

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

REPORT ON A PRELIMINARY INVESTIGATION INTO THE
ACTIVITIES OF THE AZERBAIJDZAN PEOPLE'S
LIBERATION ARMY (APLA)

GOLDSTONE REPORT ; GK - 20

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NOT TO BE ISSUED

THE STATE PRESIDENT

1. The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present the report by the committee conducting a preliminary investigation into the activities of the Azanian People's Liberation Army (APLA).
2. The report of the Committee was accepted by the Commission.
3. This inquiry differs from all others held by the Commission in that some interested parties have refused to participate in the proceedings. This is regretted and the Commission expresses the hope that the Transkei authorities, the PAC and APLA will reconsider their attitude. Should they or any of them do so, the Commission will reopen the proceedings and allow any evidence that has been placed before the Committee to be tested by cross-examination, the leading of further evidence, and the hearing of further submissions.
4. It is in the hope of a positive response from Transkei, the PAC and APLA that all of the findings made thus far are provisional. If no response is forthcoming, however, those parties cannot be heard to complain if those provisional findings are regarded as conclusive by the local and international communities.

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5. The Commission would like to express its gratitude to Mr F. Bam and Mr N. Coetzer for the time and assistance which they gave to the Chairman of the Committee, Mr Gert Steyn.

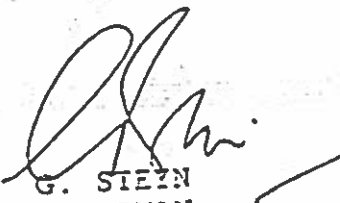
R. J. Goldstone

R. J. GOLDSTONE
CHAIRMAN

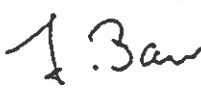
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THE COMMISSION

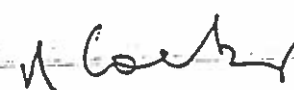
REPORT TO THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF
PUBLIC VIOLENCE AND INTIMIDATION FROM THE COMMITTEE CONDUCTING A
PRELIMINARY INVESTIGATION INTO THE ACTIVITIES OF THE AZANIAN
PEOPLE'S LIBERATION ARMY (APLA)



G. STEIN
CHAIRMAN



F. BAM
MEMBER



N. COETZER
MEMBER

REPORT OF THE COMMITTEE CONDUCTING A PRELIMINARY INVESTIGATION
INTO THE ACTIVITIES OF THE AZANIAN PEOPLE'S LIBERATION ARMY
(APLA)

1. INTRODUCTION

1.1 The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has, with the concurrence of the Minister of Justice, established a committee to conduct a preliminary investigation and to hear evidence and to receive submissions from relevant persons on the location of APLA camps, arms, ammunition, personnel and on its operational activities.

1.2 The Committee was constituted as follows:

1.2.1 Mr G. Steyn, member of the Commission (Chairman);

1.2.2 Mr Fikile Bam, a Port Elizabeth advocate; and

1.2.3 Mr Nico Coetzer, an attorney from Hoopstad.

1.3 The United Nations appointed Professor Kwame Frimpong of the University of Botswana to observe the proceedings of the Committee.

2. HEARINGS BY THE COMMITTEE

2.1 The first session was held in Port Elizabeth on 4 January 1993. Subsequent sessions were held in Pretoria and Port Elizabeth. The proceedings were concluded and argument was heard on 12 February 1993.

2.2 All interested parties were publicly invited to make submissions. Only the South African Police (SAP) and the South African Defence Force (SADF) responded.

2.3 Mr J.J. du Toit with Mr J. Bezuidenhout presented evidence on behalf of the Committee.

2.4 Mr Francois van Zyl appeared for the SAP and Mr D.O. Pretorius for the SADF.

2.5 Copies of the representations by the SAP and the SADF were, at their request, forwarded to members of the Transkeian Consulate in Port Elizabeth and to representatives of the Pan Africanist Congress (PAC). Both parties, after repeated requests, failed to participate. APLA made no contact with the Committee.

3. SUBMISSION AND EVIDENCE

3.1 The SADF dealt in detail with the following topics:

- 3.1.1 A brief history of APLA;
- 3.1.2 APLA's aims;
- 3.1.3 the strategy of the PAC and APLA;
- 3.1.4 Manifestations of the aforesaid strategy;
- 3.1.5 APLA's views on negotiations.

3.2 The SAP submitted details of:

- 3.2.1 The aims, objectives and ideologies of the PAC and APLA;
- 3.2.2 the sources of information;
- 3.2.3 APLA's command structures;
- 3.2.4 the funding of APLA;
- 3.2.5 APLA and the PAC;
- 3.2.6 APLA camps;
- 3.2.7 Transkei and APLA military training;
- 3.2.8 training within the South Africa;
- 3.2.9 arms and ammunition;
- 3.2.10 personnel;
- 3.2.11 operational activities.

3.3 The submissions and memoranda by both the SAP and the SADF included the following:

- 3.3.1 Copies and reports from the APLA mouthpiece Azania Combat;

3.3.2. videos apparently made by the PAC;

3.3.3 newspaper reports;

3.3.4 copies of what appear to be official APLA and PAC documents, letters and statements.

3.4 Mr Du Toit handed in transcripts of evidence by various individuals in court cases and before other committees of the Commission.

3.5 Mr Du Toit also led the evidence of a witness who gave evidence *in camera* as Mr "A".

3.6 At the opening and the closure of all the sittings the Chairman of the Committee extended an invitation to all interested parties to come forward and testify before the Committee. It was once again indicated that, whenever necessary, witnesses would be entitled to protection regarding confidentiality and secrecy. These invitations once again received wide media coverage.

In view of the fact that serious allegations were made as regards the involvement of both the PAC and the Transkeian Government regarding APLA activities, the Chairman extended a specific invitation to the PAC and the Transkeian Government to participate in the proceedings.

3.7 After consideration of the comprehensive, careful and substantial submissions by the SAP and the SADF, the Committee on 18 January 1993 decided in Pretoria that certain members of APLA

be subpoenaed to appear before it in Pretoria on 29 January 1993. The evidence before the Committee was that the witnesses subpoenaed were all members of APLA. However, the PAC, through its Secretary-General, released a press statement on 28 January 1993 to the effect that no PAC leader, staff or any other member would appear before the Goldstone Commission and that the summonses would be ignored.

3.8 Both witnesses were in default on 29 January 1993. The Committee referred the matter to the Attorney-General of the Transvaal for his consideration.

3.9 Much of the matter in the submissions was in the nature of hearsay. The Committee was however careful to have regard only to hearsay that could be regarded as reliable. The Committee regarded policy statements by leaders of the PAC and APLA, as contained in their official mouthpiece, to fall within that category. Most of the hearsay was substantiated by the nature of subsequent events.

3.10 The evidence presented by Mr Du Toit was the following:

3.10.1 An APLA supporter, who was allowed to give evidence in camera as Mr "A". He was at one stage arrested because of his activities but is no longer sought by the police.

3.10.2 Records of the evidence of an APLA member, who gave evidence as Mr "X" before the Committee investigating violence against the police and also as Mr "X" in Bloemfontein Regional Court case No. SH19/92 (S v John May and William Mxhosana). The latter was a case against APLA members as a result of attacks on a police station at Batho, Bloemfontein. The accused were convicted on 17 February 1993.

3.10.3 A copy of Aliwal North Regional Court case No. ASH72/92 in which Steven Vusumzi Dolo, an APLA member, was convicted on eight counts resulting from an attack on the police single quarters at Lady Grey and on the farm Wilgerspruit at Lady Grey. He was sentenced to effective imprisonment of 15 years. The record contains a detailed confession by Dolo to the Magistrate at Aliwal North. This statement was ruled admissible by the Regional Magistrate.

3.10.4 An important aspect of their evidence is that the three persons corroborate each other in material detail. They were all involved in APLA training and participated in military training in Transkei. Their evidence also substantiated many matters dealt with in the SAP and SADF submissions.

3.11 Col. Nel, the acting Chief of Military Intelligence of Ciskei, furnished Mr Du Toit with certain information regarding

violence in Ciskei. This was however not relevant to our inquiry. He also furnished information about APLA in Transkei and of joint operations by APLA and Umkhonto we Sizwe from Transkei. Owing to lack of corroboration the Committee decided that it should not take that information into account.

4. ARGUMENT BY COUNSEL FOR THE SAP AND THE SADF

Counsel for the SAP and the SADF submitted that in the light of the failure by APLA, the PAC and the Transkeian authorities to answer or explain any of the allegations made against them, the Committee should now make its findings on the material at present at its disposal. They submitted that the evidence presented constitutes *prima facie* evidence which in the absence of a reply becomes conclusive.

5. THE PAC AND APLA

5.1 APLA is the military wing of the PAC. The relationship between them is of crucial importance and is the subject of many conflicting statements. The nature of the evidential material before the Committee makes it necessary to first investigate APLA's relationship with the PAC.

5.2 According to Mr Johnny Mayozi, APLA's chief information officer, in Azania Combat 1992, issue No. 15:

"APLA is not a political party, it is a guerrilla army. Its business is to execute the armed part of the struggle being waged under the political leadership of the PAC..."

5.3 According to the documents before the Committee, APLA is responsible for the execution of the PAC's military policy as decided by the Military Commission. It is alleged that least three members of the Military Commission are also members of the PAC's National Executive Council. They are Mr Johnson Mlambo, Mr Joe Makwanazi and Mr Thobile Gola. It is further alleged that the PAC President, Mr Clarence Makwetu, and the First Deputy President, Mr Johnson Mlambo, serve on the APLA High Command.

5.4 The PAC is responsible for ensuring that APLA is supplied with arms, equipment and financial means. Mr Benny Alexander, Secretary-General of the PAC, said in the television programme "Agenda" on 6 December 1992:

"The PAC is recognised by the Organisation of African Unity and the PAC speaks on behalf of the people in this country in the OAU. I can reveal to the people of this country in very clear and unambiguous terms where APLA gets its money from. The money of APLA comes via the Liberation Committee of the Organisation of African Unity and it is delivered to APLA by its office in Dar-es-Salaam."

5.5 Any democratic movement should take responsibility for and control its members. Its policy cannot be based on conflicting ideals, namely on the one hand the armed struggle and on the other

democratic and peaceful change. The relationship between the PAC and APLA is a direct one. Indeed, the previous attempts by them to suggest that each was autonomous are no longer seriously relied upon by the PAC in its recent public statements.

6. APLA CAMPS

6.1 With reference to APLA camps the Committee was informed that APLA members receive training at a formal base in Tanzania. It was alleged that its members also received training in other countries in Africa, Eastern Europe and Asia.

6.2 The SAP and the SADF both furnished information about APLA training in Transkei. The Committee received no evidence of any formal base camps in Transkei. As appears below, the evidence is that training took place at various places in Transkei.

6.3 The statements and evidence of Steven Vusumzi Dolo, witness "A" and witness "X" show that the military training of APLA members took place at places at Sterkspruit, Coffee Bay, Mount Frere and elsewhere in Transkei. Dolo and "A" were involved in the training of others. "X" himself received training at some of these places. They were all involved in attacks on the police. This was on the instructions of Vumankosi Ntikinca and Happy Letlapa (both are APLA leaders).

6.4 The trainees were supplied with arms and ammunition. There was nothing secret about their training or the carrying of arms.

The witnesses said the Transkeian authorities saw them but took no action. It therefore appears that their presence was no secret to the Transkeian authorities.

6.5 The Committee received sufficient acceptable evidence to make the provisional finding that APLA members received military training at various places in Transkei. However, there would appear to be no permanent base in Transkei.

7. APLA ARMS AND AMMUNITION

7.1 The evidence was that during the past two years APLA members were found in possession of AK47 assault rifles, Scorpion machine pistols, M26 hand grenades, Chinese stick grenades and petrol bombs. APLA members involved in attacks on police and civilians used R4 and R5 rifles and 9 mm side-arms. APLA members received training in the use of AK47 assault rifles, Scorpion machine pistols, G3 assault rifles, SK5 assault rifles, hand grenades, Chinese stick grenades, land mines, mortars and RPG7 rocket launchers.

7.2 According to witness "X" they obtained weapons from the places where these were stored in Transkei. After training the weapons were usually stored at the places where they trained. Weapons were issued when they went on assignments.

7.3 The SAP's evidence was that arms and ammunition destined for APLA are smuggled into the country from various neighbouring

states. The SAP informed the Committee that it is in possession of information that APLA uses infiltration routes via Botswana through the Ramatlabama border post as well as an air route via Lesotho to Transkei.

7.4 It was also stated that since 1990 the Transkeian authorities have supplied APLA members with arms for VIP protection. These were later returned. Witness "A" confirmed this information.

7.5 From the evidence we received it would appear that APLA has weapons available in Transkei and that these weapons are used in attacks on the police and members of the public.

8. APLA PERSONNEL

8.1 The Committee was informed that APLA's High Command (External) is in overall command of all APLA's operations and activities, both inside South Africa and abroad. It consists of about 30 persons under the First Deputy President of the PAC, Johnson Mlambo, as Commander-in-Chief. The *de facto* army commander, Sabelo Phama, was also Defence Secretary until the second national congress in 1990. According to the information supplied by the SADF the following persons serve in the external High Command:

8.1.1 APLA Commander-in-Chief - Johnson Phillip Mlambo.

8.1.2 Commander and Secretary of Defence - Victor Gqweta alias Sabelo Phama.

- 8.1.3 Chief of Staff - Barney Normal Hlatswayo Mzolo.
- 8.1.4 Director of Operations - Skhulu.
- 8.1.5 Director of Logistics and Finance - Myombo.
- 8.1.6 Director of Military Intelligence - Mbulelo Raymond Fithla.
- 8.1.7 Director of Communications and Signals - Keith Nkomo.
- 8.1.8 Director of Ordnance and Supplies - Ntsiki.
- 8.1.9 Director of Training and Manpower - Willy Nkonynei alias Siyaya alias Willy Brown.
- 8.1.10 Chief of Intelligence and Political Commissariat - Daniel Mohato Mofokeng alias Romero Daniels.
- 8.1.11 Director of Ideological Training and Culture - Rufus Zonyane.
- 8.1.12 Director of Research, Information and Publicity - Zambi Zweni.
- 8.1.13 Director of Mass Work - Zambi Zweni.

8.2 It was further stated that a number of local command structures under the command of a local commander, each responsible for a specific area, have been established under each regional command, and that they control a number of units consisting of three to eight persons, each under the command of a unit commander. (These units, so it is alleged, are used for attacks on targets in South Africa).

8.3 The SAP informed the Committee that the chain of command is supposed to operate as follows. Orders, in line with the PAC's

military policy as determined by the Military Commission, originate from the High Command. These orders are passed on by the regional commands concerned to the appropriate local command(s). The necessary arms, ammunition or other equipment are also supplied by the regional commands. The local command(s) identify the target(s), plan the operation(s) and order a particular unit or units to carry out the operation or order. The same channels are followed to report back on action taken. Units and local commands are not allowed to contact each other horizontally. Vertical contact between its various structures is seen by the APLA High Command as an important factor in maintaining security.

8.4 According to the SAP, APLA has in South Africa approximately 120 members who have undergone military training abroad. The number of recruits trained locally is not known. The SAP estimates that APLA has approximately 2 700 members abroad, the majority of whom are in Tanzania. This number includes women, children and persons working on agricultural projects.

9. APLA'S OPERATIONAL ACTIVITIES

9.1 Through its public statements and the information placed before us APLA makes no secret that its policy is to kill policemen, to kill White farmers in rural areas and, in general, to kill Whites, whom it refers to as settlers. Attacks that APLA claims to have carried out support this. It is further supported by findings made in criminal prosecutions. We heard evidence of attacks on police and on farm houses in the Eastern Cape and the

Orange Free State, and of people who were attacked in King William's Town, Queenstown and Cape Town. Statistics were given of 15 attacks on policemen, 13 attacks on farm houses, 3 attacks on houses in the town of Ficksburg, attacks on the Golf Club at King William's Town, and attacks on restaurants in Queenstown and Cape Town. According to the SAP, 16 people were killed in alleged APLA attacks.

9.2 The SAP has informed the Committee that it has received information that APLA plans further attacks.

9.3 APLA makes no secret that these attacks are aimed against anybody that it regards as supporting the South African Government. This is in accordance with its slogan "One Settler - One Bullet".

9.4 In the absence of anything to the contrary, the inference must be obvious that APLA's operational activities are aimed at members of the SAP and the SADF, irrespective of race or colour, and White civilians in general.

10. SUMMARY OF THE COMMITTEE'S PROVISIONAL FINDINGS

- 10.1 Both the PAC and APLA still propagate the armed struggle.
- 10.2 APLA is the military wing of the PAC.
- 10.3 APLA uses Transkei as a springboard for attacks into the Republic of South Africa. Arms and ammunition are stored in Transkei for use by APLA units. The presence of armed APLA members in Transkei was known to members of the Transkeian Police.
- 10.4 The Transkeian Government has supplied APLA with arms allegedly for VIP protection purposes.
- 10.5 APLA's operational activities are aimed at members of the SAP, the SADF and White civilians in general.
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- 10.6 The PAC controls APLA's budget.
- 10.7 APLA members have received training in Transkei.
- 10.8 Arms and explosives are being smuggled into the Republic of South Africa and Transkei for use by APLA members.
- 10.9 APLA's internal High Command for the Republic is based in Transkei.

11. THE COMMITTEE'S RECOMMENDATIONS

The vast majority of people in South Africa are opposed to violence and are committed to a peaceful political transformation to democracy. It cannot therefore be tolerated that an organisation should commit acts of violence and wanton killings in order to promote its own political aims. Bitter experience has proved that acts of violence invite retaliation that causes a never-ending cycle of violence that it would be very difficult to contain once it had gained momentum. The Committee therefore recommends as follows:

11.1 That the Security Forces protect the citizens of South Africa to the best of their ability and arrest and prosecute the perpetrators of violence in terms of the common law.

11.2 That the Commission request the international community to -

11.2.1 request all nations to withhold assistance to APLA;

11.2.2 bring pressure to bear on the PAC to cease to condone and support acts of violence by APLA and to join other political groups in South Africa in their search for a negotiated settlement;

11.2.3 ascertain from the Government of Tanzania its response to the allegations by the SAP and the SADF concerning the training of APLA members in that country and the existence there of an APLA base.

11.3 That the Commission request the South African Government and all political groups in the Republic to ascertain from the Transkeian authorities their response to the allegations of the SAP and the SADF, and if they are confirmed or not denied to bring pressure to bear on the Transkeian authorities to prohibit the use of any part of their territory as a springboard for attacks against South African citizens.

11.4 That all the parties engaged in the effort to reach a negotiated settlement for a future political dispensation in South Africa bring pressure to bear on the PAC and APLA to suspend the armed struggle and to join these parties in their search for a peaceful negotiated settlement.

11.5 That through negotiations pressure be brought to bear on the PAC and other political parties to sign the National Peace Accord and to participate in the peace structures.

12. CONCLUSION

The Committee wishes to emphasise that it was appointed to conduct a preliminary inquiry. All parties are therefore still at liberty and are again invited to provide evidence to the Goldstone Commission at any time with regard to any of the matters relating to this report.