

# SOUTH AFRICA

## IMPUNITY FOR HUMAN RIGHTS ABUSES IN TWO HOMELANDS

### Reports on KwaZulu and Bophuthatswana

#### CONTENTS

#### **KwaZulu: Continuing Human Rights Abuses Threaten Civil War**

Introduction.....	2
Political Background .....	4
Resistance to the Election: the promotion of violence	
The Caprivi trainees and hit squads.....	6
The Five Rand Battalion .....	8
The right-wing.....	8
Case Studies of Violence	
Esikhawini .....	9
KwaMashu .....	10
Nqutu .....	11
Sundumbili .....	12
Port Shepstone.....	13
Recommendations.....	16

#### **Bophuthatswana: Right-Wing Coup Fails, but Past and Present Human Rights Violations Remain Unpunished**

Introduction.....	18
Background .....	18
The Collapse of the Regime .....	20
Recommendations.....	22

## KWAZULU REVISITED

### Continuing Human Rights Abuses Threaten Civil War

In September 1993, Human Rights Watch/Africa published a report on the black "homeland" of KwaZulu, situated in South Africa's Natal province, which concluded that unless urgent action was taken to halt human rights abuses by the KwaZulu government, elections due to take place across South Africa on April 26 to 28, 1994, would be significantly compromised.<sup>1</sup> Following further research carried out in February 1994, Human Rights Watch/Africa recommends immediate action by the South African government to control escalating political violence in Natal.<sup>2</sup> If nothing is done, the Inkatha Freedom Party (IFP), led by Chief Mangosuthu Buthelezi, chief minister of KwaZulu, will continue to use its control of the homeland government to provoke violence with the purpose of preventing elections from going ahead.

The South African government is failing to fulfil its obligations to protect its citizens from violence and guarantee the exercise of their political rights. The KwaZulu Police (KZP), under the control of the homeland government, have been proved to be involved in deliberate provocation of political violence, and are incompetent at best. The South African security forces, both police and army, are also implicated in past and present abuses. Nevertheless, the South African Police (SAP) have usually been more effective in maintaining law and order than the KZP, while the recent deployment of South African Defence Force (SADF) troops in some parts of Natal had a significant effect in reducing violence in those districts. Although a National Peacekeeping Force has been established in South Africa, it began training only in January 1994 and is unlikely in the short term to be capable of policing the most violent areas.

Human Rights Watch/Africa therefore recommends the deployment of the SADF throughout Natal and KwaZulu from now until the elections. Although an imperfect solution to the problem of maintaining law and order, given the past and present involvement of all South African security forces in human rights abuses, we believe that a visible army presence is the best available alternative to guarantee protection to KwaZulu residents during this crucial period. The SAP must assume those policing responsibilities that cannot be carried out by the army. In order to minimize the risk of further abuses, we also recommend that experienced international observers be sent to KwaZulu to monitor the activities of the South African security forces during the run up to the elections and during the elections themselves.

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<sup>1</sup>Africa Watch, "'Traditional' Dictatorship: One Party State in KwaZulu Homeland Treatens Transition to Democracy," *News from Africa Watch*, Vol.5 No.12, New York: Human Rights Watch, September 1993.

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<sup>2</sup>2,009 people died in political violence in Natal during 1993, according to the Durban office of the Human Rights Commission (HRC), a human rights monitoring organization. HRC (Durban), "Natal Annual Review: 1993," January 1994/Vol.6, No.2

Human Rights Watch/Africa has monitored the situation in Natal/KwaZulu for several years, and reached these conclusions after spending five weeks in South Africa in January and February of 1994, of which one week was spent in Natal/KwaZulu. We talked about the situation in Natal to human rights lawyers, police, political leaders, organizations and individuals engaged in conflict resolution and monitoring political violence, and to individual victims of political violence.

By comparison with the situation we observed in 1993, there have been some improvements in police behavior at the most well-publicized demonstrations and in areas where intense outside pressure has been brought to bear. Nevertheless, members of the KZP continue to act in biased fashion, failing to protect ANC supporters or targeting them for harassment, and offering support to members of Inkatha. In some areas, members of the KZP have been operating in hit squads, killing ANC leaders and deliberately provoking further violence. Even where it acts in good faith, the KZP remains incompetent, underequipped, and unprepared to cope with the rising levels of political violence within the areas that it patrols. The separate command structure of the KZP, accountable only to the KwaZulu government, is a severe obstacle to attempts by human rights activists and organizations monitoring political violence to improve the behavior of the police force.

In those parts of KwaZulu policed by the SAP, there are also serious problems relating to police bias towards Inkatha, police failure to charge and secure convictions of well-known criminals, and the lack of cooperation between the police and the community. Nevertheless, the SAP is in most cases more responsive than the KZP to requests for assistance from the ANC and its allies, and some important efforts have been made — both locally and nationally — to address criticisms of SAP behavior. The SAP has shown greater willingness to intervene in areas where there have been criticisms of the KZP, and in some cases this has been crucial in avoiding bloodshed. The temporary deployment of the SADF in several areas of Natal/KwaZulu in December 1993 and January 1994 was also successful in reducing levels of political violence in those areas. But SAP improvements have not been uniform, the SADF presence has not been maintained, and the KZP has been allowed to retain control over most areas where it has had authority in the past.

The vast number of political crimes in Natal, as elsewhere in South Africa, are not solved. Even when there are eyewitnesses or the names of suspects are well known, insufficient efforts are made by the police to apprehend suspects and bring them to justice. This failure to solve crimes is perhaps the principal cause of the high level of distrust of the police in South Africa in general. Moreover, recent arrests of KZP and IFP members in connection with hit squad activity, following investigations carried out by individuals or bodies outside the police force, indicate that in some areas most of the violence is caused by a very few individuals — often well known — acting as *agents provocateurs*. Similar arrests throughout Natal would have a significant effect in reducing overall levels of violence. Training camps being operated by the KwaZulu government, at which young men are being trained in paramilitary techniques, represent a serious threat to the stability of Natal. The graduates of these camps are already involved in violent activities.

As this report goes to press, violence has escalated throughout Natal. On two consecutive Sundays, Inkatha supporters prevented ANC rallies from going ahead in Umlazi and KwaMashu, townships near Durban, by occupying the stadiums where they were to be held. In KwaMashu, at least four people were killed on Monday night, March 21, after Inkatha-supporting hostel dwellers rampaged through the

township, bringing the death toll from three days of violence in Natal province to at least fifty. Unless urgent action is taken to enforce law and order, violence in Natal risks escalating into outright civil war.

## Political background

The first all-race elections in South Africa's history are scheduled to take place on April 26 to 28, 1994. The terms and timing of this transition to a democratic system were agreed by political parties representing the vast majority of South Africa's citizens during prolonged negotiations which started in February 1990, when State President F.W. de Klerk of South Africa unbanned the African National Congress (ANC) and other extraparliamentary opposition parties, released important political prisoners, and announced that apartheid would be dismantled. However, a handful of parties have refused to agree to take part in the election. Among them are several groups representing the white right-wing, and the Inkatha Freedom Party (IFP), led by Chief Mangosuthu Gatsha Buthelezi, chief minister of the KwaZulu homeland as well as president of the IFP.<sup>3</sup>

KwaZulu is one of the ten "homelands," or *bantustans*, set up by the South African government as part of the structure of "grand apartheid," the political program developed by the National Party government of South Africa and implemented over its years in power following its first election victory in 1948. The homeland is scattered in several pieces throughout Natal province, on South Africa's Indian Ocean coast, with its capital at Ulundi in northern Natal, and is the homeland created for Zulu-speaking South Africans. Described by the South African government as a "self-governing territory," KwaZulu never became nominally independent, but was granted and continues to enjoy substantial autonomy in day-to-day administration.<sup>4</sup> This autonomy includes the operation of a police force, the KwaZulu Police (KZP), and control over public facilities such as schools, hospitals, and meeting halls. Unlike any of the other homelands, KwaZulu is formally structured as a constitutional monarchy. Although the symbolic significance of King Goodwill Zwelethini is powerfully exploited by Inkatha, Chief Buthelezi holds the real power in the homeland administration.

It was agreed by most parties to negotiations, including the IFP and the KwaZulu government, that KwaZulu and the other homelands should be reincorporated into South Africa under a new constitution. However, Chief Buthelezi argued that an extreme form of federalism should be implemented in place of the homeland system, devolving virtually all power from central government to the nine proposed new regions. In February 1994, King Zwelethini made an outright call for the secession of the Zulu kingdom from South Africa. Significant concessions have been made in an attempt to address legitimate concerns relating to regional powers, including the decision to hold separate ballots regionally and nationally, but the IFP has continued to refuse to commit itself to contesting the April elections. Although Inkatha was provisionally registered for the ballot at the last minute, the final deadlines for filling the other requirements for

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<sup>3</sup>The nominally independent homelands of Ciskei and Bophuthatswana also rejected participation in the elections until each was forced to change its position by pressure from civil servants in their own administrations; Ciskei in January 1994, and Bophuthatswana on March 11, 1994, following dramatic mass action, an invasion of the homeland by several thousand members of the right wing paramilitary Afrikaner Resistance Movement (AWB), and final intervention by the South African Defence Force.

<sup>4</sup>Four of the ten homelands were formally recognized by South Africa (though by no other country) as independent. They are Transkei, Bophuthatswana, Venda and Ciskei, collectively known as the TBVC states.

participation have now passed.<sup>5</sup>

If the IFP continues to oppose the coming elections, anyone involved in activities associated with the election — including those engaged in voter education on a nonpartisan basis — will be associated with the ANC and other parties challenging Inkatha's hegemony in KwaZulu. As such they will become, and are already, targets for attack. There is an urgent need for the South African government, the Transitional Executive Council (the multiparty body charged with facilitating the transition to democracy in South Africa), and the Independent Electoral Commission (established to make the arrangements for the forthcoming elections) to take action to ensure that law and order is established in KwaZulu, before violence escalates beyond control.

### **Resistance to the election in KwaZulu: the promotion of violence**

Chief Buthelezi has stated that the IFP will oppose the April elections "with every democratic means at our disposal," but that it will allow electioneering by other parties.<sup>6</sup> Against the background of intimidation and violence from all sides in Natal, opposition to the election in itself carries the risk of serious conflict, as Buthelezi himself has acknowledged. At a rally in Natal on February 13, he admitted that: "It is impossible for me to lie to you and reassure you that Inkatha's opposition to fighting the election under the current constitution will not bring casualties and even death."<sup>7</sup> However, it is increasingly clear that resistance to the election will not only be by "democratic means." In a series of belligerent speeches, Buthelezi has said that if the demands of Inkatha are not met, "the KwaZulu government cannot be held responsible for the anger of the Zulu nation."<sup>8</sup> Perhaps most worrisome of all, Buthelezi has stated that any attempt to send South African troops or police to KwaZulu to restore order would be regarded as an "invasion," and would be resisted. On March 18, 1994, King Zwelethini called on "all Zulus to fulfill their sacred duty to defend our freedom and sovereignty to anyone in southern Africa who will dare to challenge it."<sup>9</sup>

Over the last six months, evidence has multiplied of the involvement, both past and present, of South African and KwaZulu security forces in deliberate efforts to destabilize KwaZulu and Natal by provoking violence and assassinating key community leaders not aligned with Inkatha. The Goldstone Commission has confirmed reports dating back several years of the existence of hit squads in the KwaZulu Police, trained by the South African army in Namibia in 1986.<sup>10</sup> Meanwhile, thousands of new recruits are

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<sup>5</sup>Opinion polls give Inkatha less than five per cent of the national vote; regionally, it is estimated to be supported by between twenty and forty per cent of Natal residents.

<sup>6</sup>John Carlin, "Buthelezi rejects ANC election concessions," *The Independent* (London), February 18, 1994.

<sup>7</sup>Alec Russell, "Inkatha chief tells followers to fight alongside whites," *Daily Telegraph* (London), February 14, 1994.

<sup>8</sup>John Carlin, "Buthelezi persists with warnings of war," *The Independent* (London), March 3, 1994.

<sup>9</sup>Marius Bosch, "Zulu king moves closer to sovereign Zulu state," Reuters Information Services Inc, March 18, 1994.

<sup>10</sup>The Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, headed by Mr. Justice Richard Goldstone, established in October 1991 under the Prevention of Public Violence and Intimidation Act 1991 and empowered by the South African government to investigate incidents of political violence, in terms of the September 1991 National Peace Accord.

being openly trained in "self-defence" by the KwaZulu government, and there are increasing reports of further secret training of Inkatha supporters being carried out by members of right-wing paramilitary organizations. On March 18, 1994, the Goldstone Commission published a report which finally confirmed long-standing allegations that senior SAP officials (including deputy police commissioner Lieutenant-General Basie Smit, and intelligence chief Major-General Krappies Engelbrecht) had been involved in supplying Inkatha with weapons and financial support.

*The Caprivi trainees and hit squads in KwaZulu*

In 1986, two hundred Inkatha members were secretly sent to be trained by the South African Defence Force (SADF) in the Caprivi Strip in northern Namibia. They were recruited by M.Z. Khumalo, personal assistant to Chief Buthelezi.<sup>11</sup> On their return to South Africa, they were first kept in camps in northern Natal, then most were gradually integrated into the KwaZulu Police. The existence of these trainees was initially denied by the governments of South Africa and KwaZulu, but in August 1991 State President F.W. de Klerk was forced to confirm that the training had taken place, one year after the allegations were first made. Reports of the involvement of Caprivi trainees in violence in KwaZulu and elsewhere immediately multiplied.

Eventually, further allegations that the Caprivi trainees had been operating in hit squads, published in the Johannesburg *Weekly Mail* in late 1991, led to an investigation by the Goldstone Commission. Detailed evidence was given to the commission about the involvement of several of the trainees in political violence, though the SADF and KwaZulu government stated that the training given had been purely for the purpose of providing guards for important KwaZulu government personnel. In June 1993 the commission published its report. Although it found that "[a]n inference can be drawn that [the trainees] were not trained solely for VIP protection," that "[t]he evidence as to the activities of the trainees after their return to KwaZulu [was] highly unsatisfactory," and that "training of the nature given to the trainees without having any regard to their subsequent control and deployment points to a grave error of judgment on the part of the SADF," the commission stated that it could not conclude that those trainees who had gone on to commit acts of violence had done so "as a direct consequence of their training at the Caprivi." Finally, it concluded that "[t]here is no evidence at all to suggest that the SADF provided the training for the purpose of 'hit squads' being established."<sup>12</sup>

Despite this finding by the commission, much criticized by human rights groups in South Africa, evidence of the involvement of the Caprivi trainees in violence continued to emerge. In July 1993, KZP Constable Gcina Mkhize, a Caprivi trainee stationed in Esikhawini township in northern Natal, gave evidence to a separate Goldstone Commission investigation into the KwaZulu Police that he had been specifically instructed, by other Caprivi graduates, to kill opponents of Inkatha in the township. Further investigations by the commission into the situation in Esikhawini and elsewhere culminated in a report

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<sup>11</sup>Khumalo resigned from the IFP in the wake of the June 1991 "Inkathagate" scandal in which covert South African government funding to Inkatha was revealed. However, he was subsequently reinstated to membership of the IFP and today is once again personal assistant to Buthelezi.

<sup>12</sup>"Report by the committee appointed to inquire into the allegations concerning front companies of the SADF and the training by the SADF of Inkatha supporters in the Caprivi in 1986," Pretoria: Goldstone Commission, June 1, 1993; paragraphs 28, 31 & 36.

published on December 6, 1993, which stated that the evidence heard "establishes the high probability that a hit squad 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."

In February 1994, the Transitional Executive Council (TEC), a multiparty body charged with the duty to "facilitate and promote ... the preparation for and transition to a democratic order in South Africa,"<sup>13</sup> interviewed Lieutenant General Roy During, commissioner of the KZP, on the subject of hit squads in the KZP. During had refused for several weeks to appear before the TEC, and eventually agreed to do so only after a Supreme Court application was made for an order that he should give evidence. A seconded member of the South African Police, During conceded to the TEC that virtually all those police implicated in political assassinations had been Caprivi trainees, that he had been in possession of evidence to that effect before the Goldstone Commission began its investigation, and that no action had been taken against them. He stated instead that he would not "discriminate" against KZP members trained in Caprivi.<sup>14</sup>

On March 22, 1994, a task force appointed by the TEC to carry out an investigation into the operation of hit squads in Natal/KwaZulu delivered its report. It concluded that "hit squad activity in Natal and particularly in the area of jurisdiction of KwaZulu is rife. ... The evidence and information in some cases suggests that resources or directives appear to emanate from certain officials in Ulundi, allegedly located at the Inkatha Freedom Party head office and at the Department of the Chief Minister. ... The number of deaths caused by these hit squads is unquantifiable but would represent a significant proportion of those who have died in political violence in Natal/KwaZulu."<sup>15</sup>

#### *The Five Rand Battalion*

Speaking at Shaka Day celebrations in Stanger, northern Natal, on September 28, 1993, Chief Buthelezi issued a request for residents of KwaZulu to contribute R.5 (\$1.50) each towards the formation and training of "legal" armed units for the protection of Zulus everywhere in South Africa.<sup>16</sup> KwaZulu government spokesperson T.C. Memela later stated that the call was based on a special tax proclaimed by the KwaZulu Legislative Assembly in 1978, whose collection had since been discontinued. Its payment was not compulsory, though all KwaZulu citizens were expected to pay. The KwaZulu Legislative Assembly announced in November that about 500 men had begun training. By March 1994, the KwaZulu government claimed that nearly 3,000 recruits had passed in three groups through a four-week training course at a camp

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<sup>13</sup>Transitional Executive Council Act, 1993, Section 3.

<sup>14</sup>Chris Louw, "The general in the hot seat hints at hit squads," *Weekly Mail & Guardian* (Johannesburg), February 11 to 17, 1994.

<sup>15</sup>Rich Mkhondo, "Task force says hit squads operating in Natal," Reuters Information Services Inc., March 22, 1994.

<sup>16</sup>The National Peace Accord of September 1991, signed by nineteen parties in South Africa (including the ANC and IFP, as well as the National Party government and the police), provides that communities have the right to establish "voluntary associations or self-protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities," including the "right to bear licensed firearms and to use them in legitimate and lawful self-defence." However, the Accord also provides that these units may not be established "on the basis of any party or political affiliation, such units being considered private armies." and that "No private armies shall be allowed or formed." Liaison structures should operate between any self-protection units and the police, and the police remain responsible for the maintenance of law and order.

near the Umfolozi game reserve in northern Natal. Another 1,500 trainees who would graduate in April.<sup>17</sup> Training at the Umfolozi camp is under the direction of Philip Powell, formerly IFP urban representative in Pietermaritzburg, with links to the National Party from his student days. Some of those carrying out the training are Caprivi trainees, others are members of right-wing paramilitary organizations.

Chief Buthelezi stated that the training these recruits were receiving was purely defensive, in response to the threat presented by the continued activity of Umkhonto we Sizwe (Spear of the Nation, or MK), the armed wing of the ANC, officially disbanded in December 1993. Nevertheless, evidence shortly emerged of the involvement of the "Five Rand Battalion" in violence, especially in the townships around Durban. Human Rights Watch/Africa heard numerous reports of threats and intimidation by those returning from the camps, especially in rural areas, and of young men being forcibly recruited to undergo training.

### *The right-wing*

The Inkatha Freedom Party is a member of the Freedom Alliance, a coalition of political parties opposed to the transition process taking place in South Africa. The governments of Ciskei and Bophuthatswana, also founder members of the Freedom Alliance, have been forced by the internal collapse of their own administrations to agree to participate in the elections, leaving Inkatha in the company only of the parties of the extreme white right-wing. Several of these parties are paramilitary organizations, including the Afrikaner Resistance Movement (the Afrikaner Weerstandsbeweging, or AWB), several thousand of whose members invaded Bophuthatswana for several days in March 1994 in an attempt to prevent the fall of the homeland government. They were eventually dislodged only by the intervention of the South African Defence Force.

There is strong evidence of local links between the IFP and the AWB, both nationally and in Natal, including nonaggression pacts signed by local IFP cadres but later publicly disavowed by more senior Inkatha leadership. In addition, there are many reports that members of the AWB, or of other paramilitary groups such as the Boerekommando, a breakaway faction of the right-wing, are involved in training Inkatha members on private farms, game reserves, or in camps other than the officially acknowledged training camp at Umfolozi.<sup>18</sup> Some of these reports date back well before the announcement by the KwaZulu Legislative Assembly that training had officially started.<sup>19</sup> No effort appears to be being made by police to investigate or prevent this secret training of private armies.<sup>20</sup>

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<sup>17</sup>"Third intake of Zulu trainees pass out," *Daily News* (Durban), March 4, 1994.

<sup>18</sup>For example, Leonard Veenendal, a member of the Orde Boerevolk and officer commanding the Boerekommando, stated in an interview in Newcastle, northern Natal, on February 22, 1994, that "it is no secret that we are training them [the Zulus]. We are training them offensively." "We're training the Zulus: Veenendal," *The Citizen* (Johannesburg), February 23, 1994.

<sup>19</sup>For example, as reported by Philippa Garson & Enoch Mthembu, "Bambata: Rebels linked to the Inkatha cause," *Weekly Mail & Guardian*, December 18 to 22, 1992.

<sup>20</sup>Although the camps established by the KwaZulu government in Natal are the most blatant current effort to train a private army, South Africa has a large number of paramilitary organizations both from the left and right wing. On the left, MK (the armed wing of the ANC) is still training locally in some areas despite being officially disbanded; while APLA (the Azanian Peoples Liberation Army, the armed wing of the Pan-Africanist Congress) is also training in Transkei, despite its parent organization's official suspension of armed struggle. All such private armies represent a threat to the maintenance of law and order, and should be prevented from

## Case studies of violence

### *Esikhawini*

Esikhawini, the township for Empangeni, a small town on the north coast of Natal, was gripped by terrible political violence for much of 1992 and 1993. In 1993, Human Rights Watch described the background to this violence, and gave evidence of KZP involvement.<sup>21</sup> In August 1993, following intense pressure from the local ANC, as well as local and international human rights monitors, three KwaZulu policemen were transferred or suspended from duty on the instructions of the police reporting officer for Natal/KwaZulu.<sup>22</sup> They included Constable Mkhize, the Caprivi trainee who gave evidence to the Goldstone Commission on the existence of hit squads in the KZP.

The three KZP members, together with two others alleged but not confirmed to be KZP reservists, were eventually charged with six counts of murder. Among the murders attributed to them is the killing of another KZP member who had made a statement to the Goldstone Commission earlier in 1993. The case is due to be heard in June 1994.

The level of violence in Esikhawini has declined dramatically since these five individuals were removed. In August 1993, nine people were killed in the township, bringing the total number of politically related deaths for the year to thirty-nine, an average of 4.5 per month. In the last four months of the year, a total of seven people died in political violence, and in January and February 1994 no deaths were recorded.<sup>23</sup> The implication is clear that the violence described as rivalry between ANC and IFP was in fact largely carried out by a few trained individuals who were allowed to operate with impunity by the very authorities who had the responsibility for maintaining law and order within the township.

### *KwaMashu*

The "five rand" graduates of the Umfolozi training camp have been linked to a revival of activity by the notorious *AmaSinyora* gang operating in K Section of KwaMashu township, near Durban. In 1991, evidence emerged that SADF Military Intelligence (MI) and Inkatha had trained and armed the AmaSinyoras, who were terrorizing residents of the largely ANC-supporting area.<sup>24</sup> No decisive action was taken by police against the gang, which remained intact. During 1993, K Section was relatively quiet, and

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operating.

<sup>21</sup>*Traditional Dictatorship*, pp.25-27 & 32-36, describing attacks on ANC-supporting households in which KZP members were involved, and the failure of the KZP to assist residents of the township during violent incidents.

<sup>22</sup>Under the National Peace Accord of September 1991, civilian Police Reporting Officers were to be appointed for each of the regions of South Africa to investigate complaints of police misbehavior. Advocate Neville Melville was appointed PRO for Natal/KwaZulu in February 1993.

<sup>23</sup>Information supplied by the HRC (Durban).

<sup>24</sup>Vasantha Angamuthu, "Chilling report of AmaSinyora's reign," *Daily News* (Durban), July 23, 1991.

some of those who had fled their homes began to return. However, in early 1994 the gang reappeared, its members apparently having undergone training at Umfolozi or one of the other KwaZulu camps. Members of the gang have been seen wearing camouflage uniforms similar to those worn by the KZP and the Internal Stability Division (ISD) of the SAP. On several occasions, gang members have been seen together with members of the KZP, in or out of uniform.

During one week in January 1994, the following incidents occurred. No effective action was taken by either the KZP or the SAP to prevent the violence; members of the KZP were alleged to be involved in several of the attacks.

- Wednesday, January 26: The gang attacked K Section of the township at about 4:30 p.m., taking the residents by surprise. One ANC supporter was injured. After some time the KZP arrived and escorted the gang back to their area, where they remained together for several hours. The SAP were informed as soon as the attack began, but arrived only some hours later and left after briefly patrolling the area.
- Thursday, January 27: Members of the AmaSinyora and of the KZP attacked three houses in Area Six. The attack was led by Mandla Buthelezi, who is believed by the community to be an ex-member of the SAP.
- Friday, January 28: The gang attacked houses in area six. Three ANC supporters were injured. The SAP were informed and promised to provide a visible presence. They patrolled for about an hour and then left, whereupon the gang resumed shooting.
- Saturday, January 29: The gang attacked houses during the afternoon. Two members of the gang and one resident were killed in the ensuing battle. There was no effective SAP presence.
- Sunday, January 30: The AmaSinyora attacked houses in the early afternoon. A KZP vehicle was present throughout the attacks but did nothing to stop them. The SAP arrived and patrolled briefly, but attacks resumed immediately after they left. A child was killed, another injured, and a house petrol bombed during the night.
- Monday, January 31: Attacks began again at 3 a.m., led by Mandla Buthelezi, who was injured when residents fired back. Subsequent attacks led to further exchanges of fire. Despite assurances from SAP officers, there was no effective SAP presence.
- Tuesday, February 1: The gang again attacked during the middle of the day, but were driven away. There were no SAP patrols or attempts to stop the attacks.

Virtually daily attacks by the AmaSinyora are continuing. The gang appears to operate with impunity, and no action is taken by the police to arrest its members.

### *Nqutu*

In September 1993, Human Rights Watch described the situation of Chief Elphas Molefe, of Nqutu in northern Natal. An ANC supporter and member of the Congress of Traditional Leaders of South Africa

(Contralesa), Molefe was suspended and then dismissed from his chieftainship by Chief Buthelezi, as a result of his opposition to the policies of the KwaZulu government. He described to Human Rights Watch the harassment that he had suffered as a result of his stance, and the attacks that had taken place on the people who continued to recognize his authority. In late 1992, a group of armed men attacked houses in Molefe's area, burning several homes and killing three people, including one of his *indunas*, or senior advisers. A month later, another close associate of the chief and the chair of the local committee of the Community Law Centre, a nonpartisan organization based in Durban supplying paralegal services to many communities in KwaZulu, was assassinated. No one was prosecuted in connection with either of these attacks.

On November 7, 1993, ten youths, including Chief Molefe's second son (his first was killed several years ago by the KwaZulu Police) were shot dead by gunmen who attacked the chief's compound at 2 p.m. on Sunday afternoon. Eight others were injured, of whom one later died. Chief Molefe himself was also injured in the attack, but recovered in hospital and then went into hiding, with several other members of his family. An ANC rally had been planned at the local stadium for the same day, at which Winnie Mandela and Peter Mokaba, head of the ANC Youth League, were to speak, but it had been cancelled when locals received warnings that trouble could be expected. The KZP station commander in Nqutu, Captain E.N. Masinga, who had been sympathetic to the ANC's requests for protection for the rally, was transferred two days later to a desk job in Umlazi, a township near Durban; the Community Law Centre office was closed the day following the attack as a result of death threats to the paralegal stationed there.

Two suspects were arrested in connection with the November 7 massacre, both *indunas* under Chief Ngobese, the chief appointed to replace Molefe when he was deposed by Ulundi in 1992. However, the investigation made no progress, and the suspects were later released, while the policeman investigating the case, Lieutenant Westleigh Mbata, was suspended from work on medical grounds. The investigation was put in the hands of a Captain V.J. Ngcobo, who allowed it to lapse. In a dramatic development, Mbata then chose to talk, both to the press and to the Goldstone Commission, revealing what the two suspects had stated in their confessions.<sup>25</sup> According to Mbata, the threatened ANC rally had led Chief Ngobese to enlist the support of Themba Khoza, a senior Inkatha leader on the East Rand in the Johannesburg area. Many of the residents of the Inkatha-dominated hostels built for migrant workers on the Rand come from rural Natal, and they were apparently recruited by Khoza to attack the rally. When the rally was called off after rumors of an attack leaked out, they completed their task nonetheless, by murdering the ten youths on November 7. Mbata had requested permission to travel to Johannesburg in order to arrest Khoza, and at that point had been taken off the case. During the week beginning Monday March 14, the Goldstone Commission held hearings on the Nqutu case, to investigate Mbata's allegations.

### *Sundumbili*

In June 1993, violence erupted in Sundumbili township, near the Isithebe industrial complex on the north coast of Natal. Both the ANC and Inkatha stated that the violence broke out because of conflict over a meeting called by a local chief, Chief Mathonsi, on June 19, which was addressed by Gideon Zulu (a member of the Zulu royal family connected with many incidents of violence). Homes of both ANC and IFP supporters were attacked that night. On July 18, the Congress of South African Trade Unions (COSATU)

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<sup>25</sup>Phillip van Niekerk, "Inkatha massacre cover-up," *The Observer* (London), March 6, 1994.

held a rally in the stadium at the township. The meeting was the first to be held by COSATU or any related organization in the area, and permission to use the stadium had been granted only following a Supreme Court application. No incidents were reported at the rally itself, where there were many international monitors as well as a large SAP presence, but during the following week violence erupted in the township and surrounding shack areas. By the end of July, at least twenty-five people had been killed, both ANC and IFP supporters.<sup>26</sup> Statements were taken from residents indicating that the KZP had failed to protect them, and that some police had been involved in the attacks on the side of Inkatha.

On September 26, the South African Communist Party (SACP) held a rally at the Sundumbili stadium. The rally, attended by about 1,000 people, was disrupted by approximately 200 armed IFP supporters, who were bused into the township and opened fire through the gates into the stadium. Four people were killed and at least eight injured. Several vehicles, including one marked with the symbol of the National Peace Accord, were vandalized. Eyewitnesses stated that KZP vehicles escorted the attackers into the township and did nothing to stop them when they opened fire. The Sundumbili KZP station commander was seen by a marshal assaulting a man wearing a COSATU t-shirt. However, the SAP did successfully act to protect the SACP supporters. Six members of the Internal Stability Division arrived after the shooting broke out and fired over the attackers' heads. Their requests to the KZP for teargas, rubber bullets and other equipment were refused; however, they eventually dispersed the attackers on foot.

Violence continued in the township: at least ninety people were killed in Sundumbili during 1993.<sup>27</sup> Finally, in December 1993, following a request from the Transitional Executive Council (TEC) to the government to order the SAP to move into four KZP-policed areas of northern Natal, SAP and SADF personnel were deployed in the Isithebe-Sundumbili area. The deployment was welcomed by the local ANC, and violence immediately decreased in the area. No deaths were reported during the several weeks in which the SADF were deployed. However, in the two weeks after the SADF was withdrawn, ten politically-related killings were reported. In February 1994, at least 5,000 ANC supporters took part in a march demanding the redeployment of the SADF.

The evidence of the involvement of the local KZP police station in the violence in the Sundumbili area, including an incident in which schoolchildren were killed in August 1993, led to investigations by the police reporting officer for Natal/KwaZulu. Information was passed on to the attorney general, and prosecutions of several officers at the KZP police station are currently expected.

### *Port Shepstone*

The area around Port Shepstone, a small town on the coast of southern Natal, has been gripped by some of the worst violence in Natal for the last four years. Port Shepstone itself is in "white" South Africa, but its township, Gamalakhe, and the closer settlements of "informal" shack housing, Bhoboyi and Murchison, are within the boundaries of KwaZulu. The whole area is policed by a unit of the Internal Stability Division of the SAP, from a police station in Port Shepstone itself.

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<sup>26</sup>HRC (Durban), "Bulletin #7," July 1993.

<sup>27</sup>HRC (Durban), "Natal Annual Review: 1993".

The violence was triggered in June 1989 by the murder of a tribal induna, following conflict over levies being exacted on the residents of the area. Since that date, at least 1,600 people have been killed in incidents assessed to be political in character, though accurate statistics are impossible to compile. Much of the violence took the character of attacks on the tribal structures, discredited in the area by a combination of social, economic and political factors; tribal leaders retaliated with high-powered assault rifles provided by the KwaZulu government.<sup>28</sup> Large numbers of people fled Bhuboyi and Murchison, controlled by the tribal authorities, many of them to Gamalakhe, which falls outside the tribal area.

A peace initiative was launched in November 1992 by the Commonwealth Observer Mission to South Africa (COMSA), which achieved a surprising measure of success. However, on April 5, 1993, ten ANC youths were killed in Murchison in a night attack carried out by about twenty or thirty unknown gunmen. No arrests were made in connection with this attack. Violence immediately escalated in the region, and a number of other massacres took place over the following months. Although Bhuboyi and Murchison rapidly redivided along ANC/IFP lines, much of the violence was of a criminal or gang character, devoid of any real political agenda. At least 143 people died in political violence in Murchison, Bhuboyi and Gamalakhe in 1993.<sup>29</sup>

On the evening of November 2, 1993, the Reverend Richard Kgetsii, well known for his peace-making activities in the region (which included conducting funerals for both ANC and IFP members, and executive membership of the Port Shepstone Peace Committee), was shot by a single bullet fired into his home along the main road in the Bhuboyi/Murchison area. He died later in hospital. On February 16, 1994, George Mbele, the chair of the Port Shepstone branch of the ANC, a school principal and an executive member of the Port Shepstone Peace Committee, was shot dead. Three attackers came to his school in Fairview Mission, Umzumbe, twenty kilometers northeast of Port Shepstone, in the middle of the day, and escaped in full view of many eyewitnesses. Only one politically related death had been recorded in the Umzumbe area in the previous five years. In neither of these high-profile murders have any suspects been apprehended by the SAP.

As elsewhere in Natal and South Africa, the violence in the Port Shepstone area cannot be ascribed to any single cause. The economic and social divisions of apartheid, and the consequent political competition for future control of local resources as South Africa moves towards a new constitutional dispensation, are at the root of much of the conflict. In Port Shepstone, as in many other parts of KwaZulu, the revolt against supposedly "traditional" government structures is central to an understanding of what is taking place. Criminal elements have exploited national political developments.

However, in Port Shepstone, as elsewhere, the description of the violence as political obscures the failure of the police to investigate, charge and secure convictions of those who carry out what are criminal acts. No more than a handful of people have been convicted of murder in connection with close on 2,000 deaths in the Port Shepstone area. Many of these murders have happened in the daytime, many along the main road, some in full view of numerous witnesses. Bhuboyi/Murchison is a relatively confined area,

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<sup>28</sup>A detailed discussion of the use and abuses of tribal authorities, including their arming by the KwaZulu government, is contained in *"Traditional" Dictatorship*.

<sup>29</sup>HRC (Durban), "Natal Annual Review: 1993."

where regular police foot patrols would not be difficult: instead, SAP Internal Stability Division and SADF personnel patrol the area in casspirs (armored vehicles) and rarely descend to ground level.

Moreover, allegations of police misconduct are common. For example:

- In July 1993, residents in Bhuboyi complained of SAP harassment. Some alleged that the Internal Stability Division were present during an attack by approximately 500 IFP supporters on July 24, and did not take steps to protect residents;
- In a judgment delivered on September 20, 1993, an IFP member, Goodman Msawakhe Ngcobo, was sentenced to death six times, after being found guilty of the murder of ten people in the Port Shepstone area during 1991. The court ordered an inquiry into allegations that the KZP supplied Ngcobo with arms and ammunition while he was out on bail for other offenses;
- On October 4, 1993, Wellington Mbili, a member of MK, the armed wing of the ANC, died in police custody. Witnesses saw him being taken out of a police van in handcuffs, in a bushy area near his home, and then heard gunshots. Police later stated that he had picked up a hand grenade and threatened to throw it, so they had shot him in self-defense;
- In another incident in October 1993, members of the SAP Internal Stability Division were seen bringing Inkatha supporters to attack a house in Gamalakhe where ANC members were meeting.

Peace initiatives, development proposals and other efforts to stop the violence in Natal will not succeed until the security forces entrusted with the task of keeping the peace do their job.

## Recommendations

In several previous reports, Human Rights Watch/Africa has made recommendations aimed at improving the effectiveness of the security forces in South Africa.<sup>30</sup> We will not repeat them here. The recommendations which follow are directed specifically to reducing violence in Natal during the election period. They are addressed to the South African government, the Transitional Executive Council (TEC; charged with facilitating the transition to a democratic order in South Africa), and the Independent Electoral Commission (IEC; established to manage the elections themselves). Each of these bodies has some authority over relevant security matters. Other recommendations are addressed to the international community, which we believe has a special responsibility to assist the transition in South Africa; and to the KwaZulu government, which bears the greatest responsibility for the crisis in Natal.

### *To the South African government/TEC/IEC*

- The KwaZulu Police should have no authority to carry out any police functions in connection with the forthcoming elections;
- In view of its short training period, and the problems that have been encountered in integrating its various components, the National Peacekeeping Force should be deployed during the elections only in areas which are expected to be relatively trouble-free;
- Therefore, policing of the elections in Natal must be carried out by South African security forces, either the SADF or the SAP. Previous experience with the deployment of troops indicates that the SADF is more likely than the SAP to be successful in preventing violence. Large numbers of troops should provide a highly visible presence, especially in rural Natal. These troops should be deployed as soon as possible, to minimize the loss of life likely to result from conflict over the elections;
- In order to ensure that security forces policing the election, whether SAP or SADF, do not themselves commit violations against residents of the areas that they will patrol, international monitors should be deployed as widely as possible. At least one monitor should be posted at every police station or army base where detainees are held, monitors should oversee security force performance at rallies and other election-related events requiring protection, and on the election days at every polling station where there is a fear that violence may occur. The IEC should make a call to the international community to provide sufficient numbers of monitors for this purpose, preferably experienced police or army personnel, who should fall directly under the authority of the IEC;
- The TEC and South African government should immediately give clear instructions to the SAP that they are obligated to respond to threats to law and order in areas policed by the KZP, on the same

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<sup>30</sup>For example, *The Killings in South Africa: The Role of the Security Forces and the Response of the State*, January 1991; *Half-Hearted Reform: The Official Response to the Rising Tide of Violence*, May 1993; *"Traditional" Dictatorship: One Party State in KwaZulu Homeland Threatens Transition to Democracy*, September 1993.

basis as if the incidents concerned had taken place in SAP areas;

- The TEC should immediately require, as provided for in the act establishing its objects and powers, the investigation of any member of any security force alleged to be involved in human rights abuses or other improper activity which might impede the conduct of the elections. Any member of a police force who is being investigated in this way should immediately be transferred from active policing duties, and criminal charges should be brought where appropriate;
- The KwaZulu government should immediately be called on to close down all paramilitary training camps it is operating. If it does not comply, urgent action should be taken to investigate activities at the camps, confiscate illegal weapons, and charge those conducting training, if they are found to have committed criminal offenses;
- The carrying or display of dangerous weapons at public gatherings, whether or not they are licensed, should be banned and the ban enforced, as envisaged by the National Peace Accord and by numerous subsequent commitments by the South African government to implement the necessary legislation;
- All financial support given to the KwaZulu government by the South African government should immediately be discontinued, and seconded South African personnel working for the KwaZulu government should be withdrawn.

*To the KwaZulu government*

- Allow free political activity within KwaZulu by all those who intend to contest the April elections; in particular, giving access to meeting facilities and ensuring that those who choose to take part in election preparations are not intimidated;
- Immediately cease the training of paramilitary recruits in camps at Umfolozi and elsewhere.

*To the international community*

- The United Nations, European Union, Commonwealth, Organization of African Unity and other international bodies currently engaged in election monitoring activities should step up their proposed assistance. In particular, the international community should provide as many expert monitors for the election period as possible, with priority being given to senior security-force officers with experience in policing elections;
- The ultimate authority of the IEC for the conduct of the elections must be acknowledged, and the instructions of IEC representatives obeyed.

## **BOPHUTHATSWANA**

### **Right-Wing Coup Fails**

#### **Past and Present Human Rights Violations Remain Unpunished**

On March 11, 1994, President Lucas Mangope of Bophuthatswana was finally forced to abandon his boycott of South Africa's first all-race elections, currently scheduled to take place on April 26 to 28, 1994. In one dramatic week, widespread strikes by civil servants brought the nominally independent state — one of ten "homelands" established under the apartheid system for each of South Africa's major black ethnic groups — to the brink of collapse. Several thousand right-wing vigilantes invaded the homeland capital in support of the tottering Mangope regime, but South African troops finally restored order. At least sixty people were killed in the course of the disturbances, almost all of them black civilians killed by white extremists.

In the face of the South African army intervention, President Mangope conceded defeat, and agreed to contest the elections as leader of the Northwest Christian Democratic Party. He was replaced as head of the Bophuthatswana government by two administrators, who will remain in office until the homeland is absorbed into a newly created regional government following the elections. Although the right to vote of those South Africans living inside the borders of Bophuthatswana has now been assured, Human Rights Watch/Africa continues to have serious concerns about the situation in the homeland. These include the failure to take any steps to bring to justice those right-wing whites responsible for the deaths of unarmed black civilians; the fact that senior members of the Mangope regime responsible for serious abuses before the South African intervention have been allowed to remain in power; and reports of continuing harassment of opposition parties by the Bophuthatswana security forces, especially in the more remote areas of the homeland.

#### **Background**

Bophuthatswana is one of the ten homelands set up as part of the policy of grand apartheid implemented by the National Party government of South Africa following its election in 1948. The aim of the policy was to deprive all black South Africans of their citizenship of South Africa, and instead make them citizens of nominally independent "homelands" or *bantustans*, one set up for each major black ethnic group. Together with Transkei, Venda, and Ciskei, Bophuthatswana was officially recognized by the South African government (though by no other country) as an independent state. Bophuthatswana itself is in seven pieces, scattered around the northern Transvaal and Orange Free State; its capital is Mmabatho, adjacent to the formerly "white" town of Mafikeng, approximately four hours' drive northwest of Johannesburg. From 1977, when Bophuthatswana was established, its president was Lucas Mangope.

As a nominally independent state, Bophuthatswana was endowed with its own parliament and president, civil service, police force and army. This infrastructure was financed by the South African government; moreover, many of the homeland's civil servants were seconded white officials paid from

central funds. Relations between Bophuthatswana and the South African government were conducted through ministries of foreign affairs, with embassies established in each capital. Bophuthatswana also maintained representative offices in several other countries, including the United Kingdom and United States.

During the course of the multiparty negotiations that were begun in February 1990 with the purpose of ending white minority rule in South Africa, it was agreed that the homelands should be reincorporated into South Africa under a new constitutional dispensation, and that the residents of the homelands should be able to vote in South Africa's first all-race elections, in the same way as if they lived in any other part of South Africa. South African citizenship was restored to the residents of Transkei, Bophuthatswana, Venda and Ciskei on January 1, 1994.

Despite these changes, and in defiance of the reforms being carried out in South Africa as a whole, the Bophuthatswana government resisted the idea of reincorporation and insisted that those who lived within its borders would not be allowed to vote in the April elections. As a member first of the Concerned South Africans Group (Cosag), and then of the Freedom Alliance, when it was formed by Cosag members in October 1993, President Mangope joined the parties of the white right-wing, as well the Inkatha Freedom Party (led by Chief Mangosuthu Buthelezi, Chief Minister of the KwaZulu homeland), in opposing South Africa's process of transition to a democratically elected government.

Throughout the negotiation period, security legislation in the homeland remained as severely repressive — if not more so — as that in effect in South Africa during the state of emergency of the 1980s. Opponents of the Mangope regime were detained, dismissed from civil service positions, or "deported" to South Africa if they did not hold Bophuthatswana citizenship. Section 31 of the Bophuthatswana Internal Security Act defined as an "illegal gathering" *any* meeting, whatever the number of people involved, whether held for lawful or unlawful purposes. Using this and other legislation — or acting outside the framework of any law — political parties, trades unions, or any other organization with the potential to challenge the homeland government, were prevented from operating.

Human Rights Watch/Africa published a report on Bophuthatswana in 1991, documenting extensive abuses.<sup>31</sup> We revisited the homeland in January and February 1994, and found that little had changed. Members of the homeland security police routinely harassed those believed to be opposed to the Mangope government, frequently detaining both activists and simple members of opposition parties, dispersing any gathering at their discretion, and often brutally assaulting individuals in police custody. Bophuthatswana was locked in an apartheid timewarp, denying even the most basic freedoms to those with the misfortune to live within its borders.

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<sup>31</sup>Africa Watch, "Out of Sight: The Misery in Bophuthatswana," *News from Africa Watch*, Vol. 3, No.12, NY: Human Rights Watch, September 1991.

## **The collapse of the Bophuthatswana regime**

As the elections in South Africa approached, discontent with the repressive regime in Bophuthatswana grew, including from within its own structures. From late February 1994, increasing numbers of civil servants in Bophuthatswana came out on strike. Concerned at their future after the installation of a democratic regime in South Africa, hospital workers, teachers and other civil servants demanded immediate refunds of their pension contributions and free political activity within the homeland. Initial demonstrations were brutally dispersed by homeland security forces, but the protests continued. In the second week of March the confrontation reached crisis point, as strikes and protest marches spread across the homeland. Riot police once again dispersed crowds with tear gas, rubber bullets and birdshot, assaulting many individual demonstrators. However, by Wednesday, March 9, several hundred police had also joined the demonstrations.

At that point, right-wing whites came out in support of the homeland regime. Both Constand Viljoen, head of the Afrikaner Volksfront (AVF), and Eugene Terreblanche, commander of the neo-Nazi Afrikaner Resistance Movement (Afrikaner Weerstandsbeweging, or AWB), called on their members to respond to a request for assistance from the Bophuthatswana government. Both the AWB and AVF are co-members of the Freedom Alliance, with the Bophuthatswana government. Several thousand armed white paramilitaries invaded the homeland beginning Wednesday evening, March 9. On Thursday night, they occupied the military air base on the outskirts of Mmabatho, with the approval of the head of the Bophuthatswana Defence Force, General Turner, and began patrolling the streets of the capital and terrorizing the inhabitants. The local office of Lawyers for Human Rights, a national human rights organization with its headquarters in Pretoria, has identified by name twenty-seven black civilians killed during the disturbances, many of them in drive-by shootings; press reports put the number of dead at over sixty. Three whites were also killed, two of them summarily executed by a Bophuthatswana policeman after they had been wounded in an exchange of fire.

Early in the morning of Friday March 11, South African Defence Force (SADF) troops moved into Mmabatho, on the orders of State President F.W. de Klerk. They did not, however, immediately act to protect the residents of the homeland. According to Foreign Minister Pik Botha, "the president decided ... that a contingent of South African troops should as a matter of urgency move to our embassy to protect and guard our property and people there, and secondly to be available to protect South African citizens and their property."<sup>32</sup> Even the previous day, de Klerk had stated that he did not think it was necessary to send in the SADF. The approximately 1,500 troops were initially stationed outside the South African embassy, and only later moved to halt the extensive looting that broke out in Mmabatho and elsewhere. No action had been taken to prevent the right-wing forces, which gathered outside the homeland borders, from entering the homeland in the first place.

Nevertheless, President Mangope, under pressure from the military intervention, caved in and agreed to take part in the April elections as leader of his party, the Christian Democratic Party. On Saturday March 12, AWB members still patrolling in Mmabatho were escorted to the "border" with South Africa by SADF troops. On March 13, Tjaart van der Walt, formerly the South African ambassador to

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<sup>32</sup>Anton Ferreira, "South Africa sends troops to troubled homeland," Reuters Information Services Inc, March 11, 1994.

Bophuthatswana, was appointed by de Klerk to administer the homeland until reincorporation in April. Two days later, the Transitional Executive Council (the multiparty body charged with facilitating the transition to a new constitutional order in South Africa) appointed Job Mokgoro, currently working with the South African Development Bank, but previously an opponent of Mangope detained in 1990, as joint administrator with van der Walt.

Although the right to vote of those South African citizens who are resident within the borders of Bophuthatswana has now been assured, there are continuing concerns:

- No action has been taken to bring to justice those right-wing paramilitaries guilty of the killings of numerous black residents of the homeland. In the wake of the disturbances, General Turner, head of the Bophuthatswana Defence Force (BDF), announced that an intensive investigation would be undertaken to find and arrest the members of the Bophuthatswana security forces responsible for the killing of three whites. No similar effort was announced with respect to any of the killings carried out by members of the AWB or AVF.
- Senior members of the security forces implicated in reports of assistance to the right-wing invasion, most of them whites seconded from the South African security forces, remain in office. Although General Turner of the BDF and Commissioner Saleke, head of the Bophuthatswana Police, were put on enforced leave by the joint administrators on March 18, numerous lower-ranking officers remain in their positions.
- Several thousand assault rifles were taken by members of the AWB from BDF headquarters in Mmabatho. Black members of the BDF were instructed to load two trucks with arms and drive them to the air base, where the AWB command had set up its headquarters. These weapons are believed to have been taken by the right-wingers when they were escorted from Bophuthatswana by the SADF. The white BDF officers who gave the orders for these weapons to be handed over to the AWB are among those who still remain in their jobs. No action has been taken to track down the missing arms.
- Senior civil servants from the Mangope regime also remain in office. Some of them are associated with serious past violations of human rights. There are credible reports that these civil servants are destroying documents dating from the Mangope administration.
- In outlying areas of Bophuthatswana, there are reports that representatives of the Bophuthatswana security forces are continuing to harass residents who attempt to hold meetings or campaign for the coming election.
- No investigation has been set in motion to determine the extent to which Constand Viljoen of the AVF, Eugene Terreblanche of the AWB, or other leaders of the right-wing groups whose members invaded Bophuthatswana, either planned or are otherwise responsible for the violent crimes carried out by their members in Bophuthatswana.
- The message of impunity sent by this failure to take strong action against those who choose to resist the democratic process with violence may have serious consequences. In particular, the close links between the Inkatha Freedom Party and the white right-wing indicate that similar paramilitary

support may be offered to the KwaZulu government, if it is threatened with collapse.

## **Recommendations**

Human Rights Watch/Africa urges the South African government, the Transitional Executive Council (the multiparty body charged with facilitating the transition to a democratic constitution in South Africa), and the Independent Electoral Commission (established to manage the elections) to take the following immediate steps; whether through the joint administrators appointed to rule Bophuthatswana for the period till the election or otherwise:

- Appoint a properly funded task force to investigate the right-wing invasion of Bophuthatswana, with the principal aim of establishing individual responsibility for the killings of black residents of the homeland. The killings of the three whites who were summarily executed should similarly be investigated. Where individual responsibility can be established, those concerned should be charged with the appropriate offenses and speedily brought to trial.
- This investigation should extend to the national leadership of the organizations responsible for the invasion. The rapid deployment of several thousand armed men implies that plans for the invasion had been laid well in advance. Those who gave the orders that led to the invasion, either intending that violent crimes would result, or not caring if they would be committed, should be charged under the appropriate laws.
- Suspend from office in the administration of the homeland all those civil servants or security force officers alleged to have given assistance to the right-wing invasion, or to be responsible for serious violations of human rights under the Mangope regime. Following investigation of their activities, criminal charges should be brought where appropriate.
- Make secure all documents produced by the Bophuthatswana civil service under Mangope, to ensure that those which contain evidence of wrongdoing are not destroyed.
- Ensure that the rights to freedom of expression, association and assembly are respected throughout the different parts of Bophuthatswana, and not just in the capital, where SADF presence is currently most visible.

*This report was written by Bronwen Manby, consultant to Human Rights Watch/Africa, and edited by Abdullahi An-Na`im, executive director of Human Rights Watch/Africa and Cynthia Brown, program director of Human Rights Watch. We would like to thank the following organizations and individuals for their invaluable assistance: Practical Ministries (Port Shepstone), the Human Rights Commission (Durban), the Legal Resources Centre (Durban), the Network of Independent Monitors, Mary de Haas, the Local Peace Committees of Empangeni and Port Shepstone, Lawyers for Human Rights (Mafikeng), Mangel Panchia and the Mafikeng Anti-Repression Forum.*

*Human Rights Watch/Africa (formerly Africa Watch)*

*Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki Accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is the general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. The Africa division of Human Rights Watch was established in 1988 to monitor and promote the observance of internationally recognized human rights in Africa. Abdullahi An-Na`im is the director; Janet Fleischman is the Washington representative; Karen Sorensen, Alex Vines and Berhane Woldegabriel are research associates; Bronwen Manby is a consultant; and Kimberley Mazyck and Urmi Shah are associates. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.*