

The State President

THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC  
VIOLENCE AND INTIMIDATION HAS THE HONOUR TO PRESENT AN INTERIM  
REPORT ON THE VIOLENCE AT MOOI RIVER

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CHAIRMAN OF THE COMMISSION

1. Enclosed herewith is a report from the Committee established under section 4(a) of Act 139 of 1991 to inquire into the violence that occurred at Mooi River on 3 and 4 December 1991.
2. The report of the Committee was accepted by the Commission.
3. On the basis of the report of the Committee, the Commission unanimously makes the following recommendations:

3.1 REGARDING THE POLICE

- 3.1.1 The policy regarding the carrying of dangerous weapons in public should be determined and made public as a matter of urgency. There appears to be confusion on the part of the public and the police as to the carrying of weapons at cultural or traditional occasions, on the one hand, and the carrying of dangerous weapons whether for self-defence or for offensive or aggressive purposes, on the other hand. While the former may be tolerated under properly controlled circumstances, the Commission has no doubt that the latter, i.e. carrying weapons for non-cultural purposes cannot be tolerated if normal and peaceful conditions are to prevail in our society. The Commission finds it quite unacceptable that men in the Mooi River/Bruntville area walk the streets (and indeed attended the hearings in the Town Hall) carrying spears and sticks. The law obliges the police to confiscate such weapons and prefer criminal charges against such persons. That should be made clear. At the same time the police must obviously provide adequate protection, for example to workers walking between Bruntville and the Mooi River Textiles Factory. This whole issue forms the subject-

matter of the wider terms of reference of the Committee on Mass Demonstrations and will be reported on further in due course.

- 3.1.2 Having regard to the build-up of violence over a period of months, there should clearly have been more efficient and more sensitive leadership of the police and security forces in the area. A suitable senior police officer should be appointed at Mooi River as a matter of urgency and clear lines of command established.
- 3.1.3 The practice referred to in the report of conducting raids without warrants, in plain clothes and in a vehicle bearing false number plates should be prohibited forthwith. Such procedures, apart from being unlawful, cannot serve any proper or useful purpose and, in addition, can only fuel rumours and theories about a "third force" being responsible for much of the violence in South Africa. The explanation for this conduct given by the police witnesses was unsatisfactory and contradictory.
- 3.1.4 Procedures should be implemented for the more efficient gathering of evidence, even in riot situations, so that criminal conduct will result in efficient prosecution. Such procedures should be planned with the assistance of the attorneys-general.
- 3.1.5 The evidence suggesting and perceptions that members of the Police Force favour IFP supporters is a matter of concern and if correct will serve to aggravate negative attitudes towards the police by many members of the community that the police are serving. Urgent and effective steps should be taken

to educate and explain to all members the absolute necessity of unbiased policing. This is especially important in areas such as Mooi River and many other parts of Natal in which there are strong group rivalries.

- 3.1.6 If, as is hoped, the new Local Dispute Resolution Committee continues to operate, it is strongly recommended that the whole question of policing in the area should be undertaken in consultation with that committee. In that way there is a greater prospect of obtaining community support for the efforts of the police.

### 3.2 REGARDING SOCIO-POLITICAL MATTERS

- 3.2.1 The Commission recommends that time, money and effort should be expended in making a success of the peace initiative at Mooi River. If one good example can be set it could well lead to positive solutions in other areas.
- 3.2.2 It is against this background that the Commission urges Government, the Natal Provincial Administration, the Mooi River Council and Mooi River Textiles to provide funding or to identify sources of funding in order to implement acceptable and constructive solutions that may be agreed upon by the Local Dispute Resolution Committee.
- 3.2.3 The Commission is of the view that the national and provincial political leaders of the IFP and the ANC should play a prominent role in encouraging the process of working for peace. The Chairman of the Commission requested the national chairmen of the IFP and the ANC to publicly welcome the Mooi River peace initiative. If they did respond to that request no evidence thereof has reached the Commission.

- 3.2.4 The Commission has had regard to the press coverage in Natal of the violence at Mooi River. Inaccurate and unchecked information and rumours were disseminated by both ANC and IFP spokespersons. This was regularly reported in the newspapers. The Commission recommends that political and other organisations should take cognisance that inaccurate reports of violence in themselves frequently result in an escalation of violence. The Commission appeals to the leadership of both organisations to exercise greater restraint and care in this regard.
- 3.2.5 In these highly sensitive and volatile matters the press also has a special duty to report the facts and to report them accurately and responsibly. With regard to the inquiry itself there were instances of inaccurate and careless reporting.
- 3.2.6 The Local Dispute Resolution Committees at Mooi River and elsewhere may well consider educational programmes that all representatives visibly support in order to inculcate in the local inhabitants a tolerance for conflicting views and affiliations. Again, the Commission would stress the need for strong leadership in this regard.

#### 4. CONCLUSION

- 4.1 It was indicated to the Committee that if lasting solutions and peace do not come to Mooi River, the only large employer, Mooi River Textiles, may well have to move its factory to another area. This would be disastrous for the people of Mooi River. Self-interest should dictate to the local leadership that they must work together to create a more peaceful and acceptable climate.

Government agencies at all levels can only provide a framework and an infrastructure for this. At the end of the day it is the people themselves, through their leaders, who will determine the success or failure of any initiatives taken in order to achieve a successful result.

- 4.2 Support from all appropriate quarters for the Local Dispute Resolution Committee and the disarming of the people of Bruntville are essential prerequisites for lasting peace in the area.
- 4.3 It was submitted on behalf of the Bruntville Peace Committee that the Commission should recommend that the conduct of certain members of the Police Force at Mooi River be referred to the Attorney-General. However, evidence led before the Committee did not, in the opinion of the Commission, establish any prima facie unlawful conduct on the part of any police officer save in regard to the improper use of a forfeited vehicle with false number plates. In respect of this last-mentioned matter (see para. 3.1.3 above) the Commission recommends that appropriate steps be taken to prevent the recurrence of such conduct and that the South African Police consider disciplinary action against the police officers who were involved.
- 4.4 The Commission recommends further that the South African Police make every endeavour to bring the perpetrators of the violence committed at Mooi River to justice and that the Attorney-General be requested to render assistance in that regard.

Die Staatspresident

DIE KOMMISSIE VAN ONDERSOEK INSAKE DIE VOORKOMING VAN OPENBARE  
GEWELD EN INTIMIDASIE HET DIE EER OM 'N TUSSENTYDSE VERSLAG OOR  
DIE GEWELD BY MOOIRIVIER VOOR TE Lê.

R.J. GOLDSTONE

VOORSITTER VAN DIE KOMMISSIE

1. Hierby ingesluit is 'n verslag van die Komitee wat kragtens artikel 4(a) van Wet 139 van 1991 ingestel is om ondersoek in te stel na die geweld wat op 3 en 4 Desember 1991 op Mooirivier plaasgevind het.
2. Die verslag van die Komitee is deur die Kommissie aanvaar.
3. Op grond van die verslag van die Komitee doen die Kommissie eenparig die volgende aanbevelings:

### 3.1 BETREFFENDE DIE POLISIE

- 3.1.1 Die beleid betreffende die dra van gevaarlike wapens in die openbaar moet as 'n kwessie van dringendheid bepaal en bekendgemaak word. Daar heers blykbaar verwarring onder die publiek en die polisie oor die dra van wapens by kulturele of tradisionele geleenthede aan die een kant en die dra van gevaarlike wapens, hetsy vir selfverdediging of vir offensiewe of aggressiewe doeleindes, aan die ander kant. Hoewel eersgenoemde onder behoorlik beheerde omstandighede geduld kan word, twyfel die Kommissie geensins dat laasgenoemde, dit is die dra van wapens vir niekulturele doeleindes, nie geduld kan word nie met die oog op normale en vreedsame toestande in ons samelewing. Die Kommissie vind dit heeltemal onaanvaarbaar dat mense in die Mooirivier/Bruntville-gebied spiese en stokke op straat dra (en trouens ook terwyl hulle die aanhoor van getuienis in die Stadsaal bygewoon het). Die wet verplig die polisie om op sulke wapens beslag te lê en kriminele klagte teen sulke persone in te bring. Dit is iets wat duidelik gestel moet word. Terselfdertyd moet die polisie klaarblyklik voldoende beskerming verskaf vir byvoorbeeld werkers wat tussen Bruntville en die Mooi River Textile-fabriek loop. Hierdie hele aangeleentheid



vorm deel van die onderwerp van die breër opdrag van die Komitee oor Massabetogings en daarvoor sal mettertyd verder verslag gedoen word.

- 3.1.2 Wat die opbou van geweld oor 'n tydperk van maande betref, moes daar klaarblyklik doeltreffender en sensitiewer leierskap van die polisie en veiligheidsmagte in die gebied gewees het. 'n Geskikte senior polisieoffisier moet dringend op Mooirivier aangestel word en duidelike bevelslyne moet gevestig word.
- 3.1.3 Die praktyk wat in die verslag vermeld word, naamlik die uitvoer van klopjagte sonder lasbriewe, in burgerlike drag in 'n voertuig met vals nommerplate, moet onmiddellik verbied word. Sulke prosedures, afgesien daarvan dat dit onwettig is, kan geen behoorlike of nuttige doel dien nie en kan boonop net gerugte en teorieë aanblaas oor 'n "derde mag" wat verantwoordelik is vir baie van die geweld in Suid-Afrika. Die verklaring wat die polisiegetuies vir hierdie optrede gegee het, was onbevredigend en teenstrydig.
- 3.1.4 Prosedures moet toegepas word vir die doeltreffender insameling van getuienis selfs in onlussituasies, sodat kriminele gedrag tot doeltreffende vervolging sal lei. Sulke prosedures moet met die bystand van die prokureurs-generaal beplan word.
- 3.1.5 Die getuienis wat suggereer en die persepsies dat lede van die Polisiemag IVP-ondersteuners begunstig, is kommerwekkend en, indien waar, sal lei tot die versterking van negatiewe gesindhede teenoor die polisie onder baie lede van die gemeenskap wat deur die polisie gedien word. Dringende en doeltreffende

stappe moet gedoen word om alle lede op te voed en die absolute noodsaaklikheid van onbevooroordeelde polisiëring by hulle tuis te bring. Dit is veral belangrik in gebiede soos Mooirivier en baie ander dele van Natal waar daar sterk groepsmededinging is.

- 3.1.6 Indien, soos gehoop word, die nuwe Plaaslike Geskilbeslegtingskomitee met sy werksaamhede voortgaan, word daar ten sterkste aanbeveel dat die hele kwessie van polisiëring in die gebied in oorleg met daardie komitee onderneem word. As dit gedoen word, is daar 'n beter vooruitsig om die gemeenskap se steun vir die pogings van die polisie te verkry.

3.2 BETREFFENDE SOSIOPOLITIEKE AANGELEENTHEDE

- 3.2.1 Die Kommissie beveel aan dat tyd, geld en moeite aangewend word om die vredesinisiatief op Mooirivier te laat slaag. Indien een goeie voorbeeld gestel kan word, kan dit heel moontlik tot positiewe oplossings in ander gebiede lei.
- 3.2.2 Dit is teen hierdie agtergrond dat die Kommissie by die Regering, die Natalse Provinsiale Administrasie, die Mooirivierraad en Mooi River Textiles daarop aandring om fondse te verskaf of om finansieringsbronne te identifiseer ten einde aanvaarbare en opbouende oplossing waaroor die Plaaslike Geskilbeslegtingskomitee ooreenkom, ten uitvoer te bring.
- 3.2.3 Die Kommissie is van mening dat die nasionale en provinsiale politieke leiers van die IVP en die ANC 'n belangrike rol moet speel om die proses van beywering vir vrede te bevorder. Die Voorsitter van die Kommissie het die nasionale voorsitters van die

IVP en die ANC versoek om die Mooirivierredesinisiatief in die openbaar te verwelkom. Indien hulle wel op hierdie versoek gereageer het, het geen getuienis daarvan die Kommissie bereik nie.

- 3.2.4 Die Kommissie het gelet op die persdekking in Natal wat die geweld op Mooirivier geniet het. Onakkurate en ongeverifieerde inligting en gerugte is deur woordvoerders van sowel die ANC as die IVP versprei. Koerante het gereeld daarvoor verslag gedoen. Die Kommissie beveel aan dat politieke en ander organisasies daarop let dat onakkurate berigte van geweld op sigself dikwels tot die eskalاسie van geweld aanleiding gee. Die Kommissie doen 'n beroep op die leiers van albei organisasies om groter self-beheersing en omsigtigheid in hierdie verband aan die dag te lê.
- 3.2.5 In hierdie hoogs sensitiewe en plobbare aangeleenthede het die pers ook 'n spesiale plig om oor die feite verslag te doen en om akkuraat en verantwoordelik daarvoor verslag te doen. Met betrekking tot die ondersoek self was daar gevalle van onakkurate en agterlosige beriggewing.
- 3.2.6 Die Plaaslike Geskilbeslegtingskomitees op Mooirivier en elders kan gerus opvoedingsprogramme oorweeg wat sigbaar deur alle verteenwoordigers ondersteun word, ten einde by die plaaslike inwoners 'n verdraagsaamheid teenoor botsende sienswyses en affiliasies in te prent. Die Kommissie beklemtoon weer eens die noodsaaklikheid van sterk leierskap in hierdie verband.

#### 4. GEVOLGTREKKING

- 4.1 Daar is teenoor die Komitee te kenne gegee dat indien blywende oplossings en vrede nie in Mooirivier bewerkstellig kan word nie, die enigste groot werkgewer, Mooi River Textiles, heel moontlik sy fabriek na 'n ander gebied sal moet verskuif. Dit sou rampspoedig wees vir die mense van Mooirivier. Die plaaslike leiers behoort in hulle eie belang te besef dat hulle moet saamwerk om 'n meer vreedsame en aanvaarbare klimaat te skep. Owerheidsagentskappe op alle vlakke kan slegs 'n raamwerk en 'n infrastruktuur vir hierdie doel daarstel. Op die ou einde is dit die mense self, deur hulle leiers, wat die sukses of mislukking sal bepaal van enige inisiatiewe om sukses te behaal.
- 4.2 Steun uit alle gepaste oorde vir die Plaaslike Geskiedenisbeslegtingskomitee en die ontwapening van die mense van Bruntville is noodsaaklike voorvereistes vir blywende vrede in die gebied.
- 4.3 Namens die Bruntville Peace Committee is daar aangevoer dat die Kommissie moet aanbeveel dat die optrede van sekere lede van die polisie op Mooirivier na die Prokureur-generaal verwys word. Getuienis wat voor die Kommissie afgelê is, het na die Kommissie se mening egter nie prima facie onwettige optrede aan die kant van enige polisie-beamptes bewys nie, afgesien van die onbehoorlike gebruik van 'n verbeurdverklaarde voertuig met vals nommerplate. In verband met laasgenoemde aangeleentheid (kyk paragraaf 3.1.3 hierbo) beveel die Kommissie aan dat gepaste stappe gedoen word om 'n herhaling van sulke optrede te voorkom en dat die Suid-Afrikaanse Polisie dissiplinêre stappe oorweeg teen die polisiebeamptes wat daarby betrokke was.

4.4 Die Kommissie beveel voorts aan dat die Suid-Afrikaanse Polisie alles in hulle vermoë doen om diegene wat betrokke was by die geweld op Mooirivier, voor die gereg te bring en dat die Prokureur-generaal versoek word om bystand te verleen in dié verband.