

VOLUME THREE

**Truth and
Reconciliation
Commission
of South Africa
Report**



The report of the Truth and Reconciliation Commission was presented to President Nelson Mandela on 29 October 1998.




Archbishop Desmond Tutu
Chairperson



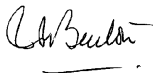
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Dr Alex Boraine
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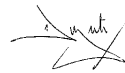
Ms Mary Burton



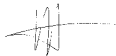
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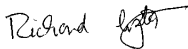
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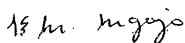
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months earlier about the proposed rent increases and had made no attempt to oppose them. Led by Mr Daniel Montsisi, the students organised a successful campaign against the proposed rent increase. The WRAB officially suspended the Soweto UBC on 29 June 1977, following demands by the SSRC for the councillors' resignations.

Public order policing

163 The SAP Riot Unit was set up at the beginning of 1975, some eighteen months before the Soweto uprising. From its inception there was a strong connection between riot control and counter-insurgency. The Riot Unit was initially based in several centres around the country and drew on the skills of the Special Task Force – a new elite unit – set up with Israeli assistance. Recruits were drawn from those with counter-insurgency training. One such recruit was Colonel 'Rooi Rus' Swanepoel who led a fifty-eight-strong task force into Soweto during the first twenty-four hours of the 1976 riots and took charge of operations in Alexandra during the same period.

164 'Rooi Rus' Swanepoel, who became known for his brutality in the course of the protest, already had a long history of involvement in gross human rights violations as chief interrogator of the Security Branch. He was, moreover, the founder of an anti-terrorist unit which later became *Koevoet*.

165 On 16 June, Swanepoel was drafted to Soweto. He later said, "Soweto at that time was completely under-policed. They could not control the riots so outsiders were called on to send in task forces." He collected the first sixty men he could get:

By the time we got to Soweto everything was in flames. It was chaos. It was a tragic scene to look at – cars being burnt, people being killed. Everything was chaotic and completely out of control. We had far too few men available for the situation... Eventually I landed up, after a couple of days, in charge of riots all over Johannesburg – Soweto and Alexandra. I made my mark. I let it be known to the rioters I would not tolerate what was happening. I used appropriate force. In Soweto and Alexandra where I operated, that broke the back of the organisers.

166 Training in counter-insurgency tactics did not equip the SAP to deal effectively with the protest, which continued for many months after its first outbreak. Despite more than 500 deaths, many from the security establishment continued

to believe that too little force had been used and that more force would actually have prevented deaths. Swanepoel also believed that firmer action should have been taken and that many officers were “dragging their feet” and were reluctant to use more force. Senior police officials concurred. According to Deputy Commissioner Wandrag, this resulted in “rioters gaining confidence and acting in an increasingly impudent and militant way”.

167 The day after the 16 June march, the government announced that a one-person commission of enquiry, under Justice Cillie, would investigate the causes of the protest. The eventual terms of reference included the time period between 16 June 1976 and 28 February 1977.

168 The Cillie Commission found that 575 people died and that 2 389 were injured, and concluded that: “Bantu Education was not a cause of the riots. It was, to a certain degree, a cause of dissatisfaction; this dissatisfaction was to some extent stirred up and exploited by those bent on creating disturbances.” It found the SSRC primarily responsible for the fact that the “riots” did not abate sooner. The Cillie Commission stated that the police force had acquitted itself well in executing its duties and could find no evidence that police had perpetrated deliberate and impermissible assaults on the protesters, or that they had used their firearms indiscriminately.

169 In his testimony to the Commission, Mr Murphy Morobe said he believed the Cillie Commission was set up to justify the shootings by the police in Soweto and other townships. He also alleged that there was direct collusion between the police and the Cillie Commission in extracting evidence to support the thesis that the SSRC was responsible for ensuring that the protest continued after 16 June. According to Morobe, the conclusions of the Cillie Commission laid the foundation for a number of leaders in the 16 June protest (including himself) to be charged in 1978 with sedition, a charge which had reportedly not been used since the Bambatha Rebellion.

170 Morobe and a number of other activists were detained in a police swoop in December 1976:

They interrogated us at John Vorster Square, they tortured us to get statements from us, statements that would implicate other people and statements that would suggest ... “students could not have planned this... There was clearly someone else other than you chaps who were involved in this.”... So they

used the Cillie Commission to try to find a place to put the blame. And they pulled us out of our detention cells at John Vorster Square, they took those same statements that were extracted from us under torture and they forced us to read them before that Cillie Commission.

THE COMMISSION FINDS THAT THE MINISTER OF EDUCATION'S DECISION TO INTRODUCE AFRIKAANS AS A MEDIUM OF INSTRUCTION IN BLACK SCHOOLS WAS A DIRECT CAUSE OF THE CONFLICT WHICH LED TO THE PROTEST MARCH BY STUDENTS IN SOWETO IN 1976. THE FAILURE OF THE EDUCATION AUTHORITIES TO RECOGNISE THAT A CRISIS WAS DEVELOPING, DESPITE INTERVENTIONS BY COMMUNITY LEADERS AND EVEN BY THEIR OWN BANTU COUNCILLORS, CREATED A RALLYING POINT FOR THE STUDENTS.

THE COMMISSION FINDS THAT THE STATE'S HANDLING OF THE PROTEST MARCH CREATED A SITUATION THAT GAVE RISE TO VIOLENT CONFLICT. THE COMMISSION FINDS THAT THE MARCH OF STUDENTS WAS PEACEFUL UNTIL VIOLENT POLICE INTERVENTION TO STOP THE MARCH CREATED A SITUATION WHERE UNARMED AND PEACEFUL STUDENTS THEMSELVES RETALIATED WITH VIOLENCE.

THE COMMISSION FINDS THAT IT WAS IN THIS CONTEXT THAT THE DEATH OF DR EDELSTEIN AND ANOTHER WRAB OFFICIAL TOOK PLACE. THE COMMISSION FINDS THE STUDENTS RESPONSIBLE FOR THE DEATH OF DR EDELSTEIN AND THE OTHER WRAB OFFICIAL. THE COMMISSION ALSO FINDS THE POLICE AND THE FORMER STATE RESPONSIBLE FOR CREATING THE CLIMATE IN WHICH THESE DEATHS TOOK PLACE.

HAVING HEARD THE TESTIMONY OF WITNESSES AND REVIEWED TESTIMONY GIVEN AT THE CILLIE COMMISSION, THE COMMISSION FINDS THAT THE POLICE ADOPTED A SHOOT-TO-KILL POLICY AND THAT, IN PARTICULAR, CAPTAIN SWANEPOEL AND THE DEPUTY COMMISSIONER WANDRAG OF RIOT CONTROL WERE RESPONSIBLE FOR THE EXCESSIVE USE OF FORCE WHICH LED TO THE DEATH OF MORE THAN 575 STUDENTS, MOST OF THEM UNDER TWENTY-FIVE YEARS OF AGE.

DURING THIS PERIOD, 2 380 PEOPLE WERE WOUNDED. THE COMMISSION FINDS THE FORMER STATE, THE THEN PRIME MINISTER AND THE MINISTERS OF EDUCATION AND POLICE RESPONSIBLE AND DIRECTLY ACCOUNTABLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT THE CILLIE COMMISSION APPOINTED BY THE STATE AT THE TIME FAILED TO TAKE INTO ACCOUNT THE EVIDENCE OF COMMUNITY LEADERS AND STUDENTS ABOUT THE UNDERLYING CAUSE FOR THE VIOLENCE. THE CILLIE COMMISSION FAILED TO MAKE FINDINGS AGAINST THE POLICE IN RESPECT OF THE MISHANDLING OF THE SITUATION AND THE EXCESSIVE FORCE UNLEASHED ON THE STUDENTS, DESPITE THE OVERWHELMING EVIDENCE OF THE NUMBER OF PEOPLE WHO DIED IN THE UPRISING AND THE NUMBER OF PEOPLE INJURED. THIS FAILURE ON THE PART OF A JUDICIAL OFFICER BROUGHT THE CILLIE COMMISSION INTO DISREPUTE AND HAS BEEN SEVERELY CRITICISED. THE CILLIE COMMISSION'S FAILURE CREATED A CULTURE OF IMPUNITY WITHIN THE POLICE FORCE, WHICH LED TO FURTHER GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS FURTHER THAT THE CILLIE COMMISSION'S FINDING THAT THE SSRC WAS RESPONSIBLE FOR THE PROTEST LAID THE BASIS FOR THE STUDENTS TO BE CHARGED WITH SEDITION, A CHARGE WHICH HAD NOT BEEN IN USE FOR MANY YEARS.

THE COMMISSION FINDS FURTHER THAT THE STATE'S COUNTER-INSURGENCY STRATEGY TO QUELL ALL POLITICAL PROTEST LED TO A MASS EXODUS OF STUDENTS FROM SOUTH AFRICA 1976.

THE COMMISSION FINDS THE STATE RESPONSIBLE FOR THE MORE THAN 2 000 ARRESTS AND DETENTIONS IN THE WAKE OF THE STUDENT UNREST.

THE COMMISSION FINDS THAT ELEVEN PEOPLE DIED IN POLICE CUSTODY BETWEEN 1976 AND 1978, AND FINDS THE POLICE RESPONSIBLE FOR THESE DEATHS IN DETENTION. THE COMMISSION FINDS THAT THE NUMBER OF INCIDENTS OF TORTURE ESCALATED AND THAT THE STATE, THE MINISTER OF POLICE AND THE COMMISSIONER OF POLICE WERE DIRECTLY RESPONSIBLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

Detention and torture

- 171 Out of approximately 340 reports of torture violations for this period, the majority of victims were males between the ages of thirteen and twenty-four. A small proportion of victims of torture were females between the ages of twenty-five and thirty-six. They held a range of political affiliations.
- 172 Several victims who reported torture or who died in detention during this period were student activists who were intercepted while leaving the country for military training. Others were Black Consciousness activists working inside the country. During this period there were at least two large-scale trials during which members of the ANC and PAC were tried under the Terrorism Act for furthering the aims of these banned organisations. During the course of the 1978 trial of PAC members (the Bethal Treason Trial), three of those awaiting prosecution died in police custody.

The torture of Mamagotla Paulina Mohale

Twenty-six-year-old Ms Mamagotla Paulina Mohale [JB00133/01GTSOW] was arrested in Amsterdam in the eastern Transvaal in November 1976 with fifteen other people en route to Swaziland to join the ANC. The group was taken to Krugersdorp police station where they were separated and tortured. Ms Mohale was the only woman in the group.

On the first day, Mohale was asked to look at photographs and identify students who had left and those she had taken out of the country. She denied her involvement with the ANC and was beaten. Mohale told the Commission that food and water were withheld from her until she agreed to speak. She was kept standing and forced to write a statement, which was torn up. She was beaten again and electric shocks were applied to her body. This continued for so long that she started bleeding profusely. Mohale told the Commission that, on the following day, she was blindfolded and again beaten. On the third day, Mohale collapsed and found herself back in her cell when she regained consciousness. She said that she was taken to a district surgeon who appeared to ignore the obvious signs of torture and assault: