

## CHAPTER 3

# The State of Violence

### A. OVERVIEW

The state of violence in South Africa was a major reason for the commitment of international observers to this nation under the terms of Resolution 772 of the United Nations Security Council. The nature of that violence has been vividly portrayed on the television screens of countless millions of people around the world. Massacres such as those at Boipatong and Bisho have now joined Sharpeville in the lexicon of place-names associated with apartheid and the bloodshed it has provoked.

The realities of the violence that touches the lives of South Africans every day became all too familiar to members of COMSA. Overwhelmingly, black South Africans are the direct victims. To live in one of the densely packed townships clustered around the predominantly white and affluent cities of Johannesburg, Durban, Cape Town and Pretoria, is to live with the prospect of sudden death or injury at school, while shopping and even at home.

### Extent of Violence

On 10 December 1992, the Human Rights Commission (HRC) observed that by year's end, politically motivated violence would have resulted in:

- A total of 3,600 deaths, or 40 per cent more than in 1991. This means an average of 10 deaths a day for every day of the year.
- A total of around 6,000 injured, many of them maimed or scarred for life.
- Tens of thousands displaced and homeless.

Amongst the victims catalogued by the HRC are:

- train commuters – 275 dead and 550 injured;
- women – 218 killed and 251 injured;
- children – 10 killed and 81 injured;
- security force members – 116 dead and 180 injured;
- political activists – 100 assassinations.

COMSA was also told that a total of 226 police personnel were murdered while on duty in 1992.

The HRC figures relate only to political violence, which is difficult to define at the best of times. Comparable statistics on criminal violence are even less reliable, fraught as they are by the vagaries in the reporting behaviour of victims and by the unwillingness of the police to accept and record such reports. Members of COMSA were told frequently by the residents of townships that, because of widespread distrust of the SAP, even the most heinous crimes were often not reported.

This suggests that official statistics seriously understate the real extent of violence in most non-white areas of South Africa. Potentially, the most accurate figures are likely to be those for homicide, where a body has been found and counted. The homicide figures for 1992 are expected to total more than 15,000. In 1991 the SAP recorded 14,693 murders.

Some crude but revealing comparative statistics may assist in placing these grim totals in perspective. The United States, with a population approaching 250 million, has about 24,000 homicides each year – a rate of around 9 homicides per 100,000 of the population. This rate is four to five times higher than that of nations like Canada or Australia, and even more out of accord with the homicide rates of, for example, England and Wales or the Netherlands where the rates are about 1 per 100,000.

According to official sources the population of South Africa is about 30 million (excluding the self-governing and independent 'homelands') and the homicide rate at about 50 per 100,000 makes it one of the most violent countries in the world.

Members of COMSA visited many of the locations where violence had broken out or was in danger of doing so. They also spoke with many victims of violence who continue to reside in places like Alexandra, Katlehong, Soweto, Umbumbulu, KwaNdwalane and KwaMavundla. For the overwhelming majority of white South Africans, these places are known only as tiny reference points on a map, if indeed they are there at all.

The police, army, political parties, structures created by the National Peace Accord and independent monitors with whom COMSA maintained close contact were also confronted daily with issues of violence.

## **Causes of Violence**

From these contacts, it became evident to COMSA that the causes of violence in South Africa are complex and multi-faceted. These, briefly, are:

- South Africa has a long history of violence and much of the present conflict must be viewed within this historical context, including the legacy of the apartheid system.

- Violence in South Africa is supported by a deeply-rooted culture – both white and black – which uses it to resolve conflicts in the family and between and across different groups in society.
- Its causes, other than in the family conflict resolution area, are largely structural, and to be found in particular in the gross imbalances in the distribution of wealth in South African society. Violence is likely to be most extreme in societies where the gap between rich and poor is great. It is also likely to be inflamed when rising expectations of a redistribution of wealth are not seen to be met.
- The problem of crime committed by youth and youth gangs is becoming especially acute. With unemployment rates reaching 90 per cent or higher among black youths, the temptation to turn to crime as a means of survival or gaining self-respect becomes intense.
- The easy access to high-powered firearms provides the means for and raises the degree of violence.
- The present criminal justice system (examined in greater detail in Chapter 5) fails to protect society against criminal activities, especially violent crime, and so exacerbates the problem. The SAP, prosecution, courts and correctional agencies remain irrevocably tainted by apartheid. Informal justice systems, including people's courts, are widely utilised in many black communities across South Africa in preference to the formal justice system.
- Organised criminal activity is growing in areas like drugs, gambling, prostitution and weapon procurement. Some of the taxi wars also show signs of organised crime.
- Political rivalry and, of late, electioneering have fed on the underlying discontent, breeding an atmosphere of intolerance and one to which violence is seen as a legitimate way of resolving problems.
- State-sponsored violence remains a very significant and serious component of the problem. Allegations of a 'Third Force' operating as a destabilising element are supported by the recent revelations of the Goldstone Commission regarding continued covert operations (see also Chapter 2).
- For the foreseeable future, crime in general, and violent crime in particular, will be a major problem in South African society. The rate of crime has escalated dramatically since the reforms announced by President de Klerk in February 1990 and the criminal justice system has been thrown into disarray (see Chapter 5). Most crime in black communities remains unreported and crime statistics based on police reports are therefore largely meaningless.

### **International Observers**

The presence of the small number of 100 international observers in South

Africa may well have discouraged the incidence of violence. According to the HRC, politically related deaths, though still unacceptably high, dropped to a nine-month low in November 1992. The HRC attributed this, at least in part, to the presence of international observers – a view that was similarly expressed by many South African groups and individuals.

The perception is that individuals on all sides of the political and racial spectrum had ‘behaved better’ since the arrival of foreign observers in the country. COMSA members witnessed many situations at mass-action events where the potential for violence was great but where demonstrators and security forces exercised remarkable restraint and good judgment. In the past, COMSA was told, such laudable behaviour would not usually have been conspicuous. Examples of COMSA’s experiences are cited in Chapter 6.

### **Outstanding Concerns**

Several acute problems remain:

- The need for socio-economic reconstruction, as recognised by the National Peace Accord (see Chapter 4), is paramount.
- Inflammatory political statements, pointing to continued intolerance, are still commonplace.
- A troubling development which has surfaced since the deployment of foreign observers has been the outbreak of lethal attacks on whites, principally in the Eastern Cape region. Responsibility for these attacks, which received widespread publicity both in South Africa and abroad, was claimed by APLA, the armed wing of the PAC. The attacks were universally condemned by all the foreign observer groups, including COMSA, and by individuals and organisations on all sides of the political spectrum in South Africa and overseas. Inevitably, however, these attacks have already provoked retaliatory killings of blacks by some white groups. Further racially inspired killings could easily escalate into the bloodbath feared by those who have predicted that the transfer of power from whites to blacks in South Africa will be violent.
- The troubled state of the army, alluded to in Chapter 2. While encouraging steps are finally being taken to rid the army of covert operations directed against the country’s citizens, COMSA is of the view that the Government should take the initiative to overhaul the entire security services in readiness for the integration of all armed formations in the country. This view is further elaborated in the Report’s conclusions.
- The lack of a clear policy on, and an inability to deal with, the availability and use of weapons. South African whites have had legal access to weapons for many years. The SAP possesses and employs a vast array of weapons. Paramilitary organisations, including the numerous agencies offering security protection services, are well armed,

and some are reported to have caches of arms. Weapons continue to flood into South Africa across its now largely porous borders. An AK-47 worth about SAR20 on the open market in Mozambique can now fetch ten times that price in Alexandra. For thousands of illegal immigrants fleeing into South Africa from war-ravaged nations like Angola and Mozambique, this 'weapons currency' is their only guarantee of survival.

To date, the Government has agreed to prohibit the carrying and display of dangerous weapons at all public occasions, with certain exemptions based on guidelines being prepared by the Goldstone Commission. However, as COMSA witnessed several times, this proclamation is yet to take effect. More fundamentally, there is an urgent need for a comprehensive policy to address the issue of access to illegal weapons, which will otherwise be a destabilising influence well into the future.

## **B. TRAIN VIOLENCE**

Among the forms of violence that proved particularly disturbing and perplexing to COMSA were the indiscriminate attacks on commuter trains, primarily in the PWV area. According to statistics compiled by the HRC, in the first 10 months of 1992 alone, there were 269 train attacks involving 259 deaths and 469 injuries.

In an effort to gain a better understanding of this issue, which had become a major source of dread among ordinary citizens simply trying to get from their home to their place of work, COMSA observers based in Johannesburg designated train violence as a particular area of inquiry. In mid-November, COMSA representatives, along with other international observers, attended a briefing by senior representatives of the South African Rail Commuter Corporation (SARCC) on its efforts to secure commuter trains. Subsequent to this, COMSA initiated contact with community leaders from the ANC, COSATU, South African Communist Party (SACP) and Civic Association represented on a Train Accord agreement reached with the SARCC in May 1992.

As a result of these contacts, two Commonwealth observers attended a meeting of the Train Accord in early December where a decision was taken to invite international observers to all subsequent meetings, which are also attended by the SAP. At a subsequent meeting with community leaders COMSA introduced other international observers to the leaders.

COMSA also discussed the issue of train violence with the Johannesburg-based Independent Board of Inquiry, which had done a special study on train violence, and observed spot checks of commuter trains by the police in Katlehong along with other international observers and representatives of the Germiston LDRC. In these exercises and discussions, COMSA was struck by the following:

- The apparent lack of motive for train attacks, which affect members of a variety of political parties, men, women and children alike. Suggestions by senior government officials, including the Minister of Law and Order, that train violence may simply be the result of commercial rivalry among taxi owners were discounted by representatives of the SARCC, who pointed out that many taxi owners make their money by conveying commuters from their homes to the train stations. The Goldstone Commission's Interim Report on Train Violence of June 1992 explores wider correlations and points out the frequency of incidents of train violence near hostels. The Commission goes on to criticise the failure to secure hostels properly.
- The inadequacy, to date, of efforts by the law enforcement agencies to deal with train violence has reinforced the view among the trains' mostly black users that the police at best do not care about their plight, and at worst are helping to fuel the violence.
- The frustration felt by the public as well as the enormity of the task faced by the law enforcement agencies were dramatically brought home to observers when, during a spot check in Katlehong in November, police succeeded in confiscating one revolver, while at Soweto's Mlamlankunzi station not far away 38 people were injured and at least one person killed after seven gunmen opened fire on a commuter train. Police point out that it would be impossible for them to be at every station at every moment. The respective roles of the SAP (which has the responsibility of protecting human life) and SARCC (which has the responsibility of securing physical property) have also, until recently, been the source of some confusion.
- Encouraging steps are now being taken by the SARCC to secure trains by introducing a video surveillance system. In line with the recommendations of the Goldstone Commission, the SARCC is also introducing a 4,000-strong rail guard unit over the next two years. While recognising that such measures are costly and take time to put in place, COMSA urges that greater effort be made to expedite their introduction.

COMSA further urges that the SAP and SARCC make greater efforts to secure the access points of train stations so that weapons are not carried on to the trains in the first place. COMSA also strongly endorses the proposal contained in the Goldstone Commission's Interim Report on Train Violence for a national strategy to deal with the problem so that the approach of authorities is proactive, rather than reactive, as tends to be the case at present.

- The failure so far of the criminal justice system to apprehend the perpetrators of train violence. According to information supplied by the SAP to the *Weekly Mail*, by 5 November 1992, the number of arrests in this regard during the year was 121. There was only one conviction. As the Goldstone Commission report states, the result of this record is

that 'a very important aspect of criminal justice, i.e., the deterrent effect of the prosecution of criminals, is thus rendered ineffective.'

- A key reason cited by the police is the refusal of witnesses to come forward in cases relating to train violence. In COMSA's view, this reflects the poor state of relations between the community and the police, which can only be rectified through deliberate gestures by the police to improve their relations with the community. A case in point is the high regard which residents in Soweto accorded to a police officer who, as a result of his tireless personal efforts to secure the trains, is now suffering from Post-Traumatic Stress Syndrome. He should not have had to bear this amount of stress alone. Through the Train Accord, the SAP has a forum to communicate effectively with the community and solicit its help.
- COMSA is also convinced that persistent international attention to the issue of train violence, and a constant 'watchdog' role over the activities of the Train Accord, can play an important role in helping to stem the senseless violence on South Africa's trains. In this regard, COMSA urges greater participation in the Accord, which should also be given a higher profile at a national level, where its existence is still largely unknown.

### C. VIOLENCE IN NATAL

In South Africa, Natal/KwaZulu has always had the highest incidence of violence and the greatest number of casualties. There had been some revolts against unpopular chiefs by their people and the so-called 'witchcraft' or *muti* killings before, but these were not as widespread or as persistent as the violence that escalated in 1990 after the unbanning of the ANC and PAC. Well-planned armed raids, with automatic weapons sometimes used, became more frequent and in the cross-fire, large numbers of people were killed, injured or driven out of the area.

The socio-economic conditions that brought on the post-1990 upsurge of violence were the unchanged or deteriorating economic conditions despite the liberalising political climate. Perpetrators of violence in Natal invariably attributed their actions to ANC/IFP rivalry whether or not that was the case. Political intolerance between the two parties continues to manifest itself in violence and murders aimed at territorial control by driving out opponents of the dominant group in any one area. Members of the defeated group become 'refugees'.

## Traditional Authority and Violence

The present spate of killings in Natal has been described as 'black-on-black violence', 'inter-tribal warfare', and/or 'party political conflict'. It is all these and more. In a more subtle way it is a clash between traditional authority and values and advancing ideas of egalitarian democracy, accountability and change. The Zulus are a people with a strong sense of identity and national pride. In KwaZulu, traditional society revolves around a political framework that has changed little from the days of Shaka and Dingaan – that is the King, *amakhosi* and *induna* in that descending hierarchy. While the Zulu King's executive powers were curtailed by colonialism and apartheid he still wields enormous spiritual authority over the Zulu nation. He is recognised by all *amakhosi* and *indunas* as the fountain of their hereditary positions and all pay fealty to him.

The executive power in KwaZulu is exercised on behalf of the King by the Chief Minister of the KwaZulu Government, whose role is similar to that of the British Prime Minister in relation to the Queen and her Lords. While the positions of the *amakhosi* and other traditional leaders are hereditary, the government in Ulundi, the Office of the Chief Minister, has the effective statutory power to appoint or dismiss and pay them on behalf of the King. It so happens that the Chief Minister is himself an *inkhosi* and President of the ruling IFP. Likewise most *amakhosi* are supporters of the IFP and some are members of the KwaZulu legislative assembly. In the present war of attrition between the ANC and the IFP the *amakhosi* and other traditional authorities have been inevitably sucked into the fray on the IFP side.

Some would say that the traditional authorities are the primary target not just of the ANC but of a whole array of groups of people and organisations – youth organisations, unionised industrial workers, civic groups and educated professionals – who are dissatisfied with, and critical of, the paternalistic and feudal style of government.

In their areas the *amakhosi* do have real power over people's lives. They can and do levy their own taxes ('Inkatha dues' and 'chief's travelling expenses' have raised controversy), they control allocation of land and they preside over criminal and civil cases. COMSA was told of cases of popular revolts and attacks on chiefs perceived as oppressive or corrupt by people who were not led by any political party. The entry of the ANC into the arena has simply provided a rallying point to the otherwise disparate forces of opposition. In political terms, the chiefs are seen as the pillars of the *bantustan* system of government and a symbol of apartheid.

Those who question and aggressively reject the traditional system tend to be young, unemployed, or educated professionals or members of the ANC. The chiefs and headmen, sensing a threat to their status and livelihood, try to defend the system. Where violence occurs, it is difficult and perhaps pointless to attempt to separate aggressors from those who acted in self-defence. Both sides have firearms which they occasionally turn on their opponents.

The *amakhosi* and *induna* claim that the ANC had brought AK-47s into Natal to attack them when they appealed to Ulundi for protection. In response, the KwaZulu government distributed, quite liberally, large numbers of G-3 automatic weapons to chiefs, headmen and bodyguards and other Inkatha supporters. On the other hand, the ANC say that it was they who acted in self-defence of attacks by G-3s. In some cases chiefs themselves led the *amabutho* on armed raids designed to drive ANC supporters out of their territories.

### State of Violence in Natal

When COMSA arrived in Natal, the devastating effects of the violence were obvious. Many houses, schools, shops and clinics had been destroyed, power lines pulled down and some churches closed. Public transport off the main roads was severely disrupted.

As a result of the struggle for territorial dominance, one party tends to be driven out of the battleground at the end of the fight. Several colonies of 'refugees' have mushroomed around the big towns. Around Durban, camps exist at Umlazi, Folweni, Adams Mission and Amanzimtoti; near Pietermaritzburg, displaced people have settled at Richmond, Mpumalanga, Table Mountain, Mooi River, Escourt and Greytown, and on the North Coast at Eshowe and Empangeni. By the time the COMSA team arrived in Natal the refugee population was estimated at over 100,000. These people sleep in tents and makeshift shacks, and sometimes in church halls and hospitals. They depend on charity for their food and clothing. Their security is in their own hands and they have sometimes been attacked by the same groups which drove them out of their homes or by new criminal elements. They dread the KwaZulu police (KZP) and do not trust the SAP.

The refugees' suspicion of KZP and SAP complicity in or complacency over these attacks has drawn denials and it is to be regretted that charges relating to these suspicions have so seldom been tested by judicial inquiry or trial. The suspicion, however, demonstrates, if nothing else, the depth of the distrust engendered by violence. In order to combat this deep-rooted violence effectively, the following factors need to be examined and remedial measures taken:

- *The clash between traditional authority, fearful and uncertain of its future role, and opposing groups demanding change.*

COMSA spent much time reconciling chiefs and headmen with their subjects, some of whom had been living in camps as displaced people for many months. The issues that separated or united the parties were not always easy to sort out. In all cases, the 'refugees' included numbers of young ANC supporters. Ranged opposite them were IFP supporters of all ages. Both sides were united by war fatigue and a longing for peace. *Sifuna uxolo* ('We want peace') was the common cry.

In all cases observed by COMSA the chiefs demanded, almost as a

condition for allowing the refugees to return home, *ukuhlonipha* (respect or recognition). Each chief stated that he was prepared to forgive even those who had insulted him. The chiefs received their *ukuhlonipha* with the ANC leaders stating categorically in their speeches that they recognised and respected the traditional position of chieftain in Zulu society and the chief as father of all his subjects irrespective of political differences. The chief echoed the same sentiments – ‘as chief I am the father of all my people irrespective of the political party they support.’ In the preparatory discussions and at these rallies, COMSA strove to drive home the point that the chief as *inkhosi* was above party politics and had to be respected by people of different parties or different religions and must in turn respect their rights. COMSA stressed also that democratic African government did not necessarily lead to the abolition of chieftainship, pointing out that in, for example, Ghana, Nigeria and Zimbabwe, chiefs and the traditional way of life still existed.

The lessons to be learned from this exercise are:

- Chiefs need to be reassured that peaceful co-existence of different political parties in their territories is possible;
- Political parties need to spell out clearly their policies towards traditional authorities; and
- Change and democracy are not aimed at abolishing tradition and respect for status of chief.

The tradition of chieftainship is a cornerstone of Zulu culture. Traditional systems also govern the economy of KwaZulu, as chiefs allocate housing, water supplies and other services, and levy taxes. Assuming that no party actually intends to destroy traditional authority, it is best to say so clearly. By removing fear and speculation a basic cause of violence in Natal/KwaZulu is removed, and possibly other parts of South Africa as well. The Commonwealth mission heard reports of corruption in the system, but is none the less aware that dismantling it would create a vacuum in authority and social identity which would cause massive upheaval. The experience of other African countries demonstrates that traditional structures can serve their societies well once integrated into democratic systems.

- *Intolerance and rivalry between political parties, that is, the ANC and the IFP, which are aimed at establishing territorial control.*
- *The easy availability of firearms including hand grenades, referred to earlier in this chapter.*
- *The question of the so-called ‘cultural weapons’ (spears, shields, knobkerries, sticks), which remains confusing and uncertain in law.*

The provisions of the Dangerous Weapons Act, 71 of 1968, and the Record of Understanding between President de Klerk and Mr Mandela

prohibit the carrying of these weapons at public gatherings, but this has not been enforced. At virtually all IFP gatherings in Natal/KwaZulu, whether political or traditional, people are armed. Chief Minister Buthelezi has publicly defied the banning of the carrying of cultural weapons, notably at two huge armed rallies in Johannesburg and Durban, saying that he was prepared to go to jail for his opposition to what he called 'cultural castration' of the Zulu nation (Focus on South Africa, November 1992).

The issue of cultural weapons remains controversial. At virtually every event observed by COMSA at which there was an organised tribal presence, cultural weapons were carried openly, and the police made no attempt to enforce the law.

The men carrying these weapons were well controlled by their marshals, and on no occasion did COMSA think that they represented more than a symbolic display of power. COMSA was also of the view that any attempt by the police to remove the weapons would have provoked violent resistance.

Those opposed to the public bearing of such weapons have warned, not unreasonably, that the custom 'contributes very substantially to a climate or psychology of coercion, intimidation and violence and the public perception that such behaviour is normal and lawful.' It has also been argued by political parties which do not encourage the carrying of clubs and spears that their supporters feel threatened by such displays, and are more likely to arm themselves in turn.

- *From the backlog of serious cases pending investigation and their performance in the past, it is clear that the investigative capacity of both the SAP and KZP requires a great deal of improvement.* The police are over-burdened and do not get sufficient co-operation from the population. Improvement may call for more resources, training and reorientation. Above all, it requires better relations with the public. This issue is examined in greater detail in Chapter 6.
- *In order to create an atmosphere of peace it is important that all practices and policies which cause friction and irritation between parties are removed.* One of these issues is the question of 'venues' for holding political meetings. The disputes occur in two ways:
  - (i) On several occasions COMSA and other international observers were called upon to intervene and defuse heated disputes as to whether meetings of the IFP and ANC advertised to take place at the same time, and at or near a common venue, should still go ahead taking into account the potential for conflict. COMSA attended on the occasion of one such dispute at Umlazi and spent the afternoon locked in arguments between the parties. Neither side would cancel or postpone its meeting or change it to another venue and it was finally agreed that both meetings would go ahead

but that a heavy police and observer presence would separate them. Leaders of the two parties also agreed to appeal to their followers through the press, radio and television, not to resort to violence. The two meetings, scheduled to be held only about 500 metres apart, ended without incident. Similar problems were to arise at several other meetings.

COMSA remains puzzled as to why simple organisational strategies used in other countries are not adopted with a view to avoiding such clashes in bookings for meetings in the first place. The appropriate authorities need to ensure that no two parties are booked at or near the same meeting place at the same time. The present practice unnecessarily ties down large numbers of the police force to guarding such meetings. In any case, the present practice is a sure way of perpetuating tension between the parties.

- (ii) A second aspect of the problem of venues relates to the often expressed grievance by the ANC that the KwaZulu Government allows government schools and halls to be used as venues for IFP political meetings, but denies the same privilege to the ANC. To the extent that this is true, the policy is manifestly unfair. A way has to be found for the KwaZulu Government to be even-handed in this regard.