

## VIOLENCE NOW: HAPHAZARD OR ORCHESTRATED?

This paper consists of six parts:

- 1 The current state of repression despite reform
- 2 The Transvaal violence in general but more specifically Soweto
- 3 The political implications of the recent violence
- 4 The violence which is pervasive generally
- 5 Phola Park: A case study
- 6 Reconciliation and Reconstruction

### 1 REFORM AND REPRESSION

Human Rights groups have through the years monitored human rights violations in South Africa which have been perpetrated through both formal and informal repression, under the guise of security legislation, hit squads, vigilante, and police action, etc. However in mid 1990 two new elements emerged.

1. Mass violence amongst communities in the Transvaal townships which had been endemic in Natal for the past few years but was new to the Transvaal,
2. Right Wing action.

#### Formal State Repression

Addressing State Repression, means tackling the obstacles standing in the way of creating a climate conducive to negotiation. Until all repressive laws and measures are removed meaningful negotiations cannot begin.

Although an estimated that less close on 300 of the 3,000 political prisoners have been released and executions suspended pending a review of each case under amended capital punishment legislation, no repressive legislation has been scrapped or even modified, only the implementation of certain measures suspended. The Internal Security Act and the Public Safety Act are still intact and largely enforced by government despite their undertaking to review it, in the spirit of the Pretoria Minute.

#### Detention and Torture

Despite the unbanning of organisations and the pervading new political dispensation detention without trial continues. The February 1991 HRC Report states: "During 1990 the number of detentions doubled over that of 1989. Reports of torture in detention continued to be received, and further deaths in detention recorded."

As at Feb 91, 33 people were held in the Transvaal under the Internal Security Act Sec.29. Nationally 81 were held under ISA Sec.29 and one Sect 50 ISA and 8 under the Declaration of Unrest Areas.

Minister Vlok's recently emphasized that detention without trial is here to stay. As long as this system remains the violence of formal repression through detentions will continue and the

torture and deaths of people held will be an ongoing saga.

#### Deaths in Police Custody

In the first 6 months of 1990 there were the following deaths in the Transvaal of people in police custody or in detention:

January: A boy, Nixon Phiri, (16) was assaulted and died during interrogation at the hands of police in the area of Carletonville.

January: David Sithole held in Section 29 died in detention. President De Klerk ordered an independent enquiry into his death which was found to be suicide.

March: Lucas Tlhokomisang held under Emergency regulations on the 21/3/90 died in hospital on 27/3/90. Allegedly assaulted while in detention.

June: Donald Thapelo, Northern Transvaal, held under Section 29 detained 17/1/90. Found hanging in his cell 1/6/90.

July: Eugene Mbulwa (15), Died in hospital after being interrogated by police in Carletonville at the same police station as Nixon Phiri.

July: Japie Matabogo, Ventersdorp, died in police custody. He was allegedly beaten to death while in police custody for urinating in a public area on his way to church.

In the case of Clayton Sithole an independent enquiry was held, however, no independent enquiry was established to look into the other deaths despite persistent demands for an enquiry to be set up. An enquiry by police into police actions is unacceptable.

#### Harassment

The police, both security and uniformed, have not stopped harassing activists. "Call In" cards are still being delivered and people complain that families are questioned as to their activities.

#### Police Action

Through the years there have been thousands of allegations made against the police for their misconduct, partiality and brutality; it is no different to-day.

This is not surprising considering that through the years they have been trained to perceive the resistance and the organisations such as ANC and others as the forces of "terrorism". Therefore, it is also not surprising that within the forces many who lean towards right wing ideology, are resisting the unbanning of the organisations and the possible abolition of apartheid. They would clearly like to sabotage the peace process. This criticism crops up persistently in allegations against the police. (see Violence in the Townships)

In this period many people were wounded or killed during demonstrations and marches, despite President De Klerk's speech on February 2nd 1990 recognising the democratic right to peaceful protest.

An example is the massacre which occurred in the Vaal area on the 26th March 1990 when 281 people were injured and 17 killed. An independent enquiry established to look into the events found that the police used "immoderate force". Mr Justice Goldstone said that "the police were undisciplined and lacked concern for the consequences of using lethal ammunition".

The Human Rights Commission reports that between 2/2/1990 and 31/1/91 in the Transvaal 119 people were killed (the police figure stands at 197 civilians killed) and 1397 people were injured directly or indirectly through police action. Nationally the figure recorded is 268 killed and 2892 wounded in RSA and for the TBVC 55 killed and 498 wounded.

HRC base their numbers on reported cases in the press and are therefore conservative.

### Informal Repression

The National Security Management System (NSMA) was created in the mid-eighties by the "securocrats", army generals and police chiefs, and was designed to co-ordinate the activities of all components of total strategy. A network was formed to co-ordinate information as to the activities of opposition organisations, the identities, whereabouts and activities of particular individuals.

In November 1989, President De Klerk, announced the downgrading of the NSMS retaining the National Security Council which would now be subordinate to the cabinet. The entire system was renamed the "National Co-ordinating Mechanism" while the "welfare" role was emphasised and the "security" aspects downplayed. However, the renaming of this structure does not mean that the hit squads and other sinister bodies will not continue their work, and until this type of structure is totally dismantled it will remain suspect and remain a matter of grave concern.

### Hit Squads

It is evident that hit squads are still in existence in spite of the commissions of enquiry into their activities, and the government's announcement last year that they would disband the Civil Co-operation Bureau.

To quote a Star editorial 11/2/91:

"The country will require better answers of the CCB than the blandly dismissive one given by General Magnus Malan in Parliament last week. He told MPs that 80% of the CCB's administrative structures had been wound down and that an internal audit had found that millions of rand had not gone missing. The first question that springs to mind is 80% of what? The public was never told anything about the CCB until newspaper investigations forced some of its shadowy operations into the open. As Human Rights Commission points out, it took several years - by the Minister's account - for him to become aware of its existence. Can he now be satisfied with the assurances he's been given that it has virtually disappeared?"

And what exactly is the other 20% up to anyway? Hit squad activities still continue; in the second half of last year the HRC monitored 45 incidents of mysterious attacks against anti apartheid activists, in which 19 people died."

Government auditors put CCB spending since 1988 at R12,529-million all of which was "unauthorised". After the CCB had been operationally disbanded R3,926-million was approved by the acting commander Special Forces for the advance payment of leave and pension gratuities. This amount was not authorised. All this would seem to confirm that the CCB has not been totally disbanded and that the current regime has done nothing to make those involved accountable.

Hit squads have played the role of agents provocateur, apart from the targeted assassination function.

It is within the area of informal repression that there are strong suspicions that the old "securocratic" elements within the government are still attempting to sabotage the negotiation initiatives. The members, books and past activities of such organs of the state should immediately be fully and publicly investigated.

Some examples of such attacks:

Penuell Maduna a lawyer and an ANC member of the working group was lucky to escape with his life when two attempts to kill him failed. The first attempt appeared to be criminal and it's likely that his death would have been ascribed to thieves who stole his car or some such explanation had they succeeded.

Fawcett Mathebe, a leading member of the ANC Youth league in the Transvaal was not so lucky he was killed, in circumstances that would lead one to believe that he was attacked by criminals and his car stolen. However, bearing in mind the attacks on Maduna this is questionable.

Beki Mlangeni, a lawyer enquiring into death squads and the violence into the Transvaal was killed on the 16/2/91 with a very sophisticated device which seems to have been intended for Captain Coetzee who had revealed the details of the death squads thus making him a danger to the continued existence of these squads.

In September an attempted assassination, on Transvaal trade unionist Vusi Khumalo, failed.

### Right Wing

The right wing has increased its activity in an effort to maintain the status quo and to counter enlightened moves made by government. To do so they have resorted to violence. Many attacks that have taken place in the Transvaal have been attributed to them, e.g. the attacks on Democratic Party and National Party councillors, the Vrye Weekblad, Union offices and a Jewish synagogue. They have easy access to commercial explosives and

have in some cases admitted to acts of violence.

Over the past months there have been 11 bomb attacks on premises in the Transvaal. Offices have been broken into, houses fired upon and there was an attack on a property owned by the United States Embassy. There have also been reports of harassment and death threats. These attacks are mainly attributed to the right wing but could include hit squad action.

The potential for violence emanating from this group was evidenced in the attack on black children in a park in Louis Trichardt and other attacks on people using recreational facilities.

There are 19 right wing people in detention under the Internal Security Act Sect.29 most of whom are Transvalers. Example:13/9/90 A white man was arrested after he allegedly petrol-bombed a Putco bus full of black passengers in Victory Park. (Sowetan 14/9/90).

### Vigilantes

"Vigilantes" stem from the unpopular apartheid created structures of "Homelands" and "Black Local" authorities. Their links to the state are clearly demonstrated. They are recruited from "traditional" elements, criminal elements or simply from the ranks of the desperate unemployed. Their growth is encouraged or tacitly condoned by the State through thinly disguised support of the security forces and local police. In fact their ranks often serve as a recruiting source for homeland and council police, thereby earning them the description of vigilantes in uniform.

Statistics show that their violence ranks with the police violence as the most destructive force in South Africa to-day.

It is often difficult to ascribe certain attacks to a particular group, when there is a doubt it is usually categorised by monitoring groups as a vigilante attack.

One was of a man who had uncovered a hit list which included his name. He was warned that he would be taken out! He was. This is a case in point; was it the hit squads or vigilantes who killed him?

## 2 TRANSVAAL VIOLENCE

The explosion of brutal violence and terror hit the Transvaal in the middle of the year. The Natal violence was exported to the Transvaal and proved to be a well orchestrated systemised attack to destabilise the community.

### Reasons for the Violence

Cosatu has pointed out that "the offensive took place in the week of national action against the violence in Natal." and shortly

thereafter the Inkatha Freedom Party was launched as a political party.

In what would appear to be psychological preparation for war, it seems that instructions were sent out by Inkatha that their members, and more specifically "Zulus", must arm themselves and prepare for violence, since they were going to be attacked.

#### Organisation

Hostels are imminently suitable places for organisation and the launch of attacks. With the large number of single men in one enclosed place it is easy to intimidate and coerce people into following orders as they are easily singled out if they refuse to comply. Some, it is suggested, have been assassinated for refusing to join Inkatha.

In hostels it is easy to call meetings, every-one is there and available. It was noted by hostel inhabitants at this time that strangers from other areas were bused in and housed in the hostels.

"Rallies" were used as launching pads for attacks. Inkatha remained armed with a range of weapons, including guns and rifles and despite repeated requests from communities, organisations and monitoring bodies the police refused to disarm them on the ridiculous grounds that they were armed with "traditional" weapons!

Hostel dwellers were told that people must resign from other organisations and join Inkatha.

Many hostel dwellers fled the hostels and joined the community.

This set the climate for the attacks that were to ensue. Over 1,000 people have lost their lives on the Reef in bloody clashes.

#### Violence and the Failure of the Police to Act

On the 22nd July Cosatu was warned by some of its Zulu members who had attended a hostel meeting that there was to be an Inkatha attack on the community. Cosatu immediately contacted Colonel Mazibuko. He undertook to disarm Inkatha members who were to attend a rally in Sebokeng. Instead of honouring the undertaking, the police escorted Inkatha members to the rally. After the rally the Inkatha members, still heavily armed, were escorted on foot to the hostels from Zone 7 to Zone 14. People were attacked on the way and the police did not intercede to protect the residents. Twenty four people lost their lives and many others were wounded.

There followed 10 days of terror but the police did not intercede until the 10th day when 9 people were shot dead and 17 others wounded by unknown gunmen. Prior to this they had done nothing.

After 10 days of fighting more than 500 people were reported killed. It is believed that this figure tops the Natal violence toll which averaged 3 deaths a day over the last 4 years.

By the 23rd August the violence spread to the East Rand (see Phola Park Section).

Then in early September the violence spread to Johannesburg. Once again Cosatu were tipped off of an imminent attack on train commuters. They warned the police who again failed to act. Three attacks took place in Soweto and Jeppe. Two people were killed and more than 100 injured. It is alleged police were present but just stood by and watched while Inkatha vigilantes attacked.

Attacks took place on trains, on train stations, and bus stops. Many people on the trains jumped off the train in panic or were thrown off. Men driving mini buses fired randomly on commuters and pedestrians.

Rumours spread about imminent attacks causing panic throughout the township. Students armed themselves with any weapon they could lay their hands on, including petrol bombs, in order to protect themselves, their homes and their families.

On the 29th July the attacks began in Soweto, once again the police had been warned and did nothing.

On the 5th August 35 Inkatha vigilantes ambushed a funeral in Soweto, but retreated when they saw the big funeral procession. Residents felt that police knew of this attempted attack as they appeared immediately Inkatha retreated.

In August there were further attacks on trains and on communities.

Towards the end of September the violence seemed to be subsiding after representatives of various monitoring groups including community, lawyers, and churches met with the SAP in an effort to achieve peace.

The main thrust of the criticisms were made against the police response to the conflict.

#### Allegations Against the Police

police were partisan;  
police were passive and standing by while the attacks raged;  
actively helping Inkatha;  
e.g. the police would stand between the residents and the vigilantes. The residents forming a chain across a street for defence against an attack. They allege that the police would then proceed to fire teargas at them to disperse them thus clearing the path for the vigilantes to attack.  
even more sinister, that they were actively engaged in attacking residents opposed to Inkatha;

Police fired indiscriminately;  
Despite calls that people no matter what affiliation should be  
disarmed, this was not done;  
Complaints were received from residents, especially youth, that  
they were charged with offences but this did not apply to the  
same extent to those attacking the community even when they were  
caught in the act of unlawful conduct;  
Residents allege that they and hostel dwellers who were not  
Inkatha supporters were disarmed while many Inkatha members  
remained armed;  
A photograph (Star 7/9/90) showed the hostel dwellers,  
wearing red head bands, sharpening their homemade weapons  
while members of the SADF and police watched.

#### Statements

Mr.J.N. - Soweto

J.N.'s brother is mentally retarded. He reported that his brother  
and father were on the way to the clinic. They were accosted by  
Inkatha and taken to the Nancefield hostel. There an induna gave  
permission for the vigilantes to assault his brother, but not the  
father who was too elderly.  
The father ran home to report what had happened to his son who  
immediately telephoned the police. He was told they would send  
the police and that he must wait as they would fetch him.  
They only came for him after they had found the boy and taken him  
to the hospital. He had been attacked with sharp instruments,  
knobkerries and assegais.

J.N. said "I asked the police why they hadn't arrested the  
vigilantes when they had found them assaulting my brother. They  
said that during the violence they don't arrest they just  
disarm".

Mrs.P.M. - Soweto

"Inkatha vigilantes broke into a neighbours house, and took  
furniture,. They then came into our back yard shack and took a  
TV. The door was not locked. They opened the doors of other  
houses with gunfire. I saw a caspir in the vicinity but it did  
not come to help us!"

P.N.T. - Soweto

"At 9 a.m. I was walking back from school. I saw a group of impis  
standing with the police next to their vans. There were residents  
on the other side of the road. Suddenly I saw people running. I  
started to run. Police fired teargas. I heard a sound on my  
thigh. I fell. A man ran to help me. He was shot and fell as  
well. At the hospital a white man and one black woman came to  
interview me. I told them I was shot by the police. They said I  
should not say so I should say it was Inkatha".

P.D. - Soweto

On the 17/8/90 a group of us were standing in the street chanting  
slogans. We were guarding against impis. A caspir full of police  
in uniform, both black and white arrived. They ordered us to keep  
quiet. They immediately began to shoot. I was shot with birdshot

in my back as we were running away."

Mr.S.M. - Soweto

On the 18/8/90 we were gathered in the street guarding Inkatha people. We saw a white combi approaching us. The lights were off. It was driving slowly and the door was open.

Two white men came towards us. I believe they were plain clothes policemen. They fired some shots. I can't remember how many. We ran away. After the boers left we came together to see who was missing. Two of us were not there. While we were still checking they came back with many others in cars, a big combi-gomba, a husky, E20 and a van. There were many of them. We ran away. In the morning we found Mpho dead. He had a bullet wound in his stomach and also on the hand. We began collecting the cartridges. One of the policemen shouted at me not to take those things, that the police are trained to use those things".

Agent Provocateurs

Allegations were also received of "whites" being seen actively engaged in the conflict.

The clashes were well documented by churches, journalists, TV coverage, and through statements made to monitoring organisations and lawyers.

Delegations went with evidence on police conduct to Minister Vlok. However, he consistently favoured the security forces accounts of what had happened, rather than believe the overwhelming number of statements taken. (Residents refused to sign affidavits because they feared for their safety.)

Despite Minister Vlok's assurance that journalists could be present to witness the conflict unless they were impeding the security forces in carrying out their duties, many journalists complained that they were ordered out of the area or even arrested. Without the journalists and camerapeople to bear witness to the events it becomes simply the security forces word against those of the community.

Photographic evidence shown to the Minister of Law and Order of police escorting vigilantes and even a video presented to the state by the ANC were discredited.

Some policemen themselves became disillusioned with their counterparts' role in the conflict, even went as far as siding with the residents.

On one occasion, several municipal policemen who refused to be identified, said they had received distress calls from residents shortly before 9 p.m. They went to their aid. Before they were a hundred metres from the hostel they were stopped by members of the riot squad who took away their "stoppers" (teargas canisters attached to launchers) before being ordered to return to the municipal police station. Three people were killed and more than 20 houses were damaged in the violence that followed (Sunday Star

9/9/90).

### 3 POLITICAL IMPLICATIONS OF THE VIOLENCE

It would be simplistic to view the violence that occurred in Soweto as "black on black" or "ethnic" violence. However, it can be seen as a struggle for power.

#### Role of Inkatha

It would appear from the information in this paper that Inkatha tried to force people into becoming members. Historically Inkatha has not had a power base in the Transvaal. In a recent survey on black political attitudes Inkatha had a 2% support of people living outside Natal, while 84% supported the ANC and other organisations. (Market Research Africa & McCann surveys).

Inkatha very recently launched as a political party. Thus trying to establish itself as a national rather than a regional force in order to win a place at the negotiating table.

But, at the same time, the government is on the road to reconciliation. However, it becomes clear that although the State genuinely wants to move forward it wants to do so on its own terms, obviously those most favourable to itself, and has therefore adopted a twin track policy: on the one hand showing the world its good intentions, and seeking recognition that its indispensable to the process of peace; on the other hand allowing a situation to develop which will weaken and divide the ANC.

The state not taking decisive action to bring an end to the violence and the allegations of the partisanship of the security forces only strengthens the argument.

In order to consolidate a greater power base the Nationalist Party recently opened membership to all races. Thus trying to popularise their party in order to attract more supporters.

It seems clear that the export of the Natal conflict to the PWV area and the Eastern Transvaal during July was not an accident, but part of a deliberate and co-ordinated strategy.

#### The Role of the ANC

These attacks have occurred at a time when the ANC is involved in the process of negotiation, and when the ANC is building their organisation into a mass based legal ANC. It is obvious that the destabilisation of the townships at this time certainly doesn't suit the ANC.

With the outbreak of the conflict communities that were attacked were very critical of ANC for suspending the armed struggle and felt powerless to defend themselves.

#### Role of the State

Most bodies monitoring the violence believe that had the state taken immediate and strong action by disarming everyone, security

forces being present and effecting their duties impartially the violence could have been nipped in the bud. For these reasons people believe that the state was in cahoots with Inkatha in the violence. How far up in the hierarchy this went is a matter of speculation. However, many would put the blame at the President's door as he is the one who is ultimately responsible.

#### 4 OUR VIOLENT SOCIETY

##### Deprivation and Poor Socio-Economic Conditions - Major Contributors to the Violence

Violence in South Africa is endemic. It pervades our entire society. Though we are seeing a current upsurge in the number of casualties and very visible manifestations of violence, much of which can be related to political power games, we must remember that the majority of the population have had to endure violence as a way of life for decades.

Editors McKendrick and Hoffmann in PEOPLE AND VIOLENCE (Oxford University Press 1990) explain the source of this creeping malaise of violence which we believe is a direct consequence of the apartheid system and the discrimination it engendered: "When, for whatever reasons, a nation becomes severely polluted by violence, the corrosive effects perforate all layers of society, damaging national institutions, community life, and family living so that no individual remains untouched by its insidious presence."

Out of apartheid come the dire socio-economic conditions the majority currently live in and which provide fertile ground for violence. Impacting on a society already in tension with regard to laws which determine and dictate where you will live, go to school, work etc., are environmental factors such as overcrowding (the housing shortage is estimated at nearly 1 million units) and its concomitant stress, lack of adequate services, e.g. refuse removal and lack of town planning and infrastructure exacerbated by the current action of curtailing electricity and water to certain areas.

Even though there was an offensive launched by Inkatha in the second half of 1990, many of the areas, where there have been serious outbreaks of violence, are squatter camps with residents earning starvation wages and living in appalling conditions with no proper sewage and a limited access to water. One such area is Phola Park, a squatter camp on the East Rand, which has had to endure more than its fair share of violence. Using that area as an example we are able to understand more fully how squatter camps are vulnerable to attack. A detailed look at Phola Park is included in this paper.

Hostel dwellers too live in the most horrendous overcrowded conditions. Even today the space allocated to each person can be just a concrete bed with storage space underneath it. There is no privacy and toilets and washing facilities are communal with no walls separating the toilets. Sometimes there are as many

as 15,000 people in one hostel compound. The men are often isolated and totally out of touch with the community around them.

Black local authorities, the majority of whom are totally corrupt, lining their own pockets at the expense of the communities, are hated as are the Kiteskonstabels who work in conjunction with the SAP and who are famous for their viciousness and lack of accountability. The reaction from the community to this scenario is in turn violence directed at the councillors and their families and the police (over a period of 7 months in 1990, the deaths of 6 councillors and 409 attacks on councillors and policemen were recorded).

Apart from the violence encountered in schools, the ongoing battle for adequate schooling and the failure of the authorities to address the issues, creates further frustration and contributes to the numbers of the uneducated and unemployed. This increases crime and consequently pressure on the police who respond by behaving more violently than ever in the misguided belief that that is the only way to resolve the situation. Also of great concern is the burgeoning of criminal gangs which harass and terrorise communities.

Until recently the issue of violence in the workplace has been neglected. Violence directed at workers is usually among the informal working sector: domestic workers, casual labourers and farm workers. The latter category of workers is receiving considerable attention and the Black Sash in conjunction with the Centre for the Study of Violence has published a study which looks mainly at violence on farms in the South Eastern Transvaal (A BRUTAL HARVEST: THE ROOTS AND LEGITIMATION OF VIOLENCE IN SOUTH AFRICA by Lauren Segal, first published as a paper in September 1990). It looks at violence with regard to physical attacks, negligence, forced evictions, and child labour. It also examines the power relations between the farmer and the farmworker and draws attention to how abusive and deprecating language contributes to the continued subjugation of the workers. The disrespect the farmers have for human life is captured in the case of a girl of twelve whose leg was mauled by one of the farmer's dogs. Though the leg had to be amputated, her parents were not told of the incident but were threatened with eviction from the farm.

In one case currently being handled by LHR Western Transvaal a farmer beat up a man until he could no longer stand. He then tied the man to a bakkie and dragged him along the rough ground until he lost consciousness. In another case a farmer chased a labourer with a tractor and rode repeatedly over his leg after he had fallen. The farmer is facing a charge of attempted murder.

This violence is hard to fight as usually there is a conspiracy between the white structures, i.e. the farmers, the police and the courts.

Discrimination in the courts is evident every day and it is not unlikely that the farmers mentioned in the above cases will

escape with minor sentences as they have done in the past. The attitude of the courts in sentencing these people suggests that the courts condone the violent acts and do not consider that the sentence should be seen as a deterrent to others. In the most recent example of this, two white men received fines of R500 and R200 suspended after a man they had pushed into an industrial steam cleaner died.

### Police Brutality

This paper documents the disruption of free political activity by the police through both formal and informal means. However, another area of police activity which needs to be recorded is that of police brutality in criminal cases. The action of the police force indicates an undisciplined and unaccountable method of operation. Attorneys, legal clinics, and other service organisations have literally hundreds of cases of police misconduct reported to them annually. The numbers of deaths which occur when people are taken into police custody for questioning are numerous. (Civil claims against the police amounted to R2,136,895 in 1990. These were mainly for payment for unlawful action during unrest situations, but includes a claim for unlawful detention)

Methods of torture, for which the police are renown in their political role, are used frequently in criminal investigations which often involve relatives of someone suspected of a crime as well as the suspect. For women, rape while in police custody is not unusual. Most of the time the women are too frightened to report the rape. In a Pretoria case a woman attempted to report the rape at a police station and the police refused to listen to her. Refusing to assist someone wishing to lay a charge against a member of the police is quite common and even if there is not an outright refusal, attempts to lay the charge will be frustrated, i.e. the complainant will be sent from one police station to police station another until he/she gives up in frustration.

Investigation procedures are highly questionable. In one case in Soweto, the police burst into a home in search of someone who they believed lived there. In the course of their inquiries the brother of the man they were looking for was shot dead on the spot.

In another, a man who was too afraid to go to the police station alone went with his attorney. He was then taken in for questioning. When the client did not appear in court on the date specified, the lawyer was told that the client had been taken for investigation to Louis Trichardt and arrangements were made for the client to appear in court the following day. On arrival at court the attorneys were told that the client was dead, having drowned after escaping from the police cells at Protea Police Station. The post-mortem revealed that the deceased had been assaulted and had died as a result of that assault. There are many cases such as these.

## 5 PHOLA PARK: A CASE STUDY

After the third major outbreak of violence in the Tokoza/Phola Park area, organizations got together, collected affidavits and eventually LHR was able to publish thirty affidavits of the more than 100 that were taken from those who lived through the experience.

What emerged was that the police were not impartial and were perceived to be assisting the attackers; that white persons (not in police uniform) assisted the attackers; that shacks were set alight by the attackers.

Since the end of 1989 Phola Park residents have been faced with numerous attempts to forcibly remove them from the land. These violent confrontations pre-empted the attacks which were perceived to be a part of the wave of violence in the Transvaal. Undoubtedly the attacks on Phola Park were a part of the jigsaw puzzle but the prior efforts to remove the residents and the burning of shacks by unknown people during the attacks, cannot be disregarded. Neither can the similarities to the Cape Crossroads experience in which dubious means, including exploitation of splits in the community and the burning of shacks, were used to force people off the land.

Each time Phola Park is attacked it means that families are placed under tremendous stress as women and children desert the area, many of them fleeing with their belongings while the men stay to defend the camp. Fighting of a particularly vicious nature takes place and those involved in the violence can never, we believe be, the same again.

### Phola Park History

Phola Park is an informal settlement with a population estimated anything between 17,000 and 30,000. It is a strip of land approximately 21 hectares located on the East Rand between Tokoza, a township which was granted municipal status in 1982, and Eden Park, a "coloured" community. Research conducted in 1988 reflects that income is low with 285 of households supporting more than 5 people and 6% falling into the R100 per month boundary.

Phola Park, according to affidavits of residents, is the creation of the City Council of Tokoza. Though houses have been built in Tokoza by the private sector to be sold at prices local residents can ill afford, no houses have been built by the Government since the 1960's.

In 1987 there were people living in Tokoza in an informal settlement known as Site 1. When the Council demolished these structures these people, left with no-where to go, moved to the area known as Etankeni, or Site 2.

This settlement grew substantially as a result of the intervention of the Council which had advised people to move

there.

Eventually, the residents of site 2 were told they could move to Phola Park, which is also known as site 3 or Dunusa, Mr Moloi having told them that it would be a permanent place and that schools would be provided there. The name Dunusa means "bare backside" and was so named because of the lack of toilets and privacy.

The move took place with the blessing of the Council and Council officials helped to demolish homes, load building materials and furniture into council trucks and take them to the new site.

More residents were moved to Phola Park at the end of 1988 or the beginning of 1989. In June 1989 residents were informed that the Council would be rendering the following services: provision of toilets; supply of water; and general cleansing of the area including rubbish removal. For this they were required to pay the sum of R50 per month.

As this amount was considered too high, discussions were held with the Council about what would be a fair service charge. However, after an attorney's letter had been drafted challenging the fairness of the levy, the Council's response was to discontinue negotiations.

At the end of the year the Council gave all squatters notice to leave the settlement. The decision to move the people from the area was done without any prior consultation and the first time the residents knew about it, was when council officials visited the area telling people that they must demolish their homes. The Council thereafter started demolishing their homes.

The area to which residents were to be forcibly removed, is known as Zonkezizwe. There the people were promised, each family who paid R50 for a "lodger's permit", would receive a plot and free transport to move their shacks and belongings would be provided.

Zonkezizwe is a considerable distance from Phola Park and the industrial area where many are employed and where their children go to school.

The above information was included in an urgent interdict to stop the demolitions after the Town Council sent bulldozers to Phola Park to demolish the shacks in January 1990. The army and the police accompanied the bulldozers. The residents lined up to prevent the bulldozers from demolishing their shacks and as a confrontation loomed, the Tokoza youth congress arrived to support the residents and the demolitions were halted.

The outcome of the interdict was that the City Council of Tokoza was ordered to restrain from demolition.

**Harassed to Move**

Though the community was consistently harassed to move, it did vote in May 1990 in favour of declaring Phola Park its permanent place of residence. In this regard it would appear that the community had the total support of the Tokoza residents.

On the 4th June another attempt to evict Phola Park residents occurred. Those who resisted were fired upon by the police.

Violent confrontation between the authorities and the Phola Park residents occurred again in July when municipal bulldozers demolished several hundred shacks. On the 11th July, two men were shot dead and five injured including five policemen. According to the Town Council squatters were illegally occupying a sportsfield.

Prior to the outbreak of the violence on August 13th, the residents had a cordial relationship with the hostel dwellers even making use of their water taps and other facilities at the hostels. Over the following two days 150 people were killed in the Tokoza/Phola Park area. Violence once again broke out on Monday the 10th September and more than 80 people died over the next few days.

In October nine people were reportedly shot and injured after police fired birdshot and teargas at people returning from a funeral of an unrest victim in Phola Park. It is alleged that the police fired live ammunition without warning or provocation. The police denied they used live ammunition and disputed the number of people injured.

Fighting in Tokoza took place over the period 2nd to 4th December and 54 people were killed. Statements taken by the Independent Board of Inquiry point to the SAP being actively involved in the violence. Inquiries with regard to armed plainclothes men emerging from the hostel resulted in a statement from the police confirming this and saying that police had been accommodated in the hostel neighbouring the police station but that they had since moved from there.

During the weekend of 8th to 9th December nine more people were killed. Many of those who had been attacked during this period moved into Phola Park. It would appear that this spate of violence included a systematic elimination of certain Xhosa residents. Driving through the area in which the attacks took place it is obvious that certain houses were identified and burnt down. Many of the residents were protective to their neighbours while others sold them down the river.

On the 11th December, there was an early morning attack on the hostels and later that morning Phola Park residents were attacked allegedly in retaliation.

After this attack the army was brought in and the camp was surrounded by razor wire. The residents have expressed a positive attitude to the army but have rejected the police who harass residents by searching them and sometimes even beating them up.

The tension between the residents and the police worsened after the body of a policeman was found in Phola Park.

Affidavit Sample: Taken After the September Attack

P M M

1. I am an adult male residing at M36 Phola Park, Alberton.
2. The facts herein contained are within my own knowledge and are true and correct.
3. On 11 September 1990 at about 18h30 two casspirs of the SAP with 'kitskonstabels' drove into Phola Park towards Corobrick. They parked near the stacks of bricks.
4. About thirty minutes we heard shooting from the direction of Corobrick. I went into the camp to enquire what was happening. A few members of the Residents' Association went towards Corobrik and hid behind one of the shacks.
5. I saw tracer bullets being fired from behind the bricks, they formed a red streak across the sky. I saw the two casspirs parked near the bricks.
6. I saw a large group of black men singing in Zulu and moving towards the shacks from the stacks of bricks. they had red bands and they wore white pieces of plastic on their arms, wrists and ankles.
7. I saw policemen in uniform firing towards the shacks while the group of black men moved in. The residents became afraid and began running out of the camp.
8. I saw flames and noticed a few shacks burning. The attackers moved towards Eden Park, burning shacks as they went. The police moved on foot behind them firing from their weapons.
9. I ran through one of the passages with my group. We wanted to confront the attackers but as we had no weapons, we went to our defence committee.
10. The defence committee lay in wait at an area near G section. As the attackers came closer the defence committee confronted them. There was shooting between the groups. I saw four of the attackers fall.
11. The group of attackers ran towards the Vereeniging road. The police shot at the defence committee. They then ran to their casspirs and drove along the old road through the camp. They continued to fire at the defence committee who had been injured.

12. The police switched on a large light and told the people over a loudspeaker to return to their shacks. We refused. They then fired teargas at the residents. The group of attackers had already dispersed.
13. The casspirs drove out of the camp. Some of the shacks continued to burn and the residents tried to put out the fire. I went to telephone the fire brigade, our lawyers and the press. I used the telephone of a journalist who arrived.
14. I telephoned the Alberton fire department and I was told that they did not work in the squatter camp and we had to contact the police. I told the lady at the Fire Department that I could not contact the police as they were involved in burning the shacks. We then had an argument and she dropped the telephone number.
15. I then telephoned Press Alert and the ANC. While I telephoned Mr Mandela's house, the police arrived in four vehicles together with a vehicle of the Fire Department.
16. The police drove around the area with a bright search light for a while and then drove away towards Alberton.
17. We found the body of an old man Saulos Shongwe in one of the shacks while we were putting out the fires. He had been leading to Eden Park. I noticed that there were only white men dressed in khaki. I saw the casspirs when I went to A section.
18. Later I went to G-Section for a meeting. At about 20h30 we heard shooting from the direction of Corobrick. The defence committee split up into groups and went to investigate. Once again I saw red streaks across the sky.
19. I got into a car and drove to the road leading to Eden Park. I saw many shacks in A-section burning. I heard they sound of shooting. I saw a Casspir driving up and down the old tarred road alongside the camp. I could not see the registration number of the casspir.
20. I drove back into the camp. We went towards section. I found the defence committee in the area. I saw defence committee members shooting at the police who also fired at them. I saw the shacks burning.
21. I did not see who was burning the shacks, I was only told later that they were white policemen.
22. I was later taken and shown three bodies of white men in civilian clothes. They had been shot and stabbed. The

bodies burnt to death. On that night about 200 shacks had been burnt.

23. We then went around the area to establish if any residents had been injured. Four residents had been taken to Johannesburg Hospital for treatment. We found about nine bodies with red headbands. These bodies were all picked by the police on Saturday, four days later.
24. On Wednesday morning the police arrived and drove around in Casspirs. They searched shacks and disarmed some of the residents. We were requested by the community to tell the police to leave the area. They responded that it was their duty to disarm people, upon instructions from the Minister
25. The police who were in large numbers, were in the area for about two hours. They confiscated pangas, sticks and knives. The area was quiet for the rest of the day while the defence committee patrolled. Before they left the police told some of the residents that they will return that night. We heard rumours that there was going to be another attack that night.
26. At about 19h30 about four Casspirs arrived. They were parked near the crossroads and were guarded by defence committee members.
27. I then left to telephone from Eden Park to our lawyers but I could not get through. I telephone Radio 702 and I was interviewed. I stated that I saw three bodies of white men and that I had been given the number of a Casspir. It was 17050T. This number was on the body of the Casspir, it is not the registration number.
28. When I returned to the camp it was quiet. I was told that the police had arrived in larger numbers and they had fired flares to light up the area. I was also told that the police had taken the three bodies.
29. While the shooting and burning was taking place, residents of Phola Park, especially the women and children fled to Eden Park and sought refuge there.
30. The police and soldiers arrived at about 06h30 and they patrolled the area. They drove past the bodies lying in the area. They did not pick up the bodies.
31. On Thursday night I saw one Casspir drive into the hostels nearby. We then heard the sound of shooting from that direction. They drove later into A section, switched off their lights and we heard the sound of housing again.

32. On Friday morning at about 04h30 the police and soldiers arrived at Phola Park and searched the houses. At about 12h00 noon Warrant Officer Nxumalo arrived at the advice centre and told me that he was sent by the Station Commander. He told me that about 40 residents of Phola Park Inkatha members were at the police station and the wanted to be escorted by the police to collect their belongings from Phola Park.
33. I told him that we had to arrange a meeting of the residents. Nxumalo went away and returned and informed me that the Station Commander wanted to speak to me.
34. At the meeting the community refused to allow the Inkatha members to collect their belongings. The station commander arrived about two hours later and requested a letter explaining our position.