

The Commission

REPORT TO THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF  
PUBLIC VIOLENCE AND INTIMIDATION FROM THE COMMITTEE ESTABLISHED  
TO INQUIRE INTO THE EVENTS AT MOOI RIVER ON 3 and 4 DECEMBER  
1991

R.J. GOLDSTONE  
CHAIRMAN OF THE COMMITTEE

MR D.J. ROSSOUW, SC  
MEMBER OF THE COMMITTEE

PROF. D. VAN ZYL SMIT  
MEMBER OF THE COMMITTEE

INTRODUCTION

1. The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation established a committee to inquire into mass demonstrations.
2. The Committee is constituted as follows :  
  
Chairman : Mr Justice R.J. Goldstone  
Members : Mr D.J. Rossouw, SC  
Professor D. van Zyl Smit
3. During November 1991 the Commission received requests to inquire into the violence at Mooi River. At that time the volume of work already undertaken by the Commission made it impossible to accede to those requests. On 3 and 4 December 1991 there was a further upsurge in violence at Mooi River, which resulted in the death of 19 people. The Commission decided that the Committee on Mass Demonstrations should urgently inquire into the events of 3 and 4 December 1991. In the first place the violence at that time resulted from a form of mass action and the members were available to conduct the inquiry during the middle of January 1992.
4. The Committee held public hearings at the Mooi River Town Hall on 14, 15, 16 and 17 January 1992 and it heard submissions on behalf of the interested parties on 21 January 1992.
5. As a direct consequence of the hearings and as a result of an initiative taken by the Committee a local dispute resolution committee was established at Mooi River. That committee is operating under the auspices of the National Peace Secretariat and the Natal Regional Dispute Resolution Committee.

6. At the conclusion of the inquiry the Chairman gave an undertaking that the Commission would report urgently on, and make representations concerning the violence at Mooi River.
7. The wider issues raised by the violence at Mooi River will be considered by the Committee on Mass Demonstrations and it will report thereon in due course to the Commission. In this interim report the Committee will report only on matters considered by it to be urgent.

#### BACKGROUND FACTS REGARDING MOOI RIVER

8. Mooi River is situated some 70 km north-west of Pietermaritzburg. It is a small town serving a farming community.
9. On the south-western side of the town is Bruntville, a Black township that was established in 1938. At present there are between 10 000 and 14 000 persons living in the township. Many of the former inhabitants have left in consequence of the violence in the area. A number of the houses in the vicinity of the hostel have been burnt and are now deserted.
10. Bruntville is administered by the Natal Provincial Administration. It falls outside the area of administration of the KwaZulu Government.
11. A hostel for the accommodation of men living alone was established at Bruntville in about 1959. Over 1 000 men occupy the hostel.
12. The only employer of any consequence in the Mooi River area is Avtex Holdings Limited, trading as Mooi River Textiles. It is a company in the Anglo-Vaal Group. It employs approximately 1 200 workers, some 750 of whom live in the hostel. The other approximately 450 workers live outside the hostel in the township.

VIOLENCE AT MOOI RIVER

13. Prior to November 1990 it would appear that there was generally peace and tranquility at Mooi River and Bruntville. Since then the inhabitants of Bruntville have become highly politicised. There are broadly two groups - Inkatha Freedom Party (IFP) supporters and African National Congress (ANC) supporters. The hostel is, to all intents and purposes, controlled by IFP supporters and the remainder of Bruntville by ANC supporters. Workers at Mooi River Textiles who support the IFP are members of UWUSA, the trade union established by the IFP, and those who support the ANC are members of SACTWU, the trade union affiliated to COSATU.
  
14. In the submission to the Commission from the Legal Resources Centre on behalf of the Bruntville Peace Committee (which, broadly speaking, identifies with the ANC) dated 30 October 1991, it was alleged that from November 1990 to October 1991 there were at least 60 separate attacks or incidents of intimidation by the hostel dwellers upon the township residents. Reference was made to only four attacks by the residents on the hostel. On the other hand, the representatives of the KwaZulu Government, who were present at the inquiry, handed in a list of 59 alleged violent incidents by ANC supporters against IFP supporters.
  
15. The very substantial number of incidents alleged by both parties obviously made it impossible for the Commission or a committee of the Commission to investigate all of them. Such an exercise would not be justified and the time, effort and expense would not result in a commensurate benefit to anyone and more particularly would not contribute to finding solutions to the problems.

16. The committee was left in little doubt that since the end of 1990 there have been many incidents of violence initiated by supporters of both groups. There is also no doubt that the events of 3 and 4 December 1991 were an aggravated form of the violence that preceded them.

THE EVENTS OF 3 AND 4 DECEMBER 1991

17. It appears to be undisputed that IFP supporters launched two attacks on dwellers in Bruntville township - the first at about 18h00 on 3 December 1991 and the second at about 04h30 the following morning. The first attack left four persons dead and the second some 15 dead.
18. It is also not disputed that an IFP supporter, Nbuyiselwa Jophannes Mbatha, died from a gunshot wound sustained by him on 3 December 1991. According to the IFP witnesses he was shot in the vicinity of the hostel. It was submitted on behalf of the Bruntville Peace Committee that he might have been shot elsewhere and thereafter moved to outside the hostel where he died. However, nothing material turns on this issue.
19. Some few hundred men participated in the first attack by IFP supporters. They were armed with assegais, sticks and knobkerries. Many more men participated in the second attack. Estimates of witnesses varied from 400 to 1 000. They were similarly armed.
20. After the second attack the Police arrested 172 IFP supporters and confiscated their weapons. They comprised the following:

19 Zulu shields  
2 pangas  
1 home-made firearm  
16 bush knives  
75 knobkerries  
69 sticks  
144 spears

21. According to an ANC witness, a short time prior to the second attack he saw certain IFP leaders from outside Mooi River/Bruntville arrive at the hostel. They were followed by a bus-like vehicle that was towed by a mechanical horse. The suggestion made on the strength of that evidence is that IFP supporters were brought in from outside to participate in the attack on the township. The presence of the bus was denied by the hostel dwellers. The police witnesses did not see such a vehicle in Bruntville.
22. An investigation at the instance of the Committee is at present in progress in order to ascertain how many of these IFP supporters who were arrested were hostel dwellers. The result of this investigation will be material to the evaluation of the degree of planning in relation to the attack and whether there was support from outside the hostel.

#### THE ROLE PLAYED BY THE SECURITY FORCES

23. During November and the first few days of December 1991 policing duties within the area of Bruntville were in the hands of approximately 14 members of the Riot Unit of the SA Police, stationed at Pietermaritzburg. (This unit also patrolled other riot-torn areas such as Richmond and Hammarsdale during the same period.) The members rotated

by serving about a week at a time before returning to Pietermaritzburg. While at Mooi River they were divided into three groups who worked 12-hour shifts. The police squad was supported by a number of troops of the SA Defence Force. The support consisted of patrolling the township, performing observation duties and generally assisting the police in the maintenance of peace. In the case of a joint operation the senior member of the Riot Unit was in command of both his own men and the Defence Force unit. However, according to the evidence of Capt. Dewing, the Station Commander at Mooi River, when he participated in a joint operation he took overall command.

24. The members of the SA Police stationed at Mooi River itself performed ordinary policing duties with respect to Bruntville. They also conducted raids for dangerous weapons in Bruntville.
25. Regular meetings were held at which the various branches of the SA security forces were represented. Although it is clear that the incidence of violence and its intensity mounted towards the end of 1991 (see paragraphs 3 and 16 above) there was no increase in the number of security force members at Bruntville. Nor did the Committee receive any evidence that this increase in violence was recognised in any forward planning by the security forces or in raising the level of experience of the commanders to deal with the increasingly serious situation. In fairness to Capt. Dewing, he did inform the Committee that he had requested additional support that was not forthcoming.
26. A factor that cannot be left out of consideration is the attitude on the part of the police with regard to the possession of dangerous weapons. To be fair, the confusion surrounding the carrying of what has been termed "cultural weapons" was passed down to the local security force

members from higher officials. Statements in the media and from political platforms added to the confusion. In the result neither the local bye-laws nor the provisions of the Natal Code of Zulu Law were applied. The Dangerous Weapons Act was apparently interpreted as not applying to "cultural weapons". AK 47 rifles were classified by the security forces as "dangerous weapons" and regular raids were conducted to search for them. The evidence was that the hostel dwellers predominantly carried "cultural weapons" and that these were not confiscated by the security forces. This state of affairs gave rise to a demonstration by residents on 1 December 1991.

27. The Committee received evidence adjudged to be reliable that strongly suggested a bias on the part of the South African Police in favour of the IFP. This is a perception prevalent among the residents of the township and would seem to be strengthened by this statement by Capt. Dewing in evidence: "I am aware that these clashes originated prior to my arrival and from my understanding of the situation may be attributed to differing political affiliations ... In my opinion I would hold the residents of Bruntville to be the instigators of these attacks and those of Inkatha are in retaliation."
28. It seems to the Committee that, while there may be special circumstances that occasionally justify searches for weapons during the night, the practice of forcefully raiding houses without search warrants in the middle of the night by policemen in plain clothes may well have added to the tension. Such raids can hardly be carried out tactfully (however much the purpose may be explained to the household members); implicit in their execution is an



element that is often perceived as disrespect for the sanctity of the home. These factors generate hostility towards the police and feed the grievance, often expressed, that Black people are treated as second class citizens.

29. The injudicious use of strongarm tactics on the part of the police feeds a perception among both the public and members of the police that they are a law unto themselves. In the case in point at Mooi River this perception may already be a conviction. Not only are search warrants never applied for when raids are to be carried out, but a vehicle that had been declared forfeit to the State was used for patrolling and searches, without the requisite permission, and with false number plates. The Committee can find no justification for this procedure.
30. An active policy to alter this approach should be followed. At the risk of sounding pedantic a good point of departure would be to accentuate the need for courtesy at all times to all people. In cases where the requirements for obtaining a search warrant are present that procedure should routinely be followed. The limitations on searches without a warrant should be strictly observed.
31. Whereas one has understanding for the confusion that accompanies the arrest of 172 people in a short time, the exercise may be adjudged to be futile if the subsequent prosecutions come to nought because the police failed to gather evidence efficiently. To obtain a conviction for the possession of a dangerous weapon the State must prove that the particular accused possessed such dangerous weapon. If there is no evidence (e.g. the testimony of the policeman who effected the arrest) that a particular

accused possessed a particular weapon the prosecution will fail if the accused pleads not guilty. In the event, the arrest of the 172 persons (probably all IFP supporters) took place without them resisting arrest; their weapons as listed above in par. 20 were confiscated en masse and the opportunity of identifying the man with his weapon(s) was lost. One can imagine the negative impact it will have in this situation if none or only a small number of those arrested are convicted. In the interests of the improvement of the existing negative perception of the system of justice and particularly the perception that the police (and in the minds of the people of Bruntville therefore the Government) are partial to the IFP, attention will have to be given to this matter by the police.

#### AN END TO THE VIOLENCE AT BRUNTVILLE

32. Considerable attention has been given to discussing the role of the security forces in the preceding paragraphs and criticism has been expressed in order that procedures may be evolved and action taken to improve the efficiency of the security forces.
  
33. The Committee in no way suggests that the security forces are to blame for the violence at Mooi River. The blame for that falls squarely on those who were participants in attack and counter-attack, irrespective of which party they support. Unless they come to the understanding that other people are entitled to have and express a view different to their own, that physical violence never changes people's convictions, and that tolerance and democracy are not just political slogans but norms actively to be practised, there will not be an end to violence at Bruntville.

Die Kommissie

VERSLAG AAN DIE KOMMISSIE VAN ONDERSOEK INSAKE DIE VOORKOMING  
VAN OPENBARE GEWELD EN INTIMIDASIE VAN DIE KOMITEE INGESTEL OM  
ONDERSOEK IN TE STEL NA DIE GEBEURE OP 3 EN 4 DESEMBER 1991 OP  
MOOIRIVIER

R.J. GOLDSTONE  
VOORSITTER VAN DIE KOMITEE

ADV D.J. ROSSOUW. SC  
LID VAN DIE KOMITEE

PROF. D. VAN ZYL SMIT  
LID VAN DIE KOMITEE

INLEIDING

1. Die Kommissie van Onderzoek insake die Voorkoming van Openbare Geweld en Intimidasie het 'n komitee ingestel om ondersoek in te stel na massabetogings.
2. Die Komitee is soos volg saamgestel:  
  
 Voorsitter: Regter R.J. Goldstone  
  
 Lede : Adv. D.J. Rossouw, SC  
       : Prof. D van Zyl Smit
3. Gedurende November 1991 het die Kommissie versoeke ontvang om ondersoek in te stel na die geweld op Mooirivier. In daardie stadium het die volume werk wat reeds deur die Kommissie onderneem was, dit onmoontlik gemaak om aan dié versoeke te voldoen. Op 3 en 4 Desember 1991 was daar 'n verdere opwelling van geweld op Mooirivier, wat tot die dood van 19 mense gelei het. Die Kommissie het besluit dat die Komitee oor Massabetogings dringend ondersoek moet instel na die gebeure van 3 en 4 Desember 1991. Daardie geweldpleging het uit 'n vorm van massa-aksie voortgespruit, en die lede was beskikbaar om die ondersoek omstreeks die middel van Januarie 1992 te doen.
4. Die Komitee het op 14, 15, 16 en 17 Januarie 1992 getuienis in die openbaar in die stadsaal van Mooirivier aangehoor en het op 21 Januarie 1992 betoë namens die belanghebbende partye aangehoor.
5. As 'n direkte gevolg van die aanhoor van getuienis en as gevolg van 'n inisiatief deur die Komitee is 'n plaaslike geskilbeslegtingskomitee op Mooirivier ingestel. Daardie komitee funksioneer onder beskerming van die Nasionale Vredesekretariaat en die Natalse Streekgeskilbeslegtingskomitee.

6. Met die afhandeling van die ondersoek het die Voorsitter 'n onderneming gegee dat die Kommissie dringend verslag en aanbevelings sou doen oor die geweld op Mooirivier.
7. Die breër kwessies wat deur die geweld op Mooirivier na vore gekom het, sal deur die Komitee oor Massabetogings oorweeg word en die Komitee sal te geleëner tyd daaroor aan die Kommissie verslag doen. In hierdie tussentydse verslag doen die Komitee verslag net oor aangeleenthede wat hy as dringend beskou.

#### AGTERGRONDFEITE BETREFFENDE MOOIRIVIER

8. Mooirivier is ongeveer 70 km noordwes van Pietermaritzburg geleë. Dit is 'n klein dorpie wat 'n boeregemeenskap bedien.
9. Aan die suidwestekant van die dorp is Bruntville, 'n swart dorp wat in 1938 gestig is. Tans woon daar tussen 10 000 en 14 000 mense in die dorp. Baie van die voormalige inwoners het die dorp verlaat as gevolg van die geweld in die gebied. 'n Aantal huise in die omgewing van die hostel is afgebrand en is nou verlate.
10. Bruntville word deur die Natalse Provinsiale Administrasie geadministreer. Dit val buite die administrasiegebied van die KwaZulu-Regering.
11. 'n Hostel vir die huisvesting van enkellopende mans is in ongeveer 1959 in Bruntville opgerig. Meer as 1 000 mans woon in die hostel.
12. Die enigste noemenswaardige werkgewer in die Mooiriviergebied is Avtex Holdings Limited, wat handeldryf as Mooi River Textiles. Dit is 'n maatskappy in die Anglo-Vaalgroep. Die maatskappy het ongeveer 1 200 werkers in diens, van wie ongeveer 750 in die hostel woon. Die ander nagenoeg 450 werkers woon buite die hostel in die dorp.

GEWELD OP MOOIRIVIER

13. Voor November 1990 was daar blykbaar algemene rus en vrede op Mooirivier en Bruntville. Sedertdien het die inwoners van Bruntville hoogs gepolitiseer geraak. Daar is breedweg twee groepe - ondersteuners van die Inkatha-vryheidsparty (IVP) en ondersteuners van die African National Congress (ANC). Die hostel word vir alle praktiese doeleindes deur IVP-ondersteuners beheer, en die res van Bruntville deur ANC-ondersteuners. Werkers by Mooi River Textiles wat die IVP ondersteun, is lede van UWUSA, die vakbond wat deur die IVP gestig is, en dié wat die ANC ondersteun, is lede van SACTWU, die vakbond wat by COSATU geaffilieer is.
14. In die voorlegging aan die Kommissie deur die Regshulp-sentrum namens die Bruntville Peace Committee (wat hom, algemeen gesproke, met die ANC vereenselwig) gedateer 30 Oktober 1991, is beweer dat daar tussen November 1990 en Oktober 1991 ten minste 60 afsonderlike aanvalle of voorvalle van intimidasie deur die hostelbewoners op inwoners van die dorp voorgekom het. Melding is gemaak van slegs vier aanvalle deur die inwoners op die hostel. Aan die ander kant het die verteenwoordigers van die KwaZulu-Regering wat tydens die ondersoek aanwesig was, 'n lys ingedien van 59 beweerde voorvalle van geweld deur ANC-ondersteuners teen IVP-ondersteuners.
15. Die heel aansienlike aantal voorvalle wat deur albei partye aangevoer word, maak dit natuurlik vir die Kommissie of 'n komitee van die Kommissie onmoontlik om almal te ondersoek. So 'n ondersoek sou nie geregverdig wees nie en die tyd, moeite en koste sou nie lei tot 'n ooreenstemmende voordeel vir elkeen nie en sou meer in die besonder nie daartoe bydra om oplossings vir die probleme te vind nie.

16. Die Komitee het weinig twyfel dat daar sedert die einde van 1990 baie voorvalle van geweld voorgekom het wat deur die ondersteuners van albei groepe geïnisieer is. Daar is ook geen twyfel nie dat die gebeure van 3 en 4 Desember 1991 'n verskerpte vorm was van die geweld wat dit voorafgegaan het.

#### DIE GEBEURE VAN 3 EN 4 DESEMBER 1991

17. Dit word blykbaar nie betwis nie dat IVP-ondersteuners twee aanvalle op inwoners van Bruntvilledorp geloods het - die eerste om ongeveer 18h00 op 3 Desember 1991 en die tweede om ongeveer 04h30 die volgende oggend. In die eerste aanval is vier persone gedood en in die tweede ongeveer 15.
18. Dit word ook nie betwis nie dat 'n IVP-ondersteuner, Nbuyiselwa Jophannes Mbatha, gesterf het aan 'n skietwond wat hy op 3 Desember 1991 opgedoen het. Volgens die IVP-getuies is hy in die omgewing van die hostel geskiet. Namens die Bruntville Peace Committee is aangevoer dat hy moontlik elders geskiet is en daarna tot buite die hostel gebring is, waar hy gesterf het. Hierdie kwessie is egter nie van wesenlike belang nie.
19. 'n Paar honderd mans het aan die eerste aanval deur IVP-ondersteuners deelgeneem. Hulle was gewapen met assegaie, stokke en knopkieries. Baie meer mans het aan die tweede aanval deelgeneem. Skattings van getuies wissel van 400 tot 1 000. Hulle het soortgelyke wapens gedra.
20. Na die tweede aanval het die polisie 172 IVP-ondersteuners in hegtenis geneem en op hulle wapens beslag gelê. Dit het uit die volgende bestaan:

19 Zoeloeskilde  
 2 pangas  
 1 tuisgemaakte vuurwapen  
 16 kapmesse  
 75 knopkieries  
 69 stokke  
 144 spiese

21. Volgens 'n ANC-getuie het hy 'n kort rukkie voor die tweede aanval gesien dat sekere IVP-leiers van buite Mooirivier/Bruntville by die hostel aangekom het. Hulle is gevolg deur 'n voertuig soos 'n bus wat deur 'n voorhaker gesleep is. Die suggestie wat op grond van daardie getuienis gemaak is, is dat IVP-ondersteuners van buite gebring is om deel te neem aan die aanval op die dorp. Die teenwoordigheid van die bus is deur die hostelbewoners ontken. Die polisiegetuies het nie so 'n voertuig in Bruntville gesien nie.
22. 'n Onderzoek op inisiatief van die Komitee is tans aan die gang om vas te stel hoeveel van die IVP-ondersteuners wat in hegtenis geneem is, hostelbewoners was. Die resultaat van hierdie ondersoek sal van wesenlike belang wees vir die evaluering van die mate van beplanning rakende die aanval en om te bepaal of daar steun van buite die hostel was.

#### DIE ROL WAT DIE VEILIGHEIDSMAGTE GESPEEL HET

23. Gedurende November en die eerste paar dae van Desember 1991 was polisiëringspligte in die gebied van Bruntville in die hande van ongeveer 14 lede van die Onlusseenheid van die SA Polisie, wat in Pietermaritzburg gestasioneer was. (Hierdie eenheid het ook ander onlusgeteisterde gebiede soos Richmond en Hammersdale gedurende dieselfde tydperk gepatrolleer.) Die lede het geroteer deur ongeveer 'n week



op 'n slag te dien voordat hulle na Pietermaritzburg teruggekeer het. Terwyl hulle op Mooirivier was, is hulle ingedeel in drie groepe wat skofte van 12 uur gewerk het. Die polisiekontingent is deur 'n aantal troepe van die SA Weermag ondersteun. Die ondersteuning het bestaan in die patrolling van die dorp, die verrigting van waarnemingsdienste en algemene bystand aan die polisie met die handhawing van vrede. In die geval van 'n gesamentlike operasie was die senior lid van die Onluseenheid in bevel van sy eie manne en dié van die Weermageenheid. Volgens die getuienis van kapt. Dewing, die stasiebevelvoerder op Mooirivier, was hy egter in oorhoofse beheer toe hy aan 'n gesamentlike operasie deelgeneem het.

24. Die lede van die SA Polisie wat op Mooirivier self gestasioneer was, het gewone polisiëringdienste verrig met betrekking tot Bruntville. Hulle het ook klopjagte in Bruntville onderneem met die oog op gevaarlike wapens.
25. Gereelde vergaderings is gehou, waar die verskillende vertakkinge van die Suid-Afrikaanse veiligheidsmagte teenwoordig was. Hoewel dit duidelik is dat die voorkoms van geweld en die intensiteit daarvan teen die einde van 1991 toegeneem het (kyk paragrawe 3 en 16 hierbo), was daar geen toename in die getal lede van die veiligheidsmagte in Bruntville nie. Die Komitee het ook geen getuienis ontvang dat hierdie toename in geweld in ag geneem is in enige vooruitbeplanning deur die veiligheidsmagte of om die vlak van ervaring van die bevelvoerders wat die toenemend ernstige situasie moes hanteer, te verhoog nie. In billikheid teenoor kapt. Dewing dien vermeld te word dat hy die Komitee wel meegedeel het dat hy bykomende steun versoek het, wat hy nie ontvang het nie.

26. 'n Faktor wat nie buite rekening gelaat kan word nie, is die houding van die kant van die polisie met betrekking tot die besit van gevaarlike wapens. Om billik te wees - die verwarring rondom die dra van wat "kulturele wapens" genoem word, is deur hoër beamptes oorgedra aan die plaaslike veiligheidsmaglede. Verklarings in die media en vanaf politieke verhoë het tot die verwarring bygedra. Die gevolg was dat nóg die plaaslike verordeninge nóg die bepalinge van die Natalse Wetboek van Zoeloereg toegepas is. Die Wet op Gevaarlike Wapens is skynbaar uitgelê as sou dit nie op "kulturele wapens" van toepassing wees nie. AK 47-gewere is deur die veiligheidsmagte as "gevaarlike wapens" geklassifiseer en gereelde klopjagte is uitgevoer om daarna te soek. Volgens die getuienis het die hostelbewoners hoofsaaklik "kulturele wapens" gedra en het die veiligheidsmagte nie daarop beslag gelê nie. Hierdie toedrag van sake het aanleiding gegee tot 'n betoging deur inwoners op 1 Desember 1991.
27. Die Komitee het getuienis ontvang wat as betroubaar beskou word, wat sterk dui op partydigheid aan die kant van die Suid-Afrikaanse Polisie ten gunste van die IVP. Dit is 'n persepsie wat bestaan onder die inwoners van die dorp en word skynbaar gestaaf deur hierdie verklaring van kapt. Dewing in getuienis: "I am aware that these clashes originated prior to my arrival and from my understanding of the situation may be attributed to differing political affiliations ... In my opinion I would hold the residents of Bruntville to be the instigators of these attacks and those of Inkatha are in retaliation."
28. Die komitee is van mening dat, ofskoon daar spesiale omstandighede kan wees wat dit by geleentheid regverdig om in die nag na wapens te soek, die praktyk van gewelddadige klopjagte op huise sonder lasbriewe in die middel van die

nag deur polisiemanne in burgerlike drag heel moontlik tot die spanning bygedra het. Sulke klopjagte kan nouliks taktvol uitgevoer word (ongegag hoe die doel daarvan aan die lede van die huishouding verduidelik word); implisiet in die uitvoering daarvan is 'n element wat dikwels beleef word as 'n gebrek aan eerbied vir die onskendbaarheid van iemand se huis. Hierdie faktore skep vyandigheid teenoor die polisie en versterk die grief, wat dikwels uitgespreek is, dat swartmense as tweedeklasburgers behandel word.

29. Die onoordeelkundige gebruik van hardhandige optrede aan die kant van die polisie versterk 'n persepsie by sowel die publiek as lede van die polisie dat hulle bo die reg verhewe is. In die onderhawige geval van Mooirivier kan hierdie persepsie moontlik reeds 'n oortuiging wees. Nie net word daar nooit aansoek gedoen om lasbriewe wanneer klopjagte uitgevoer moet word nie, maar 'n voertuig wat aan die Staat verbeurd verklaar is, is vir patrolling en soektogte gebruik sonder die nodige toestemming, en met vals nommerplate. Die Komitee kan geen regverdiging vir hierdie prosedure vind nie.
30. 'n Aktiewe beleid om hierdie benadering te wysig, moet gevolg word. Op die gevaar af om pedanties te klink, moet gesê word dat dit 'n goeie uitgangspunt sou wees om klem te lê op die noodsaaklikheid van hoflikheid te alle tye teenoor alle mense. In gevalle waar dit nodig is om 'n lasbrief vir deursoeking te verkry, moet daardie prosedure roetinegewys gevolg word. Die beperkings op deursoeking sonder 'n lasbrief moet streng nagekom word.
31. Hoewel 'n mens begrip het vir die verwarring wat bestaan rondom die inhegtenisneming van 172 mense in 'n kort tydjie, kan dit as 'n nuttelose oefening beskou word indien die daaropvolgende vervolgings op niks uitloop

nie omdat die polisie in gebreke gebly het om doeltreffend getuienis in te samel. Om 'n skuldigbevinding vir die besit van 'n gevaarlike wapen te verkry, moet die Staat bewys dat die betrokke beskuldigde so 'n gevaarlike wapen besit het. Indien daar geen getuienis (byvoorbeeld die getuienis van die polisieman wat die inhegtenisneming uitgevoer het) is dat 'n bepaalde beskuldigde 'n bepaalde wapen besit het nie, sal die vervolging misluk indien die beskuldigde onskuldig pleit. Soos dit blyk, het die inhegtenisneming van die 172 persone (waarskynlik almal IVP-ondersteuners) plaasgevind sonder dat hulle hulle daarteen vernet het; hulle wapens, soos hierbo in paragraaf 20 genoem, is gesamentlik gekonfiskeer en die geleentheid om die man met sy wapen(s) te identifiseer, was daarmee heen. 'n Mens kan jou die negatiewe uitwerking voorstel wat dit in hierdie situasie sal hê indien nie een nie of net 'n klein aantal van dié wat in hegtenis geneem is, skuldig bevind sou word. Met die oog op die verbetering van die bestaande negatiewe persepsie van die regstelsel en veral die persepsie dat die polisie (en in die harte van die mense van Bruntville dus die Regering) partydig is vir die IVP, sal die polisie aan hierdie aangeleentheid aandag moet skenk.

### 'n EINDE AAN DIE GEWELD OP BRUNTVILLE

32. Die rol van die veiligheidsmagte is betreklik breedvoerig bespreek in die voorafgaande paragrafe, en kritiek is uitgespreek sodat prosedures ontwikkel en stappe gedoen kan word om die doeltreffendheid van die veiligheidsmagte te verbeter.
33. Die Komitee gee geensins te kenne dat die veiligheidsmagte vir die geweld op Mooirivier geblameer moet word nie. Die blaam daarvoor rus vierkantig op diegene wat aan die aanval en teenaanval deelgeneem het, ongeag watter party

hulle ondersteun. Tensy hulle insien dat ander mense daarop geregtig is om 'n mening te hê en uit te spreek wat verskil van hulle eie, dat fisiese geweld nooit mense se oortuigings verander nie en dat verdraagsaamheid en demokrasie nie net politieke slagspreuke is nie maar norme wat aktief beoefen moet word, sal die geweld op Bruntville nie tot 'n einde kom nie.