



LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW

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September 20, 1990

Dear Colleague:

On September 19th, the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law released a report, South Africa's Death Squads, which challenges South African President F.W. de Klerk to ensure that police and military assassination squads, which have recently been revealed, are fully exposed and completely disbanded. Officers of these death squads may be informally transferred to right-wing white extremist groups unless President de Klerk takes decisive action.

Recent hearings by a South African government commission implicated special units of the police and the military in some of the more than 100 assassinations of anti-apartheid activists in recent years, both inside South Africa and as far away as Paris. Eleven prominent anti-apartheid leaders were assassinated in 1989.

Our report presents the facts and the critical questions about South African government sponsored death squads that remain unanswered. I have enclosed a copy of the Executive Summary of the report. Please let us know if you would like to have a copy of the full report.

Sincerely,

Gay J. McDougall
Director
Southern Africa Project



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SOUTH AFRICA'S DEATH SQUADS

Executive Summary

The "hidden hand" that African National Congress Deputy President Nelson Mandela and South African President F.W. de Klerk hold responsible for increased killing and other violence in South African townships may be linked to current or former members of two government death squads that have recently been exposed.

Officers of these death squads may be informally transferred to ultra-right wing white extremist groups unless President de Klerk takes decisive action. To avoid this, President de Klerk must ensure that police and military assassination squads are fully exposed and completely disbanded -- not simply shifted to the cover of sympathetic extremist organizations which have claimed a spate of bombings recently.

Recent hearings by a South African government commission implicated special units of the police and the military in some of the more than 100 assassinations of anti-apartheid activists in recent years, both inside South Africa and as far away as Paris. Eleven prominent anti-apartheid leaders were assassinated in 1989.

On September 14, 1990, ANC Deputy President Nelson Mandela said that he and President de Klerk agreed that a "hidden hand" seemed to be playing a significant role in the increasing violence in the black townships and other areas, a reference to clandestine groups of ultra-right wing whites, presumed connected to the security forces.

Testimony before the Commission confirmed that Unit C-1 of the South African Police and the Civil Cooperation Bureau of the South African Defense Forces were both secretly set up to assassinate prominent opposition figures. Existence of the police unit was first revealed in late 1989 when two police officers admitted their unit's involvement in the murder of human rights lawyer Griffiths Mxenge. The Civil Cooperation Bureau alone had an annual budget of approximately \$11 million and an estimated 200 officers.

Despite the official investigation of the two units, mysterious and violent killings of anti-apartheid activists

continue. On July 21, for example, the body of Police Constable Brian Ngqulunga was found riddled with bullets in a field near Pretoria; he had been named in commission testimony as a member of the Unit C-1 death squad and a participant in the assassination of Griffiths Mxenge.

Since the mid-1970's, over one hundred anti-apartheid activists have been killed in political assassinations. These victims have included some of the most prominent figures in the anti-apartheid movement. Observers have long been convinced that police or military death squads were responsible for many of these assassinations, including Mxenge (1981) and later his widow, Victoria (1985); academic Ruth First, wife of ANC and Communist Party leader Joe Slovo, killed by a letter bomb in Mozambique (1982); Eric Mntonga, a director of the Institute for a Democratic Alternative for South Africa (1987).

Among others assassinated in 1989 were David Webster, founding member of the Detainees' Parents Support Committee, shot dead outside his Johannesburg home; and Anton Lubowski, a human rights lawyer and the first white to openly proclaim his membership in the Namibian independence movement, SWAPO.

In February 1988, Defense Minister General Magnus Malan stated that "wherever the ANC is, we will eliminate it." The following month, Belgian police defused a bomb planted outside

the ANC office in Brussels. Two days later, the ANC's representative to France, Dulcie September, was shot and killed outside the door to her Paris office. Le Monde reported that several South African government agents had arrived in Paris just before September's murder.

In October and November 1989, three former police officers, (Butana Almond Nofomela, David Tshikalange and their captain, Johannes Dirk Coetzee) confessed that they had been members of an officially authorized and funded South African Police death squad, known as Unit C1 and based at Vlakplaas farm near Pretoria. In early 1990, another death squad was revealed, the Civil Cooperation Bureau (CCB), sponsored by the South African Defence Force.

South African State President F.W. de Klerk initially refused to hold a public investigation into these allegations. Instead, he ordered an internal inquiry under the auspices of Orange Free State Attorney-General T. McNally and Lieutenant-General Alwyn Conradie of the South African Police. Following intense pressure from concerned individuals and groups, President de Klerk instituted a public judicial inquiry chaired by Justice Louis Harms.

The Harms Commission heard evidence during the first half of 1990. That evidence established the following points:

- Government-sponsored death squads have existed at both local and national levels of the South African Government;
- The annual budget for death squads has been considerable (R28 million or \$ 11 million annually for the CCB alone);
- The death squads have targeted key anti-apartheid leaders in a calculated plan to terrorize the opposition; and
- Their activities have extended far beyond the borders of the country.

Unfortunately, two deficiencies impaired the effectiveness of the Commission: 1) the limited terms of reference, and 2) the less than aggressive conduct of the inquiry. The terms of reference limited the inquiry solely to acts which occurred within the borders of South Africa, whether or not the planning may have taken place inside the country. This is a critical restriction. Government-sponsored hit squads are suspected of having carried out more than 60 murders and acts of violence in countries as far away from South Africa as France and Belgium. As a result of the restricted terms of reference, insight into the full structure and organization of the death squads has been denied. The limitation also caused gaps in evidence vital in corroborating the testimonies of purported former death squad members.

The Commission's proceedings were also plagued by acts of defiance. Key witnesses including senior military officers,

refused to produce vital documents, claiming that they had been lost. Certain witnesses also repeatedly declined to answer questions because Justice Harms lacked the power to indemnify them against prosecution.

Out of a reported CCB membership of approximately 200 officers, only seven names were quoted in testimony. Moreover, of the list of 71 murders which were the focus of the Commission's inquiry, only the names of the victims in three cases were entered into evidence.

Even during the period that the Harms Commission was hearing evidence of death squad activity by the army and police, there were new revelations of the existence of death squads at other levels of government. Hit squads are reportedly operating in townships such as Duduza and "homelands" including Lebowa and Bophuthatswana. In addition, a second commission of inquiry was established under Justice V.G. Hiemstra to investigate allegations of an espionage and a "dirty tricks" ring within the Johannesburg City Council. Evidence was heard by Justice Hiemstra that this group operated on behalf of South African Military Intelligence and used violent tactics.

Combined with the deficiencies of the Harms Commission, the South African Government's response to the death squad allegations has been so inadequate and limited that it leaves little

basis for public confidence. Even the announcement on July 31, 1990 that the operations of the CCB were being terminated has been seen as a half-measure. No details were given regarding the future of personnel, weapons or other assets. Nor did the government promise any kind of independent or public supervision over the termination process.

Critical questions remain unanswered:

- 1) How high in the bureaucracy did the conspiracy go? Did the Minister of Defence, the Minister of Law and Order or the State President know, or should they have known, about the death squad operations within the government agencies under their control?
- 2) What, if any, are the connections between these government-sponsored hit squads and ultra-right wing groups?
- 3) Are there or have there been espionage and hit squad operations at other levels of government, including Pretoria-backed and financed squads in the "homeland" governments?

Even as these Commissions investigate the activities of alleged death squads, mysterious and violent killings of anti-apartheid activists continue to occur. At the same time, the South African ultra-right wing has become ever more militant. Numerous bombings and other attacks have been traced to white extremist groups.

In the interest of full disclosure of these abuses and enforcement of the rule of law, the Southern Africa Project of

the Lawyers' Committee for Civil Rights Under Law makes the following recommendations. The South African Government should:

- 1) extend the terms of reference of the Harms Commission to investigate allegations of government-sponsored death squad activity not only within South Africa but also outside its borders;
- 2) release to the Commission all pertinent documents regarding death squad activity;
- 3) institute criminal proceedings against any government officials implicated in the death squads;
- 4) grant extradition of suspected death squad members who are being sought in connection with criminal proceedings in other countries;
- 5) terminate any funding or logistical support currently going to the police and military for the use of death squads;
- 6) impound any weapons or ammunition currently stocked by the death squads; and
- 7) investigate the activities of the ultra-right wing and vigorously prosecute any illegal acts.

These steps must be pursued as a matter of urgency in order to end government-sponsored death squad activity and to guarantee that it does not simply shift operations to the cover of sympathetic ultra-right wing organizations.