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REPORT ON THE INVOLVEMENT OF THE SECURITY FORCES IN THE VIOLENCE IN NATAL 1992

Since January this year over 190 people have been killed in political violence in the country. In Natal alone over 117 persons have lost their lives. The signing of the National Peace Accord has brought little if any relief to strife-torn areas. There are indications that the role being played by the Security Forces in Natal is an important factor in the increase of the violence to its present proportions.

Since 2 February 1990 there have been a number of allegations made by organisations that the Security Forces far from acting responsibly in dealing with the violence, are in fact, fuelling it. These allegations have been strongly refuted by the South African Government.

The following trends deal with the role played by the Security Forces in Natal and are drawn from cases reported and or dealt with by the HRC office in Natal.

1. Failure to protect

Since January there have been a number of incidents where the Security Forces have failed to protect communities or individuals from attacks.

In some cases as in the case of Port Shepstone on the 1\2\92 and Eskhaweni on both the 16\2\92 and the 24\2\92 police were given adequate warning that it was possible that attacks would take place and yet failed to ensure that sufficient forces were present to avoid such incidents.

Also in Eskhaweni on the 16\2\92 the home of Willis Mchunu, an ANC REC member was burnt down less than 300m from where a contingent of SAP, SADF and KZP were stationed and yet no attempt was made to prevent the incident from occurring.

In other incidents for example on the 17\2\92 and on the 24\2\92 in Uganda, SAP and SADF were present when attacks occurred but failed to intervene because the people involved in the attack were members of the KwaZulu Police.

On the 3\2\91 in Ekutheleni residents contacted the SAP riot unit when their area was attacked by armed men from Unit 17. The riot unit did arrive in the area but only four hours after the incident had been reported. By the time they arrived the attack had ended and the men from Unit 17 had returned to their area.

This failure by the Security Forces to respond to pleas for assistance has resulted in the perception by many residents that the Security Forces are either unable or unwilling to protect them and that they can only rely on their own initiatives to protect themselves.

2. Bias of Security Forces

There has been extensive attention recently on the unlawful and biased conduct of the KZP and many communities no longer refer even the smallest incident to the KZP because they do not believe they would deal with it impartially. However there is also evidence to support the opinion that the SAP and SADF, despite President De Klerk's claims that they have become politically impartial since 2 February 1990, also have a particular political bias which effect the way they deal with the violence.

The Commission established to look into what had occurred on the 4 and 5 December 1991 in Bruntville, which left over 19 people dead after an attack by IFP supporters from the hostel on residents of Bruntville, found that the SAP had in fact shown a bias toward Inkatha. In a report before parliament the Commission stated that "reliable evidence strongly suggests a bias on the part of the SAP towards Inkatha" (Natal Mercury 8\2\92)

Reports of attacks on the ANC-supporting hostels in Eskhweni on the 16\2\92 which left 12 people dead indicate that the Security Forces (KZP, SAP and SADF) did not attempt to disarm the Inkatha men who had entered the area heavily armed but did, shortly after the attacks on the hostels, move through the hostels disarming and assaulting the hostel dwellers who had been successful in defending themselves from the initial attacks.

3.1. Involvement in attacks on Communities and residents:

There have been at least three incidents since the beginning of the year where the KZP have attacked areas either on their own or together with Inkatha members.

In Ekutheleni on the 2\2\92 KZP members joined Inkatha supporters from unit 17 in an attack on residents. Over 4 people were killed and 200 homes burnt in this incident.

On the 16\2\92 KZP again joined men from Unit 17. This time they attacked the Uganda settlement. On the 23\2\92 KZP again moved into Uganda firing randomly at residents.

3.2. Involvement in assaults on people

In Indaleni, near Richmond residents allege that the SADF have been involved in three incidents of rape. Police in the area have confirmed that two cases of rape involving SADF members are being investigated. (Daily News 11\2\92)

There are also a number of incidents where people are taken into custody by the police or army and then assaulted once in custody.

In Thuleni in Umlazi, two youths were allegedly apprehended by SADF members. The youths allege that they were assaulted for over 30 minutes by SADF member. The youths were apprehended on evening of the 19\1\92 but only arrived at the police station at 7.30 the next day. (Black Sash RMG)

At Magoda, Richmond two youths were apprehended by SADF and SAP members after a two way radio was found in their house. The youths allege that they were assaulted both on the way to the police station and then again at the police station. Both youths were later released without being charged. (Affidavits on file, Cheadle Thompson and Hysom PMB)

4. Failure to comply with lawyers.

On the 17th February 1991 lawyers acting for Frazer Diliza Shamane were forced to seek an urgent interdict gaining access to their client, who was being held at the Umlazi police station. The interdict was granted and according to Shamane's lawyer when they did get to see him they found that Shamane had been wounded during his arrest and that he was not receiving adequate medical

treatment.

5. Jurisdiction

Communities who have faced problems with the K2P have appealed for assistance from the SAP. The standard response from the SAP to most of these requests is that they are unable to act effectively because the area falls under the control of the K2P. This response raises a fundamental question, namely whether it is competent or proper for the Central Government to abdicate responsibility for a breakdown of law and order in one part of the country which remains a part of the Republic of SA even if it is under the jurisdiction of the KwaZulu government.

The K2P has also begun to move into areas that are not under their jurisdiction and the SAP seem to have done little if anything to stop them. Uganda settlement which has been subjected to recent attacks from the K2P is an area under the control of the SAP yet, the SAP have shown a reluctance to act against the K2P in these instances.

THE NEW POLICE BILL

A significant number of cases that occurred in the KwaZulu area since January 1, alleged the involvement either directly or indirectly of the KwaZulu Police in the violence.

In December the international jurist report on the violence had the following to say of the K2P "The Kwazulu Police are perceived to be partial by the vast majority of the population. The Police are all members of Inkatha. Chief Minister Buthelezi is both Minister of Police and President of Inkatha. In some cases their (the K2P's) conduct has been violent and cruel"

In December the HRC and LRC in Natal produced a report documenting the role that the K2P have played since their inception the report has the following to say about the K2P "The failure of the K2P to act and to be seen to act impartially has led to a lack of faith and trust on the part of the ordinary citizens....." The report also points out that the credibility of the K2P has sunk to an all time low and that the K2P are so inextricably enwoven in the conflict that there seems to be little chance of them ever extracting themselves.

One of the subjects under discussion within the National

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Peace Accord is the establishment of a single command structure for the police under which the KZP would fall. Parties to the National Peace Accord, including the KwaZulu Government, agreed that the status of the homeland police forces should be decided through negotiations, and that any allegation of the force being involved in violence should be subject to independent monitoring.

Given the overwhelming evidence pointing to the KZP's involvement in the violence and at a time when Codesa has on its agenda the role and future of the homelands themselves, it is inconceivable that the SA Government would attempt to enact legislation that would increase the powers of the homeland police and give them the opportunity to operate in area outside of their jurisdiction. Should this proposed legislation become law and the KZP's powers of operation increased it has the very real potential of escalating the violence to even greater proportions.

CONCLUSION

While the major focus has been on the involvement of the KwaZulu Police and the role they continue to play in the violence, reports compiled would seem to support the allegation that the SA Government Security Forces or at least significant numbers of Security Force members are unable to act impartially and at times even act unlawful in dealing with the violence. The frequency and pattern of such actions clearly points to this not just being the actions of a few renegade individuals. This raises the question of whether the Security Forces have any interest in ensuring the success of the National Peace Accord or at very least in upholding and acting in accordance with the spirit of the Peace Accord.

ANNEXURE**PORT SHEPSTONE (Murchison 01\02\92)**

One person, Sipho Mbisi, was killed and two other people were injured when a large group of Inkatha supporters opened fire on a group of ANC youth returning to Murchison.

The incident occurred when about 30 unarmed youth attempted to return to their homes in Murchison after promises from the chief, chief Ndwalane, that they would be safe if they returned to the area. The youth had fled the area early last year after Inkatha had moved into the area and gone on a forced recruitment drive.

Shortly before the incident the ANC Zonal committee had met with the police in the area who had promised protection for the youth.

According to eyewitness accounts the youth alighted from taxis next to an SAP caspir and two policemen, from there the youth moved to the sports ground. At the sports ground one of the SAP member ordered the youth to sit down. Once the youth were seated the policeman fired one shot into the air. Within minutes of the shot being fired a group of about 50 heavily armed Inkatha supporters arrived. These men walked passed the caspir and opened fire on the seated youth. The police at no time attempted to stop the Inkatha supporters.

After the shooting most of the youth fled into the bushes and all attempts by the ANC leadership to get a police escort into the area to assist these youth failed. (Source Joint Working Committee Port Shepstone)

Ekuthuleni (Umlazi 02\02\92)

At least 4 people were killed and at least 200 homes burnt, when men from the Hostel in Unit 17 attacked residents of Ekuthuleni. Affidavits taken from eyewitnesses to the attack alleged that shortly after the men from Unit 17 attacked the area they were joined by 4 KZP members. The Kzp members after removing their shirts, joined in the attack against residents of Ekuthuleni.

The two days following the attack and after most residents of Ekuthuleni had fled from the area, men from Unit 17 entered the area looting and burning homes. (Source HRC, Monty Moodley & Assoc)

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Eskhaweni (North Coast 16/02/92)

On the 16 February 1992 a meeting of chiefs had been called by one of the Chiefs in the area. The meeting never occurred but over 12 people were killed and at least 24 homes burnt down.

The incidents occurred when 13 buses entered the area and moved towards the hostels where many ANC supporters live. The buses were carrying armed Inkatha members and after disembarking from the buses the men began to attack the first hostel.

At the time of the incidents the SADF, SAP and KZP were present and did nothing to prevent the attack. However, when a hostel dweller attempted to retaliate and drive the Inkatha men back the SADF, SAP and KZP began shooting at hostel dwellers.

At this point a group of Inkatha supporters broke away and moved down to where Willis Mchunu, a prominent ANC member, lived. His house was burnt by these men 300 m from where a SAP, SADF and KZP contingent were stationed.

The Security Forces did not attempt to remove the Inkatha men who had entered the area by bus nor did they attempt to disarm the Inkatha supporters. They did however, raid the hostels disarming and arresting the hostel residents.

Attempts by Regional leadership of the ANC to speak to the police and try to calm the situation was ignored. In the end 12 people were killed and over 24 homes belonging to prominent ANC members were burnt. (Source JWC Northern Natal)

Eskhaweni (North Coast 23/12/92)

3 people were killed when they were attacked by a large group of Inkatha supporters gathered at the Hlanganani Hall. The first attack in which two people were killed occurred in the presence of the KZP who did not attempt to prevent the incident. The men had gathered at the Hall illegally and despite constant appeals from lawyers and residents of the area to both the SAP and the KZP nothing was done to remove or disarm the men at the hall. (Source Silochini Pillay & Assoc, JWC northern Natal)