

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

REPORT REGARDING THE SHOOTING INCIDENTS
IN KATLEHONG ON SUNDAY 9 JAN. 1994

GOLDSTONE REPORT; GK - 33

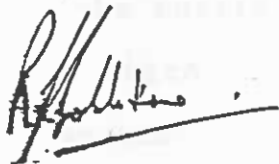
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THE STATE PRESIDENT

The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present its report regarding the shooting incidents in Katlehong on Sunday 9 January 1994.



R J GOLDSTONE
CHAIRMAN OF THE COMMISSION

SANDTON
18 JANUARY 1994



1. INTRODUCTION

1.1 On Sunday, 9 January 1994, at approximately 16h00 a shooting incident took place in Katlehong, on the East Rand.

1.2 Shooting incidents in certain areas in Katlehong have become a frequent occurrence and have caused the death and injury of many people and the dislocation of many families. So frequent have such incidents become that some of them no longer receive media attention. However, the incident of 9 January 1994 made headlines in the press and on radio and television. The reason for this was that the initial shots that afternoon were fired from a hostel at a group which included senior officials of the ANC and many media representatives. One freelance photographer, Abdul Sharif, was killed and two injured.

1.3 On Friday, 14 January 1994, the Commission held a preliminary inquiry into the incident. The Commission's decision to do so was supported by the Government, the ANC, the IFP, the SAP and the Independent Electoral Commission.

1.4 Four of the five members of the commission heard the submissions of representatives of:

- 1.4.1 The SAP;
- 1.4.2 The South African Union of Journalists (SAUJ);
- 1.4.3 Campaign for Open Media (COM);
- 1.4.4 The ANC;
- 1.4.5 The SABC;

Written submissions were received from other parties.

1.5 The Commission expected the IFP to be represented at the inquiry. However, no one appeared on its behalf, and no written representations were received. No reason therefor was given to the Commission.

1.6 The members of the Commission who sat at the inquiry were:

JUDGE R J GOLDSTONE - CHAIRMAN

MS L BAQWA

MR G STEYN

ADV S SITHOLE

1.7 The procedure at a preliminary inquiry is that interested parties are called on to inform the Commission publicly, yet informally, of their versions concerning the matter or matters under inquiry. This is a non-adversarial procedure and no formal evidence is given. The Commission is able to determine from the submission what facts are undisputed or indisputable and to make findings on the basis thereof. It is also able to determine which issues are disputed and whether there is a need to have a full inquiry to resolve such issues.

1.8 The Commission is grateful to the parties referred to in 1.4 for the helpful submissions which were made at very short notice.

2. THE UNDISPUTED SUBMISSIONS AS TO THE EVENTS OF THE SUNDAY AFTERNOON

2.1 On 9 January 1994 an ANC delegation walked through a section of the Dikolo section of Katlehong. It did so in order to highlight the plight of families who have been driven from their houses because of political violence and intimidation in that area which is close to the Mazibuko Hostel ("The Hostel").

2.2 The ANC delegation was led by the Secretary-General of the ANC, Mr Cyril Ramaphosa and the Chairman of the South African Communist Party, Mr Joe Slovo.

2.3 The intention of the ANC leaders to walk in two areas of Katlehong was publicised in the press for a couple of days prior to 9 January 1994. A press alert had been sent to the media from the ANC by way of a SAPA message.

2.4 At the time of the shooting the ANC party and accompanying journalists numbered approximately 100 persons. About half of them were media representatives.

2.5 The official party of ANC officials and journalists entered Katlehong in a number of vehicles at approximately 15h50 on the Sunday afternoon. At the entrance to the township the convoy of vehicles passed a road-block controlled by members of the Internal Stability Unit of the SAP (ISU).

2.6 The vehicles parked at a point approximately 400 metres from the hostel. From that point the group walked along a road some 350 metres from the Hostel. Between the group and the Hostel there was a double row of houses and a partially grassed field. The road along which the group was proceeding ends at a T-junction. At the junction there is an unobstructed view to and from at least one of the five blocks of the Hostel. The group reached the T-junction and turned right in order to proceed in an easterly direction, ie, away from the Hostel. At that point a number of shots were fired at the group from the Hostel with automatic weapons.

2.7 The events which then followed are seen clearly on the video films of Sky News and the SABC. Within seconds the bodyguards of Messrs Ramaphosa and Slovo had their hand guns out and they led both officials out of the line of fire. Within minutes members of the local Self Defence Unit (SDU) produced AK47 rifles and began firing in the direction of the Hostel. Two of these men can be seen on the Sky News video shooting with their AK47s in a completely undisciplined manner.

2.8 Soon after the 16h00 incident, which the SAP said they did not know about until some time later, there were two other incidents in which members of the ISU were fired on by young men wielding AK47s. That occurred at two different places in Katlehong some distance from the Hostel. One of the persons firing at the ISU was shot and killed by the police and three were arrested. Four AK47s were seized by the police.

2.9 According to the SAP they only found out about the incident much later. The police officers in the helicopter did not see the incident. They flew over the vicinity shortly after the shooting had stopped. At one point, about one hour after the initial shooting, the ANC party met one ISU unit and a discussion ensued. The members of the unit, according to the undisputed version of the SAP, did not appreciate that the initial shooting had taken place in the vicinity of the Hostel. Possibly because of shooting shortly before this meeting in other parts of Katlehong, or because of some other misunderstanding, the SAP only learnt of some of the detail and whereabouts of the initial shooting from the TV news bulletin at 10h00 on the Sunday evening. A raid of the Hostel was then planned and took place in the early hours of the Monday morning.

3. LATER REPORTS RECEIVED BY THE SAP

3.1 On the morning after the incident, the SAP received a report from an official of the IFP, Mrs Gertrude Mzizi, that on the morning of the Sunday shots were fired at the Hostel with AK47s. When Hostel dwellers saw the ANC group proceeding in the vicinity of the Hostel during the afternoon they feared another attack and fired at the group in self-defence.

3.2 The SAP also received evidence from persons (whose identity the SAP do not wish to make public at this stage) that on Saturday, 8 January 1994, a meeting was held in Katlehong between members of the ANC Youth League and SDU in the area. The meeting was informed of the visit planned by the ANC for the following day. They were

instructed to meet on the Sunday morning between 07h00 and 08h00. They did so. Members of SDU were issued with AK47s and told to fire shots at the Hostel. After carrying out that instruction they returned and handed in the AK47s. At 15h00 they met again, were given AK47s and deployed in the area in the vicinity of the Hostel in order to provide security for the ANC delegation.'

4. NO NOTICE OF THE ANC VISIT TO KATLEHONG AND THE ABSENCE OF POLICE ACTION

4.1 The ANC legal representatives candidly admitted to the Commission that no notice of the visit to Katlehong was given to either the SAP or the Wits/Vaal Peace Committee. Having regard to the tension in parts of Katlehong and especially in the vicinity of the Hostel, the risk of death or injury to the people in the ANC group should have been manifest. The ANC legal team also candidly admitted that the failure to have given notice was an error.

5. SUBMISSIONS CONCERNING THE MEDIA

5.1 The Commission's attention was directed by the SAUJ to the large number of journalists who have been physically attacked since 1991.

5.2 The representatives of the SAUJ stressed that fear on the part of journalists to report in certain areas or on certain matters could result in a blockage of information being made public with serious implications for the free flow of information. This would be especially serious and prejudicial in relation to the election.

5.3 It was submitted on behalf of the SAUJ that the Commission should recommend that:

- 5.3.1 protective clothing and equipment be made available to journalists by their employers;
- 5.3.2 there should be close liaison between peace monitors and the press;
- 5.3.3 the press should be involved closely with voter education and the activities of the IEC;
- 5.3.4 members of the public should be encouraged to report any information concerning attacks on journalists.

5.4 The representative of COM associated herself with the submissions of the SAUJ and criticised the failure by the ANC to have notified the SAP of the event and the SAP for not having taken steps to have prevented the shooting.

6. FINDINGS AND RECOMMENDATIONS

6.1 At this time in our history the murder or injury of political leaders could well plunge this country into a situation of irreversible violence. The efforts of tens of thousands of local and foreign people who are or will be involved in the election would become irrelevant.

6.2 In all of the circumstances the Commission calls on the ANC and all other political parties to exercise careful judgment with regard to exposing their leaders and members to unnecessary danger.

6.3 While the Commission recognises the right of all South Africans to move freely at any public place in the country, the present climate of violence in some areas must be taken into account. Prudence dictates that appropriate and responsible action be taken with regard to exercising that right.

6.4 Not only did the ANC have a responsibility to itself to safeguard Messrs Ramaphosa and Slovo, it owed that duty to all of the people of this country. The aftermath of the assassination of the late Mr Chris Hani should be a constant reminder of this.

6.5 The ANC also had a duty to safeguard and not to endanger persons who would obviously join the group, among them media representatives. As already mentioned, notice of the visit was given to all sections of the media by way of an alert to SAPA.

6.6 Although no submissions were made in that regard to the Commission, questions arise as to the failure by the SAP to have taken any appropriate action in relation to the initial shooting incident before the 20h00 news bulletin.

6.7 In the first place the police officers manning the road-block at the entrance to Katlehong should have reported to their base the presence in Katlehong of a convoy of about 25 vehicles which was travelling at high speed and failed to stop at the road block.

6.8 There were a number of Nyalas manned by members of the ISU in Katlehong.

They were supported by a police helicopter which was in the air at the time.

One wonders why the SAP did not of its own accord monitor the event. If the SAP was not aware of the publicised event, should they not have been? One would imagine that SAP intelligence would have become aware of the event.

6.9 The fatal shooting of Mr Sharif occurred at about 16h00. He was rushed to hospital and was dead on arrival. Again one wonders why the SAP received no report of the death. Two SABC journalists were shot and injured. Was that not reported?

6.10 The point is that a police presence in the vicinity of the Hostel on that afternoon would in all likelihood have prevented the shooting, the death of Mr Sharif and the injury of the two SABC employees. We have already found that the ANC erred in not notifying the SAP and the Peace Committee of the visit. The issue which the SAP should consider and investigate is why they did not themselves take cognisance of the publicised event and why they took no steps to have had a presence there.

6.11 The Commission was not addressed on these issues and no findings can be made with regard thereto. However, the matters referred to in 6.6 to 6.10 should be investigated and a report thereon should be submitted to the Commission.

6.12 The Commission can make no finding on the reports made to the SAP concerning shooting at the Hostel on the Sunday morning or of

the alleged role of the ANC Youth League and SDUs with regard thereto. Those reports have not been verified.

RECOMMENDATION NO 1

The Commission recommends that the allegations with regard thereto continue to be investigated by the SAP. If the SAP or any interested party has information or evidence which it feels should be investigated by the Commission a submission in that regard should be furnished to the Commission.

6.13 The inquiry into the role, functioning and training of SDUs was announced by the Commission at the end of 1993. Major interested parties have requested and have been granted extensions of time for the furnishing of their submissions to the Commission. As soon as possible this matter will be the subject of detailed inquiry by the Commission.

6.14 There can be no doubt that the initial shots were fired from the Hostel. That was the unanimous view of the eye witnesses. It is confirmed by the information given to the SAP by the IFP official, Mrs Mzizi. Even if the report of firing at the Hostel on the Sunday morning is correct, the Commission finds it highly improbable that people in the Hostel could have feared that the ANC group constituted a threat, let alone that it was the beginning of a further attack. The group was some 350 metres from the Hostel, accompanied by many media representatives, a number of them carrying video cameras, microphones and other photographic equipment, and already in the process of turning away from it.

The Commission unequivocally condemns the shooting from the Hostel. The Commission also expresses its condemnation at the manner in which at least two young men with the ANC group fired indiscriminately with AK47s.

6.15 The Commission is unable to make any finding on whether Mr Sharif and the two injured journalists were hit by bullets fired from the Hostel or by the SDU members firing AK47s.

6.16 The presence of huge quantities of automatic weapons and other firearms in some parts of the country has been a cause of concern to the SAP, the Government and many political parties. The Commission has held an inquiry into these matters and some of its recommendations have been implemented. However, conventional methods of dealing with this problem have proved to be inadequate in a number of areas in order to stem the inflow of weapons.

6.17 If the presence of illegal arms and ammunition in some areas of South Africa (one of which is East Rand) cannot be dealt with speedily and successfully, the prospect of a relatively free and fair election in such areas is remote.

RECOMMENDATION NO 2

The Government, TEC and the Security Forces should consider the feasibility and practicality of taking drastic military type steps to remove from certain areas of South Africa all illegal weapons in the possession of any person. The cooperation and support of all interested parties, to the extent possible, should be obtained.

Similarly, adequate steps will have to be considered for ensuring that any such sanitised areas remain weapon free.

6.18 The submissions of the SAUJ and COM have been carefully considered by the Commission. The Commission has insufficient information or expertise to make any recommendations concerning protective equipment for journalists. In any event this is a subject more appropriately to be discussed and arranged between the journalists and their trade unions, on the one hand, and their employers, on the other.

6.19 The Commission would like to draw attention to the vital role of the press and the electronic media in the democratic process and in assisting in the holding of a free and fair election. The Commission calls upon all relevant parties to take cognisance of this role of the media and to take active and constructive steps to assist media representatives fulfil their duties in safety without intimidation or harassment. If the Commission can be of assistance in this endeavour it would be happy to do so. Interested parties are invited to make written or oral submissions informally to the Commission in this regard. Without being briefed more fully on this topic the Commission does not consider that it is in a position to make specific recommendations.

6.20 At the present time the Commission does not propose to hold any formal inquiry into those matter which are in dispute between any of the parties.