
CASE SUMMARY NO. 1**POLICE "DEATH SQUADS" AND CONTINUING POLITICAL ASSASSINATIONS**

At least 50 government opponents were assassinated in South Africa between August 1977 and November 1989; in only one of these cases were the perpetrators brought to justice. In 1990 the State President ordered a judicial commission of inquiry into allegations that covert "hit squad" units of the security forces were responsible for these unresolved killings. However, despite the 1990 inquiry and a related judicial finding in January 1991 that uncovered evidence of murder, poisoning, kidnapping, arson, perjury and destruction of evidence by members of the South African Police and Defence Force, not a single prosecution has yet resulted. Since that time, the list of new victims of surveillance, harassment and targeted assassinations has steadily grown. Members of the African National Congress (ANC) and allied organizations, including local community activists and former political prisoners or exiles, have been killed or forced into hiding. In May 1992 a Johannesburg newspaper, the Weekly Mail, published fresh allegations of security force complicity in political assassinations. The newspaper reported evidence of a network of secret police operational bases in the Vaal Triangle area, south of Johannesburg, used for interrogating township residents and recruiting men to carry out targeted assassinations and other violent attacks on ANC supporters.

Siza Rani, the chairperson of the ANC branch in Sharpeville township south of Johannesburg, and his family felt obliged to go into hiding following police raids and a hand-grenade attack on their home. In late December 1991 police forcibly entered Siza Rani's house and searched it, virtually ransacking it. Siza Rani reported the matter and laid charges of house-breaking, theft and damage to property against the police at Sharpeville police station. Despite being under investigation, the police returned to search Siza Rani's house again on 31 December. On 11 January 1992 unidentified attackers threw a grenade at the house. As of late June 1992 there was no evidence of progress in the investigations into the charges laid by Siza Rani against the police and it appeared that no one had been arrested in connection with the attack on his home.

Former Robben Island prisoner and ANC member **Tsepo Lengwati** was shot dead in the early hours of 28 January 1992 while in the custody of the Vanderbijlpark police. On the previous day he had appeared in the magistrate's court accused of the murder of a police officer. The police investigating officer had opposed an application for bail brought on Tsepo Lengwati's behalf on the grounds that he, the investigating officer, had information that Tsepo Lengwati would be in danger of assassination if released. The court rejected the bail application. However, at the end of the hearing Lengwati's lawyer requested to place on

court record that on the night of 26 January her client had been taken out of his cell and kept out all night by police officers and men wearing hoods. The lawyer added that the detainee had then been taken to Vanderbijlpark police station and assaulted. Before his death, Tsepo Lengwati had laid formal charges of assault against the police investigating officer. According to a police statement issued after Tsepo Lengwati was shot dead, the police, including the investigating officer, took him out of the police station early on the morning of 28 January so that he could point out suspects to them, and he was then shot dead by an unknown gunman as he sat in a police vehicle outside a house in Sharpeville township. The police said that they returned fire, but the gunman escaped. According to the report of an independent pathologist, Tsepo Lengwati died from "multiple gunshot wounds, some from the front and some from the back". No one else in the police vehicle, which reportedly bore false registration plates, appeared to have sustained any injuries.

In the early hours of 30 November 1991 **Jerry Maine**, a high school teacher and chairperson of the ANC-aligned Ipelegeng Civic Association, was abducted from his home by three men who told his mother they were police. Despite his abduction, however, Jerry Maine escaped death with the connivance of his intended assassins. He told journalists a week after his ordeal that his kidnappers had undertaken to abduct and kill him at the behest of white police officers stationed at Schweizer-Reneke police station in the western Transvaal. It is alleged that one of the kidnappers, while in custody and awaiting trial for an ordinary criminal offence, was recruited by the police to carry out the assassinations of Jerry Maine and other community leaders in exchange for a guarantee of bail and a lighter sentence. After his release the would-be assassin, mistrustful of the police who had recruited him, secretly taped subsequent conversations with the police. On the tapes police officers can be heard discussing arrangements for the kidnapping and murder of Jerry Maine and another community leader. In the end the kidnappers did not go through with the assignment and instead revealed to Jerry Maine how they had come to abduct him. The details of this case and the recorded conversations with the police were brought to the attention of the Goldstone Commission, a judicial commission investigating political violence in South Africa. The Commission found that there was *prima facie* evidence implicating the police officers and referred the matter to the office of the Transvaal Attorney-General for further investigation. The results of this investigation had not been made public by late June 1992.

For more information about these incidents and related issues, see the Amnesty International report South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992, Chapter 1.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

- ◆ Express concern at evidence of the continuing involvement of members of the security forces in a program of targeted assassinations of political activists. Refer to details of one of the cases described above.
- ◆ Urge the authorities to carry out thorough and independent judicial inquiries into these and all other such allegations, to make their findings public, and to bring security force members implicated in human rights violations to justice. In the case of Jerry Maine, where a judicial inquiry has already passed evidence to the Transvaal Attorney-General for further investigation, urge the authorities to make public the results of this further investigation.
- ◆ Urge the authorities to take prompt and firm steps to ensure that human rights violations by covert security force units are ended.

ADDRESSES FOR APPEALS:

- 1) **Mr F W De Klerk**, State President, State President's Office
Private Bag X83, Pretoria 0001, South Africa
- 2) **Mr H J Kriel**, Minister of Law and Order, Department of Law and Order
Private Bag X463, Pretoria 0001
- 3) **Mr E Louw**, Minister of Defence, Department of Defence, Private Bag X427, Pretoria 0001
- 4) **Lieutenant-General J Van Der Merwe**, Commissioner of Police, Police Headquarters,
Private Bag X94, Pretoria 0001
- 5) **The Attorney-General (Transvaal)**, Private Bag X300, Pretoria 0001

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NEWSPAPERS:**

The Editor, Beeld, POB 5425, Johannesburg 2000
The Editor, City Press, POB 3413, Johannesburg 2000
The Editor, New Nation, PO Box 10674, Johannesburg 2000
The Editor, Sowetan, PO 6663, Johannesburg 2000
The Editor, Weekly Mail, PO Box 260425, Excom 2023

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HUMAN RIGHTS ORGANIZATIONS FOR THEIR INFORMATION:**

Independent Board of Inquiry into Informal Repression (IBIIR), P O Box 32293,
Braamfontein, Johannesburg 2017
Human Rights Commission, PO Box 32723, Braamfontein 2017, Johannesburg
Lawyers for Human Rights, PO Box 5156, Johannesburg 2000
Vaal Triangle Council of Churches, PO Box 12, 1980 Residensia

CASE SUMMARY NO. 2**POLICE AND MILITARY COLLUSION WITH INKATHA IN THE ATTACK ON SWANIEVILLE SQUATTER CAMP, WEST RAND, 12 MAY 1991**

At about 5.30am on 12 May 1991 Swanieville squatter camp, 25 miles west of Johannesburg, was attacked by possibly as many as 1,000 men armed with guns, spears and other weapons. Twenty-nine people died, 30 others were injured, and over 80 shacks were destroyed.

In the aftermath of the killings eye-witnesses reported that they had seen white men in camouflage uniform among the attackers. The white men were shooting at the residents, while black men in red headbands were looting and burning the shacks. Many of the witnesses also stated that they had seen police or military armoured vehicles either unloading groups of black men or moving alongside the armed men as the shooting began. Some frightened residents running away from the violence sought assistance from police driving around outside Swanieville. One witness stated that she saw about three police vans parked in a field near some trees and went over to them. "There were two policemen in each van. They refused to speak to us," she said. "They did not even open the windows."

Representatives of the Inkatha Freedom Party (IFP) acknowledged, on the day following the killings, that their organization was responsible for the attack on the predominantly ANC-supporting squatter camp. They said the attack was a response to the kidnapping of two hostel residents.

On the day before the attack, the Minister of Law and Order had imposed a curfew on Swanieville confining residents to their shacks overnight and had granted the security forces operating in the area emergency powers under the terms of officially-published "Unrest Regulations". Residents later told journalists that there was no sign of violence before the curfew was declared. Residents were warned not to be on the streets after 9pm. Nevertheless, the police failed to apprehend a large group of armed attackers who travelled some 10 kilometres across open land from Kagiso to Swanieville. Police denied to the press that the police had allowed the attack to proceed and claimed that the Inkatha groups must have crossed the terrain between their hostel and the camp "in dribs and drabs", while it was dark. The police claimed that they were unaware of the attack until after it occurred because the riot squad was changing shifts. When the police did arrive they did not disarm the attackers but escorted them back to their hostel in Kagiso.

Six men arrested shortly after the attack, following a search of Kagiso hostels, were discharged from custody soon afterwards. In the following months further arrests took place, and on 6 December 1991 13 accused (one of whom failed to appear in court) were brought to court on 29 charges of murder. The trial was still continuing in April 1992. A week after

the attack the police announced that they had begun an "internal inquiry" in response to allegations by survivors that white police officers had led the men who had carried out the attack on Swanieville. Major-General Ronnie van der Westhuizen, head of a Special Investigation Unit charged with the responsibility of inquiring into allegations against the police, was reported to be leading the investigation. Amnesty International was informed in December 1991 that the Special Investigation Unit charged with inquiring into allegations against the police had been ordered to investigate the Swanieville allegations. In late March 1992 the Minister of Law and Order announced in Parliament that senior police officials had found no evidence of police involvement in the attack on 12 May 1991 and no evidence of criminal negligence. He gave no further details on the nature of this internal police inquiry. In April 1992 the Natal Supreme Court found five police officers guilty of the 1988 murder of 11 people in Trust Feed, Natal, and gave attention to the ensuing cover-up by police officials. The judge noted, among other things, the "extreme irregularity" of certain interventions made by Major-General Ronnie van der Westhuizen, then responsible for investigating political killings and allegations of police misconduct, with the apparent aim of obstructing the police investigation into these murders. Major-General van der Westhuizen was accused again of involvement in a cover-up, in an inquest hearing in the Rand Supreme Court in June 1992 into the death of Bheki Mlangeni, an ANC lawyer who appears to have been murdered in February 1991 by a covert security force "death squad".

For more information about this incident and related issues, see the Amnesty International report South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992, Chapter 3.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

◆ Express particular concern over eye-witness reports that white men, believed to be members of the security forces, were among the attackers, shooting at residents. Express concern also that the police failed to apprehend the attackers prior to the attack, despite the fact that a curfew was in force, and that during the attack they ignored residents' pleas for help.

◆ Request information about the internal police inquiry which has already been carried out, including its working methods and details of its findings. Urge the authorities to make full information about the inquiry available to the public.

◆ While noting that 13 accused were brought to court in December 1991 on 29 charges of murder in relation to this incident, urge the authorities to establish an independent and impartial inquiry into the role and conduct of the police in relation to the 12 May 1991 attack on Swanieville squatter camp and to bring to justice those members of the security forces found responsible for committing, instigating or encouraging human rights violations.

ADDRESSES FOR APPEALS:

1) **Mr F W De Klerk**, State President, State President's Office
Private Bag X83, Pretoria 0001, South Africa

2) **Mr H J Kriel**, Minister of Law and Order, Department of Law and Order
Private Bag X463, Pretoria 0001

3) **Mr E Louw**, Minister of Defence, Department of Defence, Private Bag X427, Pretoria 0001

4) **Lieutenant-General J Van Der Merwe**, Commissioner of Police, Police Headquarters,
Private Bag X94, Pretoria 0001

5) **Major-General J H Gloy**, Head of Special Investigations Unit, South African Police,
Police Headquarters, Private Bag X94, Pretoria 0001

6) **Major-General G N Erasmus**, Regional Commissioner of Police, Witwatersrand,
Private Bag 5, Johannesburg 2000

7) **The Attorney General (Transvaal)**, Private Bag X300, Pretoria 0001

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The Editor, Beeld, POB 5425, Johannesburg 2000

The Editor, New Nation, PO Box 10674, Johannesburg 2000

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Independent Board of Inquiry into Informal Repression (IBIIR), P O Box 32293,
Braamfontein, Johannesburg 2017

Lawyers for Human Rights, P O Box 5156, Johannesburg 2000

Ecumenical Advice Bureau, 7th Floor, Auckland House, 185 Smit Street, Braamfontein
2001

Black Sash, PO Box 2827, Johannesburg 2000

CASE SUMMARY NO. 3

POLITICAL KILLINGS IN KWAMAKHUTHA TOWNSHIP, DURBAN

On 20 July 1991 **Emmanuel Bhengu**, a prominent community leader in KwaMakhutha township, Durban, was assassinated. Two attackers shot and stabbed him to death at approximately 2 am at his home. His family witnessed the murder. In response to a call, members of the KwaZulu Police arrived at the house. After being told that Emmanuel Bhengu had been killed, the police left without entering the premises or taking a statement from the family. The family later contacted their lawyer, who reported the matter to the South African Police. The South African Police arrested two suspects who were later charged in court with the murder of Emmanuel Bhengu. The accused included one man against whom the Supreme Court had issued a restraining order in January 1991. Both of the accused were granted bail and are due to appear again in court on 24 July 1992.

Emmanuel Bhengu had a long history of involvement as a political and community leader in KwaMakhutha township. As an Inkatha executive committee member in KwaMakhutha, Emmanuel Bhengu had participated in the first Joint Peace Committee established in the township during the late 1980s. He continued to serve on the committee when Inkatha withdrew its support. In 1990 he became the chairperson of the ANC KwaMakhutha branch. Throughout this period he was persistently harassed. Shortly after he defied Inkatha's instructions by remaining on the Joint Peace Committee, one of his sons was murdered. In December 1990 unidentified attackers fired shots and threw petrol bombs into his home. Emmanuel Bhengu sustained injuries during the attack. His car was also set alight.

Despite the gravity of the threat against him, he refused to flee the township. His standing as a community leader had also grown. On a number of occasions he acted as a mediator between residents, the authorities and other parties. On 1 February 1991 he was detained without charge by the KwaZulu Police. Four youths were detained with him. The youths were assaulted in custody. A formal complaint of assault was later lodged with the police, but no police officers have yet been suspended or prosecuted in connection with the assaults.

Sixteen-year-old **Thulebona Majola** was shot dead on 1 May 1992 by KwaZulu Police officers while he was waiting at a bus stop near KwaMakutha township, Durban. A large group of people, some of whom were on their way to a May Day rally in Durban, were waiting at the bus stop, singing, when two KwaZulu police vehicles arrived on the scene. A number of men got out of the vehicles, some in police or camouflage uniforms and others in civilian clothes. The KwaZulu policemen moved towards the crowd and fired their guns into the air over the heads of the people, from a distance of about five metres. All the boys in the

crowd fled except Thulebona Majola. One of the police officers asked Thulebona Majola why he had not run away and he replied that he had no reason to do so as he had not committed any offence. Another police officer, in civilian clothes, then told him to run away. As he did so, the police officer fired a shot, hitting him on his head, and Thulebona Majola fell to the ground. He struggled to get up but the first police officer who had challenged him walked up to him and shot him at close range, killing him.

The KwaZulu Police officers then returned to their vehicles. The driver of one police vehicle started to drive towards Thulebona Majola's body, as if to run over it, whereupon the terrified women still standing at the bus stop surrounded the body, on their knees, to protect it. As some of the police attempted to drag them away, a vehicle of the South African Police (SAP) arrived. The women allowed the SAP officers to place Thulebona Majola's body in their vehicle. The SAP officers asked for the names of three witnesses to the incident, and made a note of them. They told the KwaZulu Police officers to leave, and after they had done so the SAP officers drove away with the body.

The area in which the incident occurred, Malukazi settlement near KwaMakutha township, falls under the jurisdiction of the KwaZulu Police, not of the SAP. The KwaZulu Police have acknowledged publicly that KwaZulu Police officers shot Thulebona Majola but claim they acted in self-defence. This is directly contradicted by eye-witness accounts of his killing. The Majola family's legal representatives have called for an inquest to be held into the circumstances of his killing. So far no inquest has been announced and no police officers have been suspended or charged in connection with his death.

The KwaZulu "homeland" police force was formed in 1981 and the "homeland's" Chief Minister, M G Buthelezi, who is also President of the Inkatha Freedom Party, is KwaZulu Minister of Police. The KwaZulu Police is funded by the South African Government and the KwaZulu Police Commissioner is appointed by the South African Government's Minister of Law and Order. Since 1988, when control of the police station in the Durban township of KwaMakhutha was transferred from the South African Police to the KwaZulu Police, residents of KwaMakhutha township have repeatedly approached the authorities about KwaZulu Police involvement in unlawful shootings, assaults and threats against people perceived as African National Congress (ANC) supporters, and in attacks on residents carried out in collusion with Inkatha supporters. They have also repeatedly complained of the failure of the KwaZulu Police to respond to calls for help, or to investigate cases or accept complaints lodged at the police station, and as a result have on several occasions turned to the courts to seek their intervention to restrain members of the KwaZulu Police from assaulting, threatening and harassing residents of KwaMakhutha.

For more information about the first of these incidents and related issues, see the Amnesty International report South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992, Chapter 4.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

- ◆ Refer to the details of one of the cases described above.
- ◆ Urge the authorities to carry out a prompt, thorough and impartial investigation of all reports of unlawful killings and other unlawful actions by members of the KwaZulu Police in KwaMakhutha township and elsewhere, referring in particular to the two cases described above; to suspend police officers under investigation from their duties; and to bring to justice those found responsible for committing, instigating or encouraging human rights violations.

ADDRESSES FOR APPEALS:

- 1) **Mr F W De Klerk**, State President, State President's Office
Private Bag X83, Pretoria 0001, South Africa
- 2) **Mr H J Kriel**, Minister of Law and Order, Department of Law and Order
Private Bag X463, Pretoria 0001, South Africa
- 3) **Chief M G Buthelezi**, Chief Minister and Minister of Police, KwaZulu, Chief Minister's Office, Private Bag X01, Ulundi 3838, South Africa
- 4) **Major-General J Buchner**, Commissioner of Police, KwaZulu, Department of Police, Private Bag X14, Ulundi 3838, South Africa
- 5) **Lieutenant-General J Van Der Merwe**, Commissioner of Police, Police Headquarters, Private Bag X94, Pretoria 0001, South Africa

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The Editor, Natal Mercury, POB 950, Durban
The Editor, Natal Witness, POB 362, Pietermaritzburg 3200
The Editor, New African, Suite 206, Dinvir Centre, 123 Field Street, Durban The Editor,
Sunday Tribune, PO Box 47549, Greyville 4023

**COPIES MAY ALSO BE SENT TO ONE OR MORE OF THE FOLLOWING
HUMAN RIGHTS ORGANIZATIONS FOR THEIR INFORMATION:**

Human Rights Commission, Ecumenical Centre, 20 St Andrews Street, Durban Legal
Resources Centre, Ecumenical Centre, 20 St Andrews Street, Durban 4001
Diakonia, P O Box 1879, Durban 4000

CASE SUMMARY NO. 4**ATTACKS ON KHAYELITSHA TOWNSHIP, AUGUST-SEPTEMBER 1991, IN THE CONTEXT OF THE CAPE TOWN "TAXI WAR"**

The Cape Town "Taxi War" is ostensibly a struggle between two taxi associations competing for control of lucrative routes between Cape Town and the townships and squatter camps where most of the black population live. However, one of the taxi associations apparently has majority backing in the strongly pro-African National Congress (ANC) township communities in the Cape Town area. There has been ample evidence of covert intervention by the police on the side of the rival taxi association since violence between the two flared in 1990. During August and September 1991, for example, a series of violent events occurred in Khayelitsha township in which members of the security forces were directly implicated in human rights violations.

Zwelitsha Mhluthwa of Site B, Khayelitsha, was awakened at 3am on 7 August 1991 by a group of armed police officers, some black and some white, with some wearing camouflage uniforms. They accused him of involvement in a shooting incident at the taxi terminus in the township of Nyanga and demanded information about weapons. They handcuffed him, kicked and beat him, and pulled a piece of plastic tightly over his face, nearly asphyxiating him. They also threatened to kill him. They then drove him to the house of a local ANC official, who was not there, and beat another occupant of that house. They held Zwelitsha Mhluthwa in police custody for two days before charging him and releasing him on bail. The charge was later withdrawn. His right ear was swollen as a result of the beating and he has lost his hearing in that ear. He was refused medical treatment in police custody.

On 15 August 1991, between 1am and 2am, two black men reportedly wearing the blue overalls of kitskonstabels (police Special Constables) and armed with what were described as "long guns" entered the house of **Solomon Tshuku** in Site C, Khayelitsha, while he was at work. Solomon Tshuku is chairperson of his local ANC branch. The intruders shot dead his wife and four of his children. His seven-year-old daughter was spared. They then set the house alight.

On the night of 3 September 1991, 78 shacks in Site B, Khayelitsha, were burned down and 11 people were shot or hacked to death. The attackers were apparently searching for members of the ANC and other local bodies engaged in mediating in the taxi dispute. Despite a request from the ANC and local violence monitors for police protection, none was provided, nor did the police intervene even though the scene of the attack was only some 150 metres from Site B police station. In 36 sworn statements submitted to police authorities, eye-witnesses allege that, far from providing protection, the

police themselves took part in the attacks that night. Although sworn eye-witness statements were submitted to the police, no arrests or prosecutions arising from murders and other unlawful actions have so far resulted.

For more information about these incidents and related issues, see the Amnesty International report South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992, Chapter 5.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

- ◆ Express concern about repeated allegations of involvement of the South African Police in human rights violations against ANC-supporting residents in Khayelitsha township, near Cape Town. Refer specifically to details of the attacks on **Zwelitsha Mhluthwa or the family of Solomon Tshuku**.
- ◆ Urge the authorities to carry out a prompt, thorough and impartial investigation of all reports of assaults, torture, killings, and other unlawful actions by members of the South African Police in Khayelitsha township; to suspend police officers under investigation from their duties; and to bring to justice those found responsible for committing, instigating or encouraging human rights violations.

ADDRESSES FOR APPEALS:

- 1) **Mr F W De Klerk**, State President, State President's Office

Private Bag X83, Pretoria 0001, South Africa

2) **Mr H J Kriel**, Minister of Law and Order, Department of Law and Order
Private Bag X463, Pretoria 0001, South Africa

3) **Lieutenant-General J Van Der Merwe**, Commissioner of Police, Police Headquarters,
Private Bag X94, Pretoria 0001, South Africa

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The Editor, The Argus, POB 56, Cape Town 8000

The Editor, Die Burger, POB 692, Cape Town 8000

The Editor, Cape Times, PO Box 11, Cape Town 8000

The Editor, South, PO Box 13094, Sir Lowry Road, Cape Town 7900

The Editor, The Star, POB 1014, Johannesburg 2000

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HUMAN RIGHTS ORGANIZATIONS FOR THEIR INFORMATION:**

Black Sash, 5 Long Street, Mowbray 7700

Civil Rights League, PO Box 23394, Claremont 7735

Urban Monitoring and Awareness Committee, PO Box 1475, Cape Town 8000

Human Rights Commission (Western Cape), 1st Fl, Solly's Centre, Brisbane Road,
PO Box 18619, Wynberg 7800

CASE SUMMARY NO. 5**TORTURE AND EXTRAJUDICIAL EXECUTIONS IN KHUTSONG/
CARLETONVILLE/WELVERDIEND, WESTERN TRANSVAAL**

Between January 1990 and July 1991 the police attached to Khutsong, Carletonville and Welverdiend police stations in the Western Transvaal were implicated in at least 17 violent deaths, including deaths in custody resulting from torture, assassinations and unlawful use of lethal force against demonstrators. As a result of efforts by human rights monitors, the conduct of the police in this area became the focus of a "Special Task Force" investigation ordered by the police authorities in July 1991. This high-profile investigation has however proceeded with a slowness and lack of results which suggest a serious lack of will on the part of the authorities to investigate fully and bring to justice police officers involved in torture and unlawful killings. Police officers under investigation, some suspended from duties, have continued to commit human rights violations, but a number of trials of police officers accused of assault, and in one case of murder, are proceeding slowly through the courts. The police officer initially appointed to head the investigation (since retired), Major-General Ronnie van der Westhuizen, was implicated in a high-level cover-up of the 1988 murder of 11 people at Trust Feed, Natal, for which five police officers were convicted in April 1992. He was accused again in an inquest hearing in the Rand Supreme Court in June 1992 of involvement in the cover-up of an apparent "death squad" killing.

Sixteen-year-old **Mbuyiselo "Nixon" Phiri** died at Welverdiend police station on 16 January 1990, the day he was arrested. In a statement to the press regarding the circumstances of his death, the police said that he had died during interrogation. Evidence of fellow-detainees and post mortem findings strongly indicate that he died as a result of torture at the hands of the police. Eventually, in February 1991, an "informal" inquest was held without prior notice being given to Nixon Phiri's family or lawyers. Sitting effectively in secret, therefore, and viewing solely evidence provided by the police, the court found that the cause of his death was unknown. No-one was found responsible for his death. Representatives of Amnesty International were told, during a meeting with the Johannesburg Attorney-General in December 1991, that under the terms of the Inquest Act families must be notified before an inquest is held and that, if dissatisfied, a family has the right to request further steps to be taken. As of mid-June 1992 Nixon Phiri's inquest had not been reopened and more than two years after his death no police officer has been suspended and no-one has been brought to justice in connection with his death.

Sixteen-year-old **William Makage** is one of a number of young people who have died in suspicious circumstances apparently because of having witnessed police abuses. William Makage had witnessed police assaults on a fellow-detainee, 15-year-old Eugene

Mbulawa, who died in hospital on 13 July 1990 as a result of his treatment in police custody. William Makage was one of several youths detained at the same time as Eugene Mbulawa who subsequently made sworn statements to lawyers about their own torture and what they had witnessed of the police treatment of Eugene Mbulawa. As of February 1991 William Makage had gone into hiding, fearing for his life, but he was later arrested and brought to Carletonville police station cells on 8 May 1991. On 9 May William Makage told his close friend Mongi Mogale, who was at the time being held in the same police station, that on the previous day four police officers, whom he named, had taken him out to waste land, apparently intending to kill him. However, he said to Mongi, "the four started arguing about it so they did not kill me". On the evening of 9 May Mongi Mogale saw the police remove William Makage from his cell. Later, a police officer, whom she named, told her that the police were taking him to Welverdiend and that they were planning to kill him there. The same police officer, she says, returned at about 2.50 am on 10 May and told her that William Makage was dead. According to the police, he was shot dead while trying to escape, but he was found with a bullet wound in the back of his head and his hands tied behind him. No inquest has been carried out to date.

For more information about these incidents and related issues, see the Amnesty International report South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992, Chapter 6. Further information on the case of Nixon Phiri is also in AI document AFR 53/21/91.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

- ◆ Express concern about repeated allegations of the involvement of police officers from the Welverdiend/Khutsong/Carletonville police stations in human rights violations against detainees and others. Refer specifically to the case of **Nixon Phiri** or **William Makage**.
- ◆ Noting the work of the Special Task Force Unit, and noting that certain other cases against police officers are currently proceeding through the courts, express concern that in the case you have described there has not been a full and thorough investigation of the allegations made against police officers and no-one has so far been brought to account for these human rights violations.
- ◆ Urge the authorities to carry out a prompt, thorough and impartial investigation of these and all other reports of assaults, torture, killings, and other unlawful actions by members of the South African Police and to bring to justice those found responsible for committing, instigating or encouraging human rights violations.

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Private Bag X463, Pretoria 0001, South Africa
- 3) **Lieutenant-General J Van Der Merwe**, Commissioner of Police, Police Headquarters,
Private Bag X94, Pretoria 0001, South Africa
- 4) **Major-General J H Gloy**, Head of Special Investigations Unit, South African Police,
Police Headquarters, Private Bag X94, Pretoria 0001
- 5) **The Attorney General (Transvaal)**, Private Bag X300, Pretoria 0001

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The Editor, Vrye Weekblad, PO Box 42637, Fordsburg 2033

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Lawyers for Human Rights, PO Box 675, Klerksdorp 2570

Independent Board of Inquiry into Informal Repression (IBIIR), P O Box 32293,
Braamfontein, Johannesburg 2017

Human Rights Commission, PO Box 32723, Braamfontein 2017

CASE SUMMARY NO. 6**HUMAN RIGHTS ABUSES IN THE NOMINALLY INDEPENDENT "HOMELAND" OF BOPHUTHATSWANA**

Tlhabane, 25 February 1990, was the scene of a march to celebrate the release of Nelson Mandela and the unbanning of the African National Congress (ANC). While an estimated 8,000 people were gathering to celebrate, as well as to protest about local grievances and call for the political reincorporation of the Bophuthatswana "homeland" into South Africa, police used tear-gas and live ammunition to disperse part of the crowd. At least one person, **Paul Molefe**, an on-looker to the march, was killed by police when they were dispersing demonstrators with gunfire. Seventeen people required hospital treatment for bullet wounds inflicted by the police. Approximately 120 people were arrested on that day and a further 40 during the following week. Those detained alleged that they were tortured in local police cells by having electric shocks applied to their genitals, and by having sacks placed over their heads and tied tightly round their necks. Some were hit on their toes with building bricks, or beaten with truncheons and sjamboks, or kicked. Many were coerced into signing statements implicating themselves and others in stone-throwing or arson incidents. Prisoners and their relatives complained that those tortured or wounded were denied proper access to medical treatment. Although in some cases victims of these assaults laid charges against security force officers, there has been no public acknowledgement of disciplinary steps taken against those security force members involved in the assaults.

Lesedi Kgaladi was arrested by the Bophuthatswana "homeland" police in late October or early November 1991 after being in hiding for some weeks. While holding him at Phokeng police station, the police tied his hands and feet to a pick-handle, held him upside-down, and repeatedly beat his buttocks with a baton until they were blue. They also subjected him to partial drowning and to electric shocks to his genitals, neck and behind his ears. After a lawyer was instructed to act on his behalf he was charged with the common law offence of public violence and released on bail. **Lesedi Kgaladi** was chairman of the Mosenthal branch of the African National Congress (ANC). His arrest was a sequel to the assault of and arrest and torture of other ANC members and supporters following the funeral on 15 September 1991 of a local ANC member. While **Lesedi Kgaladi** was in hiding, members of the police visited his pregnant wife and threatened to kill his children if he did not hand himself over to the police.

Isaac Mayoyo was one of 18 mineworkers seized from their hostels on 5 and 7 November 1991 by mine security officers and handed to the Bophuthatswana police. **Isaac Mayoyo** was a member of a workers' committee elected to negotiate with management on behalf of the workforce at Impala Platinum Mines near Rustenburg. He described what happened to him on 8 November at Phokeng police station: "Eight security men beat me

with batons. My head was covered with a bag and was pushed into a bath full of water. An electric shock instrument was pushed into my anus. It was so painful. My whole body started to shake as if I had fits. In that dazed and painful state, they asked me to work for them ..." He was released on 21 November 1991 after lawyers challenged in court his detention and that of other workers' committee members.

Jonas Kgosietsile, another member of the workers' committee at Impala Platinum Mines, was also detained and tortured in November 1991. He was released but rearrested on 18 January 1992 by mine security officials and handed into the custody of the Bophuthatswana police at Phokeng police station under the terms of Bophuthatswana's Internal Security Act. On 20 January 1992 he apparently died in their custody by falling from a second-floor window at the police station. According to reports, when news of Jonas Kgosietsile's death first emerged the police acknowledged that he had been in their custody but said that they had released him, and then had found his body in the street. However, the police later told lawyers acting on behalf of Jonas Kgosietsile's relatives that he had tried to escape by jumping out of a second-floor window at the police station and had died as a result of the fall. An official post-mortem examination on behalf of the police concluded that Jonas Kgosietsile died as a result of a broken neck and internal bleeding.

South Africa's nominally independent "homeland" of Bophuthatswana is composed of widely scattered areas of land, the majority located in northern and eastern Transvaal Province. Phokeng and Mosenthal, both under the jurisdiction of Bophuthatswana, are near the eastern Transvaal town of Rustenburg. No country other than South Africa regards Bophuthatswana as "independent". Amnesty International considers the South African Government in Pretoria ultimately responsible for the conduct of the Bophuthatswana "homeland" security forces.

For more information about the human rights situation in Bophuthatswana, see the Amnesty International report [South Africa: State of Fear - Security Force Complicity in Torture and Political Killings, 1990-1992](#), Chapter 2.

ACTION

WHAT YOU CAN DO

Send appeals to the South African government officials listed below, making the following points:

◆ Express concern about allegations of Bophuthatswana security force involvement in human rights violations over the past two or more years. Amnesty International has received many reports of arbitrary detention, assault and torture of untried political detainees, and the use of an unreasonable and potentially lethal degree of force to disperse unarmed demonstrators. Express concern in particular about one of the cases described above.

◆ In your appeals you could all on the authorities to take some or all of the following steps (as appropriate):

1) to take urgent steps to prevent extrajudicial executions, including by issuing clear instructions to all law enforcement personnel that they may use lethal force or firearms only in exceptional circumstances in accordance with relevant international standards, notably the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

2) to stop the occurrence of torture by ensuring that all torture allegations are swiftly investigated by individuals or institutions independent of the security forces or those in control of the security forces. Call for an independent and impartial investigation into the cases described above, or into Jonas Kgosietsile's death in suspicious circumstances while in custody at Phokeng police station.

3) to ensure that security force members under investigation are immediately suspended from duties directly related to arresting, guarding or interrogating detainees; and that those found to be responsible directly or indirectly for torture or deaths of detainees as a consequence of torture are brought to justice and automatically dismissed from duty.

4) to repeal security legislation which provides immunity against prosecution to members of the security forces and others responsible for human rights violations; to prohibit incommunicado detention and to prohibit the use of confessions obtained under torture or other forms of duress; and to bring security legislation into conformity with international human rights standards.

5) to declare publicly that human rights violations will not be tolerated, that all members of the security forces will be held fully accountable for their actions and that those responsible for committing, instigating or encouraging human rights violations will be brought to justice.

ADDRESSES FOR APPEALS:

1) **Mr F W De Klerk**, State President, State President's Office
Private Bag X83, Pretoria 0001, South Africa

- 2) **Chief L M Mangope**, President and Minister of Law and Order
Private Bag X2005, Mmabatho 8681, Bophuthatswana, South Africa
(as Minister of Law and Order, President Mangope has overall responsibility for the Bophuthatswana police)
- 3) **Major-General P J Seleke**, Commissioner of Police
Private Bag X2006, Mmabatho 8681, Bophuthatswana, South Africa
- 4) **Mr R Cronje**, Minister of Defence, Private Bag X2003, Mmabatho 8681, Bophuthatswana, South Africa
- 5) **Mr S G Mothibe**, Minister of Justice, Department of Justice
Private Bag X2033, Mmabatho 8681, Bophuthatswana, South Africa
- 6) **Mr R F Botha**, Minister of Foreign Affairs, Department of Foreign Affairs
Private Bag X152, Pretoria 0001, South Africa

COPIES MAY BE SENT TO ONE OR MORE OF THE FOLLOWING NEWSPAPERS:

The Editor, City Press, POB 3413, Johannesburg 2000
The Editor, Sowetan, POB 6663, Johannesburg 2000
The Editor, Rustenburg Herald, POB 2043, Rustenburg 0300
The Editor, The Mail, Mafikeng 8670, Bophuthatswana, South Africa
The Editor, Business Day, POB 1090, Johannesburg

COPIES MAY ALSO BE SENT TO ONE OR MORE OF THE FOLLOWING HUMAN RIGHTS ORGANIZATIONS FOR THEIR INFORMATION:

Lawyers for Human Rights, 713 Van Erkom Building, Pretorius Street, Pretoria
Mafikeng Anti-Repression Forum, P O Box 158, Ratshidi 8681
Human Rights Commission, PO Box 32723, Braamfontein 2017, Johannesburg

