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**SOUTH AFRICAN GOVERNMENT OFFICE
- WORLD TRADE CENTRE -**

30 June 1993

Head of the Administration
Multi-Party Negotiating Process
World Trade Centre

Dear Dr Eloff

**SUBMISSION BY THE SOUTH AFRICAN GOVERNMENT FOR THE ATTENTION OF
THE TECHNICAL COMMITTEE: TEC AND ITS SUB-COUNCILS**

1. Attached is a submission by the South African Government entitled *Commission of inquiry regarding the prevention of public violence and intimidation: Enquiry into ways and means of curbing the potential for public violence and intimidation in and in relation to a national election.*
2. Kindly transmit the document for immediate attention to the Technical Committee.

Yours sincerely

Edwards
^ GOVERNMENT OFFICE: WORLD TRADE CENTRE

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**COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC
VIOLENCE AND INTIMIDATION**

**ENQUIRY INTO WAYS AND
MEANS OF CURBING THE POTENTIAL
FOR PUBLIC VIOLENCE AND INTIMIDATION
IN AND IN RELATION TO A
NATIONAL ELECTION**

**SUBMISSIONS ON BEHALF OF
THE SOUTH AFRICAN POLICE**

1993-06-21

COMMISSION OF INQUIRY INTO THE PREVENTION OF
PUBLIC VIOLENCE AND INTIMIDATION

ENQUIRY INTO WAYS AND MEANS OF CURBING THE
POTENTIAL FOR PUBLIC VIOLENCE AND INTIMIDATION
IN AND IN RELATION TO A NATIONAL ELECTION

REPRESENTATIONS ON BEHALF OF THE
SOUTH AFRICAN POLICE

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- D1 : ATTACKS AGAINST MEMBERS OF THE SOUTH AFRICAN POLICE : 1993-01-01 - 1993-05-31*
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- E : TRANSLATION OF THE SUBMISSIONS OF THE SOUTH AFRICAN POLICE IN REGARD TO THE PROTECTION OF LEADERS OF POLITICAL GROUPS*
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THE COMMISSION OF INQUIRY REGARDING THE PREVENTION
OF PUBLIC VIOLENCE AND INTIMIDATION : ENQUIRY INTO
WAYS AND MEANS OF CURBING THE POTENTIAL FOR
PUBLIC VIOLENCE AND INTIMIDATION IN AND IN
RELATION TO A NATIONAL ELECTION

SUBMISSIONS ON BEHALF OF
THE SOUTH AFRICAN POLICE

1. INTRODUCTION

1.1 It is of the utmost importance for the maintenance of law and order after the election, that the interim government ("Government of National Unity") elected must come to power as a result of a free and fair election. The legitimacy of such an interim government will to a large extent be determined by the incidence of violence and intimidation during the run-up to and the election itself. The more violence and intimidation occurring during this period, the less validity the interim government will have and the greater the risk will become that opponents of the interim government may attempt, through further acts of violence and intimidation, to destabilise the interim government and consequently the country itself. The less the violence and intimidation during this period, the greater the legitimacy of the interim government will be and the more difficult it will be for those who may wish to bring about its downfall, to gain the necessary support.

1.2 The South African Police therefore welcomes the decision of the Commission to hold an enquiry into ways and means of curbing the potential for public violence and intimidation during and in relation to the national election and in so doing to contribute to the holding of a free and fair election.

2. THE RULES OF CONDUCT AND PROCEDURE (INCLUDING POLICING AND SECURITY) WHICH SHOULD APPLY IN ORDER TO CURB VIOLENCE AND INTIMIDATION IN RELATION TO PUBLIC MEETINGS HELD AND ANY OTHER ACTIVITY RELATING TO AN ELECTION CONDUCTED IN THE PERIOD PRIOR TO SUCH AN ELECTION BY POLITICAL PARTIES AND ORGANISATIONS:

2.1 Code of Conduct:

2.1.1 The political violence in this country during the last couple of years is to a large extent the result of power struggles between rival political groups for the control of certain areas. Once control is established in a particular area by a political group, it is virtually impossible for another group to gain a foothold in that area and it will be impossible for a rival group to conduct an election campaign there. Such, unfortunately, is the political intolerance amongst certain political groups in this country.

2.1.2 In this regard the following extract from this Commission's Third Interim Report is relevant:

"Complaints were made by both the ANC and the IFP that there were 'no-go' areas in which the one party or the other was unable to carry on political activity. If elections or referenda are to be held in South Africa, or as suggested by the IFP in Natal/KwaZulu, it is obviously a precondition that the parties contesting such an election or participating in such a referendum must be free to carry on political activity. Such activity must include the holding of meetings and peaceful demonstrations. A public commitment by the KwaZulu Government, the KwaZulu Police, the IFP and the ANC to allow such free political activity is therefore essential".
(paragraph 5.6.1.1 page 8).

2.1.3 The South African electorate and those canvassing for their support, find themselves in a political atmosphere which is loaded with tension and conflict and which in general is uncondusive to a free and fair political campaign. It is therefore imperative that all the political groups who intend taking part in the general election, commit themselves and their followers to a code of conduct to be adhered to during the election campaign. The Code of Conduct for Political Parties and Organisations, as laid down by the National Peace Accord should form the

basis of this code. A copy of this code is attached hereto as Annexure "A". The various groups should bear the responsibility to see that their supporters do not violate the code and if they do, that they are properly disciplined.

2.1.4 According to the Department of Home Affairs, as reported in the Pretoria News of 3 June 1993, 22,1 million people in South Africa and the TBVC states will be able to vote in the election. According to the report the department indicated that it would require more than 9 000 polling stations to accommodate this number of voters.

2.1.5 In the same report it is pointed out that there are 17 registered political parties in South Africa. Indications are, however, that more than 20 could contest the election, although some would do so in alliance with other parties.

2.2 MEETINGS AND RALLIES

2.2.1 The existing legislation regulating the holding of meetings and rallies should be adhered to.

2.2.2 Groups who plan to hold political meetings and rallies must ensure that

sufficient properly trained marshals are at hand to control the expected number of supporters.

- 2.2.3 Organisers should be required to inform the South African Police timeously (at least four days in advance) of the venue, the number of people likely to attend, the number of marshals available to control the supporters and the likelihood that political rivals may attempt to "break-up" or interfere in the proceedings. The organisers should be urged to liaise with the police on an ongoing basis.
- 2.2.4 The venues and dates of meetings and rallies should be selected with a view to avoid having meetings and rallies on the same dates in the same area as those planned by other political groups, as this may lead to confrontation and violence.
- 2.2.5 No firearms or dangerous weapons should be allowed at political meetings and rallies.
- 2.2.6 The South African Police do not have the manpower to monitor each and every meeting of the expected hundreds of meetings and rallies that will be held over the next couple of months and to ensure that these mee-

tings and rallies do not erupt into violence or to protect those attending the meetings and rallies from violence by rival political groups. The South African Police will, however, do everything within its power to take the necessary steps to protect life and property. The level of violence in the country over the next couple of months will naturally have an influence on the effectiveness with which the South African Police will be able to take such steps. The holding of election campaigns in the present climate of political intolerance and accompanying violence is indeed a matter of grave concern to the South African Police.

2.2.7

During the period 1 January 1993 to 31 May 1993 there were 6 295 unrest related incidents in South Africa excluding the TBVC states and the self-governing territories (See Annexure "B1"), in the course of which 839 people were killed and 1 583 injured (see Annexure "B2"). During the same period 1 302 vehicles and 556 residential properties were damaged in unrest related incidents - see Annexure "C".

2.2.8

Forty-Eight members of the South African Police were killed and 249 injured in 1 434 attacks on members

of the South African Police during the period 1 January 1993 to 31 May 1993 (see Annexure "D1").

During the same period 131 South African Police dwellings, 718 South African Police vehicles and 45 South African Police stations were attacked - see Annexure "D2".

2.3 PROTECTION OF LEADERS OF POLITICAL GROUPS :

The South African Police has already made submissions to this Commission in regard to the protection of leaders of political groups. An extract from these submissions, translated into English, is attached hereto as Annexure "E".

2.4 INTIMIDATION:

2.4.1 Intimidation is rife in South Africa. Members of communities, who are normally completely apolitical, are coerced into supporting boycotts and stay-away actions by general threats of damage to property, death or injury should they ignore the decision by the dominant political group in the community that everyone should take part in a boycott or stay-away action. These decisions are usually enforced by the youth, very often in the most brutal manner. The result is that it is virtually impossible to bring the perpetrators to book as the

victims are too scared to lodge complaints for fear of further reprisals. Such actions will of course seriously jeopardise a free and fair election in this country.

2.4.2 All political groups should therefore publicly resolve to distance themselves from any form of intimidation and ensure that members of such groups at all levels adhere to such a resolution. Moreover, all political groups should actively seek to prevent intimidation.

2.4.3 All incidents of intimidation should be reported to the South African Police. Every assistance should also be given to the South African Police by all concerned to bring the perpetrators to book, as soon as possible.

2.5 SPECIAL COURTS:

2.5.1 Serious consideration should be given to arrange for Courts to deal, exclusively and on a summary basis, with complaints of intimidation and all other complaints relating to the election process.

2.5.2 These courts should, for example, have the power to disqualify a person convicted of intimidation, and any other offence serious enough to war-

rant it, from voting in the election. (Compare Section 134(3) of the Electoral Act 1979).

2.5.3 Copies of Chapter V of the present Electoral Act, 1979 (Act 45 of 1979) and the Intimidation Act, 1982 (Act 72 of 1982) are attached hereto, respectively marked Annexure "F" and Annexure "G".

2.6 INDEPENDENT PEACE-KEEPING FORCE:

2.6.1 Aims and Composition

2.6.1.1 Much has recently been said and certain recommendations have been made, concerning the establishment a of so-called "independent peace-keeping force" (hereinafter referred to as "IPKF"). It is argued that this force should be as representative as possible and that it should, besides members of the South African Defence Force ("SADF") and the South African Police, also include members of the police and defence forces of the TBVC states, members of the police forces of the self-governing territories and members of the armed wings of political

groups such as MK, APLA and the AWB. It is understood that its primary aim should be the prevention and curbing of intimidation and violence during the election period and thereafter.

2.6.1.2

The supporters of this idea reason that the South African Police and more particularly the Internal Stability Division (hereinafter referred to as the "ISD") is not acceptable to the majority of the people living in those areas plagued by violence where the ISD normally have to operate. They further submit that an independent IPKF, representative of all the political groups and security forces in the country, will however, be acceptable to the people and will therefore be much more effective in preventing and controlling political violence.

2.6.2 The Internal Stability Division (ISD)

2.6.2.1

The ISD is a division of the South African Police with a distinctive identity (own uniform and colour of

vehicles) and specific duties. The division presently consists of 6 451 policemen, of which 5 954 have at least a matric qualification. The rest of the members comprises of 633 police assistants and 814 civilian personnel. The division, however, also receives administrative and logistical support from the South African Police. Their primary responsibility is to curb public violence. Normally units of the ISD do not actively partake in visible policing of areas or gatherings where a potential for public violence has been identified, but are usually on standby to react if requested to do so. They will partake in visible policing in those instances where there are not sufficient policemen available for the task. Likewise, the ISD, as a division under overall command of the South African Police, can call on other divisions within the South African Police for assistance, should they require it. Although, as stated above, the primary responsi-

bility of the ISD is the curbing of public violence, members of the ISD are also engaged in the performance of normal police duties, such as crime prevention duties, including attending to complaints, patrolling, arresting suspects etc in violence ridden areas.

2.6.2.2

There are presently 34 internal stability units situated at the following places :

Silverton (Pretoria)	Port Shepstone
Diepkloof (Johannesburg)	Rosslyn (Pretoria)
Soweto	Colenso
Potchefstroom	Newcastle
Krugersdorp	Pietersburg
Dunnotter	Vereeniging
Middelburg (Tvl)	Nelspruit
Pietermaritzburg	Alrode (Alberton)
Point (Durban)	Klerksdorp
Maitland (Cape)	Rustenburg
Paarl	Vryburg
Port Elizabeth	Upington
East-Londen	Bethlehem
Oudtshoorn	Botshebelo
Kimberley	Grahamstown
Welkom	Empangeni
Bloemfontein	Lichtenburg

2.6.2.3

Members of this division are policemen who have been selected to ensure that they are psychologically fit to be deployed in what very often can be tremendously stressful situations. They also receive specific task orientated training, over and above the normal police training, to properly fulfil their task with emphasis on the "minimum force rule". A matric qualification is an obligatory requirement for acceptance into the division, although certain members have been exempted from this qualification in view of their previous practical experience with the South African Police in the prevention and curbing of public violence.

2.6.2.4

Members of this division have on various occasions prevented incidents of violent behaviour by crowds from getting completely out of hand and in the process saved many lives and prevented damage to property that could have run into millions of rands. This was only possible because the members of the division are properly trained, disciplined and serve under the command of officers with the proven ability

to remain calm under extreme provocation and in dangerous situations.

A copy of the Annual Report of the Commissioner of the South African Police (1 January - 31 December 1992) dealing with matters relating to the ISD is attached hereto as Annexure "H".

2.6.2.5

The South African Police accepts that one of the main reasons for its unacceptability in certain areas and amongst certain groups, is the fact that it was the enforcers of unpopular laws in the past. The fact that it is also responsible for the prevention of public violence which, from time to time, has necessitated the use of force and has on occasion regretfully, led to injuries and even fatalities amongst participants in riots, contributed to this unacceptability. The campaign started by the United Democratic Front ("UDF") of making certain areas ungovernable in the early eighties, has also contributed to the unpopularity of the enforcers of law and order in those areas. Moreover certain sections of the press have gone out of their way to criticize

the police's actions and to present the police as a tool of suppression in the hands of the Government. Certain political leaders have also openly propagated violence against the police.

2.6.2.6

As a result of these factors, an in-depth investigation was carried out during 1991 into the possibility of creating a "riot-control force" completely independent from the South African Police, to enable the South African Police to restore its image as the truly independent enforcers of law and order. Unfortunately the practicalities of the creation of such an independent force and the financial implications thereof, necessitated the South African Police to abandon the idea.

2.6.2.7

The South African Police has, however, launched a campaign aimed at restoring its standing as the independent enforcers of law and order who are there to serve the whole community. Furthermore the ISD, as a semi-autonomous division with a different uniform and the specific task of curbing public violence,

was established. Although the members of the ISD are policemen and fall under the command of the Commissioner of the South African Police, the ISD is to a large extent an independent division with its own headquarters. The Divisional Head of the ISD holds the rank of Lieutenant General.

2.6.2.8

As a result of these steps the image of the South African Police has improved remarkably in the eyes of the people in general. Even in those areas where the police are still regarded as unacceptable by the leaders of the communities, major improvements in relations with many of the inhabitants are noticeable. It should be noted however that without the full co-operation of the communities in which they operate the police cannot be expected to perform adequately and successfully. It is thus of the utmost importance that leaders of communities should endeavour to create an atmosphere of co-operation with the South African Police amongst their followers.

2.6.2.9

Positive signs of improving community-police relations are emerging. In this regard the Commission is respectfully referred to the unbiased actions by members of the South African Police during the recent march at Thokoza. In its statement on the march after a preliminary investigation, the Commission expressed its appreciation to the South African Police "..... for the responsible and sensitive manner in which its officers and members, and particularly Captain Pieterse of the ISD, acted on the day in question."

A copy of this statement is attached hereto as Annexure "J".

2.6.3

Obstacles in the way of the establishment of an IPKF

It is submitted that the following factors could be major stumbling blocks in creating an IPKF with a view to prevent and curb intimidation and public violence during the election period:

2.6.3.1

Although it is foreseen that members of the IPKF should *inter alia* be drawn from the military wings of political groups, the

SADF and the defence forces of the TBVC states, these recruits will have to receive specific training from scratch as crowd control tactics differ entirely from what one is taught as a soldier:

".... and raises the distinction between soldiers fighting a war as opposed to a peace-keeping force maintaining law and order" (compare : paragraph 8, page 5 of the Commission's report following the enquiry into the involvement of 32 Battalion at Phola Park).

Moreover members of the IPKF will also have to be equipped. The costs involved herein will be extremely high. It must also be borne in mind that training facilities are limited.

2.6.3.2 A totally new administrative infrastructure will have to be designed and staffed for the new force. This will further increase the cost factor.

2.6.3.3 The budgeted operational costs of the ISD for the 1992/1993 financial year in respect of salaries, supplies, equipment

and administration excluding all other expenses, amounted to R444 million. If it is borne in mind that the ISD relies on the established personnel and logistical support of the South African Police for many of its administrative functions, the cost factor comes into proper perspective.

On 7 September 1992 a march took place from King Williams Town to Bisho in the Ciskei. The cost of deploying members of the ISD to perform duties in this area from 4 to 11 September 1992 amounted to R11 372 986,00 (Compare : P49, Annexure H above).

2.6.3.4

The members of this force will only be employed sporadically in the actual control of public violence. Cost-effectiveness dictates that they should therefore be available for police duties, usually in trouble spots, in the interim. These duties should necessarily be confined to duties for which they have been trained. Consequently the functions and powers of the members of this force will therefore have to be circumscribed with great precision. This may be virtually

impossible, as riots usually go hand in hand with crimes such as murder, assault, malicious injury to property and the like. The IPKF will in fact be a second police force with limited powers but will not fall under the command of the South African Police. This could lead to confusion and uneasiness in many communities.

2.6.3.5

Such a force has to be completely neutral to be acceptable to the broad population. Can a force that has amongst its members, many persons who are clearly politically aligned, ever be seen to be completely neutral?

2.6.3.6

It has to be pointed out that a force of 10 000 members will have to be divided into four shifts for a 24 hour service. This will include three shifts of 8 hours each and one shift on rest days. A shift will therefore consist of 2 500 members. If these members were to be stationed countrywide with say one section in reserve to be employed on short notice as support for another section or in an area where no section is

deployed, it would mean that approximately 125 men will be available per shift in, for instance, the major centra. This is completely inadequate and consequently dangerous for both the members of this unit and the public. (It must be borne in mind that this unit is supposed to take over the duties of the ISD in its entirety as the latter is allegedly not acceptable to execute this duty. The IPKF should consequently not rely on backup from the South African Police.)

2.6.3.7

The only effective way in which an IPKF can be created and clothed with police powers is by way of an act of Parliament followed by sub-ordinate legislation. Such legislation should be all embracing, covering aspects of employment, funding, service conditions, training, promotion, powers of arrest, search and seizure, civil liability etc. Experience with the drafting of this type of legislation leads the South African Police to believe that a few months would be required for the drafting of the required legislation. Thereafter the

legislation will still have to find its way through the various processes in Parliament before the IPKF can actively start with training and operational deployment. To the extent that members of the police forces of self-governing territories will be employed in an IPKF, the proposed new legislation will have to make provision therefore. The TBVC states will also have to pass special legislation to enable members of their police and defence forces to join an IPKF. The constraints of time make it highly unlikely that this unit can be operational before the suggested election date.

2.6.4

Proposals for the establishment of an IPKF

Should it, despite what was pointed out above, be decided to create an IPKF, representative of the armed wings of the major political groups, as well as members of the police and defence forces of the TBVC states, the police forces of the selfgoverning territories, the SADF and the South African Police to prevent and curb intimidation and violence during the election period, the following submissions are made:

2.6.4.1

Once agreement has been reached between the Government and the groups concerned, those wishing to take part in the IPKF should nominate prospective recruits to report to pre-determined assembly points. It is foreseen that these recruits will be nominated from the police forces and defence forces of the TBVC states, the police forces of the selfgoverning territories, the armed wings of political groups such as the ANC, IFP, PAC, AWB etc. Members of the SADF and the South African Police (who are not members of the ISD) may also aspire to join the IPKF and they should therefore also be allowed to report to the assembly points.

2.6.4.2

An (independent) panel of experts should be appointed to select from the prospective recruits, persons who have the necessary physical and psychological qualities as well as the required scholastic qualifications to qualify for the IPKF for training with a view to become members of the IPKF. Minimum requirements, such as, for instance, a matric qualification should be set and strict-

ly applied with the psychometric testing of candidates an obligatory requirement. Care should be taken that members with a particular political alliance do not dominate the IPKF.

2.6.4.3

It is foreseen that after the selection process the following groups would have been identified :

- (i) candidates suitable for training as members of the IPKF;
- (ii) candidates who are suitable for training and assimilation into the SADF;
- (iii) candidates who are not suitable for training and utilization as members of an IPKF, but suitable for training and utilization to perform auxiliary services. Such candidates will form a support group for the IPKF and will perform secondary duties to supplement the IPKF similar to the role of the SADF in certain areas at present, and
- (iv) candidates who did not meet the set requirements.

2.6.4.4

Members of the SADF should be seconded for training with the other recruits, to become mem-

bers of the IPKF. Such secondes will have to pass the necessary psychometric testing and will also have to satisfy the minimum requirements set to become members of the IPKF, before their acceptance for specialist training.

2.6.4.5

All recruits accepted for training in the IPKF should then receive adequate and proper training in the techniques of crowd control and basic policing. Experience with the training of police assistants ("special constables") proved clearly that a training period of six weeks for even the most basic policing, is entirely inadequate. It is submitted that a training period of approximately 6 months should be provided for.

2.6.4.6

It is submitted that the IPKF cannot fulfil its functions properly without the expertise and experience of members of the ISD. It is therefore imperative that members of the ISD be seconded to the IPKF on a voluntary basis. Members of the ISD will thus form the nucleus of the proposed IPKF and will, inter alia, be supplemented by other members of the South African Police and the SADF.

- 2.6.4.7 The new force should, so as to save on the cost of its establishment, be allowed to make use of the existing infrastructure of the SADF and the South African Police Force both in training and once it has become operational.
- 2.6.4.8 An organogram setting out the proposed steps for the establishment of an IPKF is attached hereto as Annexure "K".
- 2.6.4.9 It is essential that sufficient numbers of men should be recruited and seconded to the IPKF to avoid situations where too few IPKF members may be forced to control large crowds. Members of the IPKF should also be equipped with the necessary equipment to enable them to effectively prevent or curb public violence with the use of minimum force.
- 2.6.4.10 The functions and powers of the IPKF should be prescribed in such a manner that it can, in consultation with the Commissioner of the South African Police, take over the duties of the ISD in certain designated areas. Their powers should fur-

thermore be restricted to these designated areas only. They could, for instance, take responsibility in those areas for:

- maintaining law and order during meetings, marches and demonstrations;
- the control and curbing of incidents of unrest such as:
 - stone throwing
 - petrol bomb attacks
 - murder and incidents of attempted murder
 - damage to property
 - arson
 - violence on trains
 - taxi violence
 - faction fighting

2.6.4.11

Areas designated for deployment of the IPKF would be areas wherein a high frequency of unrest-related incidents occur. Such areas should, however, not be so designated without consultation and the cooperation of the community leaders in those areas.

2.6.4.12

Ethnicity, political division and intolerance are the primary causes of political violence in

South Africa. It follows that the IPKF should be seen as politically neutral. If not, it would not be politically acceptable to the various communities in which it would be required to serve. As the members of MK, Inkhata, APLA and the AWB are politically aligned, to their respective causes, the IPKF would have to make extensive use of (seconded) members of the ISD and possibly the SADF and other police forces to create a force that is, as far as possible, apolitical.

2.6.4.13

To prevent inter force rivalry between the various components of the security forces to the detriment of the maintenance of law and order, mechanisms should be created to ensure cooperation between the South African Police, the SADF and the IPKF.

2.6.5

Indications are that the future South Africa may have a constitution based on a federal system of government. This may lead to the formation of city police forces. The IPKF may under such a system become the police force for a particular area. It is recommended that this possibility be borne in mind in the

creation and the development of the IPKF.

3. THE RELEVANCE TO PUBLIC VIOLENCE AND INTIMIDATION OF THE TIME PERIOD DURING WHICH VOTING SHOULD TAKE PLACE

3.1 Seen in the light of the opportunity for violence and intimidation the voting should ideally be confined to one day. However, bearing in mind the number of voters and the fact that many of them would be making use of public transport to get to the polling stations, which is not always readily available in the rural areas, it is accepted that the voting period will most probably stretch over two to three days.

3.2 Should the voting period include a weekend, a higher incidence of violence and intimidation must be expected than should the voting take place on weekdays. The view that workers must be afforded a non-working day to bring out their votes, will most probably have the effect that at least one of the voting days will be on a weekend. Should this be on a Saturday, it will be the last day of the voting period. Many voters may then wait until the Saturday to bring out their votes, causing overcrowding at the polling stations and involving the risk that not everyone can be accommodated before the polling stations close. This could lead to a serious risk of violence occurring and could endanger the legitimacy of the whole process.

3.3 Care should be taken that the election if not held on a day or days of political significance for any particular political group.

3.4 Provision should be made for members of the Security Forces to vote by special vote at least 14 days prior to the election date.

4. THE SECURITY AND POLICING OF POLLING STATIONS:

4.1 Approximately 7 000 and probably as many as 9 000 polling stations will be in operation over the voting period.

4.2 These polling stations will have to be searched for the presence of explosives and thereafter it will have to be guarded. Voters and officials will also have to be protected at the polling stations.

4.3 It is submitted that uniformed policemen (blue uniforms) should be posted at all polling stations to guard the polling stations and ballot boxes and to protect the voters and officials there present. It is expected that the whole election process, including the behaviour of these policemen, will be subject to the scrutiny of international observers. In this regard it should be pointed out that policemen normally work in three shifts of eight hours each, per day. With 7 000 polling stations in operation, 21 000 policemen will be required to station one policeman per polling station. Should there be two men per polling station this figure will increase to 42 000 men. In view of the fact that the available permanent policemen number 67 750, excluding members of the ISD but inclusive of members of the administrative, technical and other specialist sections, who are not all available for guard duty, thorough planning should be done with the Commissioner of the South African Police to

establish whether enough men will be available for this duty. It should be kept in mind that normal police duties will have to be maintained. Furthermore the unrest situation at that stage will also be an important factor in the availability of policemen for duty at polling stations. Extensive use will have to be made of reservists, members of the police reserve and the SADF. The estimated manpower of the police forces of the TBVC states and selfgoverning territories is as follows:

Transkei	:	3275
Bophuthatswana	:	5312
Venda	:	1800
Ciskei	:	1966
KwaZulu	:	3812
KwaNdebele	:	730
QwaQwa	:	570
Kangwane	:	720
Gazankulu	:	673
Lebowa	:	<u>1690</u>
		<u>20548</u>

- 4.4 Members of the security forces should however be on standby near those polling stations where the possibility of violence has been identified.
- 4.5 If at all possible, polling stations should be situated in buildings to enable the security forces to properly protect them, as it is extremely difficult to protect tents and caravans.
- 4.6 Where possible, an area with a radius of (say) 500 meters should be cleared around the polling stations wherein only the necessary officials, the observers,

a limited number of voters at a time and the uniformed policemen guarding the polling station, should be allowed. No vehicles, weapons or any political representative should be allowed within this area.

- 4.7 Polling stations should be placed in such a manner that rival political groups do not have to use the same polling stations in those areas where fierce rivalry between political groups exists. Care should also be taken that members of one political group will not have to go through areas known to be controlled by a rival political group, to get to a polling station.
- 4.8 A campaign should be launched well in advance, to educate voters how to vote and to ensure that they will be eligible to vote on election day(s). Should uninformed voters arrive at polling stations without identity documents and be turned away, violence could erupt. Likewise voters should know what to expect at polling stations and how to vote. Ignorance may lead to frustration and violence.
- 4.9 No liquor outlet should be allowed to trade on election day(s).
- 4.10 Sufficient arrangements should be made to guard the ballot boxes after closure of the polling stations and for the transportation thereof to the counting centres. The South African Police is prepared to render all the assistance they can in this regard, although it is felt that members of the Peace Secretariat, international observers and party officials should always accompany the ballot boxes.

5. RELEVANT MEASURES DURING THE PERIOD FOLLOWING THE CONCLUSION OF THE ELECTION:

5.1 The existence of various "private armies" in South Africa and the fact that these armies control arms caches which they refuse to surrender, carry the potential for violence to ensue, should there be any doubt about the legitimacy of the newly elected interim government. However, as was pointed out above, the more legitimate the interim government, the less chance there will be of the election result being contested.

5.2 Nevertheless, the mere existence of these private armies would necessitate the security forces, including the IPKF, to maintain a highly visible presence during this period and to be prepared for any eventuality.

5.3 Moreover, irresponsible election promises made to an ignorant electorate may have the result that unrealistically high expectations will be harboured by many people. As they realise that these were merely election promises, their frustrations may lead them to unlawfully claim what they believe have been promised to them, should the group that they supported come to power. This in turn may lead to violent skirmishes between various segments of the community. The security forces should be prepared to deal with this eventuality.

5.4 It is regarded as extremely important that the result of the election is not made known at any specific predetermined venue(s). This may lead to

thousands of people converging on these venues with the accompanying potential for violence. It is submitted that the election results should rather be announced by way of a press statement.

6. CONCLUSION

- 6.1 A useful case study on the electoral procedures in Zimbabwe, Namibia, Zambia, Angola and Kenya by Dr Bertus de Villiers was published by the Konrad-Adenauer-Stiftung entitled : Electoral Procedures in Africa : Five Case Studies, Guidelines for South Africa. This publication is available from the Human Sciences Research Council.
- 6.2 Further oral submissions will be addressed to the Commission at the hearing scheduled to commence on 2 August 1993.
- 6.3 Should any further information be required, it will gladly be supplied on request.

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TEL : (012) 3228522 (MNR D RAATH)

CHAPTER 2

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

The signatories to this Accord agree to the following Code of Conduct:

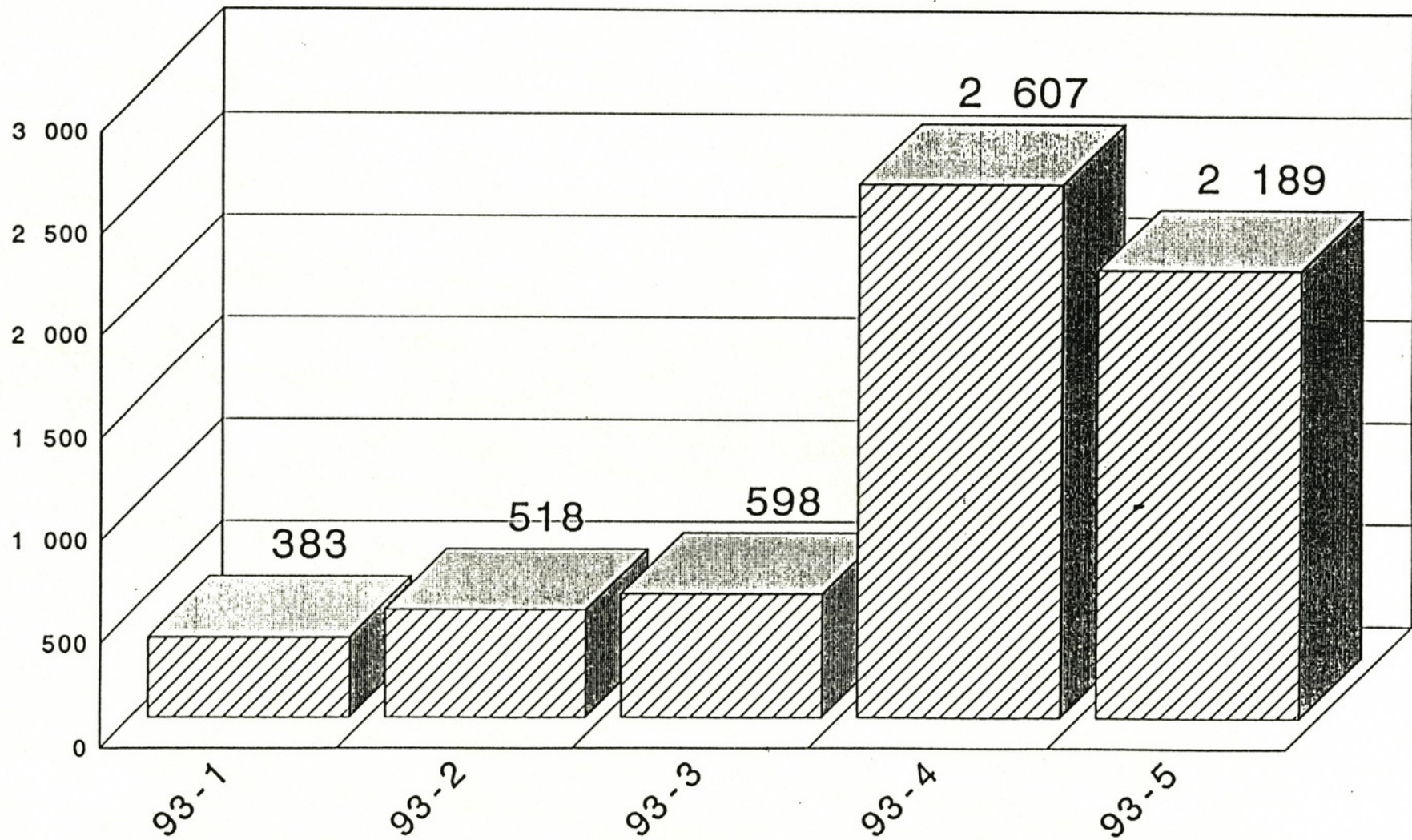
- 2.1 We recognise the essential role played by political parties and organisations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organisations in organising their respective structures, canvassing for support, arranging and conducting public meetings, and encouraging voting.
- 2.2 All political parties and organisations shall actively contribute to the creation of a climate of democratic tolerance by:
- * publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance; and
 - * acting positively, also *vis-a-vis* all public authorities including local and traditional authorities, to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.
- 2.3 No political party or organisation or any official or representative of any such party, shall:
- * kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;
 - * remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
 - * interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
 - * seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or
 - * obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.
- 2.4 All political parties and organisations shall respect and give effect to the obligation to refrain from incitement to violence or hatred. In pursuit hereof no language calculated or likely to incite violence or hatred, including that directed against any political party or personality, nor any wilfully false allegation, shall be used at any political meeting, nor shall pamphlets, posters or other written material containing such language be prepared or circulated, either in the name of any party, or anonymously.

2.5 All political parties and organisations shall:

- * ensure that the appropriate authorities are properly informed of the date, place, duration and, where applicable, routing of each public meeting, rally, march or other event organised by the party or organisation;
- * take into account local sentiment and foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any political party or organisation freely to propagate its political views; and
- * immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of the correct names, addresses and contact numbers of key leaders at each level, and by appointing liaison personnel in each location to deal with any problems which may arise.

2.6 All political parties and organisations shall provide full assistance and co-operation to the police in the investigation of violence and the apprehension of individuals involved. The signatories to this Accord specifically undertake not to protect or harbour their members and supporters to prevent them from being subjected to the processes of justice.

UNREST RELATED INCIDENTS : RSA 19930101 - 19930531

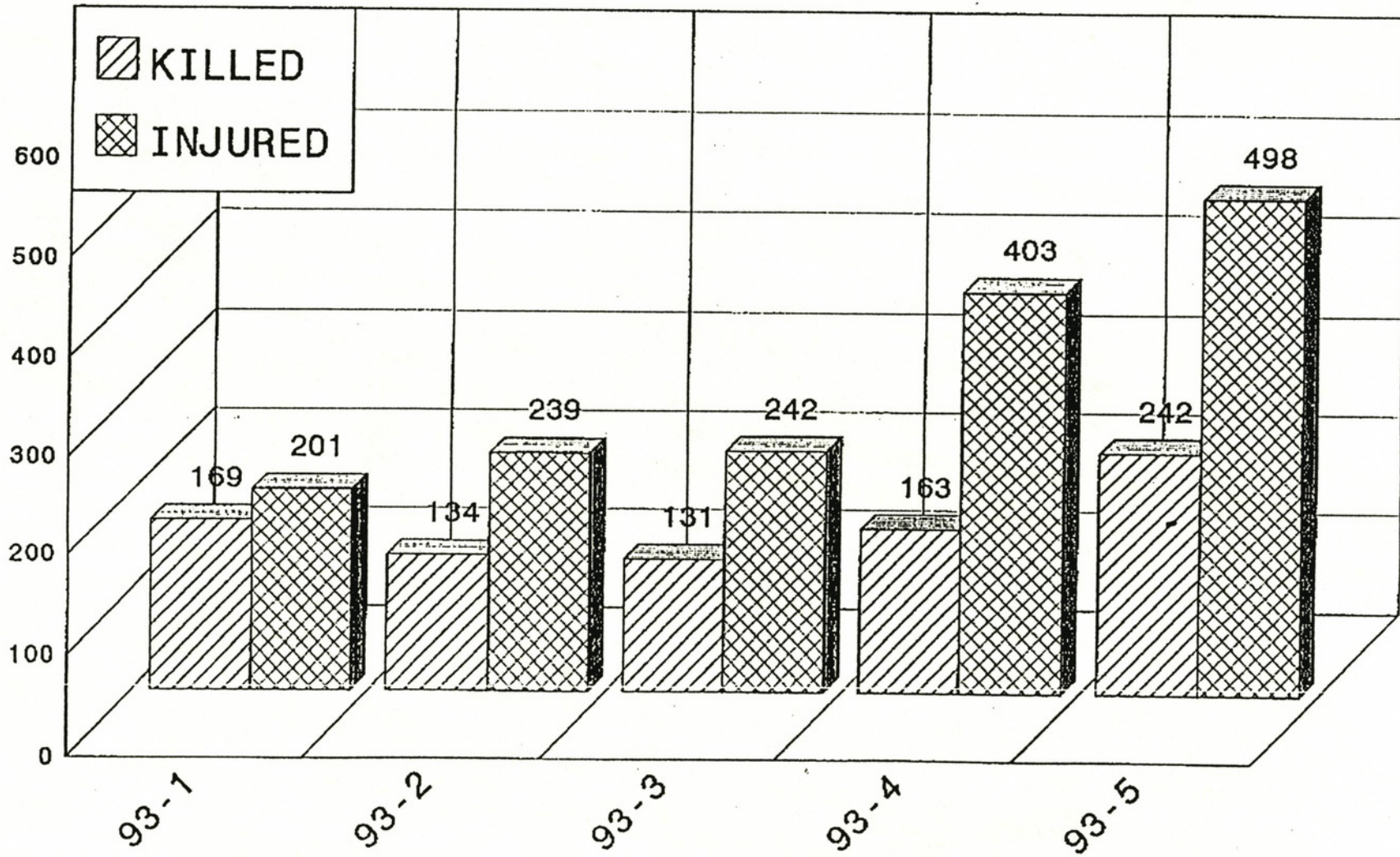


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PERSONS KILLED AND INJURED : UNREST : RSA 19930101 - 19930531

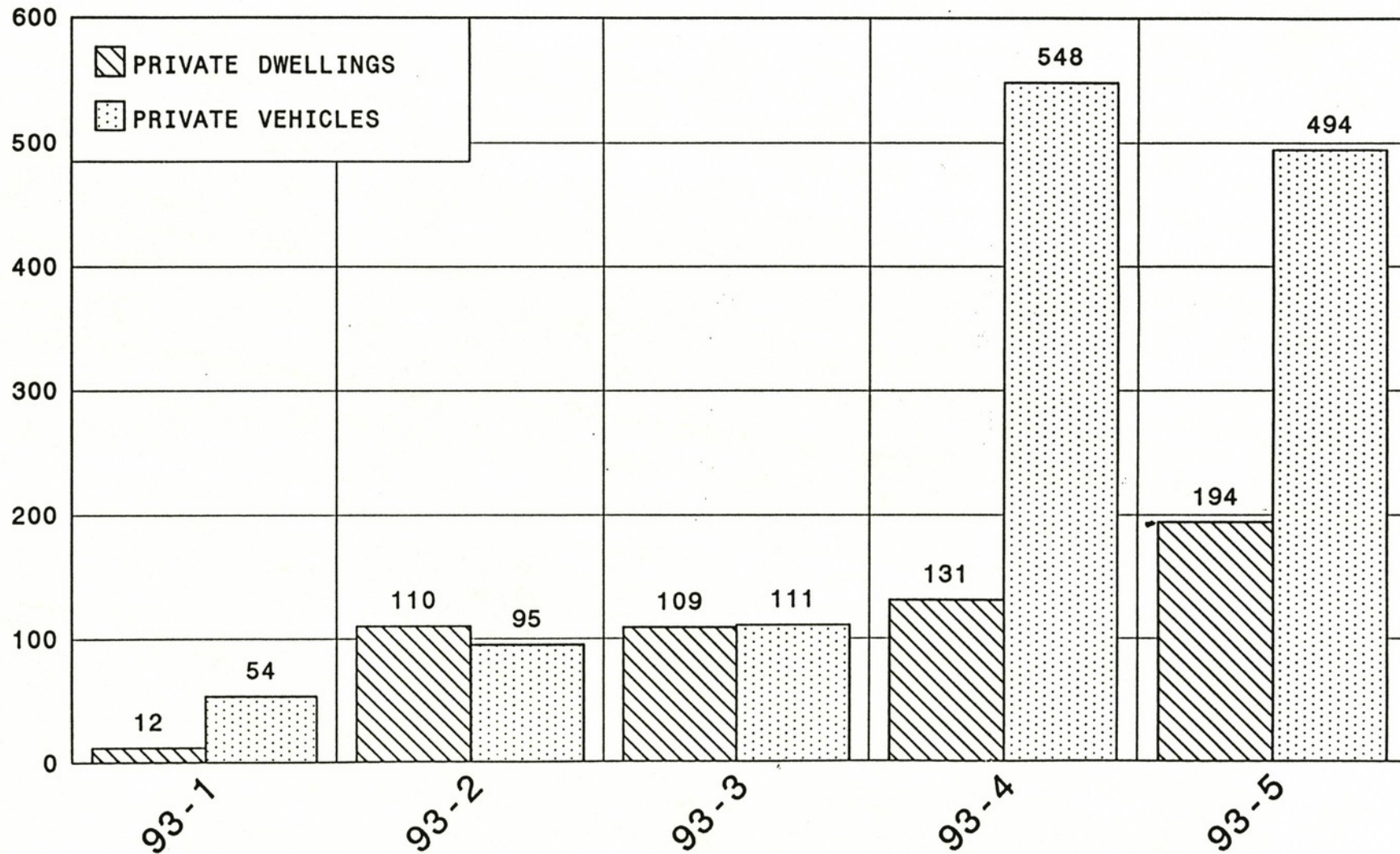
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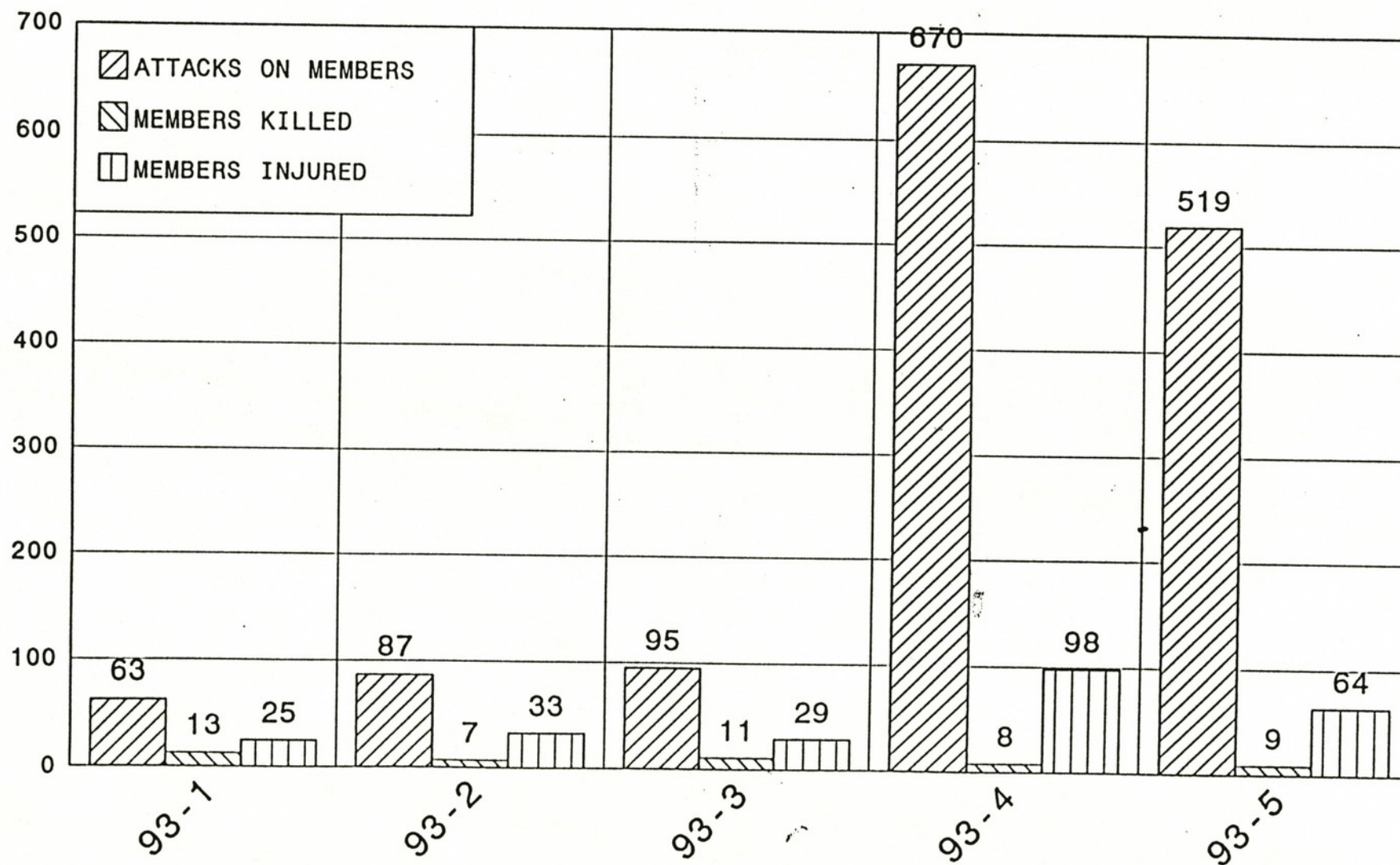
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ATTACKS ON MEMBERS OF THE PUBLIC 19930101 - 19930531



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ATTACKS AGAINST MEMBERS OF THE SAP 19930101-19930531

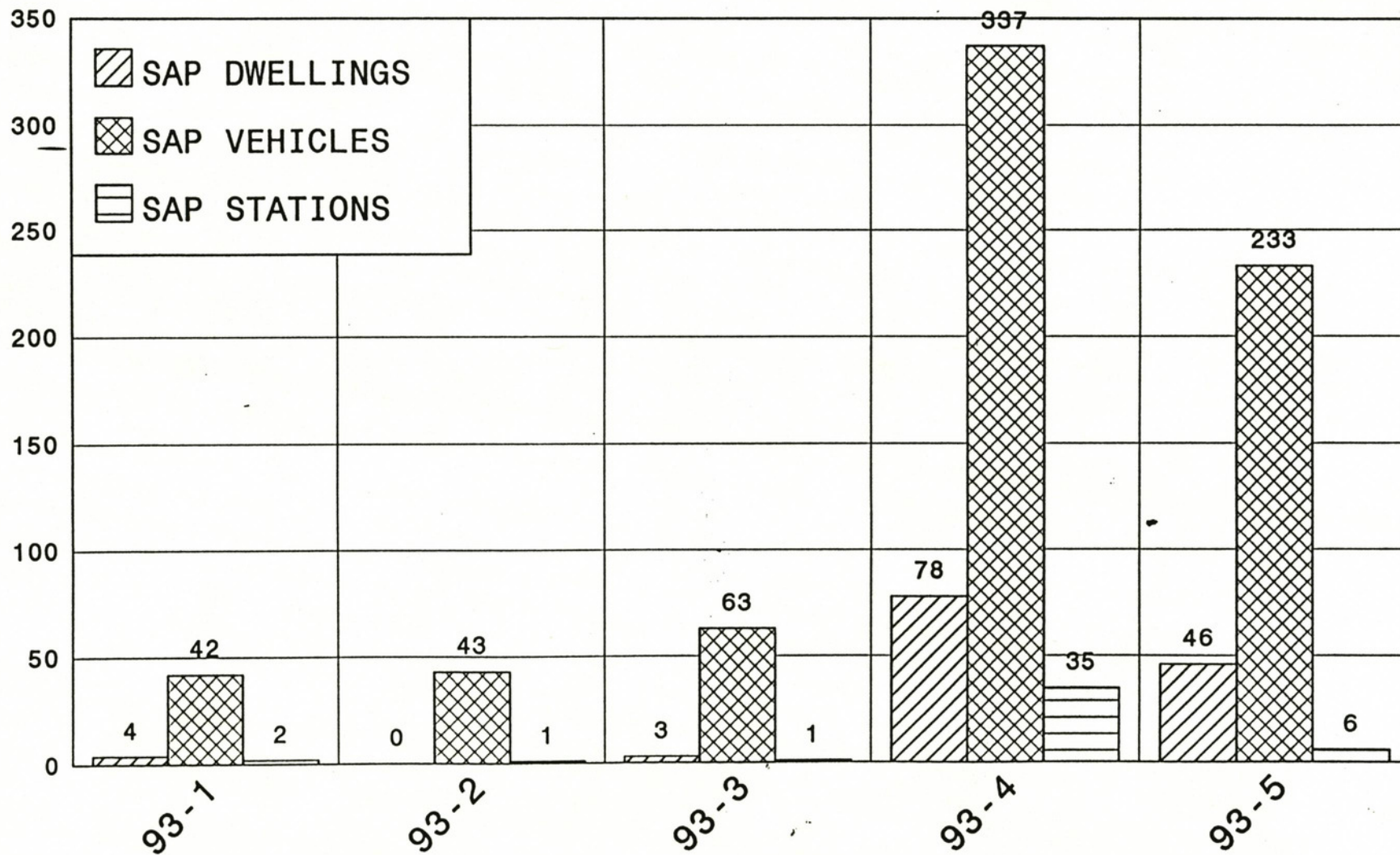


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ATTACKS ON MEMBERS OF THE SAP 19930101 - 19930531



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TRANSLATION

13. CONCLUSION :

The South African Police realises that the leaders of the various political parties, especially in the current political climate, must be able to convey their political views to others in a stable and safe environment, without fear of threats against their person or their families. The South African Police will, of course, attempt to ensure such an environment as far as possible.

13.2 The protection of individuals is manpower intensive and has enormous financial implications.

The South African Police does not have the manpower nor the funds to provide for the full-time protection of the leaders of all the lawful political organisations (on national, regional and local level). The Component : Protection Services of the Special Guard Unit, which consists of 198 members, is already fully engaged in this task and it is expected that the need for trained bodyguards will increase drastically in view of the forthcoming election.

An arrangement, as for example in Germany where the leaders of all political parties enjoy the

services of bodyguards, is unfortunately not possible in South Africa. It has to be borne in mind that 29 political parties and organisations are engaged in the constitutional negotiations at Kempton Park, which naturally constitutes a complicating factor in the decision as to the leaders of which political organisations should be entitled to protection services.

13.3 As pointed out above, the South African Police will only accept overall responsibility for the protection of an individual if it is fully in control of the protection operation.

14. RECOMMENDATIONS :

14.1 The South African Police is still prepared to advise political parties on the protection of their various office-bearers.

14.2 As in the past, the South African Police will render protection services or render assistance in this regard, to an individual, when circumstances warrant the rendering of such services and a threat against the life of a specific individual has manifested itself.

14.3

The Commissioner of the South African Police has agreed that persons, nominated by various political parties, may receive training as bodyguards at the Koedoespoort training centre. This training is of course dependent on authorisation from the Treasury. Candidates must also meet the requirements set out in paragraphs 7.1 and 7.2 above.

The various political parties will have to bear the costs for the training, which at present amounts to R2 565,54 per candidate. Interested political parties are requested to contact the Head: Special Guard Unit as soon as possible, to make the necessary arrangements.

As the South African Police is aware of the urgent need for such training, everything possible will be done to finalise arrangements for such training course, taking into account available accommodation and training schedules.

difference arises respecting the amount of such claim, the claim shall be deemed to be a disputed claim as contemplated in this Act, and be dealt with accordingly.

128 When election commences

For the purposes of this Chapter, an election shall be deemed to commence—

- (a) in the case of a general election upon the dissolution of Parliament or the House of Parliament concerned under any provision of the Constitution; and
- (b) in the case of a by-election in consequence of a vacancy, by death, resignation or other cause, in the representation of any division, upon the publication in the *Gazette* of a notice by the Secretary to Parliament declaring that a vacancy has occurred.

[S 128 amended by s 88 of Act 103 of 1984 and substituted by s 91 of Act 92 of 1989.]

128A Qualifications of persons appointed for certain purposes

(1) No person shall be—

- (a) . . .
[Para (a) deleted by s 92(a) of Act 92 of 1989.]
- (b) . . .
[Para (b) substituted by s 92(b) of Act 92 of 1989 and deleted by s 17 of Act 129 of 1992.]
- (c) designated under the proviso to subsection (2) of section 83 for the purpose specified in that proviso;
- (d) nominated under section 121(1) as an agent;
- (e) appointed under section 122(1) as a subagent; or
- (f) designated under section 123(1) as a polling agent, unless he—
 - (i) in the case of an election for the House of Assembly is registered or qualified to be registered as a voter in respect of the House of Assembly;
[Para (i) amended by s 92(d) of Act 92 of 1989.]
 - (ii) in the case of an election for the House of Representatives, is registered or qualified to be registered as a voter in respect of the House of Representatives; or
 - (iii) in the case of an election for the House of Deputies, is registered or qualified to be registered as a voter in respect of the House of Delegates.

(2) An authorized representative referred to in section 83 shall—

- (a) in the case of an election for the House of Assembly be a person registered or qualified to be registered as a voter in respect of the House of Assembly;
[Para (a) amended by s 92(d) of Act 92 of 1989.]
- (b) in the case of an election for the House of Representatives, be a person registered or qualified to be registered as a voter in respect of the House of Representatives; or
- (c) in the case of an election for the House of Delegates, be a person registered or qualified to be registered as a voter in respect of the House of Delegates.
[S 128A inserted by s 89 of Act 103 of 1984.]

CHAPTER V

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS (ss 129–154)

Corrupt Practices (ss 129–134)

129 Definition of corrupt practice

'Corrupt practice' means any of the offences of treating, undue influence, bribery and personation, dealt with in this Chapter.

130 Treating

(1) Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

(2) Any voter who corruptly accepts or takes any food, drink, entertainment, lodging or provisions referred to in subsection (1), shall also be guilty of the offence of treating.

[S 130 substituted by s 93 of Act 92 of 1989.]

131 Undue influence

(1) Any person who directly or indirectly, by himself or by any other person, makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of, any person—

- (a) in order to induce or compel that person—
 - (i) to vote or refrain from voting at any election;
 - (ii) to vote or refrain from voting for a particular candidate at any election;
 - (iii) to make or refrain from making an application for a ballot paper;
 - (iv) to receive or refrain from receiving a ballot paper; or
- (b) on account of that person having—
 - (i) voted or refrained from voting at any election;
 - (ii) voted or refrained from voting for a particular candidate at any election;
 - (iii) made or refrained from making an application for a ballot paper;
 - (iv) received or refrained from receiving a ballot paper.

[Para (a) substituted by s 94(a) of Act 92 of 1989.]

[Para (b) substituted by s 94(b) of Act 92 of 1989.]

shall be guilty of the offence of undue influence.
(2) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

(3) Any person who, within a polling station or within a place at which any voter votes as a special voter, attempts by threats, intimidation or otherwise to influence a voter to vote in favour of a particular candidate or political party, shall be guilty of the offence of undue influence.

[Sub-s (3) substituted by s 94(b) of Act 92 of 1989 and by s 18 of Act 129 of 1992.]

132 Bribery

(1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

- (a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises or promises to procure, or to endeavour to procure, any money to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any

voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

- (b) gives, lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure, any money to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election;
- (c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any candidate at any election or the vote of any voter at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;
- (e) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) before or during any election, receives or contracts for any money or loan for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;
- (g) after any election receives any money on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election; or
- (h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section contained shall be construed as applying to any money paid, or agreed to be paid, for or on account of any election expenses *bona fide* and lawfully incurred.

133 Personation

Any person who—

- (a) at any election applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person, or who, except as provided in section 100(2), records a vote in the name of any such person; or

[Para (a) substituted by s 95 of Act 92 of 1989.]

- (b) having voted once at any election, applies again in any division at the same election for a ballot paper, shall be guilty of the offence of personation.

134 Penalties for corrupt practices and consequences of conviction

- (1) Any person guilty of the offence of personation, shall be liable on conviction to imprisonment for a period not exceeding two years.

(2) Any person guilty of any corrupt practice (other than personation), shall be liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Sub-s (2) amended by s 96 of Act 102 of 1989.]

(3) A person convicted of any corrupt practice may, in addition to any punishment provided for in this section, be declared by the court incapable during a period not exceeding five years from the date of his conviction—

- (a) of being registered or of voting at any election (whether it be an election as defined by this Act or an election for any public office); or
- (b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

Illegal Practices (ss 135–144A)

135 Definition of illegal practice

Subject to such exceptions as may be allowed under this Act, any person who contravenes or fails to comply with any of the provisions of sections 136 to 142, inclusive, shall be guilty of an illegal practice.

136 Payments in contravention of section 124 and 125

(1) No person shall make or promise any payment, advance or deposit in contravention of section 124, or for any purpose other than a lawful and authorized purpose, or pay in contravention of the said section or for other than a lawful and authorized purpose, any money provided under subsection (2) thereof.

(2) No election agent shall make any payment in contravention of section 125(2) or (4).

137 Certain expenditure prohibited

(1) No person shall make or receive any payment or be a party to any contract for payment, in connection with, and either before, during or after any election—

- (a) subject to the provisions of subsection (2) to a voter on account of the use of any premises for the exhibition of any address, bill or notice or on account of the exhibition of any address, bill or notice;

(b) for bands or torches or for any flag which is or was the national flag of any country;

(c) on account of a committee room in excess of one central committee room and one committee room in respect of each polling district; or

(d) in respect of any matter whatsoever,

except as authorized by section 120.

(2) The provisions of subsection (1) shall not apply in respect of any payment or contract made in the ordinary course of business to or with a voter whose ordinary business it is, as an advertising agent, to exhibit bills and advertisements for payment.

138 Providing money for any payment contrary to this Act

No person shall knowingly provide money for any payment which is contrary to the provisions of this Act, or for any expenses in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where it is authorized as an exception under this Act.

139 Employment for payment to promote election of candidate

No person shall, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate, be engaged or employed (knowing that he is engaged or employed contrary to law) or engage or employ any person, for payment or promise of payment, for any purpose or in any capacity whatever, except for any purpose or in any capacity mentioned in section 120 or except in so far as payment is authorized by that section.

140 Corrupt procurement of candidature or withdrawal thereof

(1) No person shall—

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or promise of any nature; or
- (b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or
- (c) before or during an election, publish a false statement of the withdrawal of a candidate at an election, for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false.

(2) Any money expended or expenses incurred on behalf or in the interest of any candidate as provided in section 120 for the purpose of promoting or procuring his election shall, notwithstanding the provisions of subsection (1), not be an illegal payment or promise.

141 Bills, placards, etc., to bear publisher's name

(1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post or cause to be printed, published or posted any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word 'advertisement' to be printed as a headline to each article or paragraph in his newspaper containing electoral matter the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words 'electoral matter' used in subsection (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, is inserted in any newspaper or otherwise produced and is published in the Republic on or after the date of commencement of such election, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

- (a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of paragraph (c) of the proviso to subsection (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any newspaper article which fails to comply with the provisions of subsection (5).

(7) For the purposes of this section the time at which an election commences, shall be determined in accordance with the provisions of section 128.

142 Voting by prohibited person and interference with voter

No person shall—

- (a) vote or induce or procure any person to vote at any election, knowing that he or that person is prohibited by law from voting at that election; or
- (b) at any election wilfully obstruct a voter, either at the polling station or on his way thereto or therefrom.

143 Prohibition of opinion polls during election

(1) No person shall in respect of an election, except any election contemplated in section 110, during the period from nomination day up to and including polling day conduct in any division an opinion poll in respect of the support enjoyed by the several political parties taking part in that election, or by the policies which they advocate, or by the respective candidates at that election, or publish the result of such an opinion poll conducted prior to, on or subsequent to nomination day.

[Sub-s (1) substituted by s 1 of Act 36 of 1995.]

(2) The provisions of subsection (1) shall not prohibit—

- (a) the publishing of the result of any previous election; or
- (b) the obtaining of opinions in the course of canvassing for votes on behalf of political parties or candidates or the publishing of the result of such obtaining of opinions.

(3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

144 Penalties for illegal practices

(1) A person guilty of an illegal practice shall, subject to the provisions of subsections (2), (3) and (4), be liable on conviction—

- (a) in the case of an illegal practice under section 138, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment;

(b) in the case of an illegal practice under section 141(3), to a fine not exceeding R1 000; and
[Para (b) substituted by s 97 of Act 92 of 1989.]

(c) in the case of any other illegal practice, to a fine not exceeding R2 000.

[Para (c) substituted by s 97 of Act 92 of 1989.]

and may, where no incapacity is specially provided for any particular class of person under this Act, further be declared by the court incapable during a period not exceeding two years from the date of the conviction, of being registered, or of voting at any election, whether it be an election as defined in this Act, or an election for any public office, or of himself filling a public office or judicial office; and if he then holds a public office or judicial office, the court may declare that the office shall be vacated by him as from the said date.

(2) A candidate shall not be liable to any incapacity for any illegal practice under section 136(2), if he proves that the payment was made without his sanction or connivance.

(3) A candidate shall not be liable for any illegal practice under section 140(1)(c) or under section 142(a), committed by his agent other than his election agent.

(4) No person shall be convicted of an illegal practice under section 141(2), if he proves that he acted in ignorance of the requirements of the law.

144A Offences relating to certain printed matter

Any person convicted by a court of the offence of malicious injury to property or theft in relation to any bill, placard, poster, pamphlet, circular or other printed matter referred to in section 141(1), shall be liable to a fine not exceeding R10 000 or imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

[S 144A inserted by s 98 of Act 92 of 1989.]

Further Consequences of Corrupt Practices and Illegal Practices and Exemptions from such Consequences (ss 145-147)

145 Consequences to the candidate and his agents

(1) Subject to the provisions of subsection (2) and of sections 146 and 147—

(a) if upon the trial of an election application it is proved that any corrupt practice or illegal practice has been committed in respect of the election, the subject of the application, by or with the knowledge and consent or approval of any candidate at the election or by or with the knowledge and consent or approval of any of his agents, the election of that candidate shall be void, and a fresh election shall thereupon be held, unless some other person was or is entitled under section 160 to be declared duly elected, in which case the matter is dealt with in accordance with that section:

[Para (a) substituted by s 99(a) of Act 92 of 1989.]

(b) if a candidate or any of his agents is found at the said trial to have committed any corrupt practice or illegal practice, that candidate or agent may be declared by the court incapable for a period not exceeding five years as from the date of the finding, of being elected a member of or sitting in a House of Parliament or of being appointed or elected to the President's Council or any public office or judicial office or continuing to hold any public office or judicial office or of being registered as a voter at an election, whether it be an election as defined in this Act or an election to a public office or judicial office,

and if he then holds any such office, the court may declare that the office shall be vacated by him as from the said date.

[Para (b) substituted by s 90 of Act 103 of 1984 and amended by s 99(b) of Act 92 of 1989.]

(2) The election of a candidate shall not be rendered void by an illegal practice under section 136(2), if he proves that the payment was made without his sanction or connivance, or by any illegal practice under section 140(1)(c) or under section 142(a), committed by his agent other than his election agent.

146 Candidate exonerated in certain cases of corrupt and illegal practices by agents

When, upon the trial of an election application, the court finds that a candidate at the election which is the subject of the application has been guilty by his agents of the offence of treating, or undue influence, or of any illegal practice, in respect of that election and the candidate has proved to the satisfaction of the court—

(a) that no corrupt or illegal practice was committed at that election by the candidate himself or by his election agent, and that the offences mentioned in the said finding were committed without the sanction or connivance of the candidate or his election agent;

(b) that the candidate and his election agent took all reasonable measures for preventing the commission of corrupt and illegal practices at that election; and

(c) that the offences mentioned in the finding were of a trivial, unimportant and limited character,

the election of that candidate shall not, by reason of the offences mentioned in the finding, be void, nor shall the candidate or the election agent be subject to any incapacity under this Act.

147 Excuses for and exceptions from illegal payment and hiring

When it appears to the court, either on an election application or any other application made to the court, by such evidence as seems to the court sufficient—

(a) that any act or omission of a candidate at any election or of his election agent or of another agent or person would, by reason of being a payment, engagement or contract in contravention of this Act or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act or of otherwise being in contravention of any provision of this Act, be, but for this section, an illegal practice;

(b) that such act or omission arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c) that such notice of the application as the court thinks fit has been given in the division in which the election was held,

and under the circumstances it seems to the court to be just that the candidate, the said election agent and other agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make it an illegal practice, and thereupon the said candidate, agent or person shall not be subject to any of the consequences under this Act of the said act or omission.

*Other Offences (ss 148-149)***148 Prohibition of philanthropical work by political organizations and of use of funds of philanthropical societies for political purposes**

(1) No political organization shall carry on philanthropical work, and no philanthropical society or body shall devote any of its funds to political purposes.

(2) If any such organization, society or body contravenes the provisions of subsection (1), the president or chairman and secretary or other officer of such organization, society or body shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.

[Sub-s (2) amended by s 100 of Act 92 of 1989.]

149 Prohibition of use of flags

No person shall in connection with any election on the polling day use or display any flag which is or was the national flag of any country or use any form of loudspeaker on the polling day.

*Miscellaneous Matters in Connection with Corrupt and Illegal Practices and Other Offences (ss 150-154)***150 Hearing of person before conviction of corrupt or illegal practice**

Before any person, not being a party to an election application or a candidate on behalf of whom the seat is claimed by an election application, is found by the court to have been guilty of any corrupt or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard and of calling evidence to show why such finding should not be recorded against him.

151 Findings on charges of corrupt practice or illegal practice

Any person charged with a corrupt practice may, if the circumstances warrant such a finding, be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice.

152 Limitation of time for prosecutions

(1) A prosecution against any person in respect of the offence of a corrupt or an illegal practice, or any other offence under this Chapter (except a contravention of section 148), shall be commenced within six months after the offence is alleged to have been committed, or, if it was committed with reference to an election in respect of which an election application has been lodged with the court as hereinafter provided, shall be commenced within six months after the offence is alleged to have been committed or within three months after the report of the court hearing the election application is made, whichever period last expires, provided that the proceeding is commenced within two years after the offence is alleged to have been committed.

(2) For the purpose of this section the issue of a summons, warrant, writ or other process shall, where the service or execution thereof on or against the alleged offender is prevented by the absconding or concealment or other act of the alleged offender, be deemed to be the commencement of a prosecution, but in all other cases the service or execution of such process on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the prosecution.

153 Saving relating to creditors in case of payments and contracts made in ignorance

The provisions of this Act prohibiting certain payments and contracts for payments, the payment of any sum and the incurring of any expense in excess of a certain maximum shall not affect the right of any creditor, who, when the contract was made or the expense incurred, was ignorant of its being in contravention of this Act.

154 No action for liquor or refreshments supplied during election

Notwithstanding anything to the contrary contained in section 153, no legal proceedings shall be maintainable by any person licensed to sell intoxicating liquor or by the owner or keeper of any shop, booth, tent or other place of entertainment, against any candidate or an agent of any candidate for any liquor, food or refreshment of any kind, supplied upon the credit of such candidate or agent during the course of any election, except in respect of such liquor, food or refreshment as may have been supplied to the candidate or his election agent for their personal consumption, the payment wherefor is under this Act part of the personal expenses allowed to the candidate.

CHAPTER VI

ELECTION APPLICATIONS (ss 155-182)

*Presentation and Service (ss 155-159)***155 What applications may be presented to court**

(1) An application complaining of an undue return or an undue election of a member for any division by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or by reason of any other cause whatever, may, subject to the provisions of subsection (2), be presented to the court by—

- (a) a registered voter in that division;
- (b) any person claiming to have had a right to be elected at that election; or
- (c) any person alleging himself to have been a candidate at such election.

(2) Whenever the seat is claimed for some person other than the applicant such person shall be a party to the application as co-applicant.

156 Presentation of election application

With respect to the presentation of an election application, the following provisions shall apply:

- (a) The application shall be signed by the applicant, or all the applicants, if more than one.
- (b) The application shall be presented within forty-two days after the day on which the result of the election has been declared by the returning officer: Provided that if the return or election is questioned upon allegation of an illegal practice, the application may be presented, if the election application specifically alleges a payment of money or some other act to have been made or done since that day by the member or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the application, at any time within thirty days after the date of such payment or other act.
- (c) Presentation of the application shall be made by lodging it with the registrar of the court.
- (d) At the time of the presentation of the application or within seven days thereafter, security for the

INTIMIDATION ACT 72 OF 1982

[ASSENTED TO 22 MAY 1982]

[DATE OF COMMENCEMENT: 2 JUNE 1982]

(Afrikaans text signed by the State President)

as amended by

Internal Security and Intimidation Amendment Act 138 of 1991

Criminal Law Second Amendment Act 126 of 1992

ACT

To prohibit certain forms of intimidation and to provide for matters connected therewith.

1 Prohibition of and penalties for certain forms of intimidation

(1) Any person who—

(a) without lawful reason and with intent to compel or induce any person or persons of a particular nature, class or kind or persons in general to do or to abstain from doing any act or to assume or to abandon a particular standpoint—

(i) assaults, injures or causes damage to any person; or

(ii) in any manner threatens to kill, assault, injure or cause damage to any person or persons of a particular nature, class or kind; or

(b) acts or conducts himself in such a manner or utters or publishes such words that it has or they have the effect, or that it might reasonably be expected that the natural and probable consequences thereof would be, that a person perceiving the act, conduct, utterance or publication—

(i) fears for his own safety or the safety of his property or the security of his livelihood, or for the safety of any other person or the safety of the property of any other person or the security of the livelihood of any other person; and

(ii) . . .

[Sub-para (ii) deleted by s 6 of Act 126 of 1992.]

shall be guilty of an offence and liable on conviction to a fine not exceeding R40 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

[Sub-s (1) substituted by s 32 of Act 138 of 1991.]

(2) In any prosecution for an offence under subsection (1), the onus of proving the existence of a lawful reason as contemplated in that subsection shall be upon the accused, unless a statement clearly indicating the existence of such a lawful reason has been made by or on behalf of the accused before the close of the case for the prosecution.

1A Intimidation of general public, particular section of population or inhabitants of particular area

(1) Any person who with intent to put in fear or to demoralize or to induce the general public, a particular section of the population or the inhabitants of a particular area in the Republic to do or to abstain from doing any act, in the Republic or elsewhere—

(a) commits an act of violence or threatens or attempts to do so;

(b) performs any act which is aimed at causing, bringing about, promoting or contributing towards such act or threat of violence, or attempts, consents or takes any steps to perform such act;

(c) conspires with any other person to commit, bring about or perform any act of threat referred to in paragraph (a) or act referred to in paragraph (b), or to aid in the commission, bringing about or performance thereof; or

(d) incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about or perform such act or threat,

shall be guilty of an offence and liable on conviction to a fine which the court may in its discretion deem fit or to imprisonment for a period not exceeding 25 years or to both such fine and such imprisonment.

(2) If in any prosecution for an offence in terms of subsection (1) it is proved that the accused has committed any act alleged in the charge, and if such act resulted or was likely to have resulted in the achievement of any of the objects specified in subsection (1), it shall be presumed, unless the contrary is proved, that the accused has committed that act with intent to achieve such object.

(3) If in any prosecution for an offence in terms of subsection (1) the act with which the accused is charged, consists thereof, and it is proved, that he unlawfully had in his possession any automatic or semi-automatic rifle, machine gun, sub-machine gun, machine pistol, rocket launcher, recoilless gun or mortar, or any ammunition for or component part of such weaponry, or any grenade, mine, bomb or explosive, it shall be presumed, unless the contrary is proved, that the accused had the said weaponry, ammunition, component part, grenade, mine, bomb or explosive in his possession with intent to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in subsection (1), any of the acts contemplated in paragraphs (a) to (d) inclusive.

(4) For the purposes of this section 'violence' includes the inflicting of bodily harm upon or killing of, or the endangering of the safety of, any person, or the damaging, destruction or endangering of property.

[S 1A inserted by s 7 of Act 126 of 1992.]

2 Repeal of laws

Sections 10 to 15, inclusive, of the Riotous Assemblies Act, 1956 (Act 17 of 1956), are hereby repealed.

3 Short title

This Act shall be called the Intimidation Act, 1982.

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ANNUAL REPORT
OF THE
COMMISSIONER OF THE SOUTH AFRICAN POLICE
1 JANUARY TO 31 DECEMBER 1992

THE MINISTER OF LAW AND ORDER

It is my privilege to present the Annual Report of the Commissioner of the South African Police for the year ending on 31 December 1992.

IV

INTERNAL STABILITY DIVISION

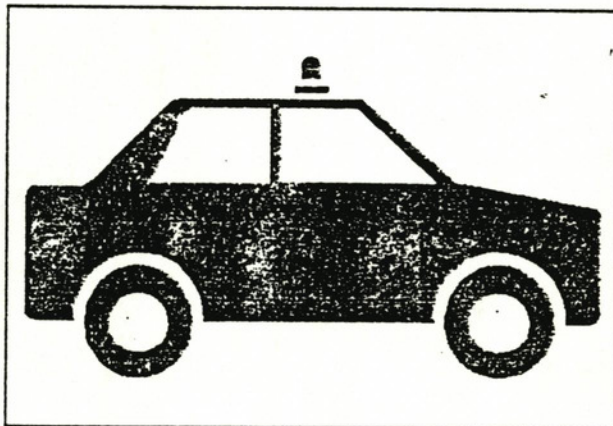
By virtue of section 5 of the Police Act, 1958 (Act No 7 of 1958), one of the functions of the South African Police is maintaining law and order and, concurrent with this, preserving the internal security of the Republic of South Africa. As a result of the increasing involvement of the Police Force in combating internal unrest in the Republic, the primary function of the South African Police, namely the rendering of service, has, perforce, been somewhat neglected.

In the past, the Force was expected to maintain a dual identity. On the one hand, a large portion of the South African Police had to function in a climate of conflict and violence, which led to ill feeling between the South African Police and the community. On the other hand everything possible had to be done to foster positive police-community relations. Opinion polls indicated that this was an impossible and intolerable situation. This meant, in brief, that while riot control was its primary function, the South African Police would never be unconditionally accepted by the broad community.

It was consequently decided to establish a new semi-autonomous division within the South African Police, with the combating of riots as its primary task. The new division is known as the Internal Stability Division (ISD) and it has been functioning since 1 January 1992.

On 1 October 1992, a four-year plan was implemented to increase the manpower of this division to a total of 17 500 members.

At present, members of the ISD wear camouflage as uniform. The vehicles of the division also have their own, distinctive colour (peppermint with a black stripe on the sides).



This fifth division of the Force is primarily responsible for combating violence and unrest in the Republic of South Africa. The division places emphasis on preventative actions, such as patrols in areas where unrest, intimidation and other unrest-related crimes prevail. If

there is no unrest in an area, this division is fully employed in the prevention of crime.

The Internal Stability Division will ensure that the rest of the South African Police can concentrate on the primary task of a police service, namely the rendering of a service to the broader community. The ISD will assist in changing the negative perceptions which still exist concerning the double role of the South African Police, to a positive attitude, and will also play a major role in crime prevention. Members attached to this division are committed to rendering an apolitical, impartial service, as are the rest of the Force.

Members who are transferred to the ISD attend a newly-structured, intensive training course. Members who are at present attached to the ISD are re-trained in new techniques. Specialist training units have been established to offer specialist training for internal security.

The policy of the division is first to negotiate with the parties and, for this reason, officers attached to the ISD will endeavour to defuse the unrest situations by negotiating with the parties concerned. Therefore, all officers and non-commissioned officers receive training in negotiation techniques, as well as techniques in dealing with conflict. This division has already elicited favourable comment and praise for the efficient way in which situations have been defused and/or dealt with.

Although, at present, the ISD represents only a small percentage of the Force, it has already proved that its members are able to deal with any situation.

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1. ISD Stores

The ISD Stores functions as a mobilizing and operational facility which can, at short notice, issue basic equipment to at least 1 500 men. During 1992, the Stores took part in the following mobilization actions and did all the provisioning.

- 1.1. During Operation ALPO, 800 members and 500 members were deployed in Alexandra and Phola Park respectively and were fully equipped. The Stores issued all the equipment and was even responsible for supplying provisions to the members.
- 1.2. The Stores was also responsible for the mobilization and deployment of 650 members in the Vaal Triangle, on the same basis as for Operation ALPO.
- 1.3. Members were also mobilized to perform special duties in Soweto and 650 members were provided with the necessary supplies.
- 1.4. During the operation in King William's Town, 200 members were initially and, shortly thereafter, a further 800 members were fully equipped and issued with provisions.

The different operations coincided, which made the volume of transport and the issuing of equipment very large.

During June 1992, the Stores was also responsible for the withdrawal of all the equipment from the monitoring posts in Lower Orange River. The ISD Stores are still responsible for the supply and administration of all provisions to Stabilising Unit 19 and the General Johan van der Merwe Mobilization Centre.

In addition to the basic equipment the following were also issued:

Firearms	-	4 175
Radios	-	583

The following equipment was repaired and serviced:

Firearms	-	7 059
Radios	-	290

During the year under review, vehicles from the Stores covered 633 475 accident-free kilometres during the transportation of supplies and the recovery of vehicles, while administration was done in respect of 101 boards of survey on vehicles and 150 new vehicles.

2. General Johan van der Merwe Mobilization Centre

The Centre offers sleeping facilities and transport to members attending courses or doing special duties. Members are transported country-wide. During the year under review, the following number of members were transported by the Centre and, where necessary, over-night accommodation was provided:

2.1. *Internal Security and Riot Courses*

Maleoskop	-	6 732
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Verdrag	-	<u>3 088</u>
TOTAL	-	<u>9 820</u>
2.2. CIS Supporting Unit	-	4 360
2.3. Unit 19	-	83 880
2.4. Operation Stabilize	-	34 334
2.5. Other	-	9 574
2.6. Over-night accommodation provided	-	33 906
2.7. TOTAL : Members transported	-	142 008

Altogether 39 vehicles covered a total of 588 147 kilometres during the year under review.

3. Unit 19

During 1992 the following numbers of members were deployed during special duties:

<u>Deployed at</u>	<u>Number of members</u>
Walvis Bay	64
Ramathlabama	40
Soweto	369
Phalaborwa	118
Diepkloof	139
Alexandra	908
Pietermaritzburg	172
Johannesburg	349
Potchefstroom	83
Cape Town	156
Phola Park	338
Tembisa	306
Estcourt	102
Nylstroom	83
Natal	454
Vereeniging	140
KwaNdebele	28
Port Elizabeth	150
East London	848
Krugersdorp	90
Buhrmansdrift	107
Lady Grey	27
Ladybrand	<u>75</u>
TOTAL	<u>5 146</u>

4. Stabilizing Units

During 1992, the various stabilizing units performed their duties particularly well. Although the units were almost daily in contact with acts of unrest, marches and protest actions, they continually tried to contribute towards crime prevention. In addition to patrolling unrest areas, attending to complaints and coming directly into contact with the public in problem areas, the stabilizing units also deal reactively against offenders.

The following statistics clearly indicate the exceptional contribution that was made by members of the stabilising units in bringing offenders to justice, in spite of the limited time that was spent on combating crime:

4.1. Arrests

<u>Offence</u>	<u>Numbers</u>
Assault	1 284
Attempted murder	514
Murder	793
Robbery	1 457
Attempted robbery	246
Theft	1 381
Rape	949
Attempted rape	105
Housebreaking	710
Arson	253
Malicious Injury to Property	225
Intimidation	592
Dealing in dagga	280
Possession of dagga	326
Reckless or negligent driving	91
Driving under the influence of liquor	104
Resisting arrest	28
Assault on police official	26
Possession of unlicensed firearms	425
Dealing in liquor	48
Prohibited immigrants	279
Public violence	264
Vehicle theft	597

4.2. Additional duties performed in the prevention of crime

4.2.1. Roadblocks

Held	22 106
Vehicles searched	178 082
Persons searched	894 216

4.2.2. Cordon and search operations

Held	7 509
Vehicles searched	155 320
Persons searched	536 041

4.2.3. Confiscations

Stolen vehicles	750
Dagga	628 026 kg
Mandrax	12 130 tablets

During the year under review, the following firearms and ammunition were also seized:

AK-47 assault rifles	48
Hand-grenades	31
Shotguns	406
Pistols	863
Home-made firearms	962
Hunting rifles	44
Ammunition (rounds)	14 231

The duties and successes of the units are indicative of the dedication with which members performed their duties, and their actions are not only a credit to themselves but also to the Force in general.

5. Operations

The Internal Stability Division carried out the following operations with great success:

5.1. Operation DIVER

On 7 September 1992, a march took place from King William's Town to Bisho in the Ciskei. Members of the ISD performed duties in this area from 4 to 11 September 1992. The estimated cost of this operation was R11 372 986,00.

5.2. Operation ALPO

Owing to the ongoing unrest and violence on the Witwatersrand and in Soweto, Operation ALPO was launched to stabilize these areas. This operation started on 29 May 1992 and continued to 28 July 1992. The following noteworthy successes were achieved during Operation ALPO:

Confiscations

AK-47 assault rifles	5
G3 rifles	1
VZ sub-machine pistol	1
Pistols	54
Hand-grenades	5
Stolen vehicles	59
Sub-machine pistols	2
7,62 rifles	3
Shotguns	3
Home-made firearms	6
Ammunition (rounds)	532

Arrests

Murder	1
Attempted murder	4
Robbery	56
Rape	7
Housebreaking	3
Theft of motor vehicles	74
Possession of explosives	1
Possession of unlicensed firearms and ammunition	58
Dealing in/possession of dagga	108

5.3. Operation STABILIZE

Following Operation ALPO, Operation STABILIZE was launched on 28 July 1992. This operation succeeded in stabilizing areas on the Witwatersrand, Soweto, the East Rand, the West Rand and the Vaal Triangle to such a degree that the members could be withdrawn on 30 September 1992. This operation was also aimed at giving the welfare departments an opportunity to upgrade

facilities in these areas. The estimated cost of this operation was R13 160 272,00.

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5.4. Operation: Stabilizing violence in Natal

As from 13 November 1992, bases from which members of the ISD operate to stabilize the prevailing violence were opened in Natal. The operation is continuing. The estimated cost for this operation amounts to R1 827 648,00.

6. Marches, gatherings and demonstrations

The gatherings mentioned below were monitored by ISD in conjunction with the Visible Policing Division, the South African Defence Force and Traffic Departments. These protest marches/open-air gatherings/placard demonstrations proceeded with the minimum of injuries and loss of life.

DIVISION **	A	B	C	D	E
Western Cape	111	22	111	379	623
Northern Cape	38	9	36	105	188
Orange Free State	40	10	65	187	302
Eastern Cape	103	13	123	272	511
Natal	44	13	37	249	343
Eastern Transvaal	41	6	27	70	144
Far Northern Transvaal	19	0	17	53	89
Northern Transvaal	15	3	102	117	237
Witwatersrand	97	32	82	474	685
Soweto	18	2	26	137	183
Western Transvaal	23	4	31	59	117
Walvis Bay	0	0	0	0	0
TOTAL:	549	114	657	2 102	3 422

- ** Key
- A. Legal (approved by magistrate)
 - B. Illegal (refused by magistrate)
 - C. Illegal (pre-planned, no application was made)
 - D. Illegal (spontaneous)
 - E. Total per region

STATEMENT BY THE COMMISSION IN RESPECT OF THE MARCH AT THOKOZA ON
22 MAY 1993.

1. At the preliminary enquiry held today into the violence which occurred in Thokoza last Saturday, 22 May 1993, the interested parties were represented by the legal representatives.

2. A full objective and fair account of the events which took place in consequence of the march of the ANC Alliance was given on behalf of the SAP at the ANC Alliance. There were no material differences in their respective versions and they were confirmed also by representatives of the Thokoza Hostel Association. The legal teams of the Inkhata Freedom Party, CAST and Task Park, Holomisa Park and Mandela Park had no instructions which contradicted the aforesaid versions.

3. The Commission is deeply grateful to the legal teams, and particularly those of the SAP and ANC Alliance for having placed themselves in a position to have addressed the Commission so adequately some five days after the event.

4. The Commission would also like to commend the ANC Alliance for having immediately undertaken a complete evaluation of the conduct of mass marches in the light of the events in Thokoza. Dr Nelson Mandela, the President of the ANC played a personal role in the evaluation is sincerely appreciated and reflects the seriousness which the ANC takes this matter.

5. The facts which are not in dispute indicate that:

5.1 The march organized by the ANC Alliance from Thokoza Stadium to the Alberton City Hall failed to comply with the undertaking given by it to the local authority and Chief Magistrate that there would be 1 000 marshalls. There were substantially less than that number and those present were too few to control the marchers.

- 5.2 There had been no consideration given by the ANC Alliance organisers of the desirability of marching past the Thokoza Hostel which was known for a substantial period to house many people who would have stong objection to a march there by the ANC Alliance.
- 5.3 When on the morning of the march, the ANC Alliance organizers were informed that there was hostility manifesting itself at the Thokoza Hostel, he did not then consider an alternative routes for the march. That failure constituted a error of judgement.
- 5.4 When the marchers reached the hostel a fracas broke out between a small group of marchers and hostel dwellers. That was broken up by members of the SAP with the use of teargas, rubber bullets and bird shot. No injuries or deaths are known to have followed in consequences of that action.
- 5.5 At about that time a group of about 10 persons fired into one of the buildings of the hostel from behind it and out of sight of any persons involved in the march.
- 5.6 Firearms were used in crossfire which then ensued, from both within the Thokoza Hostel and from within the group of marchers. One AK 47 was found lying on the road where the marchers had been proceeding.
- 5.7 Some of the marchers proceeded to Khumalo Bridge. At least five people began firing at members of the SAP with AK47. The police returned the fire with live ammunition. There were no reports of deaths or injuries.
6. The ANC Alliance conceded that the attacks made by some of their spokesmen against police conduct on the day in question was based on incorrect information. The Alliance retracts the allegations it made against the SAP on the basis of that misinformation.

7. The Thokoza Hostel Dwellers Association regrets that firearms were used by residents of the Hostel against the marchers. It undertakes to take appropriate steps to ensure that hostel dwellers are not in possession of illegal firearms. The IFP fully supports that undertaking.
- 8.1 The ANC Alliance accepts that the organisation of marches have a responsibility of ensuring that persons who participate in mass marches or demonstrations are not in possession of dangerous weapons of any nature. Appropriate steps are presently been considered by it to ensure that this does not happen in the future.
- 8.2 The Commission calls on all other organisations in South Africa to take similar steps to ensure that no dangerous weapons are carried or displayed in mass marches or demonstrations of a political nature.
9. If any information comes in the possession of any party which materially contradicts the foregoing facts, they are invited to bring them to the attention of the Commission. In such event the Commission will consider appropriate action.
10. The Commission would like to express its appreciation to the SAP for the responsible and sensitive manner in which its officers and members, and particularly Captain Pieterse of the ISU, acted on the day in question.
11. The Commission would like to express its deep regret at the violence, death and injuries which occurred during this week. It is gratified to have been informed that a forum has been established in Thokoza by all interested parties under the auspices of the Wits/Vaal Regional Peace Committee which is urgently addressing the appropriate steps to put an immediate stop to the violence and to bring about lasting peace in the area.
12. The Commission would like to express its appreciation to all the parties in having enable it to complete in less than a day

what might have taken many months of costly and acrimonious proceedings. The candour and objectivity of all the parties is an exciting example of what can be achieved with goodwill and tolerance.

13. The Commission would like to emphasize its strong view that mass demonstration in any decent society should be recognized as a fundamental right. At the same time that right must be exercised reasonably and responsibly. In times of tension and violence which we are now experiencing in South Africa that right should be exercised in such a way as to avoid conflict. In particular hostile environments should be avoided as a matter of good sense rather than of principle.

14. The South African Press Council is requested to investigate the reporting by the media in South Africa of the events which took place in Thokoza on 22 May 1993 in the light of the aforementioned facts and to report them to the Commission as soon as possible.

PRETORIA
28 MAY 1993

INDEPENDENT PEACE KEEPING FORCE FOR DESIGNATED AREAS

TBVC SGT SAP SADF	APLA	IRON GUARDS/ AWB	IFP	MK	ETC
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