

REPORT OF THE INQUIRY INTO
THE POLICE RESPONSE TO,
AND INVESTIGATION OF,
EVENTS IN BOIPATONG
ON 17 JUNE 1992

Submitted to the Commission of Inquiry Regarding
the Prevention of Public Violence and Intimidation
The Honourable Mr. Justice R.J. Goldstone, Chairman

20 July 1992

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INTRODUCTION

This report has been compiled by a team under the direction of Dr. Peter Waddington (Director of Criminal Justice Studies, University of Reading, England), assisted by Commander Tom Laidlaw and Detective Superintendent David Don (London Metropolitan Police). The team was appointed by Mr. Justice Goldstone to inquire into all aspects of the police response to the events of 17 June 1992 at the township of Boipatong in the Vaal Triangle district of South Africa, which left 39 people murdered, many others injured and property damaged. Dr. Waddington wishes, particularly, to thank the London Metropolitan Police for their willingness to second two senior police officers to assist this inquiry without whose advice and guidance this report could not have been compiled. The team would like to express its gratitude to the officers of the South African Police (SAP) and representatives of the various interested parties for their courtesy, hospitality and frankness.

The team were mindful throughout their inquiries of the context in which the events in question took place. The lawlessness and disorder currently being experienced in South Africa would impose tremendous demands upon any police service. The history of South Africa and the role that has been played by the SAP in enforcing apartheid laws damaged public confidence in the police amongst township residents, thus creating further difficulties for the police trying to cope with a massacre on this scale. The isolation of the SAP and their inability to purchase items of hardware may also have impeded them in their peacekeeping and investigative efforts. The team wishes to acknowledge, from the outset, that many of the SAP officers, especially those in junior commissioned and non-commissioned ranks, impressed them as dedicated, hard working and committed individuals.

THE INQUIRY AND ITS METHODS

Prior to their arrival in South Africa the team received from the Goldstone Commission various documents (including submissions made to the Commission and press reports) briefing them on the inquiry into the Boipatong massacre and the background against which it took place. Mr. Justice Goldstone also took the opportunity to brief the team during their journey from England to South Africa.

Upon arrival on Thursday 2 July the team observed the opening addresses given by representatives of the SAP, South African Defence Force (SADF) and African National Congress (ANC) to the Goldstone Commission and received written copies of those submissions. They also joined members of the Commission in visiting Vanderbijlpark police station for a briefing by the investigating officers and overflew the township of Boipatong.

Having oriented themselves to both the events and the geography of the area, the team visited Vanderbijlpark police station during Friday 3 July. They were provided with a detailed briefing by the investigating officers of the current state of the investigation and requested various documents some of which were supplied immediately and others that were prepared and supplied throughout the weekend. It was decided that the inquiry team should divide its labour between Dr. Waddington and Commander Laidlaw concentrating on the (response) of uniformed officers to the events on the day of the massacre and subsequently, and Detective Superintendent Don reviewing the (criminal investigation) into the massacre itself. Dr. Waddington and Commander Laidlaw met representatives of the ANC and Inkatha Freedom Party (IFP) during the afternoon of 3 July.

Saturday 4 July was occupied sifting through the copies of Occurrence Book entries, log books and a prepared schedule of events with the assistance of an Afrikaans speaking SAP officer seconded to the Goldstone Commission. The aim was to establish

as comprehensive a picture as possible from cross-checking these various records.

The team returned to the Vaal Triangle on Sunday 5 July and visited the Kwa Madala hostel from which the attackers allegedly came and amongst whose residents a number of men have been arrested and detained. The team was able to interview both the hostel manager and legal representatives of the hostel dwellers. Dr. Waddington and Commander Laidlaw then spent the remainder of the day interviewing members of the Internal Stability Unit (ISU) responsible for policing the township, whilst Detective Superintendent Don completed his review of the investigation at Vanderbijlpark police station.

An interim report was drafted on the basis of these inquiries and a copy was submitted to the Department of Justice via the Goldstone Commission on 9 July for comment by the police. Having received no reply, a further copy was faxed to the Commissioner of the SAP on 13 July. On 16-17 July Dr. Waddington met with senior officers of the SAP in Pretoria. Since the two police officers had by this time returned to England he was obliged to do so alone. Following a robust exchange of views, senior officers with respective responsibilities for the investigation and the ISU went through the interim report in detail, making corrections of fact and discussing issues. Dr. Waddington is grateful to these officers for their time and feels that the report has benefited from this consultation.

Senior officers of the SAP have made two criticisms of the methods employed by this inquiry, both of which Dr. Waddington wishes to rebut.

1. The SAP complain that senior officers should have been approached much earlier than they were to discuss the interim report, and especially its criticisms of the policing operation. It should be placed on record that the team remained available to any police officer of any rank

throughout their visit. Senior officers, up to and including the rank of General, were present during the team's interviews with those involved in the operation. These officers were aware of what information was being gleaned by the inquiry team and should, from the nature of the questions being asked and information being sought, have appreciated the issues being raised by this inquiry. The fact that they appear not to have appreciated the significance of the team's inquiries simply reinforces the criticisms made in this report.

The inquiry sought to establish what happened - not an easy task in the circumstances. The conclusions reached are, inevitably, a matter of judgement. The inquiry team were asked to make an assessment of this policing operation. Dr. Waddington welcomed the opportunity to consult with senior officers about that assessment prior to its publication. However, the judgement of this report must ultimately rest with the inquiry team. If the SAP feels that criticism is unfair or unwarranted, they are at liberty to publish their rebuttal.

2. Senior officers also complain that members of the inquiry team did not accept the invitation to enter the township with SAP officers in protected vehicles to experience for themselves the difficulties of investigating this massacre. This proposal was carefully considered by the inquiry team. It was felt that their inability to safely enter Boipatong and speak to the residents was a weakness of this inquiry. However, they consciously decided not to accompany police officers in protected vehicles. Even if such a venture would not have compromised their objectivity, it was felt likely that it would be perceived as aligning them too firmly with the SAP in the minds of the residents of the township and the wider public.

Dr. Waddington wishes to make it clear that he and he alone is responsible for this report.

STRUCTURE OF REPORT

As the method employed by the inquiry team suggests, this assessment falls naturally into two parts. The first concerns the actions taken by the SAP to maintain law and order in and around Boipatong both immediately before and during 17 June, and subsequently. The second focus of attention is on the investigation into the massacre itself.

Conclusions reached and amendments made to this report following the consultation with senior officers during 16-17 July are attributed to Dr. Waddington alone. All other references refer to the team's inquiries.

MAINTENANCE OF LAW AND ORDER IN BOIPATONG

The police at Vanderbijlpark and the ISU at Vereeniging were responsible for an area encompassing Boipatong, Sebokeng (to the north) and Sharpeville (to the south-east), as well as Evaton, Bophelong, Orange Farm, Small Farm, Ennerdale, Rus-ter-vaal, Leansia South and Meyerton. The area also includes many squatter camps with unregistered residents, and streets without names and residences without numbers. Boipatong comprises a township and contiguous squatter camp known as Slovo Park, with the IFP-controlled Kwa Madala hostel separated from the township by a main highway (Frikkie Meyer Boulevard) and railway line. In Sebokeng there is a township and an ANC-controlled hostel, Kwa Mesiza, from which some of the residents of Kwa Madala claim to have fled.

SAP officers at Vanderbijlpark police station are responsible for visible policing of the whole area, but can call upon units of the ISU when particular areas are disorderly. In conditions of persistent unrest, an order may be issued excluding normal police

from a designated area and leaving it to the ISU to patrol. The ISU have the capacity to enter townships in ballistically protected vehicles (Caspars and Njallas). In these conditions, local police may decide to withdraw for their own safety. So far as is known, local police had not been excluded from Boipatong, but in the circumstances of 17 June seem to have decided not to enter this volatile situation. Calls to the police may be received either by the local police at Vanderbilgpark or the ISU at Vereeniging, but normally calls are routed via the police to the ISU.

The following represents the inquiry team's reconstruction of the events of that evening compiled from the documents supplied and interviews conducted.

There is no evidence that the police had any forewarning of an impending attack in Boipatong. Intelligence officers interviewed by Dr. Waddington claim that their system for covert surveillance and information gathering had been seriously compromised by an expose published in the *Weekly Mail* during May. Representatives of the ANC and Vaal Council of Churches claim that during the early evening of 17 June Rev. Verryn made contact with the SAP through the organization 'Peace Action' and via an established procedure spoke to Colonel Gouws at Johannesburg, warning him that several reports had been received that a serious incident was likely to occur somewhere in the Vaal Triangle in the immediate future. Colonel Gouws advised Captain de Klerk at Vereeniging, who in turn passed the message on to the ISU. Other calls made that evening referred to the possibility of an incident occurring in Sebokeng. It seems that not all these reports were passed to the ISU responsible for the area. At least one of the reports relating to Sebokeng was received and an assurance was given that the 'armed men' apparently spotted in the Sebokeng area were, in fact, police officers engaged on preventative patrol designed to deter attacks on homes.

What is certainly the case is that no additional officers were mobilized by the ISU to deal with any impending or anticipated problems in the area. Throughout the evening until the shift changed at 10.00 pm, 19 officers were deployed in four vehicles and they were relieved by another 19 officers deployed in two vehicles under the command of Sergeants Schlebush and Kruger.

Prior to 9.45 pm it seems that the ISU did respond to a couple of incidents in Sebokeng, but nothing regarded by them as in any way out of the ordinary. Two of the four Caspirs were deployed to deal with these incidents, whilst the remaining two vehicles maintained normal patrols throughout the area. In each case the vehicles resumed normal patrols after dealing with the respective incidents.

At around 10.00 pm the late shift officers and their vehicles returned to the ISU station, which is some 15-20 minutes travelling time from Boipatong. They were succeeded by two Caspirs each under the command of a sergeant. Sgt. Schlebush and his unit in their Caspir left the ISU station shortly after 10.00 pm to attend to a reported shooting in the cemetery at Sharpeville. He investigated the report, but found the situation all quiet on his arrival. It was at this time that the first of a flurry of calls began to be received of shooting from the Boipatong area. Sgt. Kruger's vehicle (containing his unit was dispatched directly to Boipatong, whilst Sgt. Schlebush continued on to Boipatong having dealt with the incident at Sharpeville. As both vehicles were making their way to Boipatong further calls were being received and relayed to them of shootings, damage and assaults in the Boipatong township. It should be borne in mind that at this stage the calls received still did not amount to anything out of the ordinary for the police in the area. Police also point out that false calls are far from uncommon and that the normal response is initially to deploy a mobile patrol to ascertain the veracity of the call.)

Sgt. Schlebush was the first to arrive sometime between 10.25 and 10.30. On arrival he found small groups of young men who reported that houses had been damaged and people attacked in the township. Sgt. Schlebush went to one house and found the corpse of an elderly woman and a younger woman who was severely wounded. He called for an ambulance and gave a situation report to the control room indicating that there seemed to have been an attack on a number of premises.

Meanwhile Sgt. Kruger had been intercepted by members of the SADF. The precise identity of this unit has been impossible to establish, but seems that they may have been members of the 'Vaal Commando' who were deployed in the area in two Buffel vehicles (the Goldstone inquiry will be looking into this area of confusion). They reported to Sgt. Kruger that they had seen a large group of men crossing the main highway in the direction of the Kwa Madala hostel. Sgt. Kruger apparently searched the area of scrubland between the highway and the railway line and fired tear smoke in an attempt to flush out anyone hiding there. It seems that around this time ISCOR security guards discovered a man in hiding, he was questioned and released by the guards who were unaware that there had been a massacre. Whether these events are connected is difficult to ascertain, but seems probable. Sgt. Kruger visited the hostel and was assured that all was quiet. There being no signs of disorder in the vicinity of the hostel Kruger's vehicle and crew then joined their colleagues in Boipatong, arriving around 10.45 pm.

Meanwhile Sgt. Schlebush had been investigating the scene at the first house. It is important to note that ISU officers routinely deploy in a defensive box formation around any scene of this kind. This was how they were now deployed and were approached by other residents complaining that they too had been attacked and alleging that the perpetrators were residents of the Kwa Madala hostel. The young men who had approached the police were described as highly excitable, but not hostile towards the police. However, they were voicing threats to take revenge on the

hostel-dwellers. The situation was reported to Captain Roos, in charge of the ISU, who was at home. He ordered the two vehicles to withdraw from the township and to patrol the highway with a view to preventing township residents from making good their threats to attack the hostel. He also made contact with the SADF 'Group 17' to ask for support. They responded by deploying two Buffels, containing 22 soldiers, who also patrolled the highway.

During this period the security guards at the nearby Cape Gate had been approached by a wounded man to whom they had rendered first aid. He told them that his wife had been murdered by attackers and he had reported this to the SAP. Furthermore, it seems that the attendant at a petrol filling station at the junction of Frikkie Meyer and Nobel Boulevard's, at the north-west corner of the township, had activated an automatic alarm when he had witnessed a large group of men crossing the highway. In addition, it seems that the 'Vaal Commando' in two Buffels had also seen this group and blocked the highway so as to prevent traffic flowing along it. Their reasons for taking this action must be a matter of speculation for the inquiry team, who have not had the opportunity to interview these officers and will be examined further by the Goldstone inquiry. It should also be admitted that the inquiry team remains somewhat confused, even now, as to the precise deployment of SADF personnel in the area. It is still unclear whether the two SADF Buffels supplied in response to the ISU's call for assistance are the same Buffels that intercepted Sgt. Kruger, spotted the men crossing the highway, and blocked the highway.

In any event, at approximately 11.00 pm a detective scene of crime forensic examiner and his assistant were requested to attend the scene and arrived at the petrol station at around midnight and liaised with Sgt. Schlebush. Whilst awaiting the arrival of the detective, it had been noted by Sgt. Schlebush that a number of non-fatal casualties had been removed by ambulance. With the SADF patrolling the highway, Sgt. Schlebush re-entered the township with the detective and began

systematically to visit the scenes of the murders. Once the scene had been photographed, the bodies were removed by mortuary vans. As each murder was discovered so Sgt. Schiebush was relaying situation reports to his control room advising them of the unfolding circumstances. It seems, however, that this information was not passed on to Captain Roos, who remained at home throughout the night. By approximately 3.00 am the following morning eleven bodies had been discovered and crime scenes photographed.

With no further scenes of murder reported for investigation, the detective-photographer returned home. Police claim, on this officer's behalf, that throughout the night he had felt threatened and inhibited in conducting his inquiries. There seems every reason to believe that this officer was not allowed to conduct his investigations in the calm atmosphere that would normally be expected elsewhere in the world. He describes having to remove large groups of people present at the crime scene in order to take the necessary photographs.

The situation generally in the township was now relatively quiet, young men armed with axes and other weapons were gathering on street corners around fires, but showing no hostility to police and no resistance to the investigation. The exact deployment of Sgt. Kruger and the SADF Buffels during this time has been impossible to ascertain.

The ISU vehicles remained on patrol inside the township throughout the remainder of the night. Young men were still gathered around fires and although they progressively became hostile to the police, this took the form only of shouting abuse. They told police to leave the township and rhetorically asked why they were so conspicuous after the event and absent before it. Just before daybreak, stones began to be thrown at the police vehicles, but police did not feel themselves under threat and neither tear smoke nor any other munitions were fired to disperse crowds at this stage.

Sgts. Schiebush and Kruger did not return to their station at 6.00 am, but remained at Boipatong awaiting relief from the day shift. It seems that they took this course of action in accordance with general instructions applicable in this situation. It was not until 6.45 am that Captain Roos arrived at the ISU station and discovered the scale of the night's events. Indeed, from daybreak onwards further bodies were discovered in Slovo Park and the detective-photographer had returned to Boipatong and began his preliminary investigations.

In view of this unfolding situation Captain Roos immediately authorised the deployment of three further vehicles staffed by officers otherwise engaged on administrative duties and possibly other off-duty personnel. This was in order to forestall the occurrence of any further violence, particularly a retaliation by Boipatong residents on the hostel. Thus, when Sgts. Schiebush and Kruger were relieved by the day shift at 7.30 am, seven vehicles were on patrol in Boipatong.

As the morning wore on so the attitude of Boipatong residents towards the police became increasingly hostile. The exact reasons for this change of mood are unknown, but is attributed by police to a gradual increase in anger and emotion, exacerbated possibly by the circulation of rumours which may have suggested police complicity in the attack, but this is speculative. During this period police fired tear smoke, rubber bullets and birdshot to disperse gatherings of disorderly and violent people. At 11.30 am the local municipal police station on the southern edge of the township was attacked with petrol bombs, but the crowd were effectively driven off. Nevertheless, the police perception was that the situation remained under control and they were able to continue with their patrols.

At approximately 9.00 am Rev. Verryn had arrived at the township and describes a situation of some disorder. Tear smoke and various other munitions were being fired by police. He claims that he approached police whom he recognised and asked them to

withdraw so as to lessen tension, but without success. He also reports witnessing the arrest of seven young men, but the police were unable to verify this, although they concede that it was quite likely in the circumstances.

Police argue that it would have been irresponsible of them to withdraw from an area of rioting and that they would only do so if overwhelmed. In any event, they agree that police patrols continued in Boipatong throughout the morning.

The situation was reported to headquarters and Brigadier Venter authorised the deployment of reinforcements from other areas which arrived shortly after lunch, at approximately 1.30 pm. Patrols continued to come under attack and during the mid-afternoon the home of a local police officer was destroyed by fire.

Just before mid-day Brigadier Venter arrived at the ISU base at Vereeniging and went to the scene shortly after lunch, however command of the ISU officers remained with Lt-Colonel Schutte who had been on duty since 9.00 am after Captain Roos had informed him of the scale of the problem. Brigadier Venter's purpose in attending was to assist, advise and make logistical arrangements as necessary.

Also during the afternoon a detective force had been mobilized under the personal command of Major-General Gloy. This force of detectives visited the hostel in the course of their investigations. The ISU officers supplied the support for their detective colleagues. However, the ISU report that no support was asked for by detectives to enter the township. They maintain that had such support been requested it would have been provided and investigators could have been protected.

At around 4.00 pm the decision was taken to send reinforcements to surrounding townships because of the fear that disorder and violence would breakout in these locations also.

The main focus for police action during the afternoon was, however, the Kwa Madala hostel. ISU vehicles had been deployed to the parking area in front of the main gate to the hostel and no movement in or out was allowed. Police entered the hostel without negotiation and by force in a surprise action at around 4.00 pm. They succeeded in seizing a number of weapons and were in the process of marking them as exhibits when a large group of armed hostel-dwellers, described as an 'Impi', began to gather in the area of the gate, spinkling each other with water (a Zulu custom in preparation for war). Fearing for their safety, the detectives withdrew, taking the weapons they had seized with them, but before they could be properly marked as exhibits. The ISU felt able to secure the hostel by force, but it was decided that the potential loss of life outweighed any evidential benefits that might be gained. Following this withdrawal, negotiations were commenced with the hostel-dwellers to hand over their weapons. It was eventually agreed that the weapons in their possession should be thrown on to a pile which was then collected and taken away. The detectives and ISU then withdrew, having secured the weapons.

The following morning (Friday, 19 June) the investigating officers, supported by members of the ISU, again visited the hostel which was sealed forcefully so that no hostel-dwellers were able to leave their individual dwellings. By agreement, a number of suspects were taken to the police station for further questioning.

The police again visited the hostel during the early morning of the following Monday, 22 June, but this time found that the hostel-dwellers had gathered together in the small stadium in the centre of the hostel complex. Since it was impossible to continue the investigation as planned on this occasion the police contingent withdrew.

The next day (23 June) police again visited the hostel. Brigadier Venter gave assurances that suspects would not be tortured and

it was agreed that all those whom the police wished to interview further should voluntarily leave the hostel and board the police vehicles awaiting them.

Police continued to maintain a conspicuous presence in and around the township for the succeeding days and as time wore on, these have been scaled down. Despite continued hostility towards them, they continued to assess the situation as under their control. However, the township remains volatile and was regarded as too dangerous to enter by members of the Goldstone Commission when they visited on 2 July.

There remains one sequence of events to describe - the visit by the State President, F.W. de Klerk to Boipatong on 19 June. The police describe the township as being reasonably quiet during that morning, but even so the President was advised against making a visit. However, the President decided to go ahead and it was arranged that he should meet members of the press in a hall near the police station. As the time for the meeting drew near a group of around one hundred carrying placards and described as hostile were seen near the hall, but gave no cause for alarm. As the President's convoy approached Boipatong, escorted by at least one Njala, another group of protestors were observed near the entrance to the township. According to police at the scene, a crowd then suddenly massed and barricades were erected. The crowd converged on the convoy of vehicles and at one stage it was brought to a halt. Stones and other missiles were thrown, but although the President was safely protected with his armoured limousine, the decision was taken to make emergency withdrawal. Escorted by an Njala that burst through the barricades, the convoy left the township speedily. It is worth mentioning that police vehicles were not present at each of the junctions through which the State President's convoy passed - at which barricades were erected.

Shortly afterwards, police claim to have witnessed a crippled man attacked by another man wielding a Panga. A police officer fired

a single shot killing the assailant. A mortuary van was summoned, but when it attended the scene it was attacked and the Sergeant on board was shot in the hand. A Lt. in charge of the mortuary van fired between four and six warning shots into the ground from his R5 rifle.

Whether coincidental or not, not far away another group of police officers were confronting a hostile crowd who began throwing stones at around the same time that the mortuary van was under attack. Police officers in the line opened fire with tear smoke, rubber bullets and birdshot. It is accepted by the police interviewed that no order to fire was given, but that officers were justified in such action because they were in fear and defended themselves. Police also claim, somewhat confusingly, that they came under fire themselves from a nearby building, but did not return fire in that direction. Police claim to have conducted a thorough inquiry into who fired which shots and to have compiled a complete inventory revealing that 21 of the 51 officers present fired, although this inventory was not available to the inquiry team. They assert that no casualties have been traced from this incident and that television pictures showing casualties lying on the ground had been fabricated by members of the crowd feigning death and injury. The police also allege that members of the press were actively inciting the crowd.

At his meeting with senior officers Dr. Waddington was informed that the SAP regard this part of the inquiry as beyond its terms of reference. They assert that there are inaccuracies in the above account, but declined to correct them.

One event and two other features of this police operation deserve mention. Throughout the events of 17 June and subsequently in Boipatong the police had no contact with members of the Vaal Council of Churches, ANC, Peace Action, local 'civic' or any other similar organization. They maintain that it is difficult to liaise with the ANC when the ANC has broken off negotiations with the government. They contend that members of the ANC in

junior positions would be ill-disposed to any such liaison. They further point out that the formal liaison procedures established by the Grootte Schuur Minute, under which the police and ANC have supplied each other with a list of personnel to contact in the event of difficulty, has not operated because, despite repeated efforts, the ANC representatives do not reply.

Whilst the inquiry team were at Vanderbijlpark on 3 July it was reported that residents of Boipatong were intending to march illegally to the Kwa Madala hostel to demand its demolition by the owners, ISCOR. Negotiations were opened between the police and the local dispute resolution committee and an agreement reached whereby the protestors would be allowed to march, in violation of the prohibition on marches, but would stop at the highway. There it was arranged that representatives of ISCOR would receive a petition calling for the hostel to be demolished. Press coverage of the handing over of this petition was arranged and the event passed off peacefully. During these discussions the police affirmed that they had deliberately avoided any mention of the wider policing operation.

Despite the scale of this policing operation, the media attention (both domestic and international) that it has received, the political significance of the Boipatong massacre and the reverberations from the abortive visit of the State President, the only debrief held by the ISU was on 23 June when the Commissioner, Lt.-General Swart and Lt.-General Malan visited all the officers, ranging from a Major-General to Sergeants, and discussed the situation with them. No debrief report has so far been produced as a result of this or any other action.

INVESTIGATING THE MASSACRE

Accompanying the order maintenance operation by the ISU was the investigation of the murders by detectives based at Vanderbijlpark police station.

The investigation commenced in the immediate aftermath of the massacre itself when a detective trained as a scenes of crime examiner arrived with an assistant at the petrol filling station on the north-western corner of the township at around midnight on 17 June. As reported above he was taken under escort to each of the murder scenes. He claims that upon his arrival he was told that there were nine or ten murder victims, the addresses of whom had been supplied to him by complainants via the police control room. This conflicts with the account of the ISU officers, who suggest that bodies were discovered sequentially throughout the night. In either event, the photographer went from one murder scene to the next taking photographs until 3.00 am when he believed that all the murders had been discovered and he returned home. By this stage the photographer had visited six houses taking photographs of eleven corpses.

This officer restricted himself to taking photographs only, because he claims that the scenes were hopelessly contaminated by the time of his arrival at each. People had entered many of the houses and some of the bodies had been moved. He evaluated each scene and decided that there was no point in taking fingerprints, because of the number of people who had entered the scenes, nor in securing exhibits such as blood-stained bedding, nor taking samples of blood, since he believed that all the blood was that of the victims. He also anticipated returning in daylight to complete his scenes of crime examination. Once the scene had been photographed the bodies of the victims were removed by mortuary vans (the police insist that no victims were removed in Cospirs or any vehicle other than the mortuary van). However, neither the exposed limbs nor the heads of the victims were covered with bags, nor were the whole corpses placed in sealed body bags all of which are designed to maintain the integrity and security of what should be regarded by investigating police officers as a self-contained scene of crime.

Once the scale of the massacre had been appreciated a large team The photographer was recalled to the township at 7.30 am (after attending yet another call between times) when further bodies

were discovered at Slovo Park. Again he found himself to be the sole forensic examiner at the scene and systematically visited each of the murder scenes moving north to south through the squatter camp. In Solvo Park he discovered and photographed fourteen bodies at ten locations. He complains that by the time of his return the press were present in abundance and obstructive of his inquiries. As before, he restricted himself to taking photographs, no fingerprints were taken, no footprints were identified, no samples of glass to compare with that found on any suspect's clothing was secured. However, another piece of blood-stained glass was supplied from an unknown source at some point during the later investigation. During his preliminary investigations this officer talked to people in the township and noted that they were consistently alleging that the attackers had been Zulu speakers.

From daybreak on 18 June onwards, the mood of the residents in Boipatong became increasingly hostile to police. The photographer was shot at and withdrew for his own safety. Had his examinations not been curtailed, he would, as a matter of course, have returned to the scenes that he had visited throughout the night. He did return on 19 June to see if he could complete his examination of the crime scenes, but owing to lack of cooperation was unable to achieve his purpose and restricted himself to photographing the damaged premises from the outside. In all, 140 houses were visited. He was obliged to withdraw when the ISU were called to an incident in Sharpeville and were unable to offer him the protection necessary. Since then no forensic examinations have been conducted at the scene because of what is claimed to be hostility and non-cooperation from residents. Other detectives have repeatedly asserted that they had been 'chased out' of the township on several occasions.

Once the scale of the massacre had been appreciated a large team of detectives was assembled to investigate this crime under the personal command of Major-General Gloy - a mark of the seriousness with which the SAP viewed the massacre. This team of

detectives had initially been established under the terms of the National Peace Accord. Unfortunately, Major-General Gloy fell ill within the first week of the investigation and was replaced by Major-General Grove on 29 June. The whole investigation is under the day-to-day command of Colonel Eager, assisted by Lt. Colonel du Pont and Lt. Colonel Greef. Colonel du Pont is in charge of the case docket in which all evidence is contained and Colonel Greef is in day to day command of the inquiry team with between 130 and 200 detectives under his direction.

In the system operated by the SAP the case docket is the 'bible'. Everything is contained or referenced in this document which contains three sections: in one section all statements are located (in this case not physically owing to the sheer number of statements collected); in another section all correspondence relating to the case is kept; in the third is the investigative diary which maintains a chronological ordering of all actions taken.

The investigating team meet each morning to review the progress of the investigation, assess ideas and proposals and to give tasks to be completed by investigating officers. In addition, meetings of the whole team are held from time to time to discuss progress, difficulties encountered and future directions. This is a commendable practice and there can be little doubt that the members of the team have diligently pursued their investigations. An example of this diligence is that on the evening of the massacre ISCOR security personnel found the man hiding near their premises, referred to above. When they learned of the massacre ISCOR reported this incident and the scene was visited the following day by detectives and a nobkerrie (a knob-headed club) and assegai (a spear) were retrieved. The man in question was subsequently arrested.

As already noted, a large force of detectives in teams consisting of photographers and Zulu-interpreters searched the hostel after a proper and thorough briefing on the afternoon of 18 June. 330

weapons were seized during this operation, although the agreement to allow hostel-dwellers to leave their weapons in a pile prevents investigators now identifying the owner of each individual weapon.

A following visit involved a thorough search of the hostel for clothing and other incriminating evidence. This too was preceded by a competent briefing explaining the items to be searched for. Despite the warrant specifying items of clothing to be retained, no clothes were seized because none matching the specification (eg. blood-stained, soiled, etc) could be found. However, items of stolen clothing and two televisions were discovered outside the hostel by Colonel du Pont following a search of the exterior of the building. These items were examined for fingerprints and taken to the homes of victims where some were identified by two witnesses as property taken during the attack. Unfortunately the complainants declined to cooperate further by attending identification parades.

On 22 June teams of detectives again visited the hostel and completed proforma statements from each resident. In one room they discovered a blood-stained nobkerrie and five suspects were then arrested. This exercise produced roughly 800 statements which were systematically checked and 127 were verified as giving rise to no suspicions. 155 other statements contained some anomalies and on 23 June in addition to arresting the man discovered by ISCOR security on the evening of 17 June, detectives returned to the hostel and detained 133 persons under the Emergency Powers Act. All 133 were re-interviewed and released. On 24 June detectives again returned to the hostel and arrested 300 persons of whom 75 persons remain in detention. Much of the evidence has derived from confessions and incriminating statements made by those detained.

Detectives complain that their investigation have been bedevilled throughout by the refusal of township residents to cooperate. They have been able to obtain only a few statements from

witnesses in Boipatong and even when statements have been obtained witnesses have refused to attend identity parades. Police claim that they are repeatedly met with hostility and violence, such that they must retreat. Residents, claim the police, have been told by the ANC not to cooperate. The inquiry team was shown a copy of a fax from Messrs. Cheadle, Thompson and Haysom stating that the organization 'Peace Action' are unwilling to provide the names and addresses of witnesses directly to the police. The police add that they approached the Red Cross hoping that they would prevail upon residents to cooperate, but that the latter refused to do so fearing that the neutrality of the organization would be jeopardized. When detectives visited the hospital to interview injured victims, they were not allowed access to the children's ward apparently on the instructions of the ANC and other victims refused to be interviewed. Press reports also confirm that local ANC activists have called on residents not to cooperate and our ANC informants agree that non-cooperation is widespread, which they attribute to a fundamental distrust of the police.

The ISU confirm that they would have been able to protect detectives at any time, but a senior investigating officer expressed the view that it would have been highly inadvisable for detectives to seek to interview witnesses with such an overt level of protection. However, given the persisting level of violence the ISU has made Njelas and drivers available to the detectives for them to use in the course of their investigations.

Despite these difficulties the police have managed to obtain 41 statements from witnesses in the hospital or at the township.

Detectives wish to add that on 29 June the whole team briefed members of the General Staff of the SAP on the progress of the investigation, and further strategy and tactics were agreed. At this meeting Major-General Grove was appointed to coordinate the investigation.

ISSUES ARISING

This report, and especially the assessment of police practice in Boipatong, is in the form of an audit. The inquiry team have examined only one peacekeeping and investigative operation. A series of deficiencies will be identified which point to serious incompetence. However, it is, in our view, not individuals who have been incompetent, but the systems which they are required to operate and organizational structures within which they work that are deficient. This leads us into questions of the policy, structure and practices of the SAP generally. We make these generalizations with circumspection, acutely aware that we view the SAP through the lens of Boipatong. It has been vigorously put to Dr. Waddington that that lens is distorting, that Boipatong is unusual. Particularly, it has been claimed that the Boipatong inquiry faced unique problems arising from the non-cooperation of the township residents, press attention amounting to harassment and various other problems. All this is conceded, but equally Boipatong was a particularly horrendous event, even by South African standards, to which the SAP could have been expected to respond with the utmost vigour, especially in view of the international attention that it has received. Senior officers of the SAP have eagerly affirmed that this was an investigation which they approached with the utmost seriousness, as indicated by the appointment of a Major-General to head it from the beginning. With the scrutiny of an international inquiry team imminent, it might be supposed that the SAP, and especially its senior officers, would have done all in their power to ensure that any defects were remedied. Those defects that remained must be assumed to be regarded as normal, or at least unavoidable. Finally, during the course of this inquiry, the inquiry team (and latterly Dr. Waddington) have been told that certain practices were part of normal operating procedure.

A host of issues and criticisms arise from this policing operation. To a large extent they arise from the separate aspects

of the order maintenance and investigative functions, but in other respects they interrelate.

1. Shift Changeover, Cover and Flexibility.

It is highly regrettable that during the changeover from late to night shift there was no 'cover' in Boipatong. This meant that no effective or immediate response could be made to the calls for assistance being received from residents. A changeover at 10.00 pm will mean that units are returning to their barracks, checking in their weapons and other equipment, from 9.45 pm onwards. Those who come on duty will have received a briefing during the 15 minutes prior to commencing patrol at 10.00 pm, but even if there are no logistical or administrative matters to be attended to (a rare occurrence in most police forces) they would still all be departing from their base station at the same time, instead of deployed around the area and available for rapid response. Whether or not the attackers were aware of these patterns and planned their actions accordingly is a matter of speculation. What is certain is that the failure to maintain 'cover' through staggered duty times leaves the police, and the public whom they serve, vulnerable to such contingency.

The practice of maintaining rigid shifts containing the same number of officers on each seems unwise and an inefficient use of resources generally. It means that as many officers are on duty at times of low demand as at times of regularly high demand. More specifically, the fact that four vehicles were patrolling prior to 10.00 am and only two throughout the night is explained by the absence of qualified drivers on night shift. If the night shift was short of drivers then it would seem good management practice to re-allocate them accordingly so that three vehicles could have been available during the night of the massacre. In any event, it seems unwise and poor management

practice to leave such strategically important and tactically relevant considerations as the number of vehicles available to the vagaries of the availability of qualified drivers.

2. Manpower Availability.

The Vaal Triangle is a concentrated area of intense violence and disorder, yet it seems that members of the ISU are thinly spread. Certainly there were insufficient officers available to secure all, or even any, of the crime scenes discovered during the evening. Officers, at all levels in the SAP, seem to have been allocated a given number of men and been left to do the best they can within these limited resources. There seems to be strong prima facie grounds for a review of manning levels in this area.

However, this does not absolve local senior officers of responsibility for using the manpower that is available to them in the most efficient and effective way possible. As soon as Captain Roos discovered the following morning the scale of the massacre, he was able to muster from amongst administrative personnel a further three vehicles and crews to support those already deployed at the township. If it was possible in the aftermath of the massacre, perhaps it was equally possible before hand. Are officers being efficiently deployed on purely administrative duties? Could civilian staff be appointed to provide administrative services, thus allowing police officers to do the task for which they have been appointed and trained?

3. Intelligence.

As might be expected, the SAP have a sophisticated system of information gathering, based on both the analysis of specific incidents, the targeting of individuals and groups believed to pose a crime threat and the evaluation of

general intelligence. As noted above, they claim that their covert intelligence gathering had been seriously compromised by a press expose alleging that these covert operations were aimed at the assassination of ANC activists. If press coverage impeded the police intelligence function, as alleged, it is a tragic irony that those whom the *Weekly Mail* professes to support suffered most directly from their expose.

Intelligence officers also point to the undoubted difficulties of infiltrating such close knit communities as those found in hostels. In a refrain that became all too familiar throughout this inquiry, officers pointed to the sheer number of hostels (57) in the area for which they were responsible. This may impose severe manpower demands and challenge management strategies, but it is not a problem unknown to the intelligence communities in other countries.

However, if these sources of information are denied then it might reasonably be supposed that alternatives would be explored. When it was suggested that camera surveillance of the main gate be employed to monitor and record movement to and from the hostel, it was admitted that this had not been considered. It was suggested that such equipment would be expensive. This is an odd conclusion since although the capital costs of such equipment are high, they are a cost effective alternative to covert human surveillance. When compared to the huge costs that have resulted from the Boipatong massacre, the financing of such a facility surely pale into insignificance.

More serious still is the apparent absence of any well-developed system for assessing the level of tension throughout areas and within particular districts. This entails the systematic reporting and evaluation of incidents, possibly innocuous in themselves but which

attain significance when part of a general pattern. Intelligence officers assured Dr. Waddington that they do have a system of general appraisal, but that this is not conveyed to local commanders as a standardised assessment of the level of tension in an area. There are three difficulties with this, which intelligence officers seemed to recognise. First, unless the system is standardised, innocuous information tends not to be reported, simply because it is innocuous and, therefore, widely considered to be of little significance. Second, unless systematically evaluated, evaluation will tend to display a bias towards incidents that do occur, rather than those that do not. Thus, tension tends to be chronically over-estimated and the value of the assessment reduced. Third, an unsystematic process relying upon individual officers reading all reports received throughout an area is prone, especially in the current situation in South Africa, to overload officers with the sheer weight of information. It was suggested to Dr. Waddington that such a system would only work effectively in more 'normal' circumstances. On the contrary, whatever problems the current turmoil in South Africa might create, an absence of data is not amongst them. It is in precisely these circumstances that tension indicators are most likely to work effectively and prove most useful.

What is most difficult to accept is that in conditions where two of the townships in the Vaal Triangle have been recently designated as Unrest Areas (according to police, Sharpeville on 13 March and Sebokeng on 30 April); the Kwa Madala hostel was widely recognised as a persistent source of problems; a 'staway' had been organized on 16 June; a Zulu funeral had been attacked in Soweto; the Kwa Mesiza hostel in Sebokeng had been searched and two handguns seized; and the trial verdict on a previous massacre was imminent (it was announced on 18 June); more efforts were not made to increase intelligence gathering.

4. Contingency Planning.

Whether predicted or otherwise the police response to incidents seems unduly ad hoc. When asked what action would have been taken by ISU officers had the intention to attack been known, senior officers produced a commendably sensible plan of action. However, what was to be done and by whom was the ad hoc decision by the individual in command at the time of the occurrence. No predetermined plans seem to exist to separate communities known to be mutually hostile, despite the fact that the terrain in the vicinity of Boipatong invites such a plan. The SAP has guidelines on contingency planning, but it is clear from this inquiry that, to judge from Boipatong, there is a significant gap between prescription and practice. More thorough contingency planning would seem to be essential, especially when there appear to be a number of distinct organizations (SAP, SADF, 'Vaal Commando') that might participate in any peacekeeping operation.

There was some dispute between senior officers regarding contingency planning generally. According to one very senior officer, contingency planning is restricted to those occasions where there is forewarning. Thus, marches, demonstrations, and strikes might all receive contingency planning. That is commendable, but contingency planning should go further. It is generally agreed that the Kwa Madala hostel had been the location of policing difficulties over an extended period. It is not alone, but it had attracted attention. In view of that, local senior police officers should have made an assessment of how the police would respond in various circumstances. This may not have prevented the massacre on 17 June, but it is the kind of good police practice lacking in this instance.

Of course, it is fanciful to assume that the control room will demand that 'Plan A' be implemented and the situation

will be effortlessly controlled. That 'no plan survives contact with the enemy' is a cautionary aphorism familiar to the military worldwide. The real value of contingency planning is that it obliges senior officers to apply their minds to potential issues well in advance of those problems arising, when there is time to prepare and remedy predictable problems.

5. Strategic and Tactical Failures.

The consequences of the failure adequately to prepare operations is clearly - and for the SAP, embarrassingly - obvious in the handling of the visit by the State President and the subsequent firing on the crowd that threatened the police line.

- a. There was no attempt to 'control the ground'. People were allowed to mass in an uncontrolled and ultimately uncontrollable melee. Junctions that could and should have been secured by police before the President's convoy arrived were left to the mercy of residents to build barricades. As a result there was a hasty, ill-prepared and ignominious retreat with disastrous political consequences for the government.
- b. These problems were compounded by the subsequent firing on the crowd that threatened the police line. Given the events as described by the police, it seems remarkable that a mortuary van should have been allowed into that situation leading to an officer being injured and warning shots fired.
- c. The tactics of lining police officers in front of hostile crowds, unprotected and holding a lethal weapon in both hands, seems to be a recipe designed for over-reaction. If threatened by the crowd they were unable to defend themselves other than by opening fire.

d. As at Sebokeng in 1989, officers in that line fired without receiving an order to do so. Whilst such individual action may be understandable in the circumstances, it seems tactically reckless to place officers in that situation. Containing public disorder requires that the police act as a disciplined corporate body under command and control, not as a group of individuals.

6. Debriefing.

After an event of any seriousness (especially a sequence of event as cataclysmic as these have proved) it is necessary for senior officers to review what has occurred, assess how well the police have dealt with it and how better to deal with similar occurrences in future. The need for debriefing should hardly need to be stipulated, but it has been noticeably and notably deficient in this case.

Debriefing requires more than gathering the various officers involved in the operation around for a discussion with their most senior ranks. Apart from the fact that this is hardly a forum conducive to candour, there is a need to determine precisely what each officer saw, heard and did. Debriefing is a serious business which becomes all the more serious when it follows an event of this magnitude.

7. Force Mobilization.

If such an assessment were to have been made, it is inconceivable that it would not have exposed defects in the mobilization of reinforcements as the situation unfolded during the night of 17-18 June. Two sergeants and the units they commanded were left to deal with a serious situation as best they could. There seems to have been no system for deploying rapid reinforcements and alerting senior officers. It needed the intervention of Brigadier

Venter the following day before reinforcements were deployed from outside the area, by then it could have been much too late. The failure to deploy sufficient manpower on the night of the attack meant that crime scenes could not have been properly examined because they could not be secured.

Dr. Waddington was assured that the SAP does have mobilization plans for all its areas, including the Vaal Triangle. When asked to produce one, the police provided a 'call-out' list of senior officers. This is not a mobilization plan. A mobilization plan would contain a series of responses geared to reported levels of disorder and the capacity of police at the scene to cope with it. It would list units in levels of their states of readiness and include plans to move units up to higher states of readiness as the situation unfolded. It is designed to avoid the need for junior officers to make complex and important decisions ad hoc in the course of fluid circumstances.

8. Division of Responsibilities.

When a situation in a township becomes seriously unstable, local police officers can, at their own discretion, withdraw, leaving it to the ISU to pacify. Local officers were not excluded from Boipatong, but were apparently not in evidence on the night of 17-18 June. This is so, despite the fact that, according to the ISU officers at the scene, residents were angry but not hostile to police. Why, then, were local officers not deployed in addition to the ISU? Senior officers point to the death toll amongst SAP personnel in recent years and suggest that it would have been suicidal for local officers to have deployed, even in groups, to secure crime scenes. That it would have been difficult, even dangerous, is conceded, but that it was impossible even to secure a single crime scene cannot be

accepted. When one considers the difference that a thorough forensic examination of just one scene might have made to the investigation, surely it was worth trying. One is left with the suspicion that, as elsewhere in the world, there is a tendency to 'leave it to the specialists'.

A division of responsibility with similarly unfortunate consequences in this case was between the ISU and the investigating officers. Once the detective-photographer arrived, the ISU officers (subsequently confirmed by their superiors) took the view that investigation was not their responsibility or priority. They supported and protected the detective during his preliminary investigations, but seem not to have seen their role as participating in or contributing to the criminal investigation. Had they (perhaps supplemented by local officers) begun conducting interviews with witnesses, then the investigation might have progressed more smoothly. It is conceivable that local residents, seeing the police taking a conspicuously serious interest in the massacre, might not have become so hostile as the night wore on. Instead the ISU perceived their task as one of containing the passions aroused by this massacre and did so by methods which may have inflamed the very emotions they sought to control.

This division of responsibility is no accident: the ISU have been introduced so as to distance their work of 'stabilizing' Unrest Areas from the routine policing of their blue-uniformed colleagues. The overall costs and benefits of such a division might well favour such a strict division of labour. However, it must be recognised that one 'cost' of such a division was borne by the residents of Boipatong on the night of 17-18 June. If the ISU are unavailable to assist with the early stages of the investigation, then alternative arrangements should be made to draft in the necessary manpower at short notice. On the other hand, it is not at all clear why the division between

the two arms of the SAP should be so great. The ISU are still police officers and should not be encouraged to believe that they have abrogated their policing role, not least because, in the long run, this is likely to militate against their success in stabilizing these very areas.

9. Community Relations.

There is no doubt that the officers investigating this crime have faced enormous difficulties in securing the cooperation and assistance of residents in Boipatong. Press reports and the faxed letter shown to the inquiry team confirm that the ANC and its allies have orchestrated a campaign of non-cooperation which must have been designed to frustrate the investigation. This is surely an ultimately self-defeating course of action, even if it is merely symptomatic of the deep distrust of the SAP endemic in the townships.

Equally, the press can and should be censured for what seem to have been mischievously inaccurate or precipitate reporting of gossip, tittle-tattle and unsubstantiated rumour.

Acknowledging the responsibility of the ANC and press for the frustrations suffered in this enquiry does not absolve the police of their responsibilities. Since it was imperative that the township of Boipatong was controlled, both to facilitate investigation and to prevent any revenge attack on the hostel, the ISU seem to have adopted a very narrow approach. Only limited steps seem to have been taken to contact those members of the community who could use their influence to calm the situation. Thus, if rumours were responsible for the increased hostility towards police experienced after daybreak, it was because no attempt was made to control or counter such rumours. When Rev. Verryn arrived around 9.00 am on 18 June he was unable to

influence either the police or the local community, because the police on the ground refused to discuss their deployments with him. Police argue that they could not have possibly complied with his request for them to pull out of an area in which rioting is taking place. On the other hand, one must ask what purpose was being served by the police presence: they were not protecting the crime scenes, nor advancing the investigation.

Senior officers suggest that Rev. Verryn had access to formal liaison channels which he could have utilized, and that officers at the scene would have referred him to senior liaison officers. This is to miss the point: in the wake of an horrendous massacre and during the course of a riot is not the time to stand on ceremony. If the police had had to beg Rev. Verryn to use his best offices to calm the situation and facilitate the investigation, perhaps negotiating some mutual accommodation in order to do so, then the price would have been worth paying. As it was, a potentially valuable resource was squandered.

The investigating officers have repeatedly complained about the hostility and obstruction of the township residents, apparently at the request of the ANC, but the police have explicitly abstained from taking any steps to liaise with the ANC or other local influential bodies and personalities except through formal channels which continue not to function.

It cannot be claimed that influential intermediaries do not exist or will not cooperate. The police liaised in a commendable way to forestall violence during the march on 3 July. Senior officers point out that this was achieved by using informal channels of communication. Those same channels could and should have been used much earlier to facilitate the investigation.

Senior officers have responded to these observations by pointing to their efforts to establish local consultative forums at station level and the participation of the police in Local and Region Dispute Resolution Committees. Those officers engaged in community relations work impressed Dr. Waddington as dedicated and sensitive individuals. However, in a revealing comment, it was suggested that community relations is not the function of non-commissioned ranks on the street. On the contrary, the *first* duty of all police officers is community relations: that is the only way that police can function effectively in a democracy.

All parties in this situation are in danger of creating a self-fulfilling and vicious spiral: hostility and non-cooperation from the community comes to be expected; this justifies the unwillingness to persevere in the face of hostility; which further reinforces hostility and non-cooperation; this in turn encourages communities to seek their own retribution; thus creating further disorder and driving police and the people further apart. On the other hand, something valuable could have resulted from this horrendous incident, since both police and this community shared a *common interest* in identifying and prosecuting the perpetrators. Instead distrust and enmity seem to have been exacerbated.

This inquiry team remains to be convinced that the hostility shown by the residents of Boipatong was either so great or so intractable as to defeat any investigative efforts in the township itself. If it was defeating the investigation, the police were culpable in not doing more to remedy the situation.

10. Discrimination.

A further danger of lasting significance is that there is an obvious and significant difference in the treatment

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afforded to the Boipatong victims and the Kwa Madala suspects. [Senior police officers vigorously reject the suggest that this reveals discrimination on the part of the police.] However, when police visited the hostel on several occasions, they decided to negotiate mutually acceptable arrangements for the surrender of weapons, searching and interviewing. All this is commendable (even if one of the consequences was to hinder the investigation by breaking the link between individuals and their weapons) for it avoided needless bloodshed. However, Boipatong residents might justifiably conclude that whereas their understandable anger and resentment was met with tear smoke, rubber bullets and birdshot, a similarly forceful attitude was not adopted towards the hostel-dwelling suspects. Whereas police were prepared to negotiate with hostel-dwellers, they avoided negotiating with representatives of the township.

Police attribute this difference in approach to the readiness of the residents of the hostel, as opposed to the township, to negotiate. This explanation is difficult to accept because, according to the police account, the township dwellers were not hostile towards the police during those crucial hours during the early morning of 18 June. The opportunity to negotiate could, and should, have been seized at that stage. Even when Rev. Verryn arrived, at 9.00 am that morning, there might have been a possibility to arrive at a mutually satisfactory arrangement.

11. Taking the Massacre Seriously?

The foregoing discussion leads one to ask whether the police took the investigation of the massacre as seriously as they claim. Police point to the large force of detectives assigned to the investigation and the fact that it was immediately placed under the command of a Major-

General as testament to their commitment. The invitation for international scrutiny and initial welcome extended to the inquiry team are consistent with the view that the police response was regarded by the SAP as being above reproach.

After long discussions with senior officers, Dr. Waddington is of the view that it was not a lack of will that plagued this operation, but a failure of imagination. Perhaps after decades of enforcing apartheid laws the SAP must learn afresh how to cultivate relationships and adapt their tactics in order to achieve public acceptability.

However, if it was genuinely not possible to obtain control of the crime scene through negotiation and accommodation, could it not have been secured by force? If the investigation was as important as is claimed, then ultimately the police must be willing to impose control. This would need to have been accompanied by a community relations 'offensive' designed to ensure that township residents were aware that control was being imposed in order to investigate this crime and bring its perpetrators to justice. However, such action would have been clear proof that the SAP did regard the investigation of this crime with the utmost seriousness. It would have inflicted a tremendous drain on resources, but this need only have lasted for a few hours whilst evidence was collected and witnesses interviewed.

12. Investigative Flaws.

The system adopted for the investigation of suspected crimes might be suitable for a simple offence with limited enquiries and suspects, but is totally inadequate for anything even remotely more complex or protracted.

The difficulties encountered by this inquiry team are themselves a by-product of the deficiencies in this investigation. On arrival, a detailed log of what had occurred was requested. Despite the time that had elapsed between the massacre and the commencement of this inquiry, no log detailing every police action was available - a signal failure. The logical first step in any major investigation is to ascertain what information is readily available to the police from its own personnel. The inquiry team was obliged to conduct what amounted to an investigation to discover as far as possible what the police had actually done.

Any investigation requires that all lines of enquiry are properly completed or stored as 'pending' to be carried out at the appropriate time. This entails an efficient system of documentation which far exceeds the capacity of chronological diary. Even more to the point, it is essential that information which is or might become relevant is stored in such a way that it can be readily retrieved and related to other relevant information. This can only be achieved by a comprehensive indexing system. In this enquiry there is no evidence of any information being separated from the various statements that have been diligently collected and it is, therefore, probable that important facts, links or trends will be lost - subsumed within the welter of information generated by an investigation as complex as this.

At the very least, the following indexes should be maintained:

- a. Nominal index to record the details of every person in any way involved in the inquiry.

- b. *Sequence of events*, to build a chronological picture of what happened so that witnesses can be cross-checked for accuracy and gaps identified.
- c. *Suspects* need to be checked and cross-referenced on a systematic basis. Each of the 800 residents of Kwa Madala hostel must be considered a suspect and positively eliminated from the inquiry.
- d. *Unidentified persons* need to be identified by sex, age and any other relevant characteristics with a view to identifying them as the investigation proceeds.
- e. *Clothing* worn by alleged assailants needs to be systematically recorded and cross-checked with that possessed by suspects. Only in this way are searches likely to yield results.

(See appendix for a flow chart describing the information flow within a major incident room in Britain.)

A properly managed investigation will also ensure that detectives interviewing witnesses and suspects will know how their individual efforts are related to the wider purposes of the inquiry. They will, therefore, be able to exercise their individual expertise in a professional manner. Thus, a detective asked to interview a witness or interrogate a suspect should be directed to the relevant statements and other evidence already secured, so that if the interviewee mentions something of potential relevance it will not be ignored.

Dr. Waddington was assured that once suspects were identified then every statement would be re-read to see what corroboration any of them offered. Whatever merits this might have in other connections, it certainly will not assist in identifying the suspects in the first place. It

is at this stage that careful indexing and cross-referencing of information is essential.

There is no doubting the commitment and dedication of individual officers, especially those in lower ranks. They have been hindered by the absence of effective systems. These systems do not necessarily require more manpower, they may even achieve a manpower saving. What they will ensure is that the heavy commitment of manpower to this enquiry is used to best effect.

13. Superficial Scenes of Crime Investigation.

The actions of the scenes of crime officer were not in accordance with standards of good practice applied by police forces in the western world. The underlying principle guiding forensic examination is that all contact entails transfer, the most obvious example being fingerprints. It is true that the taking of fingerprints would be unlikely to identify those belonging to murderers, but equally once a suspect had been identified by other means the presence or absence of his fingerprints would be useful corroborative evidence. Equally, whilst the officer may have been correct in assuming that the blood present at each of the scenes was that of the victims, this was an untested assumption. It is perfectly possible that some of the attackers cut themselves as they burst in upon their victims, or that victims fought back before succumbing and inflicted injuries which left their mark.

Whilst the decisions of the scenes of crime officer amount to a series of errors of judgement, it must be acknowledged that he was a man of junior rank acting alone and facing an enormous task. Moreover, it seems that his actions are regarded as normal procedure by his superiors. It could hardly be otherwise. Dr. Waddington was informed that throughout the Vaal Triangle there are ten forensic

investigators who also have responsibility for the northern Orange Free State, an area encompassing 18 police districts. Their normal daily workload is of the order of 30-40 cases, plus the demands of making frequent visits to courts. In such a situation it seems grossly unreasonable to expect any officer at any scene of crime to undertake anything more than a superficial examination before passing to the next.

Two options seem to present themselves to the SAP:

- a. To substantially increase the number of officers dedicated to this work, at least in this area.
- b. To manage more effectively the limited number of officers available by screening procedures so that a limited number of crime scenes will be visited, but examined more thoroughly. This would, of course, mean that the scenes of many serious crimes would not be visited at all and valuable evidence would be lost. However, any organization has to operate within the resources available and hard choices must sometimes be made. It is the task of management to make those hard choices, not hard-pressed junior officers in the midst of a massacre in the middle of the night.

14. Exhibits.

The detectives interviewed were well aware of the need for maintaining the integrity and continuity of evidence (on which they expected to be tested in court) unfortunately the system they operate threatens to undermine these evidential necessities.

Exhibits are dealt with through three separate channels: some are dealt with by the mortuary, others by the scenes of crime officer and still others are dealt with by

investigators during the course of their inquiries. Thus there are three separate locations at which exhibits are dealt with under separate control. A multiplicity of individual officers are responsible for exhibits and continuity is secured by signing for exhibits that pass between individuals and locations. The danger of such a system is that lapses on the part of individuals who have no overall responsibility for exhibits is always possible, even likely. SAP procedures do not include the appointment of a dedicated Exhibits Officer for each major investigation, specifically responsible for the control, security, continuity and integrity of the exhibits that have been secured. It is unfortunate that no such officer was appointed.

15.: Confessions.

It is clear that the focus of the investigation has been upon the Kwa Madala hostel. This may be because hostility and non-cooperation of the township residents has frustrated that part of the investigation. If so, investigating officers seem remarkably phlegmatic about such a serious hinderance. It has been alleged by those interviewed, especially representatives of the IFP and hostel-dwellers, that suspects have been tortured and confessions extracted by unlawful means.

This gives rise to the suspicion that the style of investigation adopted in this case, and perhaps in South Africa generally, is *confession-oriented*: the aim of the investigation being to obtain confessions from suspects and the incrimination of others. Without supporting evidence, only obtainable from the township residents and thorough forensic examination, this is a strategy that seems doomed to failure.

It has been put to Dr. Waddington that South African law does not allow reliance upon uncorroborated confessions and that few cases turn on confession evidence. This is to confuse the questions of investigation and admissibility of evidence. The investigation may proceed by seeking to identify suspects and secure from them confessions for which corroboration is then sought (hence the re-reading of all statements once a suspect is identified). This is the opposite of sound investigative techniques.

The inquiry team finds support for their suspicions in the fact that had the forensic examination been completed properly and witnesses interviewed thoroughly, it is unlikely that the system of case handling employed in Boipatong would have been able to cope. It is submitted that the imperative to seek confessions lies in the fact that there is precious little prospect of obtaining evidence by other means.

16. A Failure of Leadership.

This police operation has been bedeviled by a failure of leadership at all levels: contingency planning was inadequate; non-commissioned officers were left at the scene of a rapidly unfolding disaster to make fateful decisions as best they could; a small number of scenes of crime forensic examiners have been allowed to be swamped by the demands routinely made upon them; systems for dealing with problems which regrettably are all too common in South Africa have not been established; command has been notable by its absence for much of the time; junior officers have not been adequately debriefed and lessons have not been learned; the welfare of individual officers seems not to have been attended to; and all the while community relations have suffered.

7. Equipment

One aspect of the failure of leadership is the parlous state of much of equipment supplied or, more to the point, not supplied. Officers engaged in this operation. The lack of suitable facilities must have impeded both the effectiveness of the operation on the night of the massacre and investigation conducted since.

The control room from which the ISU were supposedly commanded during the night of 17 June (and before and since) is hopelessly inadequate. The incident room from which this investigation is being conducted must share the limited telephone lines available to the Vanderbijlpark police station normally. Instead, each major police station should be equipped with an incident room into which spare lines can be readily installed. Whilst computers would not remedy the absence of any system for obtaining and cross-referencing information obtained during the course of the investigation, they would assist with the implementation of such a system.

Dr. Waddington was assured that some of the facilities available to the SAP would compare favourably to any in the western world. For example, the detectives seem very proud of their forensic laboratories, perhaps justifiably so. However, unless scenes of crime are examined more effectively than those at Boipatong (and with so few forensic examiners routinely coping with so many demands, it is difficult to imagine that they are), sophisticated analytical facilities are of little consequence.

Accountability.

If these obvious failures are in any way representative then they suggest that the SAP is an unaccountable police force. The difficulties encountered by this inquiry team

uncovering the most routine aspects of the police response and investigation suggest that systems do not exist for either internal or external accountability. The first rule of policing throughout the democratic world is for police officers to 'guard their backs': that is, to be able to furnish an account to anyone with the authority to demand it. Despite the international attention that has focused on these events, the political significance of them for the peace process in South Africa and the fact that an international inquiry team was known to be en route, the police seemed ill-prepared for providing any kind of detailed description of and explanation for their behaviour. If the Boipatong investigation could be expected to be a showcase in any respect, surely it would have been in its accountability, but it was not.

It has been pointed out, that detectives are each obliged to maintain a personal diary which is incorporated on a regular basis into the case docket, and that this must be meticulously maintained since detectives can expect to be challenged in court. This is a commendable practice, but one that raises more questions than it answers. It suggests that when officers are liable to close scrutiny they maintain adequate records. However, the absence of adequate records generally in relation to this operation suggest that there is insufficient scrutiny.

19. Police Complicity.

Amidst all this gloom and negative appraisal, there is an important source of relief to the SAP and that is that this inquiry has uncovered no information that suggests any complicity on the part of the SAP in the attack. Indeed, all the evidence suggests a genuine desire to identify the perpetrators and prosecute them. It is difficult, of course, to prove a negative, the SAP could have covered their tracks. However, that would have required an

20. The SAP covered their tracks. It is difficult to prove a negative, the SAP could have covered their tracks. However, that would have required an

attention to detail in fabricating an acceptable version of events that has not been evident.

It is also pleasing to note that a star that shines brightly to the credit of the SAP is the investigation of allegation made against the SAP under Major Davidson. This investigation is thorough, well-manned by a team of 12 detectives, well-led and properly structured. Most impressive of all is the fact that these investigators have not waited to receive formal complaints or allegations, but have pursued any accusations of wrongdoing by the police from whatever source. Thus, complaints made through the news media have been treated with as much thoroughness as allegations from specific individuals. The Commission can be confident that all allegations about police complicity are being thoroughly investigated. For example, the suggestion that the 'Apollo' lights were turned off shortly before and during the attack has been investigated. Only one of the lights can be turned on and off manually, and the records of the power utility have been examined to confirm that the remaining lights continued to function during the material time.

20. 'South Africa is Unique'.

Finally, it is necessary to respond to the repeated assertion that the observations made above fail to appreciate the policing conditions in South Africa. South Africa is unique, but that is not to say that lessons learned elsewhere cannot be applied. The alternative is a fatalistic acceptance that nothing more can be done.

This assessment has been conducted in terms of the standards of good police practice familiar throughout the western democracies. That was the purpose of inviting an international assessor. Moreover, these are the standards

against which senior officers in the SAP would surely wish to be assessed.

SUMMARY AND CONCLUSION

This inquiry has concluded that the SAP response to and investigation of the massacre at Boipatong during the night of 17 June was and remains woefully inadequate in a number of respects. Basically, the problems are reducible to an absence of suitable organizational structures to facilitate effective policing. These failures can be summarised as follows:

1. Inadequate command and control of officers patrolling and responding to incidents in the township of Boipatong and its surrounding area.
2. A lack of effective intelligence and contingency planning.
3. Unstructured investigative procedures which inhibit the gathering of evidence.
4. A lack of awareness of the importance of sound community relations with all sections of the population which can assist in both maintaining the peace and investigating crime.

Together they amount to a basic failure to serve the people of Boipatong, but it does not suggest complicity. Omissions arose, not from deliberation, but incompetence.

Fundamental as these criticisms are, they are equally remediable, since they involve not the replacement of individuals, but the establishment of structures and methods of policing that are familiar elsewhere in the world. If these defects are to be addressed it will require thorough reappraisal of the entire organization, backed by the political will to ensure sufficient funding. [Dr. Waddington was briefed on the Corporate Strategy of

the SAP and assured that many of the issues identified in this report are in the process of being addressed. It is accepted that these commendable aspirations will inevitably take time to implement. However, it must be noted that, to judge from the situation in Boipatong, there is still an enormous gap between aspirations and actuality. No institution is more crucial to the future success of the peace process, and thus the future of South Africa itself, than the police. The implementation of reform is imperative, for every case like Boipatong only plunges the whole country into a deeper crisis.

It is understandable if the SAP does not welcome this report, for no one likes to be criticised. However, they should be urged to accept it as a positive contribution. Policing in a democratic society is always vulnerable to criticism, for the police are duty-bound to act in ways - for example, to use force, detain others, search people and property - which if done by anyone else would, in all likelihood, be illegal and certainly exceptional. As police forces elsewhere have discovered, policing is prone to scandal, but scandal can become the springboard for reform. The fact that the SAP has reacted so strongly to the interim report gives reason for hope, because they recognise the force of the criticism being made and wish to be well-appraised by the standards of other western democracies. What is now required is for that energy to be directed to improving performance and hastening reform.

Dr. Waddington has been made aware of a recent request from the SAP to the Minister of Law and Order for a Judicial Commission of Inquiry into the Crime Problem in the RSA. In so far as the terms of reference of any such inquiry would encompass a review of the police role and SAP's structure and function, this is to be welcomed.

If a deepening crisis is to be avoided, others too must play their part. The decision by the ANC and affiliated organizations to advise township residents not to cooperate with the police

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merely serves to perpetuate violence and intimidation. Such organizations should be urged to reverse their current stance. At the same time, the SAP must urgently review its explicitly arms-length approach to such organizations.

Signed *P.A.J. Waddington* Date *20/7/72*

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