

STATEMENT READ BY THE HONOURABLE MR JUSTICE R J GOLDSTONE ON
BEHALF OF THE COMMISSION OF ENQUIRY REGARDING PUBLIC VIOLENCE
AND INTIMIDATION AT ITS MEETING IN CAPE TOWN ON 4 FEBRUARY
1992

1. The Commission of Enquiry regarding the Prevention of Public Violence and Intimidation is meeting today to enquire into the allegations made by the Weekly Mail on 3 January 1992 concerning the funding by the South African Defence Force of "front organisations", the purpose of which, inter alia, is to sponsor violence in Black townships. In particular it was alleged that this practice by the South African Defence Force was currently in operation.
2. In order to enable the Commission to carry out its work efficiently and effectively it was agreed by it and publicly announced after its first meeting on 29 October 1991, that enquiries would be held by Committees established by it save in respect of public violence and intimidation conducted or alleged to be conducted on a national level. In such cases all five members of the Commission would conduct the enquiry.
3. In the opinion of the Commission the allegations of the Weekly Mail were of a nature requiring the Commission as a whole to hold an enquiry.
4. On 4 January 1992 I requested the Weekly Mail to furnish the Commission with evidence or information concerning the allegations. Thereafter, on 13 January 1992 the Minister of Defence and the African National Congress requested the Commission to enquire into the allegations of the Weekly Mail. On the following day it was announced that such an enquiry would be held today, 4 February 1992. Any person having information concerning these allegations was requested to furnish it to the Commission on or before 25 January 1992.

5. On 30 January 1992 the Commission received a joint memorandum from the Weekly Mail, the African National Congress, the Congress of South African Trade Unions, the South African Communist Party, the Media Defence Trust and Lawyers for Human Rights. In the opinion of the Commission the memorandum contains no evidence which relates to current or recent funding by the South African Defence Force of such "front organisations" for the purpose of sponsoring political violence and intimidation. No other evidence or information has been placed before the Commission concerning the allegations made by the Weekly Mail. There are consequently no witnesses whose evidence can be led before this hearing of the Commission.

6. However, the memorandum does contain allegations concerning serious violence and intimidation committed recently by persons trained in camps set up by organisations which were formerly funded by the South African Defence Force. The Commission considers that these allegations should be investigated by a committee of enquiry as a matter of urgency. With the concurrence of the Minister of Justice, such a committee has been established by the Commission. It will be chaired by me. Its members will be Adv D J Rossouw SC, the vice-chairman of the Commission, Mr G Steyn, a member of the Commission and Mr S Moshidi, a Johannesburg attorney. Mr Moshidi is a former member of the council of the Transvaal Law Society, a founder member and former secretary of the Black Lawyers Association and recently appointed to the South African Medical and Dental Council. The Committee's terms of reference are to enquire and report to the Commission on the following matters :
 - 6.1 The present whereabouts and relevant activities of some 200 persons allegedly trained at a base named "Hippo" in the Caprivi Strip during 1986, and thereafter at the Mkuze Camp in KwaZulu;

6.2 The training and activities of a group in Wesselton (Ermelo) known as "The Black Cats";

6.3 The present and recent operations of the following firms insofar and to the extent that they may be involved in recent or current public violence and intimidation :

- * CREED CONSULTANTS in Durban
- * DYNAMIC TEACHING CC in Port Elizabeth
- * MONTAGE (formerly GO HIGH) in Cape Town
- * DIA/PLUS (formerly JOSET HOUSING AND MANAGEMENT SERVICES) in Kimberley
- BETAPERS in Louis Trichardt
- TSOJA ENTERPRISES (formerly LABOREL ADVISORY SERVICES) in Johannesburg
- TOPMAN BESTUURSDIENSTE CC
- ADULT EDUCATION CONSULTANTS CC

6.4 Whether any of the persons referred in 6.1 or 6.2 are members of any organisation or group and, if so, full details thereof and in any event how their activities are organised and controlled.

6.5 If any of the aforementioned enquiries implicate persons or organisations in current or recent violence or intimidation, the role, if any, of the South African Defence Force in funding or assisting such persons or organisations in relation to such violence and intimidation.

The Committee is requested to report its findings to the Commission as soon as possible.

The legal representatives of the Weekly Mail have requested that the evidence of three witnesses be led immediately. They are Mr Mbongeni Khumalo and two "Black Cats" whose identity they have requested be withheld from the public. The Committee has agreed to begin to hear their evidence tomorrow, Wednesday, 5 February 1992.

- 7.1 In view of recent speculation in the media concerning the terms of reference of the Commission, the Commission has decided to make public its views thereon.
- 7.2 The Commission is established in terms of the provisions of the Prevention of Public Violence and Intimidation Act 1991. It cannot lawfully operate outside the provisions of that Act.
- 7.3 The primary function of the Commission is to inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein. It is also required to inquire into any steps that should be taken in order to prevent public violence and intimidation.
- 7.4 The Commission is expressly precluded by the Act from inquiring into any particular occurrence which took place and ended before the commencement of the Act, ie 17 July 1991. That preclusion, however, expressly does not prevent the Commission from hearing evidence and gathering information in connection with an occurrence prior to that date if, in the opinion of the Commission, it is necessary for the proper performance of its functions.

7.5 The Commission is of the opinion that any occurrence which is relevant to current public violence and intimidation should be inquired into regardless of the date of such occurrence.