

CHAPTER 3

The State of Violence

OVERVIEW

At about 10.25 a.m. on Saturday, 10 April 1993, Chris Hani, the Secretary-General of the SACP, was shot dead in the driveway of his home in Boksburg, a small and predominantly white town in the East Rand. Within minutes of the killing, as a result of vehicle identification information provided by a white neighbour of Mr Hani's, police arrested the alleged assassin, Jan Walus (40), a Polish immigrant to South Africa.

In recent South African history, no single act of violence has had such a profound impact and consequences as Mr Hani's tragic slaying. His death came at a time of growing hope and optimism that South Africa would soon become a multiracial democracy.

As noted in Chapter 2, multi-party negotiations had resumed. There were also encouraging signs, as detailed below, that politically motivated violence was beginning to decline and the tourist industry and foreign investment were also beginning to look up.

The shock waves created by Mr Hani's assassination shattered these promising but still fragile signs of hope. In the wake of the killing, as millions of South Africans mourned the loss of one of their most revered leaders, anger and grief spilled over into violence in many parts of the country. Once again, television screens around the world were dominated by graphic pictures of death and destruction from South Africa as mass action protests erupted in cities such as Cape Town, Durban, Pietermaritzburg and Port Elizabeth. Within the short space of ten days which elapsed between Mr Hani's death and his funeral, a number of major incidents of violence took place, including:

14 April: Security forces opened fire on protesters at the Protea Police Station in Soweto. Five people were killed and more than 250 wounded, including a number of journalists.

17 April: A gunman drove into a crowd of demonstrators in Vanderbijlpark in the Vaal Triangle, shooting dead two marchers and wounding two more. The gunman, Mike Odendaal (52), was arrested immediately by police. Odendaal was alleged to have right-wing connections.

18 April: Four unidentified gunmen opened fire at random on residents of Sebokeng in the Vaal Triangle. Twenty-one people died in the attack and at

least 12 were injured. Police subsequently offered a reward of R250,000 (South African Rands) for information leading to the arrest of those responsible for this massacre.

Incidents like these, if they had occurred at any other time, would have attracted massive publicity and comment in their own right. Instead, each of these tragedies became to a large degree subsumed in the wider attention given to the assassination and its aftermath. This attention focused, in part, upon evidence that Mr Hanı's alleged killer was involved in a broader right-wing assassination plot. At the time of writing, Clive Derby-Lewis (57), a member of the Conservative Party, and formerly of the State President's Council, and his wife Gabrielle, had been charged with complicity in the murder.

As the web of potential treachery and intrigue widened in the Hanı investigation there were strong suspicions that the assassination had been planned to derail political negotiations. Similar suspicions were raised by the Sebokeng massacre, which took place on the eve of the funeral of Chris Hanı – an already potentially volatile event. Fortunately, as described in Chapter 5, further conflict was largely avoided because of the effectiveness of the Peace Accord structures.

Extent of Violence

According to South Africa's Human Rights Commission (HRC), 61 persons were killed and 623 injured in 266 incidents related to reactions to the Hanı assassination between 10 and 20 April 1993. Security forces were said to have accounted for 13 deaths and 488 injuries in 26 separate incidents, including the Protea Police Station shootings. Attacks on security forces led to one death and 26 injuries in 69 incidents. Some 147 vehicles, 293 buildings and 40 homes were damaged. Significantly, the HRC notes that excluding the incidents associated with Hanı's death, there were no appreciable increases in violence during April.

Estimates of the economic cost are alarming. Under a dramatic headline – 'Four shots that cost South Africa R3 billion', the *Sowetan* newspaper estimated that the two-day work stay-away which occurred after the assassination cost R2.4 billion. Other major expenses included the deployment of 23,000 police officers (R5 million) and large numbers of the SADF (R2.5 million).

Other financial commentators drew attention to tourist cancellations, and the detrimental effect of the violence on foreign investment. Moving companies reported a major increase in business as a result of a surge in emigration.

As noted earlier, the assassination took place at a time when the overall trend in politically motivated violence in South Africa seemed to be heading downward.

In a report released in April, the South African Institute of Race Relations (SAIRR) stated that such violence, as measured by fatalities, had dropped

during the first three months of 1993 to levels last seen in the second half of 1989. The average daily fatality rate in 1993, prior to the Hani assassination, was 4.25 – half last year's rate. For four successive months (December 1992 – March 1993) political fatalities were said to be below 150 each month. The SAIRR also reported that more than 100,000 murders had been committed in South Africa over an eight year period from 1985 to 1992.

HRC data reveals similar trends. Tables 1–4 detail trends in the total deaths attributed to political violence between July 1990 and March 1993. These trends are plotted according to their occurrence in three broad areas of the country – PWV, Natal and elsewhere.

As Tables 3 and 4 show, the overall monthly incidence of fatalities has declined over the general period that COMSA and other international observer groups have been in South Africa. This decline commenced as early as March 1992, but became much more distinct from October onwards. Tables 3 and 4 also reveal what appears to be a shift in the geographic location of the bulk of the politically motivated fatalities from the PWV area to Natal. The HRC has informed COMSA that this shift began to be noticed in August 1992, and has since become more pronounced.

At the time of preparing this report, it remained uncertain whether the incidence of politically motivated violence would rise following the Hani assassination, or stabilise again at levels similar to those experienced immediately prior to Mr Hani's death.

There already seems to be some sign that retaliatory attacks, perpetrated by extremist groups on both the left and right of the South African political spectrum, are on the rise. One such incident occurred in East London on 1 May when five whites were killed and seven injured in an assault by heavily armed men at a hotel bar. The attack, claimed by APLA, the armed wing of the PAC, was seen by several commentators as a retaliation for the Sebokeng massacre of 18 April.

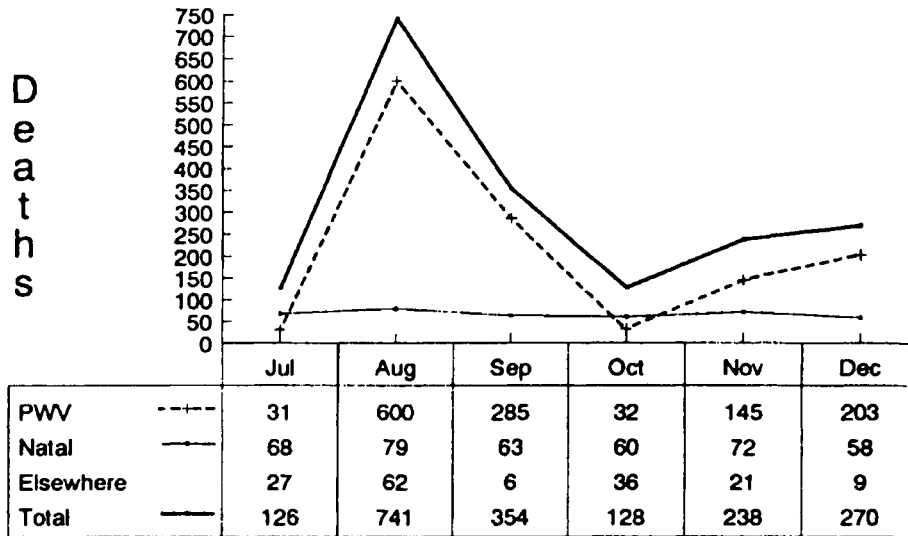
In COMSA's view, the period leading up to the elections will be one of extraordinary tension and pressure as the various political groups position themselves to gain power. The risks of violence escalating during this period seem high – a fact which has recently led Mr Justice Goldstone to establish an urgent enquiry into ways in which these risks can be diminished and the elections conducted in a fair and equitable manner. Along with other international observer groups, COMSA was requested to make a submission to this enquiry by 31 May 1993.

Outstanding Concerns

In preparing its submission to the Goldstone Commission, COMSA intended to draw attention again to a number of acute problems influencing levels of violence in the country referred to in the report on the first phase of COMSA. These problems not only remain acute but in some cases seem to have been exacerbated by a continuing lack of action by the Government.

Table 1

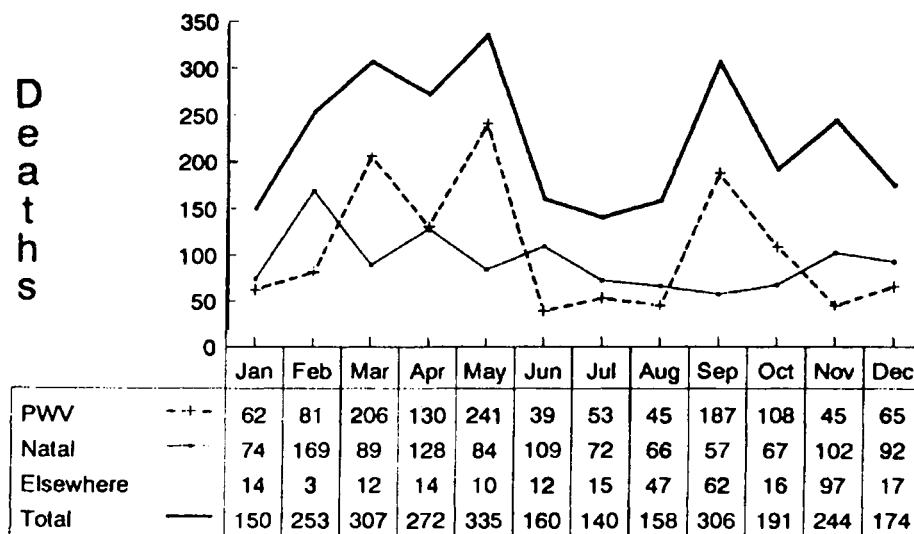
Total Deaths July 1990 to December 1990



Source: Human Rights Commission

Table 2

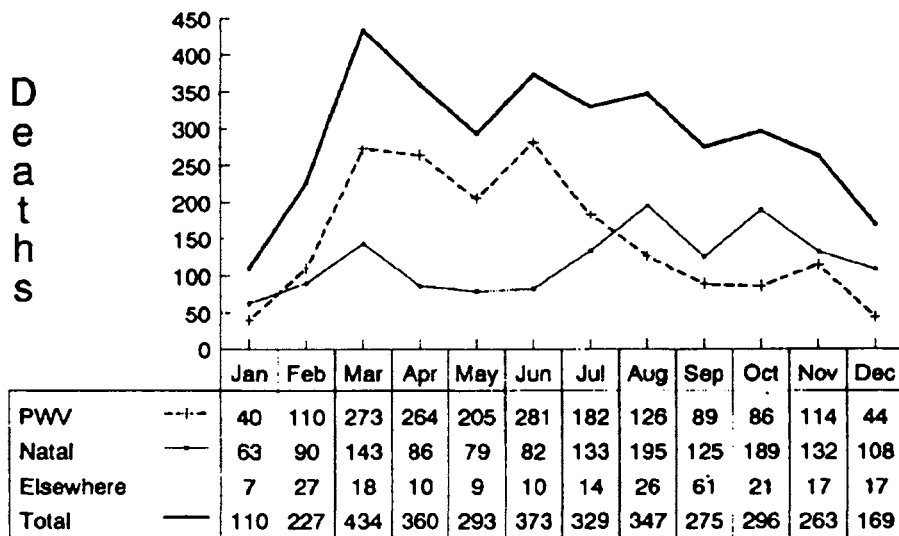
Total Deaths January 1991 to December 1991



Source: Human Rights Commission

Table 3

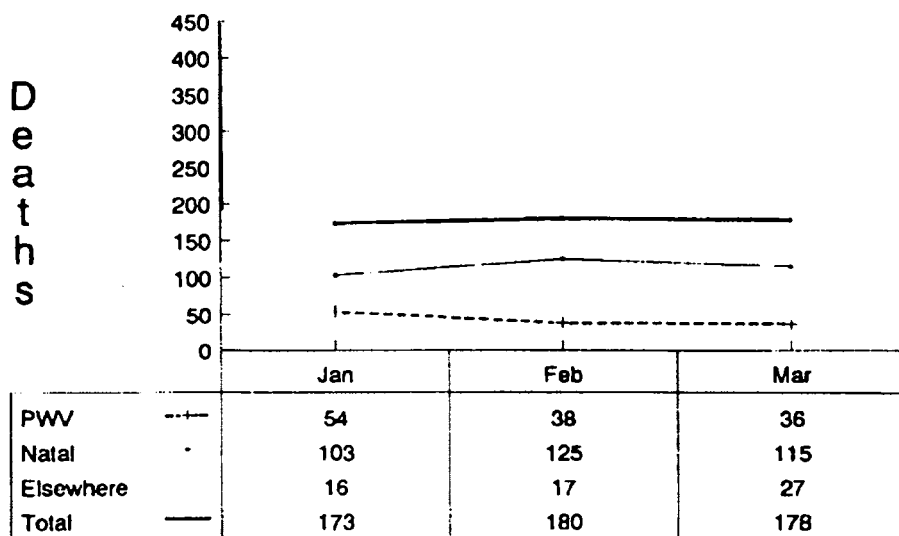
Total Deaths January 1992 to December 1992



Source: Human Rights Commission

Table 4

Total Deaths January 1993 to March 1993



Source: Human Rights Commission

- **Weapons**

One such problem relates to the carrying and display of dangerous weapons at public gatherings. COMSA understands that the Goldstone Commission has provided guidelines to the Government on this issue but no proclamation has yet been made detailing the prohibitions applying to these weapons. (See also references to the Goldstone Commission in Chapter 4.) Meanwhile COMSA has on many occasions observed marchers and demonstrators with numerous weapons in their possession including spears, axes, knives, bars and wooden batons.

Even more disturbing is the display at such gatherings of firearms. At a number of events following the Hani assassination, including Mr Hani's funeral, COMSA saw marchers and demonstrators armed with AK-47 rifles and other types of firearms. At the First National Bank Stadium in Soweto, on the day of the funeral, COMSA and other international observer groups also witnessed persons firing AK-47s at police vehicles and a helicopter.

Incidents like these point to the terrible potential for lethal conflict that exists in the conduct of mass action protests and demonstrations in South Africa. That potential is further heightened by the knowledge that the members of many right-wing organisations are heavily armed and display their weaponry at public occasions like the Hani funeral ceremony at Boksburg on 19 April 1993.

To date the Government's main response to the alarming and continuing growth in the arsenal of lethal weaponry being accumulated by South Africans has been to introduce legislation in Parliament providing for mandatory minimum five year sentences for those found in illegal possession of certain categories of weapons such as AK-47s, grenades and limpet mines. An amnesty period is contemplated for the handing in of illicit weapons before this proposed legislation comes into effect.

While there has in general been widespread political support for this Government initiative it has also been criticised for removing any judicial discretion to impose sentences which are commensurate with the gravity of different types of offences. The ANC has condemned the proposed measure as one designed to disarm black people who, unlike whites, have in the past had only limited legal access to firearms.

COMSA is of the opinion that this new legislation is at best a stop-gap measure which runs the risk of clogging the courts and prisons with a rash of new offenders while the underlying problem of curbing access to firearms remains largely unresolved.

The problem is one which requires urgent action, including a possible Government buy-back programme to thwart the current lucrative market in illicit weapons, which are flooding across the border from Mozambique and other locations. Without such a buy-back programme it is highly unlikely that a weapons amnesty will work, or that any significant reduction will be achieved in the illicit arsenal remaining in the hands of private citizens.

In the longer term a comprehensive programme should be put in place to restrict access to all types of firearms, and to disarm the private armies which at present represent a serious threat to peace and stability.

- **Youth Rage**

Another highly volatile ingredient in the mix of factors that could lead to a serious escalation in violence is the anger, disillusionment and frustration of hundreds of thousands of young black South Africans. Without schooling, jobs or any real hope for the future, many of these youths may well seek more radical solutions to their problems. Defusing and containing the rage of young blacks represents a formidable challenge to South Africa's political leaders. It is a challenge which has been made even more difficult by the murder of Chris Hani who understood the aspirations of young blacks and commanded their respect. Other black leaders must now convince this constituency that the road forward remains through negotiations rather than violence.

COMSA has witnessed the growing rage of young people in townships like Sebokeng, Soweto and Thokoza. This rage has resulted in an increasing number of hostile actions against observers and local peace monitors, such as the stoning of cars and the shouting of threats. Journalists have also recently become the targets of violence, including a fatal attack in Sharpeville on 24 April 1993 on SABC reporter Calvin Thusago. Mr Thusago was killed when about 30 youths attacked him and a colleague who was seriously injured. The South African Union of Journalists reported that more than 40 journalists had been victims of violence in the two weeks following Mr Hani's assassination.

The attacks on observers, peace monitors and members of the media emphasise both the risks involved in witnessing current events in South Africa as well as the urgent need to find ways of protecting these groups as they perform their work. The importance of their respective roles in providing the framework for a fair and free election cannot be too highly stressed.

- **Victim Assistance**

This COMSA report, like the one which preceded it, provides graphic evidence of the daily impact violence has upon the lives of millions of South Africans. Most of the direct victims of this violence remain black, and the majority of these victims must cope with their physical and emotional trauma without recourse to adequate medical or related treatment.

At a recent congress of the Medical Association of South Africa, community health experts stressed that violence was a major and unnecessary drain on South Africa's beleaguered public health sector. Victims of violence were said to account for almost 50 per cent of all trauma admissions. Over the past few years injuries inflicted had become more serious as the use of guns and weapons escalated. Treating bullet wounds alone cost the public health service R2.5 million per month.

COMSA observers have seen at first hand the dreadful aftermath of a number of shooting incidents, like that at the Protea Police Station in Soweto. At the Baragwanath hospital in Soweto they witnessed a vastly over-stretched and under-resourced medical team coping with the scores of people who had been shot by the police, or who were crushed and cut as they sought to flee from the scene. Emergency operations were proceeding in an attempt to save the lives of the most seriously wounded.

As has been well documented, this particular hospital, which serves a huge population in the Soweto area, deals with more violence-related trauma than any other hospital in the country. It is a tribute to its dedicated staff that it maintains this service under conditions which would be quite unacceptable in equivalent hospitals in predominantly white areas of South Africa.

Facts like these point to the urgent need for a more equitable distribution of health care resources throughout the country – one of the many tasks which will confront those assuming responsibility for the socio-economic reconstruction of the nation. There is also a need for a broadly-based victim assistance programme. COMSA notes with approval the existing contributions made by organisations like the Family Institute, which operates a round-the-clock Violence Help Line, and provides trained counsellors. Regrettably, resource constraints currently limit the scope and reach of programmes like these to only a fraction of those who would benefit from their services.

TRAIN VIOLENCE

In our report on the first phase of COMSA, we highlighted the problem of senseless and barbaric killings on trains in the PWV region, which COMSA observers based in Johannesburg designated as a particular area of enquiry. During the second phase, COMSA continued to attend meetings of the Train Accord, as well as play a behind-the-scenes role in facilitating communication on this issue. Despite some remaining difficulties, it is heartening to be able to report that there has been a marked reduction in train violence, and that the Train Accord is making a difference.

Reduction in Train Violence

According to figures provided by the SAP at a Train Accord meeting in March 1993, the number of deaths on South African trains fell from an average of 25 a month between August and November 1992 to nine in December of that year, 12 in January 1993, and five in February. Some 4,298 dangerous weapons were recovered on trains by September 1992, compared to only 36 weapons between September and January 1993.

Police data confirm the observation made in the Goldstone Commission's *Interim Report on Train Violence* of June 1992 that many of the attacks occur in the vicinity of hostels and this often leads to retaliatory attacks. The possible

involvement of sinister 'third forces' in the dastardly attacks has often been mooted, but not proven. A number of possible reasons have been put forward for the recent drop in train violence:

- Some commentators believe that the swoop on Military Intelligence following the revelations of the Goldstone Commission last year (referred to extensively in the last report) has led to an overall reduction in violence in the PWV region.
- Pressure on the police both internally and from the international community has led to a far more concerted effort to get to the root of the problem. It is understood that 1,200 police officers are now deployed on Johannesburg trains. The establishment of a Train Co-ordinating Centre in June 1992 has made it possible for the police to analyse trends and deploy their forces more strategically. With the unification of the Witwatersrand and Soweto police regions, the Train Co-ordinating Centre has been placed under a single command structure. This has further facilitated operations. The policy of 'high visibility' policing and random train searches has, we believe, had a deterrent effect on would-be attackers.
- Credit also goes to the South African Rail Commuter Corporation (SARCC) for their training and appointment of rail guards, and other security measures that have been, or are in the process of being, effected. These include the widely publicised unveiling of prototype anti-violence trains which have an integrated, closed-circuit monitoring system; fitting of hopper windows on dozens of other trains, and fencing of stations. COMSA has been particularly impressed by the efforts which SARCC has made to consult with community representatives on all these measures. The rapport between the SARCC management and community leaders on the Train Accord – including representatives of the ANC, the Congress of South African Trade Unions (COSATU), and the Civic Association – provides an important basis for resolving future problems.
- There has also, through the Train Accord, and other measures being taken within the SAP, been some improvement in relations between the police and the community. In December 1992 the SAP announced that it had made its first arrest of a train atrocity suspect as a result of co-operation with a member of the public. Since then, a further 17 suspects have been arrested and are in custody. To date, according to police figures, a total of 35 people have been arrested in connection with 82 cases of train violence. In February, the first murder conviction relating to train violence was handed down to Xolani Mnguni, an IFP supporter. Two other murder trials, involving hostel dwellers alleged to have committed train killings, were in progress at the time of writing. These actions by the police have helped to restore some confidence in the criminal justice system, and hence to ensure a more co-operative attitude on the part of the public.

Challenges

However, a number of challenges remain:

- As the police point out, very few of those under arrest on suspicion of committing train atrocities will ever be tried, let alone convicted, if sufficient witnesses do not come forward.

This remains a major problem. Suspicion of the police and their alleged failure to follow up on past evidence make it difficult for community leaders to persuade witnesses to come forward. The inadequacy of the witness protection programme, which we comment on in Chapter 6, has further deterred witnesses.

In effect, as community leaders have pointed out at Train Accord meetings, the only protection that witnesses are offered is being taken into jail – hardly an attractive prospect, even for the most public-spirited citizen. The SAP agrees that this is a deterrent, but says this is a matter for the Department of Justice, rather than the police, to rectify. Whatever the bureaucratic explanation, community leaders are concerned at the apparent lack of interest by the police in seeing the witness protection programme being made more effective.

Community leaders have, in some cases, misled the police by presenting false witnesses and making exaggerated allegations. COMSA has urged community leaders to remain objective and co-operative if problems are to be resolved.

- To date, the Train Accord has been chaired on a rotating basis by the three main groups involved: the SAP, SARCC, and community leaders. The SAP has requested that there be an independent chairperson – a matter that is still under discussion. This decision must ultimately be taken by the signatories to the Accord. However, from our observations, we believe that given the often tense nature of the Train Accord meetings, requesting the services of an impartial convener may have merit.
- We are heartened by the more active interest now being shown in the Train Accord both by the National Peace Committee (NPC) and NPS. We believe that closer co-ordination with these bodies will be mutually beneficial. This interaction may be especially useful in what is probably the single biggest challenge that the Train Accord faces: that of broadening its membership. The absence of the IFP in the agreement is to us a major, but not insurmountable, weakness of the Accord.

Existing members are understandably sceptical about asking new members to join, for fear that they will have to renegotiate agreements already reached. On the other hand, casting aspersions and allegations against parties not represented on the Accord will not help to resolve problems. The Peace Accord structures could be helpful in facilitating the entry of other parties into the Train Accord.