandists of being "pinkos" and "communist fellow-travellers" for opposing apartheid, Argus editors did not hesitate to distance themselves from communist/socialist aims, mainly because liberal philosophies are inherently at odds with those of socialism and communism. PW Botha's government in the 1980s used this common opposition among whites to socialist policies and alliances to build a huge propaganda campaign and "total strategy" against the "total onslaught" which it claimed was being waged against the country by communist and liberation forces.

The degree of common ground between the Argus newspapers' policies and the government's total strategy were, however, extremely limited.

A former editor of the Argus Africa News Service (who chooses not to have his name recorded here) had considerable experience of reporting wars in Africa where a communist element was involved. He had a very definite view on Botha's propaganda campaign. He said Botha had been inspired by a book "Total War" written by Gaullist French general Andre Beaufre advocating a total response to a total onslaught, but in the context of a classical conflict like World War Two. In such a situation, he argued, a nation should use every conceivable resource, including the media, to fight off an enemy intent on conquest. The editor said Botha "seized upon this philosophy hugely to inflate the image of the ANC attack on South Africa, backed by the looming might of the Communist Bloc, into a monstrous threat far beyond reality."

The editor conceded that the campaign served to scare the Nats and many other whites and Parliament into voting Defence ever larger budgets. He said the communist threat was "minimal" and "the ANC never came close to the military capacity to threaten South Africa seriously."
He said United States experts on communism confirmed to him that Russia did not want a full-scale southern African war, but merely wanted a regional stand-off as an irritation in the American side.

Interviews with a string of Argus editors and former editors confirmed to me that none of them was convinced by the "total onslaught" propaganda.

Wyllie put the communist threat at no more than 30%, but said the threat of the liberation movements was more like 70%.

Van Schoor, who as editor of the Pretoria News sat on the press/defence liaison committee, said: "We all knew that total onslaught was the government's political device to justify its continued use of racism. The threat of communism was believed by many people, probably sincerely held by some members of government, but the communist threat and the total onslaught were a strategy designed to protect the government and entrench a racist policy and white privilege, and none of us believed it.

Nor did our paper believe it ever. We reported what the government said about it, but we reported it with a balance of other views. It is very difficult to ignore what the government is talking about from every platform. What the government did was take a distant threat and turned it into a justification for apartheid. We never believed it."

b) attitude to political rights for blacks

Throughout the period under review, Argus Company newspapers supported increased political rights for disfranchised groups of colour. It is probable, if individual editors had been asked during much of that period for their view on what political rights blacks should have, that a variety of answers would have been given.

It is also probable that most would not have expressed support for a simple transfer of power from whites to blacks. But the question would have been somewhat academic, in that their editorial policies were determined by practical issues of the day. The National Party was in power, propagating separate political rights for different races groups, and those in opposition were proposing alternative plans that could possibly gain support when put to an all-white electorate.

A simple transfer of power would definitely not have been supported by the white electorate, so more incremental or gradualist proposals that could possibly persuade the electorate into accepting an eventual broad democracy for all races were put forward. The details of these proposals varied from one election to the next over the 33-year period of this review, eventually giving way to a realisation that the country's politics had changed so far that parliamentary opposition parties were becoming irrelevant to the main political agenda, and that it was black-led liberation movements who offered alternative policies the country had to take note of. White opposition partners had been sidelined by events. So a division between black and white on this constitutional issue was real.

There must have been few blacks indeed who wanted anything less than full democratic rights NOW throughout that period. While white Argus editors were prepared to move in that direction, they all opted for a gradual extension of political rights for most of the period under review, moving in later years ever more strongly to urging constitutional solutions not through party blueprints, but through direct negotiations with the liberation movements.

c) attitude to liberation struggle methods

One of the greatest bones of contention between blacks and whites generally, and it was equally true among black and white journalists, was over the methods adopted by the liberation movements to advance their ambitions to overthrow apartheid.

Most blacks felt, even if they did not actively participate, that liberation struggle methods were fully justified, because the prospects of achieving a negotiated settlement without it seemed minimal.

White liberal editors throughout never abandoned their call for peaceful change and negotiation rather than violence. They openly opposed the use of bombs and land mines against the civilian public, and even against military targets, and they were against isolation policies, disinvestment, economic sanctions, sport boycotts, internal commercial boycotts,
making the townships ungovernable, liberation before education and any other slogan tactics of that ilk.

One former editor said: "The point I come from is this one: you can be an activist member of the struggle or you can be like the majority of South Africans black and white and many good people who were not for violence. And I was never for violence. I was against the institutionalised violence of the government. I didn't see what a terrorist or liberation struggle of attacking human targets in this country was going to achieve except total bitterness. We would have had a Northern Ireland on our hands for another 40 years, in my view. The business of staying within the law was difficult, because the law itself was questionable if not illegal. Some of us moved from refusing to break the law to actively breaking the law, but not to perpetrate violence. Again I don't feel I have to defend myself against anyone for human rights or anything else to say I will not take to violence to put things right. I still think that is wrong. Those are the basic issues.

"Now if you are working within the system, is that a crime? That is something that bothered me for years. I had two worries: the precedent of Germany and of several other fascist states like Argentina and of Rhodesia. And the Rhodesian newspapers fought a very honourable campaign against sectional racist government until civil war occurred. We never had a civil war. And then they became captive of the government. My worry always was: would we become captive of the government? And that is one of several reasons why I called a conference called Conflict of the Press and brought in experts from around the world to examine issues such as this. I would commend to you ... it was Baroness Durnhoff of Die Zeit she specifically addressed this point ... she said she lived under the Nazis and worked under the Nazis, and ran from them. She said there comes a point when you cannot run a newspaper honourably. And she said you are nowhere near that point. That was in 1987. We all had worries: were we propping up the apartheid regime? There was a report in Business Day recently, saying editors agreed that they allowed apartheid. I disagree with that totally. I don't believe there is any point in being a newspaperman if you are actually part of holding up the system. That is the crux of our business, whether by working within the system and not taking to the streets, because there was no choice, you either fought it by fleeing the country or going underground, or you worked within the system. I repudiate totally and with vehemence anyone who suggests that those who fought within the system affected other people's human rights. In fact there are very few - very, very few - South Africans who actively fought outside the system. Many supported it, but very few actively did it. And some of them perpetrated offences against human rights, those who fought against apartheid, by the very nature of their violence, so I think again that it doesn't require to be defended that one worked within the system."

Hobday had this to say on liberation struggle methods: " I don't think we were fooled into believing in the total onslaught, but there was no doubt that the liberationists' war was an onslaught. So were sanctions. But who was responsible for sanctions? We saw the onslaught as the just deserts of that government.

"I as an editor never supported sanctions. I cannot say I supported the liberation movement. What we supported was reasoned negotiation. And, as it turned out, it was reasoned negotiation that won the day. Violence did not do it, and never would. It would have replaced one form of political terrorism with another. One tyranny with another tyranny. As it was, throughout the years, consistently, we argued for negotiation, reason, compromise. That is what we got. I think we can look back as editors on those four decades with some justification and satisfaction in that the thing we argued for right in the beginning came to pass. I think if we had to look back to summarise what the Argus papers were doing: 'What did you do during the war daddy?'- We did our job. That's what we did, and we did it as best we could. You can quibble with this and you can quibble with that, but at the end of the day we did our job. And if you want the proof of the pudding, it's in the eating, where we are today. That's what we wanted.

That's what we fought for and that's what we got."

d) the alternative press

The alternative press developed in the 1980s with such publications as the Weekly Mail, South and Work in Progress entering the political arena as media which supported the liberation cause and specialised in exposing the wrongdoings of the Nationalist administration.

These publications differed from the mainstream opposition press in more ways than the emphasis of their politics. They were not dependent on advertising or readership levels to pay their costs, but were lavishly sponsored by mainly foreign
organisations wishing to strengthen the pressures for change inside South Africa.

This difference in their economic make-up enabled them to keep publishing, and keep getting their message across, in circumstances which would have been quite impossible for the commercial press. They were highly political, published shock reports that satisfied the masses' mood though they had low circulations and did not attract advertisers with such material. But they showed the government up for the ruthless and corrupt machine it had become.

Tyson commented in his book "Editors under Fire": "Into the gap left by the RDM came the alternative press, which attacked the opposition press for failing in its duty to bring down the National Party and for failing to express the views of 'the people'. Most believed that things like balance, 'objectivity' and all those other old-fashioned values were not only irrelevant, but a hindrance in the war against a total onslaught on freedom.

"It was necessary for them to denigrate the mainstream opposition press to justify their own existence and to garner overseas funding."

He noted that the 'commercial press' (a sneer from academics, students and alternative journalists) adopted a pained silence, and admitted that some of the criticism of the new wave was true of much of the mainstream press.

"Many newspapers, battered by economics as well as racial politics, were finding it impossible to cope with their normal role of bridging the prejudices of their divided communities. Many had lost touch with 'the radicals' and indeed with the oppressed masses."

The government moved against these alternative papers, giving them added status among those for whom they wrote. More journalists were thrown in jail, more journals were threatened, confiscated or temporarily closed.

The effect of the arrival of the alternative press on the media scene was to provide the mass democratic movement, the UDF and later the unbanned organisations with friendlier coverage, allowing them to obtain some of the best political news breaks of the time.

The Argus Group and other mainstream opposition media were made to look more reactionary than they were in the political arena, for a time, but as democratic transition got into its stride, overseas subsidisation of the alternative press began to dry up, and the Argus Group took steps to improve its contacts into the rapidly emerging new power group.

The Weekly Mail tried to launch a commercial daily against The Star, but was driven under in a matter of weeks. It has retained a viable weekly spot in the market, supported commercially and with the backing of The Guardian in London.

The rest of the alternative press has largely fallen by the wayside.

Section 8: Collusion with apartheid

On January 7 1997, ex-Sowetan senior journalist Mathatha Tsedu wrote an article in The Star which demonstrates the differences liberationist journalists have had with the liberal mainstream newspapers.

Referring to a previous article written by Raymond Louw, chairman of the Freedom of Expression Institute and former editor of the Rand Daily Mail and manager of Saan, Tsedu wrote: "While Louw is right in saying that the Afrikaans press had supported the NP wholeheartedly, basically the same can be said of the English press if one was to do a close investigation of their stand. For example, when Louw was editor of the Rand Daily Mail, the paper supported the then Progressive Party, which called for a qualified franchise, which would have left all whites with the vote but only a few blacks (those with more than R50 000 immovable property or a matric certificate) able to vote.

"He claimed the editorial policies of these newspapers "could be relied upon to kowtow to the NP when the chips were
Saturday Star columnist Jon Qwelane, previously an assistant editor on the Sunday Star, wrote in a column on January 11 1997 that he had called for South Africa's media bosses to be brought before the Truth and Reconciliation Commission to explain "their naked collusion with apartheid".

He went on to argue that "it is not only the manner in which our bosses failed us as journalists which must be investigated and exposed, but also the hopelessly indefensible treatment which they gave the news. Perhaps the most indefensible part of collaboration with the apartheid regime by media bosses was the secret pact which they sealed with the dictator P W Botha, a pact which gave the so-called 'total strategy' madness undue respectability.

"Mr Botha got together the media moguls through the Newspaper Press Union and at an unpublicised gathering, it was agreed by all concerned that there was a 'communist-inspired total onslaught' against South Africa and it required a 'total strategy' to counter it. A state of emergency was declared and the army and police were given the go-ahead to do as they pleased with our lives on grounds of acting in 'good faith'."

He claimed later in the article that the press were an "active party" to the total strategy which had caused press censorship. He also alleged that, while the English press railed loudly against the iniquities of apartheid, actions in dealings with black personnel took the opposite direction, "supporting and enforcing apartheid to the hilt".

These allegations by Tsedu and Qwelane help to underline the problem I have already drawn to your attention of black and white journalists, even within the same company, having different agendas.

The black agenda finds the mainstream opposition newspapers (necessarily including the Argus group) guilty of collusion with apartheid for supporting a qualified franchise at a certain stage in the period under review and of conniving with P.W. Botha in his "total onslaught" campaign. There is no doubt these opinions are genuinely held, and from their outlook, could seem justified.

But they seem like a serious and mischievous distortion if looked at from the vantage point of liberal journalism. The qualified franchise was not support for separate development, seen from the liberal point of view. Quite the contrary. It was regarded as a stepping stone to the eventual full enfranchisement of black South Africa within one political system, as opposed to the NP's separate racial states formula.

The qualified franchise was a formula adopted in an attempt to woo white South African voters into accepting eventually a common future in one country with black South Africans. It was abandoned as a policy as the national political equation changed to the point where it was no longer relevant to look to white opposition parties to develop policies to change separate development. Black South Africans had developed so much political muscle that the ruling party saw it was inevitable that it abandon apartheid through negotiations with the ANC, other members of the liberation movement, and all other political groups.

The charge against the opposition press would thus seem unfair viewed from the liberal perspective, but viewed from the perspective of black political aspirations, it is not so far-fetched. The adoption of a qualified franchise would in effect have reinforced white power and undermined black aspirations of rapid political advancement for a considerable period. It would have made black political advancement dependent on educational advancement and personal wealth, criteria that are not essential elements of a working democracy. Even the poorest and least educated may know which political party will advance their interests best. Seen that way, the white mainstream liberal press was praising apartheid with faint damns, and was conniving with apartheid for the sake of perpetuating white privilege into an indefinite future.

I believe it is difficult to judge the merits of these two sides without accepting either the liberationists' or the liberals' premises. Both have a case to make which is valid within those frameworks.

a) participation in news conferences, briefings, tours etc

Black journalists have noted the way the mainstream opposition press continued to participate in police and defence
agreements with the government, to attend press conferences and confidential political briefings, go on tours with ministers and with the Prime Minister and later the State President, and go on inspection tours of the military situation on the Angola-SWA border.

All this, to liberationist thinking, smacks strongly of collusion with apartheid, especially as the government's purpose with so many of these media events was to use them for heavy propaganda purposes.

Virtually no balancing briefings or tours with the liberation movements were possible, so the propaganda advantage was heavily stacked in favour of the government.

Argus Group editors interviewed on this question were unanimous in saying it was their duty to send reporters to these press conferences, briefings, tours etc, because what the government was doing in South Africa over the period under review was "more than half the story" and no newspaper could be properly informed without being present.

They strongly denied that government propaganda was meekly and naively swallowed by their reporters or by the editors themselves.

Sullivan, who was political correspondent during part of those times, says: "Most of the time we came back and wrote things that horrified the people who had taken us on the tours. They said: why could we not be good like the Afrikaans press or some of the tamer newspapers like The Citizen? I came back from a Koevoet tour and wrote that it was a ruthless killing force. And Lothar Neethling threatened to shoot me. He said: 'How can you call it a ruthless killing force?' I said: 'Well, what is it?' He said: 'We are protecting the people in the area.' I said: 'Rubbish.

"I wrote it was a ruthless killing force and General de Witt called me up and said: how could I say that? That was exactly what it was. And most of those trips, if you looked at how The Star journalists came back, it was always at odds with a lot of others. I went to Taiwan with PWBotha on a state visit. And everybody wrote Taiwan was so happy and didn't want to be a separate state. And I wrote that they were unhappy and wanted to be a separate state. I have always believed you need a very short spoon to sup with the devil. If we didn't go on those trips, Beeld would have come back and painted such a wonderfully rosy picture of what was going on and there would be nobody to give the opposite side."

Green had this to say: "To some extent you had to rely on official statements. For example, the Defence Act as you well know, laid a cloak over all information, and if we didn't use statements from the Defence Force, we wouldn't have known anything. Where we had information from other sources, we were legally obliged to check it out. Where we felt it was official propaganda, we often said so by way of leaders or by interviewing other party politicians. As far as media tours are concerned, I went on three tours of the border. Now, was that participation? I suppose it was, but at the same time you could see what was going on and it was better to have some information than no information. Also, the fact that we travelled in a fairly large group, if I remember it was about 20 editors at a time, it is not so easy to brainwash you when you've got all your colleagues there. On at least one tour, some of us got into quite acrimonious discussions with senior officers, where they accused us of not caring if they got killed and we said we did care. They were under no illusions that we were just fellow travellers."

Question - Did you feel that a lot of their statements were propagandistic?

- Yes. I think they were propagandistic. It depended who they were. Then you get a chap like Jannie Geldenhuys, he was chief of the army for a time, he was a lot more reasonable. He actually saw we were not necessarily going to agree with him."

Van Schoor, who was Pretoria News editor during part of the 1980s, said: "You have to remember that the propaganda machine was pervasive. You couldn't 'not go' on assignments, because the government's was at least half the story and you had to use all contacts possible. Yes, people went on them."

Question - Did you feel by going on them that you were part of the apartheid machine?

- "You must think what it was like in those circumstances. You couldn't close your eyes and ears to what they were saying, but it is how you received it and how you used it. Yes you had to have contact with them. You had to have
contacts with them. Just as you had to try all you could to have contacts with the underground, so to speak. All the time when dealing with the government, you knew you were dealing with a huge propaganda machine. And if it was not straight propaganda, it was selected information aimed at promoting the government's interests. Everything you got from those sources you got knowing whence it came.

"You would have to be very naive to believe we swallowed everything the government fed us. The government saw our very presence as part of their machine, because they were the ones who took us into the border areas, but we never bought into that philosophy, never. In fact, through the Conference of Editors, I was the one who had to attend the military briefings, against my better judgement, because they were utterly useless exchanges in which the military was telling exactly what they wanted to and avoiding the tougher questions that we asked. We ended our association with the Defence liaison body, because we knew it was being abused by them and we wanted no part in it. But while it existed, yes, we did go with our eyes wide open. We weren't used, I don't believe."

All other white editors in the group spoke along similar lines, and the only question to ask is whether, even accepting that Argus editors and their reporters were on their guard against propaganda, a full and fair picture emerged in Argus newspapers as a result of attending these briefings and going on these tours.

My own view is that, while propaganda was often shown as propaganda, there were huge difficulties in balancing the propaganda by getting the other side, so some of the distortion did stick. There were times, such as with cross-border raids, where the initial government propaganda of hitting nests of activists waiting to attack South Africa was published as fact, but very often within a day or two other reports would come to hand suggesting that - far from being a successful raid on trained liberation forces - many innocents unconnected with the conflict had been killed in these attacks. So, to some extent the balance was restored, though I doubt that complete balance was achieved. Of course, it must be remembered that it was not just the SADF that was killing unfortunate innocents. Many of the people killed by liberation forces' bombs and land mines were complete innocents. In some respects, that was even worse than SADF mistakes in killing innocents, because ANC cadres knew before the bombs, land mines and grenades went off that their victims would be innocents ... yet they still went ahead and did it.

b) racial discrimination practices within the company, and black disadvantages

Several examples of discriminatory practice have been brought to my attention during this inquiry.

Pather has a clear recollection of incidents he experienced personally: "I was called in for an interview and told I was the best candidate available, but I had to come in in a couple of days. They needed to check on my background. When I came back, they said they were given to believe that I was a political hothead, that I had been in trouble with the special branch, that I had associated with people like Steve Biko and Strini Moodley and Saths Cooper, something I thought would have been of benefit to my application. I asked them whether they thought I was going to get subversive material into their columns surreptitiously.

"I was told it was a large company and they couldn't afford to take chances and that I should wait for my letter of acceptance. Up to today the letter has not come.

"They took on Subri Govender. Two years later Subri phoned me and said the Daily News was going to take on a second black journalist. I applied and I was asked the same question by the same person. I said my answer was the same as two years ago. I think by then they had matured sufficiently to accept that. My own political views were not relevant here. We are talking about 1974 and then the end of 1975 and they then gave me the job. I started at the beginning of 1976. It was only about a year ago that I spoke to the person who interviewed me and it was not the editor. It turned out they had consulted the special branch. Roy Barnard, the crime reporter, went to the news editor and said: 'Do you want to know about that guy's background, I'll find out.' It turned out he went to the special branch."

Pather had other experiences too. He said: "I believe I helped the company to change its mind about segregated canteens, because we just defied regulations. The first day I joined, I got hungry and went to the canteen. They told me I couldn't be served. I said I was paying for my meal, so what was the problem? I wasn't bucking the system, because I didn't know the system. I showed the guy I was a member of the staff and showed my staff card and he said: 'Sorry these are the regulations.' He pointed me to another room that was darkened and had a shelf and pigeonhole through which
they served blacks after they had exhausted the white queue. I bought my meal and sat down at one of the tables and then got rude insults from staff members of the works department, (I knew they were from the works) because they were all wearing overalls.

"I had a choice of avoiding this and taking my meal to a table or just insisting on my rights. I carried on eating at these tables. It was lonely at the beginning, but a few years later there were others like Quraysh Patel, Kuswayo also used the canteen facilities and stood up to these guys who passed racial insults. The company then divided the canteen into two, with the strategic placing of pot plants. One was whites only and the other was international, which was totally unacceptable. We sat where we liked and a number of whites joined us in defying the regulations. There was one instance where a staff member standing next to me said: 'If you want your curry, why don't you go to your coolie canteen upstairs?' They used to have a separate canteen that only produced curry. And so I went up to my news editor and said: 'You are going to have to do something about this or you can have my resignation.' That was taken up with the editor and the works department, and I pointed out the person to the works manager. There was an inquiry and I think eventually the editor called me in and said they took the matter quite seriously and asked whether the guy should be fired. The editor took the view that it was the chap's first offence and just warned him and got the assurance it would not happen again. The works chapel father came to see me and asked whether the guy should be made to apologise, and I said only if he wanted to, but not if he had to have his arm twisted.

"Those were the times. We were living at a time a lot of white people refused to associate with black people and were victims of racial stereotypes. They knew nothing of other groups, so based all their thinking on stereotypes. They were actually victims of propaganda."

Question - Were the toilets separated?
- "Yes."

Question - When did that break down?
- "I don't think too much attention was paid to that. While the law said one thing, people ignored the law generally. Slowly toilet apartheid became a thing of the past."

Drysdale recalls an experience when he was editor of the Pretoria News: "I had no experience of any black journalist who complained. Perhaps I was fortunate. I will tell you one interesting little anecdote, which came from my early Pretoria News years, and I was the first guy to hire the first black on the Pretoria News. One of the guys popped his head round my office door and said: 'We have got our new black colleague with us. Tell me, I feel awkward asking about this, which toilet should he use?' Remember those were the years of strict segregation. I said to him: 'The nearest one.' End of story."

What emerges from these examples, and was typical, is that white journalists were the most ready to accept black colleagues among them, while resistance to the presence of black reporters being treated equally with white employees was strongest in other departments. I recall a Christmas party wetstone at The Star in the early 1970s, at which the works department were the traditional hosts.

That year, because black reporters were now in the newsroom, individual invitations to members of the editorial staff were introduced for the first time, where previously there was an open invitation to all departments (with the assumption that it was only for whites). A separate Christmas party was held for black works staff. When the invitations had been issued, and the editorial department had analysed what was going on, it was found that all white members of the editorial staff had been invited, and the black members left out. The editorial department then decided to boycott the wetstone in sympathy with their black colleagues who had not been invited. This was a snub of considerable consequence within the newspaper, because journalists relied heavily on the works department's cooperation to get news breaks into the paper ... sometimes at the very last moment. The editor, John Jordi, was seriously embarrassed, though he accepted the reasons for the boycott. Another side to discrimination then came into play. The white reporters, having done themselves out of a party by making a stand on principle for their black colleagues, decided to hold a party of their own at the hotel across the road. Only when the party was well under way was it discovered that no black journalists were present.
The reason? The hotel did not allow black guests. White journalists had not given that a thought, which showed the extent to which apartheid had become so much a part of people's lives that even rocking the boat with apartheid did not sound alarm bells of what was involved. The following year, management insisted a blanket invitation be sent to the editorial department, but only a few blacks attended the wetstone. They were ostentatiously snubbed by some white employees from other departments, and the only people the black reporters could talk to were their own black or white editorial colleagues. At the end of the evening, one of the white reporters who had befriended black reporters at the function was assaulted by a member of the works staff as he left the premises.

Klaaste said two things irked black journalists very greatly about the "white" papers in the group. The first was that they referred to liberation movement cadres as "terrorists". He said that was a very sore point. Some white journalists, on the other hand, felt quite strongly that they should have been called "terrorists", because they committed acts of terror against innocent people.

But on Klaaste's other point, white journalists readily admit fault. Klaaste said: "Traditionally, because they were white newspapers, they reported white names but only black statistics. There were no people who were black who were made of flesh and blood. We put a face to the guys. Even if it was an ordinary man. And it was extraordinary, because even in matters that were not political, like a mine blast, (the white papers would report) so many white men were killed and their names were there, but no names of blacks."

Latakgomo says: "Much of the debate has been muddied in a manner of speaking by people talking about whether the companies employed black journalists full time, whether they had separate toilets, whether they were promoted or weren't promoted. We must first of all accept that, in the political situation of the time, most companies were guilty of that kind of discrimination against black people. So it is not as if journalists were selected for that kind of abuse."

But there was a problem at the top on black papers in the company, which Latakgomo put his finger on: "I think it was part of the policy of the company at the time, it was significant that the two black newspapers in the company had what was called editorial directors. Ilanga had an editorial director in Arthur Konigkramer and the World had Charles Still. It was clear that the black editors did not have the kind of control of the content of the publications that they should have had. I said I was not sure whether the publications were running on sport, women and crime by design or whether it was because of a dearth of real political activity, but I rather suspect it was by design. We had to steer clear of the contentious things, steer clear of political things.

"I was acting editor and I recall very well a strategic planning meeting which was held at Kyalami. One of the points I made at that meeting was that black executives were in fact toothless on The World, even within The World, because one would have thought having a black publication and having a black editor that at least the black editor would have the authority to give direction in terms of policy. That wasn't in fact so, and I found that out, well we all knew that, but I found that out personally. During the time I was editor, if I had to write a leader, it had to go to Charles Still. And if he didn't like it, it didn't go in. So whose voice was the newspaper actually representing? Percy (Qoboza, who was away overseas) would have had to go through the exactly same thing, It wasn't just because I was acting editor. When we were dealing with that issue, we resolved that I be called what I actually was, assistant editor. And to acknowledge it. Even a guy like Ewold Nene, who was a great soccer guy. He knew he was half illiterate. He would come into my office and say to me, can he do this? If he didn't like my response, he said he would go and talk to my boss, Charles Still. And he would go to Charles Still and get it done. It was a very awkward situation. So I think I am relating this, because it seemed to me a conscious policy to keep the paper out of trouble. Throughout that period either they had no confidence in their black editors or ... I mean, M.T. Moerane who was editor before Percy was simply a figurehead editor. I vividly recall his farewell speech in which he for the first time spoke out and actually said: 'I hope things will turn out better for you guys (Percy and myself).' But clearly he must have felt very uncomfortable with the manner."

Question - Did you feel uncomfortable?

- "Things were beginning to move and I was not able to reflect it in the paper. Any time we needed to do that, there were these tensions between myself and Charlie Still. He was a newspaper man determined to make the newspaper work,
determined to keep the newspaper out of trouble. He was too cautious. I recall, after The World closed, he was moved to
the Daily News and I went down to Durban and I went to make a courtesy call. He said: 'Listen my boy,' that is how he
used to speak, 'Listen my boy, I'll tell you something. I warned the company that unless we were careful, this newspaper
would be closed down. And he pulled out a piece of paper and said: 'Here. I actually wrote this memo...' And he said he
had warned the company that black editors were going ... the way the paper was going to be closed down.

"I said to him: 'What was it that made you uncomfortable?'. He said: 'Listen, leave politics alone.' As far as he was
concerned, if he had been there, The World would not have suffered that fate. I think The World would have succeeded,
but I don't think at the time the newspaper was given the resources a paper of its level and status should have had. In
money spent. We were sitting in the worst environment. When we went to The Star, it was like heaven. Our salaries
were lower. It was absolutely shoestring. Still, I don't think enough was done to make The World a viable newspaper."

Question - When Post Transvaal replaced The World, was anything changed?

- "I was not put in charge. A guy named Miskelly was put in charge. He was effectively the editor. Again it was a matter
of making sure we don't get out of step. I think it was a conscious step by management. Their attitude was that the
government had warned the Post: 'One step out of line, and you will be closed down as well.'"

Another issue which caused bad feeling between black journalists and Argus management arose over what started as a
sympathy strike at Post Transvaal for journalists at the Cape Herald, and ended with Post Transvaal being closed down.

Klaaste remembers: "No, it was not about politics, although the leaders of the strike tried to give it a political slant,
because it was black guys and white management. And Percy and I and Thami Mazwai were not on strike until the
management guy made a mistake then, because Percy didn't know what to do, quite frankly. The management guy said
he was going to call the police. Percy in huff got mad and angry and walked out, and we all walked out and we joined
the strike.

"And that is when we were down there (pointing down the road). There were presses there and everything. And the
reason we were moved there was also another blunder by management, because the reason from the staff was that they
had moved us from there because they were worried about those presses. The workers were going to come and sabotage
the presses. This is why we came here. But that was a very low time for us. It was very low if I must tell the whole
truth."

Latakgomo remembers other details of the strike: "When these guys went on strike for whatever they went on strike, we
went on a sympathy strike that created a whole number of problems. These Cape guys then went back to work, but the
sympathy strike continued. I had meetings with the MD. I went to Hal Miller. I said to Hal: 'Even taking into
consideration the difficulty of bowing to union demands, I believe there are legitimate areas that need to be addressed.'
All the sympathy strike did was actually to bring to the fore a whole number of other grievances and created the
opportunity for people to say in addition to the sympathy strike that there were also these issues. It required a response
and I actually said this to Hal Miller. I remember clearly when he said: 'What makes you think I will give in to these
guys?' I said: 'I am not suggesting you give in. I am suggesting there may be a way of resolving this.' It was the first
time the company had experienced this kind of thing. I had kept the paper going single-handedly. The last edition of
Post I produced singlehandedly. A 48 page paper. It was just me. I subbed it and put it out. We had to publish one
edition every 14 days or your licence expired.

"In trying to save that, I actually produced a pamphlet with Post Transvaal written on it, because there was no definition
of what it should look like. I produced it just to save the title. I was aware that if that was closed down, because with the
moderate approach, people said if The World was closed and they allow this, it must be watered down. There was a
perception it was a watered down version of The World. I actually produced the pamphlet. Then the government closed
it down. We went to court and the court found that the pamphlet could not reasonably be construed as an edition of Post
Transvaal. The government said: 'If you try to start it up, we will close it down.' Then the Sowetan came."

Besides instances of discrimination and disputes with management, black journalists felt themselves to be in many cases
at a disadvantage. Pather explains: "For a black person to be noticed, you had to outshine any white man. In my own
case, when I was nominated to take over as political reporter. It was to cover the political parties. One had to cover the
provincial parliament and conventional politics. It took the editor a long time to decide on my appointment. For the first time in the province, a black political reporter would have to work with white politicians. And also whether a black political reporter would be able to work effectively with essentially white politicians. Whether white politicians would feel comfortable. These were political aspects the editor had to put his mind to. I take my hat off to him that he eventually did agree to it, because for the first time a newspaper in Natal had decided to take this step.

"In the beginning it was difficult. I had to deal on a daily basis. I also noticed that some of the politicians felt uncomfortable. They trusted a white person more easily than a black person. I think what was to my advantage was that, whereas a white political reporter would have leanings to one party or another, as a black person I had no sympathy for any of those parties. So perhaps I was more impartial than the others."

Training is another sore point with black journalists. They feel not nearly enough was done to assist them, especially as many had to make their way in what was not their home language.

Latakgomo describes the problem: "I think the mainstream papers accepted too easily the police version and it always left publications like The World, the Sowetan, out on a limb, because they looked the odd man out, and therefore there must be something wrong with their reporters. And in addition to that, everyone spoke about the incompetence of black reporters, their advocacy and their..."

Question - Were they incompetent?

- "I don't think incompetent in the gathering of news. They were good news hounds and I would vouch for them. They would get the facts and the information. I was news editor for a considerable time and I did a lot of re-writing of some of the stuff that they brought in. English was their second language."

Question - Was it because they were not properly trained?

- "I think it was because they weren't ... I was the first black journalist to get on to the journalist cadet course. I can't remember what year it was. I had been a journalist for seven years before I got onto the programme and the reason I actually persisted was that I wanted to make the point that I can cope with the programme. The truth of the matter is that black journalists were never given the kind of training they should have had. They were considered to be not up to scratch for the cadet course, but at the same time no alternative programmes were arranged. There was a programme that was subsequently run by Denis Sutcliffe for the black guys only, but it wasn't the same type of thing. Poor training, lack of training."

Question - Was there quite a serious problem within the company on the whole attitude to black journalists?

- "I think so."

Question - Was it that the company was a white company and the black side of it was only secondary?

- "Yeah, we were sort of poor cousins out there."

Question - With the Soweto riots, when the black journalists were getting the good stories and white journalists weren't?

- "Even then what was happening was the black guys would get the stories and feed in to some white journalist who would write the story. The Allister Sparkses of this world sent these stories out to London, New York, Tokyo under their by-lines. These international agencies employed white guys to report on the story on Soweto and often they would report that black journalists couldn't be objective because they were too close to the story, which quite frankly was a lot of bull, because if they wanted to slant the story in any way, they would slant it in the way in which they gave it to the person who was going to write the story anyway.

"Because those white chaps were not going to get into the townships. So it is really a matter of whether they trusted us. I think black journalists suffered all ways. Poor training on the one side, pressures from the community on the other side, pressures from the police on the third front, so it wasn't as if they weren't trying to tell the story."
c) separate black editions

Separate black editions of papers were another sore point with certain black journalists, although it created a number of jobs for black journalists that they would not otherwise have had, and some black journalists were actually quite happy with them.

Mathatha Tsedu, in his article in The Star on January 7 1997 supporting a TRC investigation of the media, specifically mentions separate black editions. He said the Rand Daily Mail had a black edition called Extra, "meaning by inference that blacks were the extra readers".

The Sunday Times also had an Extra "which concentrated on lightning strikes and witchcraft stories".

The Pretoria News had an extra edition, which was abolished with my support, by then editor Wilf Nussey, but Mostert van Schoor reintroduced a separate "Soccer" edition years later, which just changed the sport pages to reflect blacks' greater interest in soccer, while the other edition placed the emphasis on rugby to suit white readers.

I myself introduced a Metro edition to The Mercury during the 1990s as an attempt to provide a paper in Natal that catered to black readers wanting to read English.

The idea was that the Metro edition would try to establish a market for black readers, and that the edition could possibly be hived off later as a separate newspaper catering specifically for black interests. A change of ownership at that time (1993) then led to the repositioning of The Mercury as an upmarket newspaper, and the Metro edition was abandoned as inappropriate for that market. It was decided then to expand the Sowetan's circulation in Natal to cater for black readers wanting a paper in English.

From this it is apparent that there are two ways of looking at special editions for blacks. Some journalists, like Tsedu, regarded them as apartheid editions, but in management and among other journalists they were seen essentially as zoned editions aiming at specialist readerships. There was no suggestion of inferiority or discrimination in news selection, only special provision for specific reader interests in certain sections of the paper.

Wyllie long resisted a special edition for Indian readers in the Sunday Tribune, but changed his mind when the Sunday Times's metro edition in Natal started making inroads into the Sunday Tribune's readership in Chatsworth. This seemed to show that, besides the controversy in journalistic ranks over whether or not special editions were apartheid editions, targeted readers actually supported these editions and sought them out. The argument rages on, with the Sunday Tribune more recently again abandoning a special edition for Indian readers, and The Star abandoning its extra edition under the editorship of Peter Sullivan.

Though differences of opinion are very evident, I do not see any human rights abuse in the practice, merely a difference in marketing strategy.

No insult to any race was ever intended by these editions.

Section 9: Conclusions

1) Considerations of the commercial viability of the company - the need to make profits, to relate especially to core market readers and to attract advertisers - placed limitations on how far the Argus Company could go in being a campaign implement against apartheid. It remained first and foremost a newspaper chain and did not see its role as primarily political. This may have blunted its cutting edge in exposing all the wrongs of apartheid, including some human rights violations.

2) Apartheid, security and media laws and regulations proscribed or restricted free news coverage of newsworthy, but
politically sensitive, subjects. This interfered with the function of a newspaper as a watchdog of the people in an open democracy, making the Argus Company and their staffs victims of human rights abuses in that respect.

3) Laws enforcing separation of different racial groups in many spheres of life made free access to a full range of news sources more difficult. The laws as such were an interference with human rights, making the company a victim, but the company also made insufficient effort - particularly in the earlier years of the period under review - to overcome this obstacle.

4) Newspaper staffs were generally too white in most departments, and in the critical editorial area, black staff began to be introduced on any scale only during the 1970s. This was discriminatory in the staff selection process, particularly as the company did not try to make the target market for its newspapers the white community exclusively - in spite of its historical roots.

5) Laws prevented black reporters from practising freely in large areas of public life. This was a disincentive to newspapers employing them. In this respect, both the company and black journalists were victims of government-generated human rights abuses.

6) Besides apartheid, security and media laws, other legislation affecting subjects that became politically sensitive seriously inhibited the company's newspapers in generating relevant news. The laws included nuclear matters, fuel supplies and transportation, defence matters, police matters, prisons, key points and even the publication of trade figures with certain countries. These obstacles amounted to a human rights abuse affecting the general public and the newspapers that served them.

7) Journalists were harassed and intimidated, arrested, detained and sometimes prosecuted by police and other agents acting for the government. Harassment and intimidation were also applied by agents of the liberation struggle, to a degree where property damage, physical injury and even lives were threatened. These actions by participants in the political struggle for the control of power in South Africa were a gross human rights violation on journalists. The violations even overflowed into harassment and threats from individuals in the general public.

8) Though objectivity was the aim of most of the company's newspapers, proper balance to coverage of the political events was not achieved. Imbalance in the racial complements of editorial staffs, judgements made on white perceptions in news identification and newsgathering, and a white monopoly of news selection in most sub-editors' rooms, caused some distortion. In the company's black newspapers, a reverse situation applied, made more obvious by the open commitment of staffs to the liberation cause.

9) Political developments polarised emotions in society, and some of this rubbed off on journalists, even though they tried to be objective. Black journalists were affected by the many acts of oppression and brutality applied to the black communities of the country. White journalists were affected by the effects of liberation struggle strategies, which included bombs in streets, shops, parking areas and restaurants, land mines on country roads, sport and commercial boycotts, economic sanctions and disinvestment campaigns etc. All these factors led to human rights abuses on a scale that journalists themselves were victims of those abuses.

10) The inherited situation of racial separation and separate communities led to both black and white journalists being less interested in other communities than in their own. With most of the company's papers being mainly white, the concentration of news coverage was on white political rivalries. Issues affecting blacks were at the heart of many of these rivalries, causing them to be covered, but from the angle of white decision-making. It was only late in the day that the imbalance in this respect was rectified, as liberation movements became centre stage players in the political drama. To the extent that the newspapers cultivated attention to white political rivalries and overlooked full coverage of black political aspirations and activities, the company should regret the imbalance that occurred.

11) Black editorial staff members were employed on any scale only from the 1970s, so were relatively junior just at the time when political events made them the vital cogs in the newsgathering machine. They did not immediately get promotion to recognise the vital role they were filling. It is a matter the company should regret.

12) There was a lack of commercial incentive to pursue certain black-interest subjects. Advertising support was more
evident where white interests were involved. Black readerships generally lagged white readership, giving blacks a minority status in the company's main newspapers. While this reflected market conditions, it was a distortion of the overall national picture, and the newspapers perpetuated that distortion.

13) Though the Press Council was established to prevent government control of the press, it was set up under duress in the face of government threats. It was often viewed as doing the government's dirty work for it, making the industry partly responsible for its own endangered plight, compromised by association with the oppressive government. Not only was it disliked for this role, but it was not representative of the whole South African population.

14) When editors eventually put their minds to avoiding and evading the restrictions embodied in laws and regulations, many loopholes were found enabling the press to do its job better. Efforts in this respect were only made on any scale during the emergency regulations applied during the second half of the 1980s. This meant the press languished under laws it could possibly have evaded if efforts had been made earlier. Some editors were less willing than others to test the limits of legal restrictions the government imposed on the media. This situation meant some human rights abuses were not addressed when they might have been.

15) A major problem in assessing culpability on human rights abuses arises from the different agendas of liberal journalists as opposed to liberationists.

16) There is friction over what were considered realistic political rights for disfranchised groups. Argus company newspapers, while steadfastly opposing apartheid, pursued gradualist goals within white politics for many years before opting for constitutional settlement through negotiation with all representative groups. This has led to accusations that it kowtowed to apartheid.

17) The alternative press showed the Argus Company had to some extent lost touch with the oppressed masses.

18) Participation in government news conferences, briefings, tours etc subjected the company's newsgatherers to naked propaganda. Though this was identified and countered to some extent, it was not always possible to counter-balance such propaganda equally, because of lack of sufficient access and contacts with liberation movements.

19) The company applied the government's petty apartheid laws on its premises, and this was broken down in some cases only by black disobedience action in the face of abuse from other company employees.

20) The company's newspapers for many years followed the practice of publishing the names only of white accident victims, while mentioning black accident victims as statistics. This was discriminatory.

21) Argus management appeared not to trust black editors with full editorial responsibility for their newspapers. While this appears to have been done to protect the business from threat of government closure (and closure did occur more than once), it was a paternalistic practice that caused bitterness among black journalists, who did not feel they were being treated fairly.

22) Salaries of black journalists were for some time lower than for white journalists doing the same level of work, and facilities on black newspapers were inferior to those at the company's "white" newspapers. While these facts may have stemmed from commercial considerations, they gave rise to a feeling that black journalists were treated as "poor cousins".

23) Management handling of the strike on Post Transvaal - the threat to call in the police, and refusal to consider concessions - caused much bitterness among black staff, which rankles to this day.

24) Blacks feel insufficient efforts were made by the company to improve their performance through proper training.