COMMISSION OF INQUIRY

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

FOURTH INTERIM REPORT

GOLDSTONE REPORT; GK - 32

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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 Fourth Interim Report.

R. J. GOLDSTONE
CHAIRMAN OF THE COMMISSION

CAPE TOWN
6 December 1993

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1. INTRODUCTION

1.1 The Commission considers that having regard to the national election to be held on 27 April 1994 it is appropriate that a further interim report be submitted.

1.2 The only broad issue dealt with in this report is the curbing of public violence and intimidation during the period up to and immediately after the election.

1.3 The challenge now facing South Africa is its transformation into a peaceful democratic non-racial and non-sexist society. That will not happen if the outcome of our first national election is not in fact, and in the perception of the mass of our people, legitimate.

1.4 The Transitional Executive Council ["TEC"] and the Independant Electoral Commission ["IEC"] will have an extremely short period of time within which to take necessary and adequate steps to ensure the fairness of the voting procedure and a peaceful transfer of power to a government of national unity.

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1.5 In the anticipation that the TEC and IEC will both be functioning before the end of this month, the Commission wishes to draw their attention publicly to the facts and recommendations set out below.

2. HIT SQUADS

2.1 As previously reported the Commission has received and investigated numerous allegations of hit squad activities.

The fact that hit squads are operating in South Africa cannot seriously be doubted. The result is the huge toll of murdered leaders and supporters of, inter alia, the Inkatha Freedom Party, the African National Congress and members of the South African Police.

2.2 The Commission has consistently refused to make findings without adequate evidence. However, in the past few days credible evidence has come to the knowledge of the Commission of a hit squad which at the time of its activities consisted of members of the KwaZulu Police ["KZP"]. The facts have come to light in consequence of a request by the

Commissioner of the KZP, Lt-Gen R During to the SAP for the latter to investigate the relevant allegations. An investigation followed under the direction of Brigadier E.S. du Preez.

2.3 From the police investigation it emerged that the persons suspected of operating in the hit squad had received training from the South African Defence Force in the Caprivi in 1986. That training was the subject of a previous inquiry by the Commission. For that reason in particular the SAP invited the Commission to become involved in the investigation. The SAP also reported the matter to the Police Reporting Officer in Natal, Adv. N. Melville.

2.4 The investigation is still in progress. Three arrests have been made. All three persons were until recently members of the KZP. One of them has now been dismissed and the other two suspended. The evidence establishes the high probability that a hit squad consisting of five KZP policemen has been responsible during 1992 and 1993 for the murder of no less than nine people including leaders and members of the ANC. Further arrests are anticipated. The Commission's Natal Investigation

Unit is participating fully in the investigation. The normal criminal justice procedures will follow and will take their course under the direction of the Attorney-General.

2.5 Having regard to the seriousness of a hit squad operating within a police force the Commission considers it to be in the public interest to make the above information public at this stage. Apart from any other reasons, the implications in relation to the election make that imperative. However, to make public further details concerning the hit squad and its operation at this time would be calculated to prejudice the further investigation relating to this matter and into the possible existence of any other similar groups.

2.6 The Commission expresses the sincere hope that this disclosure will be a spur to adequate steps being taken by all interested parties and organisations to prevent further deaths and injuries. The fact that evidence has been found which implicates the KZP in no way exonorates any other parties who might also have been responsible through their members or supporters for public violence and intimidation.

2.7 The Commission again calls on all persons with evidence of hit squad activities regardless of their source anywhere in South Africa to come forward. The Commission offers such persons adequate safeguards relating to their safety and the confidentiality with which such evidence will be treated.

3. THE EAST RAND AND THE INTERNAL STABILITY UNIT

3.1 The Commission is alarmed at the serious breakdown of community structures in a number of areas on the East Rand. Not only has violence increased dramatically but vital amenities such as water reticulation, electricity and railway tracks have been sabotaged. Normal activities for many tens of thousands of people living in those areas have become impossible. Attacks on police have become so wide-spread that uniformed policing is not possible. Since 1 August 1993 there have been more than 150 incidents in which police patrols have come under fire. Eleven policemen have been seriously injured and five have been killed.

3.2 It is imperative that normalcy be restored on the East Rand and the Commission supports the steps already announced by the Wits Vaal Peace Committee in that regard. The workshop to be held by it with the SAP, ANC, IFP and other relevant parties is the only ways forward in order to find sensible and effective solutions to the urgent problems besetting those areas.

3.3 The Commission is also alarmed at the demands for the Internal Stability Unit to be withdrawn from these townships. The residents of those very townships are consistently at risk of death and injury and the withdrawal of adequate protection will make them even more vulnerable to the mercy of roving groups of people who have already set themselves up as informal, undisciplined and unaccountable vigilante "law enforcers" whether calling themselves Self-Defence Units [SDU's] or by any other name. Whatever the shortcomings or unacceptable conduct of members of the ISU might be, their withdrawal is likely to lead to greater and not lesser violence. The Commission would like to emphasize that it is unable to and does not comment on the justification for the criticisms which have

been directed at the conduct of some members of the ISU.

3.4 Even if some or all of the criticisms are fully justified there is no peace keeping force in South Africa other than the South African Police and it appears to be highly unlikely that there will be another in the future. It is therefore essential that the SAP be given the support of all South Africans and that efficient and adequate steps be taken to ensure that it operates fairly and efficiently, and transparently so in the interests of all citizens. Again, the steps to the taken to ensure increased confidence in policing is a matter requiring the urgent attention of the SAP itself together with the TEC and IEC. In that regard the Commission would like to refer to the constructive, if not essential, role played by the EC police experts who have served with the Commission's investigation units. In particular, they assisted materially in creating wide public credibility for the units. Consideration should be given by the TEC and IEC to that kind of involvement by foreign experts.

4. THE COMMISSION AND THE ELECTION

4.1 The Commission's Research Institute and its investigation units are able and willing to do everything within their power to assist the TEC and IEC in ensuring that a legitimate election takes place.

4.2 The nature of such assistance is a matter for discussion between those bodies and the Commission.