

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

FINAL REPORT INTO TRAIN VIOLENCE

GOLDSTONE REPORT ; GK - 22

dk/state

THE STATE PRESIDENT

1. The Commission of Inquiry regarding the prevention of Public violence and Intimidation has the honour to present the final report of the Committee appointed to inquire into train violence.
2. The Commission agrees with the findings and recommendations of the Committee.
3. The Commission would like to express its gratitude to Messrs S Moshidi and B M Ngoepe 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

THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC
VIOLENCE AND INTIMIDATION ESTABLISHED IN TERMS OF ACT NO. 139 OF
1991.

FINAL REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO TRAIN
VIOLENCE

G. STEYN
CHAIRMAN

S. MOSHIDI
MEMBER

B.M. NGOEPE
MEMBER

REPORT OF THE COMMITTEE OF INQUIRY INTO TRAIN VIOLENCE

1. MEMBERS OF THE COMMITTEE

Mr. G. Steyn - Chairman

Mr. S. Moshidi

Mr. B.M. Ngoepe

2. APPOINTMENT OF COMMITTEE

The Committee was appointed to investigate violence committed on trains in the Southern Transvaal.

3. TERMS OF REFERENCE

The Committee's terms of reference were to establish -

- (a) the nature and causes of the violence and intimidation;
- (b) whether these are aimed at the achievement of any political goal;
- (c) what persons are involved; and
- (d) what steps should be taken to curb and prevent such violence and intimidation.

4. COMMITTEE SESSIONS

The Committee's interim report was made public by the State President in July 1992. Since then further sessions took place from 24 August 1992 until 27 August 1992, from 28 September 1992 until 1 October 1992, from 23 November 1992 until 27 November 1992, and

25 January to 27 January 1993. Argument was heard on 28 January

1993.

5. REPRESENTATION OF INTERESTED PARTIES

5.1 The parties were again represented as follows:

5.1.1 The South African Rail Commuter Corporation Limited (SARCC): Mr J.N.S du Plessis, SC.

5.1.2 Spoornet: Mr A. de Klerk.

5.1.3 The South African Police (SAP): Mr P.A Hattingh, SC, assisted by Mr W.L Wepener.

5.1.4 The South African Defence Force (SADF): Mr J.L.C van Vuuren.

5.1.5 The African National Congress (ANC), the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU): Mr J.G Rautenbach.

5.1.6 The KwaZulu Government and the Inkatha Freedom Party (IFP): Mr L. Visser, SC, assisted by Mr H.F. Jacobs.

5.1.7 Lawyers for Human Rights (LHR): Miss B. Wrighton.

5.1.8 The evidence on behalf of the Committee was led by M J.J. du Toit.

6. FURTHER EVIDENCE

6.1 The Committee was informed that the SARCC had accepted interim recommendations. A number of those recommendations

been implemented and the others were in various stages of being complied with.

6.2 Financial arrangements, planning and other unavoidable circumstances had caused delays.

6.3 The more important projects which are being put into operation are the following:

- (a) The creation of a Metro-security Guard for the commuter service. It is envisaged that the force will eventually consist of 4 500 members. The Guard will be created in phases. It commenced in January 1993 with about 120 members. The number of members is expected to reach 372 on 31 March 1993. During the 1993/94 financial year an additional 2 000 members will be added. It is expected that by 31 March 1995 the Metro-security Guard will have about 4 500 members. The phasing-in will commence in the Southern Transvaal and expand to the other regions in accordance with the need. During the process of establishing this Guard the SAP will continue its present role. The Committee was informed that the necessary finances will be made available. The Committee was also informed that the ANC, COSATU and the SACP were not in favour of the proposed Metrosecurity Guard. They contend that public safety is the responsibility of a "National Police Force". The Committee's interim finding was that it was undesirable that the SAP should be guarding access points at stations. It is a function of the SARCC to control such access. Guarding railway access points would require a large number of policemen.

number of policemen. As mentioned above, the SARCC envisaged a force of 4 500. The SAP cannot provide that kind of manpower. Policemen are required to enforce law and order on the rail premises as a whole and not to stand at gates. The Committee's recommendation that the local community should be involved in the system should render the Metro-security guards acceptable and ensure its success. Local communities should be made aware that the guards are there for their safety.

(b) On 23 November 1992 the SARCC announced safety measures in line with the applicable recommendations of the Goldstone Commission. These measures, which are in the form of a prototype, are examples of modern technology in train security. They include a video surveillance system which is a world first for this purpose. The following are the security ~~features they have installed for evaluation and testing~~ purposes:

- (i) An improved door-control system incorporating alarms to warn the passengers of door movements, locks to prevent doors being opened by unauthorised persons and emergency buttons to alert train staff of problems. Whilst the train is in motion it will not be possible to open the doors more than one-third, making it difficult to throw people out.
- (ii) New hopper windows have been fitted. These have restricted opening preventing people from throwir

others out. Unbreakable polycarbonate panes are fitted and the window as a whole is "vandal resistant". A total of 25 train sets will have been fitted with the new windows by April 1993.

(iii) The coaches have been fitted with wider end-doors and the space between the coaches has been covered with a vestibule allowing free and safe access from one coach to the other by patrolling security staff or even commuters if a need arises. By the end of the financial year, 22 train sets that operate in the Southern Transvaal will have the end-doors opened. The main reason for the closing of the end-doors had been that the doors and the safety hand-rails were being removed and vandalised, creating an unsafe situation.

(iv) An integrated communication system has been installed, which will facilitate communication between the train staff, between the guard and the commuters, the guard and driver, and the driver and operating control. The train is also equipped with a radio receiver, so that radio programmes can be relayed throughout the train or recorded music can be played in between announcements.

(v) The train is also equipped with a surveillance system using miniature video cameras to observe and record events occurring inside as well as outside the train. The cameras are concealed and protected against vandalism. The system is linked to the

alarm system so that emergency situations can be monitored and recorded immediately. The system will be controlled from a separate compartment in the train not accessible to commuters. An innovation in this system is that the video signals are transmitted between the coaches by means of infra-red impulses.

The surveillance system is being tested to establish its effectiveness and a decision will have to be made based on this evaluation and taking costs into account before full-scale implementation can be considered. The estimated cost to provide just one train set of 14 coaches with this particular facility is R500 000.

- (vi) Improved lighting has been fitted, and the train is ~~equipped with batteries to provide emergency~~ lighting in the event of a power failure.
- (vii) Other systems such as solid-state electronics, circuit protection and modified traction motors have been included with a view to increasing reliability and reducing maintenance to the train set as a whole.

The first full train set of 14 coaches incorporating these features was put into service during February 1993. The SARCC indicated that more trains would be converted at the

rate of one a month. The cost of converting one train set is R2,5 million.

- (c) The fencing of all 158 stations in the Southern Transvaal region will be completed by March 1993. The Committee was informed that 131 stations have already been fenced. The SARCC has stressed however that fences and other property are wantonly vandalised. This nullifies efforts to enhance safety at stations. Many of the newly repaired or erected fences are repeatedly breached within 24 hours. It is unfortunate that commuters, to their own detriment, negate certain measures provided for their own protection. The local community itself should promote awareness of these safety measures and the need to preserve them.
- (d) The planning of seven overhead bridges to provide access to ~~the public on opposite sides of the railway is well advanced.~~ They will keep non-commuters away from stations.
- (e) Experimental access control systems, fitted with metal detectors, are currently being installed for evaluation at certain stations. After the evaluation has been made and the systems have proved effective, they will be installed on a priority basis throughout the country, depending on the availability of capital funds.
- (f) The random stopping and searching of trains continues and is proving effective in certain instances where dangerous

weapons are confiscated. Searching facilities are also being provided at certain stations.

6.4 The SARCC stressed however that many of the proposed improvements were experimental and that their final implementation would depend on their effectiveness and success.

6.5 During the inquiry allegations were made that many points were still not adequately manned by ticket controllers. There was also evidence that observers found some control points unattended. The SARCC's ticket control system was criticised by counsel for the ANC, COSATU and the SACP and also by counsel for the KwaZulu Government and the IFP. The loss of revenue was stressed. The SARCC assured the Committee that attempts were made to ensure that all commuters were in possession of tickets. They stressed however the problems involved in that regard. Counsel for the SARCC argued that ticket control was not necessarily connected to violence because attackers and culprits who brought weapons onto the premises did not usually enter through control points. They entered the premises through the breaches in the security fences. The Committee was assured that the loss of revenue was receiving attention.

6.6 The Committee is pleased to mention that the SARCC co-operated in the inquiry, and also showed an apparently genuine desire to provide a safe and effective service. The Committee wishes to express its appreciation for this.

7. POLICING AND INVESTIGATION OF VIOLENCE ON TRAINS

7.1 In its interim report the Committee referred to the issue of the investigation of train violence (paragraph 12.7.4. of the report). The Committee also referred to new measures introduced at the time by the SAP. The measures included the establishment of a Central Co-ordinating Centre. The Centre received all information regarding train violence. The information was computerised, analysed, distributed and immediately relayed to all relevant units. The aim, amongst others, was to enable the investigating teams to be at the scene as soon as possible. Evidence introduced during the present session disclosed a number of shortcomings in the system. As a result of doubts expressed by the Committee the SAP introduced further measures to improve the system. However, events showed that the system was still not foolproof. During a recent incident on 3 November 1992 people travelling on a train from Kwesine Station fired at the commuters on the platform at Pilot, Lindeni and Katlehong stations, killing or injuring several of them. The communication system failed and the attackers were able to continue with their journey and they escaped. In addition, there was an inexplicable delay in the arrival on the scene of the investigation units. (This event will be more fully dealt with at a later stage.) The Committee wishes to emphasise the importance of adequate communication and prompt response to such events. Every possible step should be taken to prevent any breakdown in communication.

7.2 Since the interim report, visible policing on trains and railway premises has improved. The SAP has deployed an additional 1 100 members assisted by the SADF to combat train violence. They have established operational centres at Johannesburg station, New Canada station, Evaton station and Vereeniging Station. Visible policing is taking place from these centres. Mobile units operate on trains and stations. It remains impossible, however, for the police to be everywhere at the same time, especially during peak hours when attacks usually occur.

7.3 The SAP has established 11 criminal investigation teams to investigate, *inter alia*, cases arising from train violence. There is co-ordination between all units involved. It was argued that special investigation teams should be established for the purpose of investigating crimes of violence on trains. This, according to the police evidence, is not practical.

7.4 Evidence placed before the Committee during its first session indicated that police investigations into train violence left much to be desired, and resulted in the low success rate of arrests and prosecutions. In view of this the Committee requested the Attorney General of the Witwatersrand to investigate this matter. The Attorney General, Mr. K.P.C.O Von Lieres und Wilkau, SC, furnished the Committee with a comprehensive report. He shared the Committee's concerns and informed the Committee that to date only two such cases had been disposed of in the lower courts and that four were pending in the Supreme Court. Only 4,29% of all reports

incidents had resulted in successful prosecution. He ascribed the low success rate to the following:

- 7.4.1 Delayed or extremely limited crime information gathering intelligence capacity;
- 7.4.2 inability on the part of the police to act timeously and adequately, caused by insufficient crime intelligence capacity;
- 7.4.3 intimidation of potential witnesses - this point also emerged during the hearing;
- 7.4.4 lack of police manpower, coupled with a perception of lack of interest in succeeding;
- 7.4.5 insufficient sophistication and experience in such investigations;
- 7.4.6 lack of community support and trust and confidence in the police.

The Attorney General provided details of each investigation into train violence. Apart from the problems referred to above, he found no serious irregularities.

7.5 In this regard however it must be mentioned that at the time of the receipt of the Attorney General's report the SAP had, to a considerable extent, already addressed the matters referred to in paragraphs 7.4.1, 7.4.2 and 7.4.4. (We refer to paragraphs 7.1, 7.2 and 7.3 of this report.)

7.6 Counsel for the ANC, COSATU and the SACP urged the Committee to find that the SAP was in many respects at fault in its approach and attitude relating to the containment and investigation of violence on the trains. He argued that the SAP, despite our interim report, had not planned an approach or worked out a strategy towards the "hostel problem" and that they simply ignored it. This was disputed strongly by counsel for the SAP. In view of the complex circumstances under which train violence is perpetrated, the Committee was unable to find support for the contention that the police were not serious in their endeavour to put a stop to train violence.

8. The Attorney General made the following suggestions for improving the situation:

8.1 The creation of active community involvement. (This will be dealt with later.)

8.2 Visible policing should be significantly increased. (This has since been done. See paragraphs 7.2 and 7.3.)

8.3 Control of dangerous weapons should receive further attention.

8.4 Better training of investigating officers and improved control and supervision over them.

8.5 Co-operation in furnishing records relating to the injured and the deceased from hospitals and other institutions where victims are treated.

8.6 In addition the Attorney General informed the Committee that his office did everything possible to expedite and monitor

police investigations, and instructions in that regard had already been given to the relevant senior prosecutors under his jurisdiction.

8.7 Counsel for the SAP informed the Committee that the SAP, since the Attorney General's report, had taken active steps within its ability to increase policing on trains and to control dangerous weapons. Training of investigating officers had also been addressed and better training had been introduced. The SAP's reaction in that regard to the Attorney General's report is welcomed.

8.8 Counsel for the SAP submitted that the police were not responsible for the low success rate. The cause was lack of co-operation from the public. It was argued that political organisations purposely created the perception that the SAP was responsible for the low success rate involving crimes. The SAP submitted that it was time for organisations such as the ANC and Inkatha actively to strive towards restoring trust and confidence in the SAP. To argue that the police should first show that they were serious in their attempts to gain the confidence of the community at large by means of successful crime prevention was futile because the police could not succeed without the community's support.

8.9 The SAP conceded that investigations were not always conducted satisfactorily and that supervision of investigating officers was not always what it should be. Where such problems were brought to the attention of senior officers action was taken against such officers.

9. EVIDENCE ABOUT VIOLENCE COMMITTED BY RESIDENTS OF THE
NANCEFIELD HOSTEL

9.1 A former resident of the Nancefield hostel gave evidence in camera as 01. He was a paid police informer, who gave information about illegal possession of arms in the hostel. As a result of this information the police had recovered some of the weapons from the hostel. Those weapons could not be linked to any person or to any offences. According to the police the situation during searches was always very explosive and searches had to be conducted under armed escort. 01 also told of meetings in the hostel during which IFP leaders allegedly called on the residents to attack members of the ANC. 01 also said that attacks on trains were planned in the Nancefield hostel. His evidence in this regard was severely criticised by counsel for the KwaZulu Government and the IFP. The Committee was reluctant to accept his evidence regarding certain details as to what allegedly happened at such meetings. Attacks had taken place in June 1991 and October 1991 at Kliptown and Nancefield stations, respectively. The attacks were to avenge the death of hostel residents, allegedly at the hands of township residents. 01 was part of the group responsible for the killings in October 1991. According to him he did not participate, but just went along to enable him to inform on the killers. A number of people were arrested in connection with this event but were released owing to the lack of identifying witnesses. The Attorney General thereafter instructed that an inquest should be held. The police regarded 01 as an informer who could not be called as a witness. Counsel for the

ANC, COSATU and the SACP suggested that O1 was a reliable witness who was always prepared to testify against the suspects. He submitted that the manner in which the police responded to the information provided by O1 strengthened a belief that there was a lack of will in certain members of the SAP to act against perpetrators of train violence.

9.2 Counsel for the SAP did not agree with this assessment of O1's evidence. He disagreed with O1's evidence that he was always willing to give evidence. He pointed out that O1's motive was at all times to provide information for reward. Counsel referred the Committee to O1's evidence under cross-examination and the evidence of the police officers who disputed O1's claims. As a result of O1's evidence that he was willing to give evidence against the suspects arrested in respect of the killings in June 1991 the Attorney General reconsidered his decision. However, he again ordered that the inquest should be held.

9.3 The Committee has considered the submissions and the evidence tendered with reference to O1's allegations. The Committee is satisfied that O1's evidence about the conflict between hostel residents and those whom they regarded as members of the ANC could be relied upon. The Committee regards O1's evidence about the weapons in possession of hostel residents and the weapons seized by the police as credible. The evidence of the attacks on the Nancefield and Kliptown stations was substantiated by actual subsequent attacks. The evidence of O1 was however not of such a nature that the Committee could make the finding suggested by

counsel for the ANC, COSATU and the SACP, viz that 01's evidence was acceptable in all respects or that there was a lack of will on the part of the SAP to act against the perpetrators of train violence.

10. SPECIFIC ACTS OF VIOLENCE COMMITTED SINCE THE INTERIM REPORT

10.1. The Committee received further evidence regarding violent incidents which occurred after the interim report had been released. The SAP tendered evidence that during the period 28 August 1992 to 15 September 1992, 107 people had been killed and 126 injured in train violence. In addition more lives were lost and people injured during October and November 1992.

10.2 The Committee received evidence that at about 18:15 on 15 June 1992 a train from Johannesburg stopped at Daveyton station. When the commuters got off the train a group of three people started shooting at them from outside the fence at the side of the station, killing seven people and injuring 22. The attackers were too far away to identify. After the attack they disappeared in the direction of the freeway. The witness produced by the ANC said that he had reported the incident to the police who arrived on the scene. He pointed out the fleeing group but the police refused to follow them and told him to pursue the attackers himself. However, this witness was discredited in several respects. No finding of irregular police action in this regard can be based on this evidence.

10.3 On 3 November 1992 a train from Kwesine station stopped at pilot station at 05:20. Persons from inside the train shot at the commuters on the platform. Three people were killed. The train left and when it stopped at Lindella at 05:25, shots were again fired at people on the platform and two people were killed. The train left and when it stopped at Katlehong station at 05:30, shots were once more fired and two people were wounded. The train left. The attackers were not identified and got away. The events took place during peak hours. Members of the Police were present at all the stations. Owing to the chaos and confusion that followed they were unable to act effectively. Although they were equipped with two-way radios, they were unable to contact the other stations; the radios were either out of order or the operators were unable to use them. The telephones were also out of order. This breakdown in communication is a matter of great concern to the Committee. It is a great pity that those facilities were so poorly maintained and used.

10.4 On 25 November 1992 at 06:16 a group of about 10 people got out of a white minibus at Mlamlankunzi station. They entered the station through a hole in the fence. They appeared to be unarmed and went onto the platform. A train from Nancefield station stopped there at 06:30. There were commuters on the platform when the train stopped. The group took out weapons. They started shooting indiscriminately at the commuters. Some entered the train and attacked those inside. Three Springbok Patrol guards were guarding a partly burnt out ticket office on one platform. They rushed to the scene. The attackers fled through the fence

and disappeared. Thirty-six people were injured during the attack. Two of them later died at Baragwanath Hospital. The security guards fired birdshot. Two of them fired warning shots only, whilst one claimed that he had fatally wounded two of the attackers. According to the evidence and medical records no person was injured by birdshot. A witness from a nearby hostel claimed that he had been a passenger and that when he had fled the scene a security guard had shot him in the neck. He claimed that the doctors had removed shot-gun pellets from his neck. He claimed that the guard who had shot him was not the witness who claimed to have done so. We could not establish the truth of either of their versions. The evidence at the enquiry however discounted earlier allegations that Springbok Patrol security guards had fired shots at commuters.

10.4.1 Four people were arrested and charged in respect of the attack. An identification parade was held but the witnesses failed to make positive identifications. The case was then withdrawn because of lack of evidence. The people arrested belonged to various ethnic groups. Apart from the members of Springbok Patrol there were no police present at Mlamlankunzi at the time. At that time the police were engaged in an intensive search of trains at New Canada station. The evidence is that members of the SADF were at that stage supposed to be at Mlamlankunzi. This was confirmed by the SADF itself. The members who were supposed to be at Mlamlankunz however had at this stage moved to another station. Th

Committee is unable to make any finding as to the identity of the attackers. The witnesses all claimed that owing to the manner in which the attack had taken place and the confusion they were unable to identify the attackers. The police are still investigating.

10.5 We heard evidence of various other incidents of violence on the trains and at the stations. However, the evidence was not sufficient to enable the Committee to make any definite finding. In a number of cases suspects were arrested, only to be released later because of lack of evidence.

10.6 Since the conclusion of argument we have been informed of two Supreme Court convictions in respect of train violence. An accused, Xolani Mnguni, was sentenced to death for murdering a commuter on a train between Doornfontein and Johannesburg stations on 29 November 1991. An accused, Abel Dlamini, was sentenced on 11 March 1993 to 10 years' imprisonment for attempted murder and for firearm contraventions. The attack took place on a train between Kwesine and Katlehong stations. In respect of this conviction Mr Justice Els remarked that it was clear that the SAP had done everything possible to solve the case.

10.6.1 The Sowetan on 15 March 1993 in the "Comment" article expressed similar sentiments. The editor wrote "We are overjoyed, however, by the dramatic change in the situation."

The death rate has dropped, from December last year, to an average of nine a month." It also refers to the successful prosecution of Xolani Mnguni. It continues as follows "All credit must go to the police. The police's success is attributed to their visible presence on trains and the establishment of a train co-ordinating centre. The police have also made progress in their detective work with 35 people arrested in connection with 82 cases of violence.

While the ideal is to reduce the number of incidents and deaths to zero, we laud the police for their sterling efforts so far."

The Committee appreciates these encouraging developments and expresses the hope that the positive trend will continue.

11. MATTERS SPECIALLY RAISED IN ARGUMENT BY COUNSEL

11.1 Counsel for the ANC, COSATU and the SACP argued that a monitoring group to ensure strict control over police and security matters should be created. It was suggested that such a group should be linked with the Goldstone Commission and possibly with members of the Regional Dispute Resolution Committee. Various ways in which the Goldstone Commission could control this group were suggested. However, in the opinion of the Committee it is the duty of the SAP to maintain law and order - also on the

trains. It is certainly not the function of the Goldstone Commission to police the SAP. That would be impractical and, in any event, would fall outside its terms of reference.

11.2 Counsel for the KwaZulu Government and the IFP referred to a number of possible improvements in the safety measures introduced by the SARCC and the SAP. Those recommendations are on record and counsel for the SARCC and the SAP have indicated that they will receive attention. Counsel also proposed certain monitoring functions to be exercised by the Committee. The Committee is convinced that these functions are outside its terms of reference.

11.3 Counsel for the SAP referred the Committee to section 7 of the Prevention of Public Violence and Intimidation Act, 1991 (Act No. 139 of 1991). He argued that the Commission and its Committees invariably paid more attention to steps that should be taken in order to prevent public violence and intimidation (section 7(1)(c)); and that inquiring into the phenomenon, and the nature and causes of and what persons were involved in violence and intimidation (section 7(1)(a)) were not sufficiently pursued. This is not correct. It is unfortunately true that in the search for the causes of violence, parties (despite reminders that the inquiries should not be adversarial and aimed at finding fault but mainly at establishing causes) persist in blaming each other. Many inquiries have resulted in findings on the causes of violence. We refer to the various published findings as to the causes of violence by the Commission and its committees.

12. FINDINGS

12.1 The Committee confirms its findings in paragraph 13.1 of the Interim Report that train violence cannot be separated from the on-going violence in the townships.

12.2 The political rivalry between the ANC and the IFP for support at grass roots level has resulted in distrust, intolerance and enmity between their followers. This has led to violent confrontation between hostel residents and township inhabitants. Hostel residents are mainly Zulu speakers and are regarded as IFP supporters. Township inhabitants are regarded as ANC supporters or Xhosa speakers. We must add that there is no evidence that either the ANC or the IFP propagates violence as a policy to achieve their ends. We know that the above-mentioned cause is not the only cause. The other causes were fully dealt with in the Tokoza Report dated 17 November 1992.

12.3 There is no evidence that any organisation actively encourages the perpetration of violence on trains. The Committee is also unable to establish whether train violence is aimed at achieving any particular political goal. It certainly has the effect of hindering the peace process.

12.4 In the Interim Report the Committee mentioned that whenever a group of attackers was identified, they turned out to be hostel residents. There is however no foundation for any finding that

hostel residents were mainly responsible for the attacks on commuters. It is clear that attacks emanate from hostels as well as from surrounding townships.

12.5 The existence of a "third force" in relation to train violence has often been referred to, especially in the media; the insinuation being that such a force would attack certain groupings in order to invite revenge attacks. The Committee was alive to such allegations and did in fact invite people with relevant information to come forward. There was no response to this invitation. It must however be stressed that the Committee was presented with no evidence to justify a finding that no such activities took place.

12.6 During the inquiry it became clear that it was difficult to gather evidence against perpetrators of violence on trains. There are several reasons for this, including the following:

(a) The circumstances under which the attacks are carried out

Attacks are carried out during peak hours. It was for instance indicated that during peak hours 2 000 to 3 000 commuters pass through the control points at Kwesine station. This makes a thorough search of commuters virtually impossible. The attacks are planned and executed without warning. The attacks are launched from both inside and outside railway premises. Attackers gain access to stations through holes made in the fences; they get into stations easily and mingle with innocent commuters, making it virtually impossible to

detect their weapons. The attacks are swift and result in utter chaos. The police, even if present on the scene, are therefore rendered ineffective. Identifying attackers also becomes difficult.

(b) Unavailability of witnesses

Potential witnesses either become untraceable or, if identified, become reluctant to testify in court. This is often due to fear of intimidation or reprisals. They feel that no sufficient protection is given to those willing to testify. The witness protection programme usually separates witnesses from their families. The low success rate of prosecutions also results in reluctance to testify because of possible revenge attacks by those released by the courts.

(c) Lack of confidence and trust in the SAP

There is great lack of confidence and trust in the SAP. There are many causes for this unfortunate situation. This element was identified in paragraph 2.3.2 of the Second Interim Report of the Goldstone Commission dated 29 April 1992. It was also referred to in the Tokoza Report dated 17 November 1992 (paragraphs 65.2 - 65.3.3). The SAP is still perceived to be an instrument of oppression maintaining a society divided in consequence of racial discrimination. Furthermore it is felt that the SAP is not community based or oriented and, for many South Africans, the SAP is not perceived as a fair, objective or friendly institution. The fact that suspects are sometimes released, albeit for lack of

evidence, is also a contributory factor. Allegations have been made that some organisations discourage their followers from making statements to the police. It was alleged that this severely hampers the police in their investigations and leads to a failure of justice. These allegations were in particular levelled against the ANC which, in turn, hotly disputed them. Counsel argued that the attitude of the police towards witnesses and complaints might have caused this situation. The Committee has not been placed in a position to make a finding either way; however, should such allegations be well-founded we would urge organisations to refrain from such a practice. Counsel for the SAP handed in a copy of a document dealing with the restructuring of the SAP. It deals extensively with a change in style from a reactive approach to a firm proactive approach. The SAP also recognises that a "widely recognised crime control route requires the purposeful commissioning of the South African Police to commit its members to community-supported policing which implies policing of, by and for the people". According to the document the SAP has committed itself to focusing primarily on the following important facets over the next three to five years:

- Total impartiality.
- No discrimination against any member of the public on the grounds of race, colour, creed or sex.

- Courteous conduct towards all members of the public.
- No policeman will be above the law.
- Minimum force should be used in the maintenance of law and order.
- The police are there to serve the public.
- The South African Police Force accepts the concept of accountability to the public that it serves and of community-supported policing.
- Professional manpower utilisation.
- Cost-effective management practices.
- The introduction of acceptable methods of combating crime and violence.

To implement these principles in practice, dramatic changes have been approved by the Management Board of the South African Police in order to increase its effectiveness and to improve the relations between the community and the police.

The SAP's policing style has been reconsidered. A partnership between the police and the general public enabling the police to anticipate sociological and criminogenic trends is envisaged. Matters which will receive attention are the following:

Interaction between the SAP and the public.

Co-operation between the SAP and the public.

Joint identification of problems and problem areas.

Joint decision-making.

Joint problem-solving tactics and strategies.

The newly established division Community Relations Division will play a major role in this respect. It should be mentioned that assertive action has been taken at ground level to involve community policing. Police stations have established forums with the broad community and interest groups to identify real policing needs and to police accordingly.

12.7 The wanton vandalising of security fences at railway stations by certain members of the community provides perpetrators of violence with easy access.

12.8 The Committee agrees with the findings by the Tokoza Committee in its report dated 17 November 1992 on the causes of violence in the townships, and we do not intend to repeat the findings here.

13. RECOMMENDATIONS

13.1 The parties concerned should continue with the implementation of the recommendations contained in the Committee's Interim Report. In view of further developments in the Commission'

investigation of hostels we suggest that our recommendation in that regard be held over.

13.2 As already indicated the violence on trains is inextricably linked to the political violence in the country. There can therefore be no separate approach to the solution of train violence. The problems caused by political rivalry and intolerance in general can only be addressed on a long-term basis. There are no quick solutions. In the mean time efforts should be made to find ways to break the cycle of violence. This cannot be done without the active participation of those involved in the violence. A solution cannot be achieved from outside. We therefore recommend that the organisations involved should educate people at grass roots level with regard to political tolerance, which is essential for free and fair participation in the political process. Attempts should also be made to involve hostel residents and township inhabitants in joint forums to create a better understanding and to address their negative perceptions of each other.

13.3 It is recommended that the organisations concerned should exercise strict control over their followers at grass roots level. Unacceptable behaviour by their followers in the conduct of political activities should be disciplined.

13.4 The SAP should continue to address the question of reluctant witnesses. This should be done by ensuring that cases are properly investigated so as to ensure convictions. Victims of intimidation

tion should be protected as far as possible. Protection programmes should be explained to witnesses.

13.5 The lack of confidence and trust in the SAP should continue to receive urgent attention. The primary aim of the newly established Community Relations Division of the SAP should be to ensure acceptance of the SAP by the local communities. At the same time the public should be made aware of and should accept that the SAP is there for their protection and that failure to co-operate with the SAP will in fact increase the risk of a failure of justice. The argument that the SAP must first prove itself before the community will co-operate is counter-productive and will merely perpetuate the cycle of violence in which the community is invariably the victim. Leaders and organisations should make their followers aware of this. They should encourage them to participate in the new forums and structures created for their benefit by the SAP. In this regard it is also emphasised that the Community should participate in the meetings initiated by the Train Accord.

13.6 The SARCC and Community leaders should make the commuters aware of the fact that security fences are erected for their protection. The breach they make today in order to evade rail fare may be the breach through which their killers might attack and kill them tomorrow.

14. CONCLUSION

14.1 The Committee wishes to thank all those who have assisted it in its task. We especially wish to express our appreciation for the very thorough and helpful submission prepared by counsel and those who assisted them.

14.2 We also wish to thank the Attorney General of the Witwatersrand for the helpful report on the question of investigations of train violence.

14.3 The Committee is also indebted to Mr J.J. du Toit who played a major role in the inquiry.

GC 2d
dk/ondersoe

DIE STAATSPRESIDENT

1. Die Kommissie van Onderzoek insake die voorkoming van openbare--geweld en intimidasie het die eer om 'n finale verslag van die Komitee wat aangestel is om ondersoek in te stel na treingeweld voor te lê.
2. Die Kommissie gaan akkoord met die Komitee se bevindinge en aanbevelings.
3. Die Kommissie wil sy dank uitspreek teenoor menere S Moshidi en B M Ngoepe vir die tyd en bystand wat hulle gegee het aan die Voorsitter van die Komitee, meneer Gert Steyn.



R J GOLDSTONE
VOORSITTER VAN DIE KOMMISSIE

PRETORIA
6 MEI 1993

DIE KOMMISSIE

DIE KOMMISSIE VAN ONDERSOEK INSAKE DIE VOORKOMING VAN OPENBARE
GEWELD EN INTIMIDASIE, INGESTEL BY WET NO. 130 VAN 1991

FINALE VERSLAG VAN DIE KOMITEE AANGESTEL OM ONDERSOEK IN TE
STEL NA TREINGEWELD

G. STEYN
VOORSITTER

S. MOSHIDI
LID

B.M. NGOEPE
LID

VERSLAG VAN DIE KOMITEE VAN ONDERSOEK NA TREINGEWELD

1. LEDE VAN DIE KOMITEE

Mnr. G. Steyn - Voorsitter

Mnr. S. Moshidi

Mnr. B.M. Ngoepe

2. AANSTELLING VAN KOMITEE

Die Komitee is aangestel om ondersoek in te stel na geweld op treine in Suid-Transvaal.

3. OPDRAG

Die Komitee se opdrag is om vas te stel -

- (a) wat die aard en die oorsake van die geweld en intimidasie is;
- (b) of hierdie geweld en intimidasie daarop gerig is om 'n politieke doel te bereik;
- (c) watter persone daarby betrokke is; én
- (d) watter stappe gedoen moet word om sodanige geweld en intimidasie aan bande te lê en te voorkom.

4. KOMITEESESIES

Die Komitee se tussentydse verslag is in Julie 1992 deur die Staatspresident openbaar gemaak. Sedertdien het verdere sessies plaasgevind, nl. van 24 Augustus 1992 tot 27 Augustus

1992, van 28 September 1992 tot 1 Oktober 1992, van 23 November 1992 tot 27 November 1992, en van 25 Januarie tot 27 Januarie 1993. Betoë is op 28 Januarie 1993 aangehoor.

5. VERTEENWOORDIGING VAN BELANGHEBBENDE PARTYE

5.1 Die partye is weer soos volg verteenwoordig:

- 5.1.1 Die Suid-Afrikaanse Spoorpendelkorporasie Beperk (SASPK): Mnr. J.N.S. du Plessis, SC.
- 5.1.2 Spoornet: Mnr. A. de Klerk.
- 5.1.3 Die Suid-Afrikaanse Polisie (SAP): Mnr. P.A. Hattingh, SC, bygestaan deur mnr. W.L. Wepener.
- 5.1.4 Die Suid-Afrikaanse Weermag (SAW): Mnr. J.L.C. van Vuuren.
- 5.1.5 Die African National Congress (ANC), die Suid-Afrikaanse Kommunistiese Party (SAKP) en die Congress of South African Trade Unions (COSATU): Mnr. J.G. Rautenbach.
- 5.1.6 Die KwaZulu-Regering en die Inkatha-Vryheidsparty (IVP): Mnr. L. Visser, SC, bygestaan deur mnr. H.F. Jacobs.
- 5.1.7 Regslui vir Menseregte (RMR): Mej. B. Wrighton.
- 5.1.8 Die getuienis is namens die Komitee gelei deur mnr. J.J. du Toit.

6. VERDERE GETUIENIS

6.1 Die Komitee is meegedeel dat die SASPK sy tussentydse aanbevelings aanvaar het. 'n Aantal van hierdie aanbevelings is geïmplementeer en die ander is in verskillende stadia van die proses om daaraan te voldoen.

6.2 Finansiële reëlins, beplanning en ander onvermydelike omstandighede het verdragings veroorsaak.

6.3 Die belangriker projekte wat geïmplementeer word, is die volgende:

- (a) Die skepping van 'n Metroveiligheidswag vir die pendeldiens. Daar word beoog dat die wag uiteindelik uit 4 500 lede sal bestaan. Die Veiligheidswag sal in fases geskep word. Dit het in Januarie 1993 met ongeveer 120 lede begin. Op 31 Maart 1993 sal daar na verwagting 372 lede wees. Gedurende die 1993/94 finansiële jaar sal 2 000 bykomende lede bygevoeg word. Daar word verwag dat die Metroveiligheidswag teen 31 Maart 1995 uit ongeveer 4 500 lede sal bestaan. Die infasering sal in Suid-Transvaal begin en uitbrei na die ander streke ooreenkomstig hulle behoeftes. Gedurende die stigtingsproses van hierdie wag sal die SAP sy huidige rol voortsit. Die Komitee is meegedeel dat die nodige fondse beskikbaar gestel sal word. Die Komitee is ook meegedeel dat die ANC, COSATU en die SAKP nie ten gunste van die Metroveiligheidswag is

nie. Hulle voer aan dat openbare veiligheid die verantwoordelikheid van 'n "Nasionale Polisiemag" is. Die Komitee se tussentydse bevinding was dat dit onwenslik is dat die SAP toegangspunte tot stasies moet bewaak. Dit is 'n funksie van die SASPK om sodanige toegang te beheer. 'n Groot aantal polisiebeamptes sou nodig wees om spoorwegtoegangspunte te bewaak. Soos hierbo vermeld, het die SASPK 'n mag van 4 500 in die vooruitsig gestel. Die SAP kan nie soveel polisiemanne verskaf nie. Daar word van polisiebeamptes verwag om wet en orde op spoorwegpersele in die geheel te handhaaf en nie om by die hekke te staan nie. Die Komitee se aanbeveling dat die plaaslike gemeenskap by die stelsel betrokke moet raak, behoort die Metroveiligheidswagte aanvaarbaar te maak en die sukses daarvan te verseker. Plaaslike gemeenskappe moet bewus gemaak word daarvan dat die wagte vir hulle veiligheid daar is.

- (b) Op 23 November 1992 het die SASPK veiligheidsmaatreëls aangekondig wat ooreenstem met die toepaslike aanbevelings van die Goldstone-kommissie. Hierdie maatreëls, wat in die vorm van 'n prototipe is, is toonbeelde van moderne tegnologie in treinveiligheid. Dit sluit in 'n videowaarnemingstelsel, wat vir die eerste keer in die wêreld vir dié doel gebruik word. Die volgende veiligheidseienskappe is vir evaluerings- en toetsdoeleindes geïnstalleer:

- (i) 'n Verbeterde deurbeheerstelsel wat die volgende insluit: alarms om die passasiers van deurbewegings in kennis te stel, slotte wat verhoed dat

deure deur ongemagtigde persone oopgemaak word en noodknoppies om treinpersoneel van probleme in kennis te stel. Wanneer die trein in beweging is, sal dit nie moontlik wees om die deure meer as 'n derde oop te maak nie, wat dit moeilik maak om mense uit te gooi.

- (ii) Nuwe skotvensters is geïnstalleer. Dié vensters kan nie groot oopgemaak word nie, wat verhoed dat mense uitgegooi word. Onbreekbare polikarbonaatruite word geïnstalleer en die venster in sy geheel is "vandalbestand". Altesaam 25 treinstelle sal teen April 1993 met die nuwe vensters toegerus wees.
- (iii) Die waens is toegerus met breër verbindingsdeure en die ruimte tussen die waens word ingesluit deur 'n portaal wat vrye en veilige toegang van een wa na 'n ander moontlik maak vir patrollerende veiligheidspersoneel of selfs vir pendelaars indien dit nodig sou wees. Teen die einde van die finansiële jaar sal die verbindingsdeure van 22 treinstelle wat in Suid-Transvaal in bedryf is, oop wees. Die vernaamste rede waarom die verbindingsdeure toegemaak is, was omdat die deure en die veiligheidsrelings verwyder en gevandaliseer is, wat 'n onveilige situasie geskep het.

(iv) 'n Geïntegreerde kommunikasiestelsel is geïnstalleer, wat kommunikasie tussen die treinpersoneel, tussen die wag en die pendelaars, die wag en die drywer, en die drywer en bedryfsbeheer sal vergemaklik. Die trein word ook toegerus met 'n radio-ontvanger sodat radioprogramme dwarsdeur die trein uitgesaai kan word of opgeneemde musiek tussen aankondigings gespeel kan word.

(v) Die trein word ook toegerus met 'n waarnemingstelsel wat van miniatuurvideokameras gebruik maak om gebeure wat binne asook buite die trein plaasvind, waar te neem en op te neem. Die kameras word versteek en teen vandalisme beskerm. Die stelsel word aan die alarmstelsel gekoppel sodat noodsituasies onmiddellik gemonitor en opgeneem kan word. Die stelsel sal beheer word vanuit 'n aparte kompartement binne die trein, wat nie vir pendelaars toeganklik is nie. 'n Nuwigheid ten opsigte van hierdie stelsel is dat die videoseine tussen die waens deur middel van infrarooi-impulse oorgedra word.

Die waarnemingstelsel word getoets om die doeltreffendheid daarvan te bepaal en 'n besluit sal op hierdie evaluering gegrond moet word, met

inagneming van koste, voordat volskaalse implementering oorweeg kan word. Die geraamde koste om net een treinstel met 14 waens met hierdie spesifieke fasiliteit toe te rus, beloop R500 000.

(vi) Verbeterde beligting is geïnstalleer en die trein is toegerus met batterye om noodbeligting in geval van 'n kragonderbreking te voorsien.

(vii) Ander stelsels soos vastetoestandelelektronika, kringbeskerming en aangepaste traksiemotors is ingesluit ten einde betroubaarheid te verhoog en onderhoud van die treinstel in sy geheel te verminder.

Die eerste volledige treinstel met 14 waens wat hierdie eienskappe insluit, is in Februarie 1993 in bedryf gestel. Die SASPK het aangedui dat meer treine teen 'n tempo van een per maand omgebou sal word. Die koste daaraan verbonde om een treinstel om te bou, is R2,5 miljoen.

(c) Die omheining van al 158 stasies in die Suid-Transvaalstreek sal teen Maart 1993 voltooi word. Die Komitee is meegedeel dat 131 stasies reeds omhein is. Die SASPK het egter beklemtoon dat heinings en ander eiendom moedswillig gevandaliseer word. Dit verydel pogings om veiligheid by stasies te verbeter. Baie van die nuut opgeknapte of

opgerigte heinings word herhaaldelik binne 24 uur gebreek. Dit is ongelukkig so dat pendelaars, tot hulle eie nadeel, sekere maatreëls wat vir hulle eie veiligheid geskep is, dwarsboom. Die plaaslike gemeenskap self moet 'n bewustheid bevorder van hierdie veiligheidsmaatreëls en van die noodsaaklikheid daarvan om dit in stand te hou.

- (d.) Die beplanning van sewe oorhoofse brûe om voorsiening te maak vir toegang vir die publiek aan teenoorstaande kante van die spoorweg, vorder goed. Dit sal nie-pendelaars van stasies weg hou.
- (e) Eksperimentele toegangsbeheerstelsels, wat met metaalverklikkers toegerus is, word tans vir evaluering by sekere stasies geïnstalleer. Nadat die evaluering gedoen is en indien die stelsel blyk doeltreffend te wees, sal dit, afhangende van die beskikbaarheid van kapitaalfondse, landswyd op 'n prioriteitsgrondslag geïnstalleer word.
- (f) Treine word steeds lukraak gestop én deursoek en dit blyk doeltreffend te wees in sekere gevalle waar gevaarlike wapens gekonfiskeer word. By sekere stasies word daar ook deursoekfasiliteite voorsien.

6.4 Die SASPK het egter beklemtoon dat baie van die voorgestelde verbeterings eksperimenteel van aard is en dat die finale implementering daarvan sal afhang van die doeltreffendheid en sukses van die verbeterings.

6.5 Gedurende die ondersoek is daar aantygings gemaak dat baie punte nog steeds nie genoegsaam deur kaartjiekontroleurs beman word nie. Daar was ook getuienis dat waarnemers sekere punte onbeman gevind het. Die SASPK se kaartjiebeheerstelsel is gekritiseer deur die regsverteenvoordiger van die ANC, COSATU en die SAKP en ook deur die regsverteenvoordiger van die KwaZulu-Regering en die IVP. Die verlies aan inkomste is beklemtoon. Die SASPK het die Komitee verseker dat daar gepoog word om te verseker dat alle pendelaars in besit van kaartjies is. Hulle het egter die probleme in dié verband beklemtoon. Die regsverteenvoordiger van die SASPK het beweer dat kaartjiebeheer nie noodwendig verband hou met geweld nie, aangesien aanvallers en skuldiges wat wapens die terrein binnebring, gewoonlik nie deur beheerpunte ingaan nie. Hulle kom die terrein deur gate in die veiligheidsheining binne. Die Komitee is daarvan verseker dat die verlies aan inkomste aandag geniet.

6.6 Die Komitee is verheug om op te merk dat die SASPK met die ondersoek saamgewerk het en ook dat hy 'n oënskynlik opregte begeerte getoon het om 'n veilige en doeltreffende diens te verskaf. Die Komitee betuig graag sy waardering hiervoor.

7. POLISIËRING EN ONDERSOEK VAN GEWELD OP TREINE

7.1 In sy tussentydse verslag het die Komitee melding gemaak van die kwessie van die ondersoek na treingeweld (paragraaf 12.7.4 van die verslag). Die Komitee het ook melding gemaak van nuwe maatreëls wat in daardie stadium deur die SAP ingevoer is. Die maatreëls sluit die stigting van 'n Sentrale Koördineringsentrum in. Die Sentrum ontvang alle inligting in verband met treingeweld. Hierdie inligting word gerekenariseer, ontleed, versprei en onmiddellik deurgestuur na alle betrokke eenhede. Die doel daarvan is onder andere om dit vir die ondersoekspanne moontlik te maak om sou gou moontlik op die toneel te wees. Getuienis wat gedurende die huidige sessie voorgelê is, het 'n aantal tekortkominge in die stelsel aan die lig gebring. Die SAP het verdere maatreëls ingevoer om die stelsel te verbeter as gevolg van bedenkinge wat deur die Komitee uitgespreek is. Gebeure het egter getoon dat die stelsel nog steeds nie sonder probleme is nie. Gedurende 'n onlangse voorval op 3 November 1992 het mense wat in 'n trein van Kwesine-stasie gereis het, op pendelaars op die perron op Pilot-, Lindeni- en Katlehong-stasie geskiet en verskeie mense gedood of beseer. Die kommunikasiestelsel het onklaar geraak en die aanvallers kon hulle reis voortsit en het ontsnap. Daarbenewens is die aankoms van die ondersoekspanne op die toneel onverklaarbaar vertraag. (Hierdie gebeurtenis sal in 'n later stadium vollediger behandel word.) Die Komitee wil graag die belangrikheid

van toereikende kommunikasie en spoedige reaksie op sodanige gebeure beklemtoon. Elke moontlike stap moet gedoen word om enige onderbreking van kommunikasie te voorkom.

7.2 Sedert die tussentydse verslag het sigbare polisiëring op treine en spoorwegpersele verbeter. Die SAP het 'n bykomende 1 100 lede wat deur die SAW bygestaan word, ontplooi om treingeweld te bekamp. Hulle het bedryfsentra te Johannesburg-, New Canada-, Evaton- en Vereeniging-stasie gestig. Sigbare polisiëring vind vanuit hierdie sentra plaas. Dit bly egter steeds onmoontlik vir die polisie om orals op dieselfde tyd te wees, veral gedurende spitstye, wanneer aanvalle gewoonlik voorkom.

7.3 Die SAP het 11 misdaadondersoekspanne gestig om onder andere sake wat uit treingeweld voortspruit, te ondersoek. Daar bestaan koördinerings tussens al die betrokke eenhede. Daar is aangevoer dat spesiale ondersoekspanne vir die doel van die ondersoek na geweldsmisdade op treine gestig moet word. Volgens die polisiegetuïenis is dit nie prakties nie.

7.4 Getuïenis wat gedurende die eerste sessie aan die Komitee voorgelê is, het aangedui dat polisie-ondersoeke na treingeweld veel te wense oorgelaat het en dat dit gelei het tot die lae suksessyfer van inhegtenisnemings en vervolgings. In die lig hiervan het die Komitee die Prokureur-generaal van die Witwatersrand versoek om hierdie aspek te

ondersoek. Die Prokureur-generaal, mnr. K.P.C.O. von Lieres und Wilkau, SC, het goedgunstiglik 'n omvattende verslag aan die Komitee besorg. Hy deel die Komitee se besorgdheid en hy het die Komitee meegedeel dat daar tot op hede slegs twee sulke sake in die laer howe afgehandel is en dat vier in die Hooggeregshof hangende is. Slegs 4,29% van alle aangemelde voorvalle het tot suksesvolle vervolging gelei. Hy skryf die lae suksessyfer aan die volgende toe:

- 7.4.1 Vertraagde of uiters beperkte intelligensievermoë ten opsigte van misdaadinligtingsinsameling;
- 7.4.2 onvermoë aan die kant van die polisie om betyds en toereikend op te tree, wat veroorsaak word deur onvoldoende misdaadintelligensie vermoë;
- 7.4.3 intimidasie van potensiële getuies - hierdie aspek het ook gedurende die aanhoor van getuienis na vore gekom;
- 7.4.4 gebrek aan polisiemannekrag, gepaard met 'n persepsie van gebrek aan belangstelling om sukses te behaal;
- 7.4.5 ontoereikende bedrewenheid met en ervaring van sodanige ondersoeke;
- 7.4.6 gebrek aan gemeenskapsondersteuning en geloof en vertroue in die polisie.

Die Prokureur-generaal het besonderhede van elke ondersoek na treingeweld verskaf. Afgesien van die

probleme wat hierbo vermeld is, het hy geen ernstige onreëlmatighede gevind nie.

7.5 In hierdie verband moet daar egter gemeld word dat ten tyde van die ontvangs van die Prokureur-generaal se verslag die SAP reeds in aansienlike mate aandag geskenk het aan die sake wat in paragrawe 7.4.1, 7.4.2 en 7.4.4 genoem is. (Sien ook paragrawe 7.1, 7.2 en 7.3 van hierdie verslag.)

7.6 Die regsverteenvoerder van die ANC, COSATU en die SAKP het by die Komitee aangedring om te bevind dat die SAP in baie opsigte verkeerd is in sy benadering en houding ten opsigte van die stuiting en ondersoek van geweld op die treine. Hy het beweer dat die SAP, ten spyte van ons tussentydse verslag, nie 'n benadering tot die "hostelprobleem" beplan het of 'n strategie ten opsigte daarvan ontwikkel het nie en dat hulle dit eenvoudig ignoreer. Die regsverteenvoerder van die SAP het dit ten sterkste ontken. In die lig van die verwikkelde omstandighede waarin treingeweld gepleeg word, was dit nie vir die Komitee moontlik om steun te vind vir die bewering dat die polisie nie ernstig poog om 'n einde aan treingeweld te maak nie.

8. Die Prokureur-generaal het die volgende aanbevelings gemaak ten einde die situasie te verbeter:

- 8.1 Die skepping van aktiewe gemeenskapsbetrokkenheid. (Dit sal later behandel word).
- 8.2 Sigbare polisiëring moet aansienlik verbeter word. (Dit is sedertdien gedoen. Sien paragrawe 7.2 en 7.3.)
- 8.3 Beheer oor gevaarlike wapens moet verdere aandag geniet.
- 8.4 Beter opleiding van ondersoekbeamptes en verbeterde beheer en toesig oor hulle.
- 8.5. Samewerking van hospitale en ander inrigtings waar slagoffers behandel word, ten opsigte van die verskaffing van rekords rakende die beseerdes en oorledenes.
- 8.6 Die Prokureur-generaal het die Komitee voorts ingelig dat sy kantoor alles in sy vermoë doen om polisieondersoeke te bespoedig en te monitor, en instruksies in hierdie verband is reeds aan die betrokke senior aanklaers onder sy jurisdiksie gegee.
- 8.7 Die regsverteenwoordiger van die SAP het die Komitee meegedeel dat die SAP, sedert die Prokureur-generaal se verslag, daardwerklike stappe binne sy vermoë gedoen het om polisiëring op treine en beheer oor gevaarlike wapens te verbeter. Die opleiding van ondersoekbeamptes het ook aandag geniet en beter opleiding is ingevoer. Die SAP se reaksie op die Prokureur-generaal se verslag in hierdie verband word verwelkom.
- 8.8 Die regsverteenwoordiger van die SAP het beweer dat die polisie nie vir die lae suksessyfer verantwoordelik is nie. Die oorsaak is 'n gebrek aan samewerking van die

publiek. Daar is beweer dat politieke organisasies met opset die indruk skep dat die SAP verantwoordelik is vir die lae suksessyfer ten opsigte van misdade. Die SAP het beweer dat dit tyd is vir organisasies soos die ANC en Inkatha om die herstel van geloof en vertroue in die SAP aktief na te streef. Om aan te voer dat die polisie eers moet bewys dat hulle ernstig poog om die vertroue van die ~~breë~~ gemeenskap deur suksesvolle misdaadvoorkoming te verwerf, is nutteloos aangesien die polisie nie sonder die gemeenskap se ondersteuning sukses kan behaal nie.

8.9 Die SAP het toegegee dat ondersoeke nie altyd bevredigend uitgevoer word nie en dat toesighouding oor ondersoekbeamptes nie altyd is wat dit moet wees nie. Waar sulke probleme onder die aandag van senior beamptes gebring word, word daar teen sodanige beamptes opgetree.

9. GETUIENIS OOR GEWELD WAT DEUR INWONERS VAN DIE NANCEFIELD-HOSTEL GEPLEEG IS

9.1 'n Voormalige inwoner van die Nancefield-hostel het as 01 in camera getuig. Hy was 'n betaalde polisie-informant wat inligting oor onwettige besit van wapens in die hostel verskaf het. As gevolg van hierdie inligting het die polisie van die wapens in die hostel gevind. Hierdie wapens kon nie met 'n bepaalde persoon of oortredings in verband gebring word nie. Volgens die polisie was die situasie gedurende deursoeking altyd baie plofbaar en moes

dit met gewapende begeleiding uitgevoer word. 01 het ook vertel van vergaderings in die hostel waartydens IVP-leiers na bewering 'n beroep op die inwoners van die hostel gedoen het om lede van die ANC aan te val. 01 het ook gesê dat aanvalle op treine in die Nancefield-hostel beplan is. Sy getuienis in hierdie verband is ernstig gekritiseer deur die regsverteenvoerder van die KwaZulu-~~Regering~~ en die IVP. Die Komitee is huiwerig om sy getuienis te aanvaar ten opsigte van sekere besonderhede oor wat na bewering by sulke vergaderings gebeur het. Aanvalle het in Junie 1991 en Oktober 1991 by onderskeidelik die Kliptown- en die Nancefield-stasie plaasgevind. Die aanvalle was daarop gemik om die moord op hostelbewoners deur, na bewering, die dorpsinwoners te wreek. 01 was deel van die groep wat in Oktober 1991 vir die moorde verantwoordelik was. Volgens hom het hy nie deelgeneem nie, maar net saamgegaan ten einde hom in staat te stel om inligting oor die moordenaars te verskaf. 'n Aantal mense is in verband met hierdie gebeurtenis in hegtenis geneem, maar is vrygelaat as gevolg van gebrek aan getuies wat hulle kon identifiseer. Die Prokureur-generaal het daarna opdrag gegee dat 'n ondersoek gehou word. Die polisie het 01 as 'n informant beskou wat nie as getuie geroep kan word nie. Die regsverteenvoerder van die ANC, COSATU en die SAKP het aan die hand gedoen dat 01 'n betroubare getuie is wat altyd bereid is om teen die verdagtes te getuig. Hy het beweer dat die wyse waarop die polisie

gereageer het op die inligting van 01 die opvatting versterk dat daar 'n gebrek aan motivering by sekere lede van die SAP is om teen geweldplegers op treine op te tree.

9.2 Die regsverteenvoerder van die SAP het nie saamgestem met hierdie beoordeling van 01 se getuienis nie. Hy het nie saamgestem met 01 se getuienis dat hy altyd bereid is om te getuig nie. Hy het daarop gewys dat 01 se motief te alle tye was om inligting vir beloning te verskaf. Die regsverteenvoerder het die Komitee gewys op 01 se getuienis onder kruisondervraging en die getuienis van die polisiebeamptes wat 01 se bewerings betwis het. As gevolg van 01 se getuienis dat hy bereid is om te getuig teen die verdagtes wat in verband met die moorde in Junie 1991 in hegtenis geneem is, het die Prokureur-generaal sy besluit heroorweeg. Hy het egter weer opdrag gegee dat die ondersoek gehou moet word.

9.3 Die Komitee het die voorleggings en die getuienis wat aangebied is met betrekking tot 01 se bewerings oorweeg. Die Komitee is oortuig daarvan dat 01 se getuienis oor die konflik tussen hostelbewoners en diegene wat hulle as lede van die ANC beskou het, betroubaar is. Die Komitee beskou 01 se getuienis oor die wapens in besit van hostelbewoners en die wapens wat deur die polisie in beslag geneem is, as geloofwaardig. Die getuienis oor die aanvalle op Nancefield- en Kliptown-stasie is gestaaf deur werklike aanvalle daarna. Die getuienis van 01 is egter nie van so

'n aard dat die Komitee die bevinding kan maak wat deur die regsverteenwoordiger van die ANC, COSATU en die SAKP aan die hand gedoen is nie, naamlik dat 01 se getuienis in alle opsigte aanvaarbaar is of dat daar 'n gebrek aan motivering aan die kant van die SAP is om teen die geweldplegers op treine op te tree nie.

10. SPESIFIEKE GEWELDDADE WAT SEDERT DIE TUSSENTYDSE VERSLAG GEPLEEG IS

10.1 Die Komitee het verdere getuienis ontvang met betrekking tot gewelddadige voorvalle wat plaasgevind het nadat die tussentydse verslag vrygestel is. Die SAP het getuienis ingedien dat gedurende die tydperk van 28 Augustus 1992 tot 15 September 1992 107 mense in treingeweld gedood en 126 mense beseer is. Meer mense is ook gedurende Oktober en November 1992 gedood en beseer.

10.2 Die Komitee het getuienis ontvang dat 'n trein van Johannesburg op 15 Junie 1992 om ongeveer 18:15 by Daveyton-stasie gestop het. Toe die pendelaars afklim, het 'n groep van drie mense van buite die heining aan die kant van die stasie op hulle begin skiet, en sewe mense gedood en 22 beseer. Die aanvallers was te ver weg om te identifiseer. Na die aanval het hulle in die rigting van die snelweg verdwyn. Die getuie wat deur die ANC na vore gebring is, het gesê dat hy die voorval gerapporteer het aan die polisie wat op die toneel aangekom het. Hy het

die vlugtende groep aan hulle uitgewys, maar die polisie het geweier om dié groep te agtervolg en het aan hom gesê om die aanvallers self agterna te sit. Die geloofwaardigheid van hierdie getuie is egter in verskeie opsigte aangetas. Geen bevinding van onreëlmatige polisie-optrede kan in hierdie verband op dié getuienis gegrond word nie.

10.3-Op 3 November 1992 het 'n trein van Kwesine-stasie om 05:20 by Pilot-stasie gestop. Persone van binne die trein het op pendelaars op die perron geskiet. Drie mense is gedood. Die trein het vertrek en toe dit om 05:25 by Lindella gestop het, is daar weer skote op mense op die perron geskiet en is twee mense gedood. Die trein het vertrek en toe dit om 05:30 by Katlehong-stasie gestop het, is daar weer eens skote afgevuur en is twee mense gewond. Die trein het vertrek. Die aanvallers is nooit geïdentifiseer nie en het weggekom. Die voorvalle het gedurende spitstyd plaasgevind. Lede van die polisie was by al die stasies teenwoordig. Weens die chaos en verwarring wat gevolg het, was hulle nie in staat om doeltreffend op te tree nie. Hoewel hulle met tweerigtingradio's toegerus was, was hulle nie in staat om met die ander stasies in verbinding te tree nie; die radio's was buite werking of die bedieners daarvan kon dit nie gebruik nie. Die telefone was ook buite werking. Hierdie onderbreking van kommunikasie is 'n bron van groot kommer vir die Komitee. Dit is baie jammer dat sulke geriewe so swak in stand gehou en gebruik word.

10.4 Op 25 November 1992 om 06:16 het 'n groep van ongeveer 10 mense by Mlamlankunzi-stasie by 'n wit minibus uitgeklim. Hulle het die stasie deur 'n gat in die heining binnegegaan. Hulle was oënskynlik ongewapen en het die perron betree. Om 06:30 het 'n trein van Nancefield-stasie gestop. Daar was pendelaars op die perron toe die trein stop. Die groep het wapens uitgehaal. Hulle het voor die voet op die pendelaars begin skiet. Party aanvallers het die trein binnegegaan en diegene daarbinne aangeval. Daar was drie Springbok Patrol-wagte wat 'n gedeeltelik uitgebrande kaartjieskantoor op een perron bewaak het. Hulle het hulle na die toneel gehaas. Die aanvallers het deur die heining gevlug en verdwyn. Ses-en-dertig mense is gedurende die aanval beseer. Twee van hulle is later in die Baragwanath-hospitaal dood. Die sekuriteitswagte het donshael afgevuur. Twee van hulle het slegs waarskuwing-skote geskiet, maar een het beweer dat hy twee van die aanvallers dodelik gewond het. Volgens die getuienis en mediese rekords is niemand deur donshael beseer nie. 'n Getuie van 'n nabygeleë hostel het beweer dat hy 'n passasier was en dat 'n veiligheidswag hom in die nek geskiet het toe hy van die toneel af weggevlug het. Hy het beweer dat dokters haelgeweerkorrels uit sy nek verwyder het. Hy het beweer dat die wag wat hom geskiet het, nie die getuie was wat beweer het dat hy dit gedoen het nie. Ons kon nie die waarheid van enige van hierdie twee weergawes vasstel nie. Die getuienis by die ondersoek het egter vroeëre

bewerings dat Springbok Patrol-veiligheidswagte skote op pendelaars geskiet het, weerspreek.

10.4.1 Vier mense is in verband met die aanval in hegtenis geneem en aangekla. 'n Uitkenningsparade is gehou, maar die getuies kon hulle nie positief uitken nie. Die saak is toe weens 'n gebrek aan getuienis teruggetrek. Die mense wat in hegtenis geneem is, het aan verskillende etniese groepe behoort. Behalwe die lede van Springbok Patrol was daar in daardie stadium geen polisie by Mamlankunzi teenwoordig nie. Op daardie tydstip was die polisie betrokke by 'n intensiewe deursoeking van treine by New Canada-stasie. Volgens die getuienis was lede van die SAW in daardie stadium veronderstel om by Mamlankunzi te wees. Dit is deur die SAW self bevestig. Die lede van die SAW wat veronderstel was om by Mamlankunzi te wees, het egter in daardie stadium na 'n ander stasie beweeg. Die Komitee is nie in staat om enige bevinding ten opsigte van die identiteit van die aanvallers te maak nie. Die getuies het almal beweer dat hulle weens die manier waarop die aanval plaasgevind het en weens die verwarring nie in staat was om die aanvallers te identifiseer nie. Die polisie ondersoek steeds die saak.

10.5 Ons het getuienis van verskeie ander voorvalle van geweld op treine en stasies aangehoor. Die getuienis was egter

nie voldoende om die Komitee in staat te stel om enige definitiewe bevinding te maak nie. In 'n aantal gevalle is verdagtes in hegtenis geneem maar telkens weens gebrek aan getuienis weer vrygelaat.

10.6 Sedert die afsluiting van betoog is ons in kennis gestel van twee Hooggeregshof-skuldigbevindings ten opsigte van ~~treingeweld~~. 'n Beskuldigde, Xolani Mnguni, is ter dood veroordeel vir die moord op 'n pendelaar op 29 November 1991 op 'n trein tussen Doornfontein- en Johannesburg-stasie. 'n Beskuldigde, Abel Dlamini, is op 11 Maart 1993 tot tien jaar gevangenisstraf gevonniss vir poging tot moord en vir vuurwapenoortredings. Die aanval het op 'n trein tussen Kwesine- en Katlehong-stasie plaasgevind. Ten opsigte van hierdie veroordeling het regter Els opgemerk dat dit duidelik is dat die SAP alles in hulle vermoë gedoen het om die saak op te los.

10.6.1 Op 15 Maart 1993 het The Sowetan in die "Comment"-artikel soortgelyke kommentaar gelewer. Die redakteur het byvoorbeeld geskryf: "We are overjoyed, however, by the dramatic change in the situation. The death rate has dropped, from December last year, to an average of nine a month." Die artikel maak ook melding van die suksesvolle vervolging van Xolani Mnguni en sê voorts: "All credit must go to the police. The police's success is attributed to

their visible presence on trains and the establishment of a train co-ordinating centre. The police have also made progress in their detective work with 35 people arrested in connection with 82 cases of violence. While the ideal is to reduce the number of incidents and deaths to zero, we laud the police for their sterling efforts so far."

Die Komitee waardeer hierdie bemoedigende ontwikkelings en spreek die hoop uit dat die positiewe tendens sal voortduur.

11. SAKE WAT SPESIFIEK AANGERAAK IS IN BETOË DEUR REGSVERTEENWOORDIGERS

11.1 Die regsverteenwoordiger van die ANC, COSATU en die SAKP het aangevoer dat 'n moniteringsgroep wat streng beheer oor polisie- en sekuriteitsaangeleenthede moet verseker, geskep moet word. Daar is aan die hand gedoen dat so 'n groep met die Goldstone-kommissie en moontlik met lede van die Streekdispuutbeslegtingskomitee gekoppel moet word. Daar is verskillende maniere aan die hand gedoen waarop die Goldstone-kommissie so 'n groep moet beheer. Na die mening van die Komitee is dit egter die plig van die SAP om wet en orde te handhaaf - ook op treine. Dit is sekerlik nie die funksie van die Goldstone-kommissie om die SAP te polisieer nie. Dit sou onprakties wees en sou in elk geval buite sy opdrag val.

11.2 Die regsverteenwoordiger van die KwaZulu-Regering en die IVP het melding gemaak van 'n aantal moontlike verbeteringe van die veiligheidsmaatreëls wat deur die SASPK en die SAP ingevoer is. Hierdie aanbevelings is op rekord en die regsverteenwoordiger van die SASPK en die SAP het aangedui dat dit aandag sal geniet. Die regsverteenvoerder het ook sekere moniteringsfunksies wat deur die Komitee uitgeoefen moet word, voorgestel. Die Komitee is daarvan oortuig dat hierdie funksies buite sy opdrag val.

11.3 Die regsverteenvoerder van die SAP het die Komitee gewys op artikel 7 van die Wet op die Voorkoming van Openbare Geweld en Intimidasie, 1991 (Wet No. 139 van 1991). Hy het beweer dat die Kommissie en sy komitees sonder uitsondering meer aandag skenk aan stappe wat gedoen moet word ten einde openbare geweld en intimidasie te voorkom (artikel 7(1)(c)), en dat die ondersoek na die verskynsel en die aard en oorsake van en watter persone betrokke is by geweld en intimidasie (artikel 7(1)(a)) nie voldoende aandag geniet nie. Dit is nie korrek nie. Dit is ongelukkig waar dat in die soeke na die oorsake van geweld partye (ten spyte van aanmanings dat die ondersoeke nie adversatief moet wees nie en nie daarop gemik moet wees om fout te vind nie, maar hoofsaaklik oorsake moet vind) voortgaan om mekaar te beskuldig. Baie ondersoeke het gelei tot bevindings oor die oorsake van geweld. Ons verwys na die verskillende gepubliseerde bevindings ten

opsigte van die oorsake van geweld deur die Kommissie en sy komitees.

12. BEVINDINGE

12.1 Die Komitee bevestig sy bevindinge in paragraaf 13.1 van die tussentydse verslag dat treingeweld nie losgemaak kan word van die voortslepende geweld in die swart dorpe nie.

12.2 Die politieke wedywing tussen die ANC en die IVP vir ondersteuning op grondvlak het gelei tot wantroue, onverdraagsaamheid en vyandigheid tussen hulle ondersteuners. Dit het op sy beurt gelei tot gewelddadige konfrontasie tussen hostelbewoners en dorpsinwoners. Hostelbewoners is hoofsaaklik Zulu-sprekend en word as IVP-ondersteuners beskou. Dorpsinwoners word as ondersteuners van die ANC of Xhosa-sprekendes beskou. Ons moet byvoeg dat daar geen getuienis is dat óf die ANC óf die IVP geweld as 'n beleid om hulle doelstellings te bereik, voorstaan nie. Ons weet dat bogenoemde oorsaak nie die enigste oorsaak is nie. Die ander oorsake is volledig behandel in die Tokoza-verslag gedateer 17 November 1992.

12.3 Daar is geen getuienis dat enige organisasie geweldpleging op treine aktief aanmoedig nie. Die Komitee kan ook nie vasstel of treingeweld gerig is op die bereiking van enige spesifieke politieke doel nie. Dit belemmer sonder twyfel die vredesproses.

12.4 Die Tussentydse Verslag van die Komitee het gemeld dat wanneer 'n groep aanvallers geïdentifiseer is, dit gewoonlik hostelbewoners was. Daar bestaan egter geen rede om te bevind dat hoofsaaklik hostelbewoners verantwoordelik was vir die aanvalle op pendelaars nie. Dit is duidelik dat aanvalle uit hostelle sowel as omringende dorpe ontstaan.

12.5 Daar word dikwels melding gemaak van die bestaan van 'n "derde mag" ten opsigte van treingeweld, veral in die media; sodanige mag sou dan sekere groepe aanval ten einde wraakaanvalle uit te lok. Die Komitee het aandag geskenk aan sulke bewerings en het inderdaad mense met tersaaklike inligting uitgenooi om na vore te kom. Daar was geen reaksie hierop nie. Daar moet egter beklemtoon word dat die Komitee geen getuienis ontvang het om 'n bevinding te regverdig dat geen sodanige aktiwiteite plaasgevind het nie.

12.6 Gedurende die ondersoek het dit duidelik geword dat dit moeilik is om inligting teen geweldplegers op treine in te samel. Daar is verskeie redes hiervoor, wat die volgende insluit:

(a) Die omstandighede waarin die aanvalle uitgevoer word

Aanvalle word gedurende spitstye uitgevoer. Daar is byvoorbeeld aangedui dat gedurende spitstye 2 000 tot 3 000 pendelaars deur die beheerpunte op Kwesine-stasie beweeg. Dit maak dit feitlik onmoontlik om pendelaars deeglik te deursoek. Die aanvalle word beplan en sonder waarskuwing uitgevoer. Die aanvalle word van stapel gestuur van sowel binne as buite spoorwegterreine. Aanvallers verkry toegang tot stasies deur gate wat in die heinings gemaak word; hulle kom die stasies maklik binne en meng met onskuldige pendelaars, wat die opsporing van hulle wapens feitlik onmoontlik maak. Die aanvalle gebeur vinnig en lei tot totale chaos. Die polisie, selfs wanneer hulle op die toneel teenwoordig is, word sodoende oneffektief gemaak. Dit word ook moeilik om aanvallers te identifiseer.

(b) Nie-beskikbaarheid van getuies

Potensiële getuies word onopspoorbaar of wanneer hulle geïdentifiseer word, is hulle onwillig om in die hof te getuig. Dit is dikwels as gevolg van vrees vir intimidasie of weerwraak. Hulle voel daar word nie voldoende beskerming vir dié wat gewillig is om te getuig, gegee nie. Die getuiebeskermingsprogram skei getuies gewoonlik

van hulle families. Die lae suksessyfer van vervolgings lei ook tot onwilligheid om te getuig as gevolg van moontlike wraakaanvalle deur diegene wat deur die howe vrygelaat word.

(c) Gebrek aan vertroue en geloof in die SAP

Daar is 'n groot gebrek aan vertroue en geloof in die SAP. Daar is baie oorsake vir hierdie ongelukkige situasie. Hierdie aspek is reeds in paragraaf 2.3.2 van die Tweede Tussentydse Verslag van die Goldstone-kommissie gedateer 29 April 1992 geïdentifiseer. Daar is ook hiervan melding gemaak in die Tokoza-verslag gedateer 17 November 1992 (paragrafe 65.2 - 65.3.3). Die SAP word steeds gesien as 'n instrument van onderdrukking wat 'n gemeenskap handhaaf wat verdeel is as gevolg van rassediskriminasie. Voorts word gevoel dat die SAP nie gemeenskapsgebaseer of -georiënteer is nie, en die SAP word deur baie Suid-Afrikaners nie as 'n regverdige, objektiewe of vriendelike instelling ervaar nie. Die feit dat verdagtes partykeer vrygelaat word, hoewel as gevolg van 'n gebrek aan getuienis, is ook 'n bydraende faktor.

Daar is aangevoer dat sommige organisasies hulle volgelinge ontmoedig om verklarings by die polisie af te lê. Daar is gesê dat dit die polisie ernstig belemmer in hulle ondersoeke en daartoe lei dat geregtigheid nie geskied nie. Hierdie aantygings is veral op die ANC gerig, wat

dit op sy beurt heftig ontken het. Die regsverteenvoorderiger het beweer dat die houding van die polisie teenoor getuies en klagtes hierdie situasie kon laat ontstaan het. Die Komitee is nie in 'n posisie geplaas om 'n bevinding na enige kant toe te maak nie; indien sulke aantygings egter gegrond is, versoek ons organisasies ernstig om hulle daarvan te weerhou. Die regsverteenvoorderiger van die SAP het 'n kopie van 'n dokument oor die herstruktureering van die SAP ingedien. 'n Verandering in styl van 'n reaktiewe benadering tot 'n ferm, proaktiewe benadering word breedvoerig daarin behandel. Die SAP erken ook dat 'n "widely recognised crime control route requires the purposeful commissioning of the South African Police to commit its members to community-supported policing which implies policing of, by and for the people". Volgens die dokument het die SAP hom daartoe verbind om oor die volgende drie tot vyf jaar hoofsaaklik op die volgende belangrike fasette te konsentreer:

- Totale onpartydigheid.
- Geen diskriminasie teen enige lid van die publiek op grond van ras, kleur, geloof of geslag nie.
- Hoflike optrede teenoor alle lede van die publiek.
- Geen polisiebeampte is bo die reg verhewe nie.
- In die handhawing van wet en orde moet die minimum geweld gebruik word.

- Die polisie is daar om die publiek te dien.
- Die Suid-Afrikaanse Polisie aanvaar die konsep van aanspreeklikheid teenoor die publiek wat hy dien, en van gemeenskapsondersteunde polisiëring.
- Professionele mannekragbenutting.
- Koste-effektiewe bestuurspraktyke.
- Die invoering van aanvaarbare metodes vir die bekamp-
ing van misdaad en geweldbestryding.

Ten einde hierdie beginsels in die praktyk te implementeer is dramatiese veranderinge deur die Bestuursraad van die Suid-Afrikaanse Polisie goedgekeur om sy doeltreffendheid te verhoog en om verhoudinge tussen die gemeenskap en die polisie te verbeter.

Die SAP se polisiëringstyl is heroorweeg. 'n Vennootskap tussen die polisie en die algemene publiek, wat die polisie in staat stel om sosiologiese en kriminologiese tendense te antisipeer, word beoog. Aangeleenthede wat aandag sal geniet, is die volgende:

Wisselwerking tussen die SAP en die publiek.

Samewerking tussen die SAP en die publiek.

Gemeenskaplike identifisering van probleme en probleemgebiede.

Gesamentlike besluitneming.

Gesamentlike probleemoplossingstaktieke en -strategieë.

Die nuut gestigte Afdeling Gemeenskapsverhoudinge sal 'n

belangrike rol in hierdie verband speel. Daar dien gemeld te word dat daadwerklike stappe op grondvlak gedoen is met die oog op gemeenskapspolisiëring. Polisiestasies het saam met die breë gemeenskap en belangegroepe forums gestig om werklike polisiëringsbehoeftes te identifiseer en om dienooreenkomstig te polisieer.

12.7 Die roekelose vandalisering van veiligheidsheininge by spoorwegstasies deur sekere lede van die gemeenskap bied maklike toegang vir geweldplegers.

12.8 Die Komitee stem saam met die bevindinge deur die Tokoza-komitee in sy verslag gedateer 17 November 1992, oor die oorsake van geweld in die swart dorpe en ons gaan dit nie hier herhaal nie.

13. AANBEVELINGS

13.1 Die betrokke partye moet voortgaan met die implementering van die aanbevelings vervat in die Komitee se Tussentydse Verslag. In die lig van verdere verwikkelings in die Kommissie se ondersoek na hostelle beveel ons aan dat ons aanbeveling in daardie verband oorstaan.

13.2 Soos reeds getoon, is die geweld op treine onlosmaaklik verbind met die politieke geweld in die land. Daar kan dus geen afsonderlike benadering vir die oplossing van treingeweld bestaan nie. Die probleme wat deur politieke

wedywering en onverdraagsaamheid veroorsaak word, kan oor die algemeen slegs op 'n langtermyngrondslag hanteer word. Daar is geen kitsoplossings nie. Intussen moet pogings aangewend word om maniere te vind om die geweldsiklus te breek. Dit kan nie gedoen word sonder die aktiewe deelname van diegene wat by die geweld betrokke is nie. 'n Oplossing kan nie van buite af gevind word nie. Ons beveel dus aan dat die organisasies wat betrokke is, die mense op grondvlak moet opvoed ten opsigte van politieke verdraagsaamheid, wat noodsaaklik is vir vrye en regverdige deelname aan die politieke proses. Pogings moet ook aangewend word om hostelbewoners en dorpsinwoners in gesamentike forums te betrek ten einde 'n beter verstandhouding tussen hulle te skep en om hulle negatiewe persepsies van mekaar te hanteer.

13.3 Daar word aanbeveel dat die organisasies wat betrokke is, streng beheer oor hulle ondersteuners op grondvlak moet uitoefen. Onaanvaarbare gedrag ten opsigte van politieke aktiwiteite deur hulle ondersteuners moet gedissiplineer word.

13.4 Die SAP moet voortgaan om die kwessie van onwillige getuies te hanteer. Dit moet gedoen word deur te verseker dat sake behoorlik ondersoek word ten einde skuldigbevinding te verseker. Slagoffers van intimidasie moet so vermoontlik beskerm word. Beskermingsprogramme moet aan getuies verduidelik word.

13.5 Die gebrek aan vertroue en geloof in die SAP moet steeds dringende aandag geniet. Die hoofdoel van die nuut gestigte Afdeling Gemeenskapsverhoudinge van die SAP moet wees om die aanvaarding van die SAP deur die plaaslike gemeenskappe te verseker. Terselfdertyd moet die publiek daarvan bewus gemaak word en moet hulle aanvaar dat die ~~SAP~~ SAP daar is vir hulle beskerming en dat versuim om met die SAP saam te werk inderdaad die risiko sal verhoog dat geregtigheid nie sal geskied nie. Die argument dat die SAP hom eers moet bewys voordat die gemeenskap sal saamwerk, is teenproduktief en sal slegs die geweldsiklus, waarvan die gemeenskap altyd die slagoffers is, laat voortduur. Leiers en organisasies moet hulle ondersteuners hiervan bewus maak. Hulle moet hulle aanmoedig om deel te neem aan die nuwe forums en strukture wat tot hulle voordeel deur die SAP geskep is. In hierdie verband moet daar ook beklemtoon word dat die gemeenskap moet deelneem aan die vergaderings wat deur die Treinverdrag ingestel is.

13.6 Die SASPK en gemeenskapsleiers moet die pendelaars bewus maak van die feit dat veiligheidsheininge vir hulle beskerming opgerig word. Die gat wat hulle vandag maak om spoorwegreisgeld te ontduik, kan die gat wees waardeur hulle aanvallers hulle die volgende dag aanval en doodmaak.

14. SLOTSOM

14.1 Die Komitee bedank graag almal wat hom bygestaan het in sy taak. Ons wil veral ons waardering uitspreek vir die baie deeglike en nuttige voorleggings wat opgestel is deur die regsverteenwoordigers en diegene wat hulle bygestaan het.

14.2 Ons bedank ook graag die Prokureur-generaal van die Witwatersrand vir die nuttige verslag oor die kwessie van ondersoeke na treingeweld.

14.3 Die Komitee is ook dank verskuldig aan mnr. J.J. du Toit, wat 'n belangrike rol in die ondersoek gespeel het.