

SCHEDULE OF CHANGES AND CORRECTIONS TO THE TRC REPORT

Pursuant to review proceedings instituted by the IFP and Minister Buthelezi, upon reconsideration of its initial findings and upon receipt of extensive representations made by the IFP and Minister Buthelezi, the following changes and corrections to the TRC report are made. The original text is followed by the adjusted text.

1. Volume 2, Chapter 5, paragraph 248

248 The Commission heard evidence of the involvement of Caprivi trainees in the KwaMakhutha massacre on 21 January 1987 in which thirteen people, mostly women and children, were killed and several others injured in the AK-47 attack on the home of UDF activist Bheki Ntuli. A large number of people including former Minister of Defence General Magnus Malan and MZ Khumalo of the IFP, were tried for murder in 1996 in the Durban Supreme Court. Although the accused were acquitted, the Supreme Court found that Inkatha members trained by the SADF in the Caprivi were responsible for the massacre and that the two state witnesses, being members of the SADF Military Intelligence, were directly involved in planning and execution of the operation. The court was not able to find who had provided backing for the attack.

Paragraph 248 is amended as follows:

The Commission heard evidence of the involvement of Caprivi trainees in the KwaMakhutha massacre on 21 January 1987 in which thirteen people, mostly women and children, were killed and several others injured in the AK-47 attack on the home of UDF activist Bheki Ntuli. A large number of people including former Minister of Defence General Magnus Malan and MZ Khumalo of the IFP, were tried for murder in 1996 in the Durban Supreme Court. Although the accused were acquitted, the Supreme Court found that Inkatha members trained by the SADF in the Caprivi were responsible for the massacre and that the two state witnesses, being members of the SADF's Directorate of Special Tasks, were directly involved in planning and execution of the operation. The court was not able to find who had provided backing for the attack. The Commission is mindful of the fact that senior members of the former SA Defence Force and Inkatha were acquitted in this lengthy trial on charges of murder and conspiracy to murder. In its findings, the Commission explains fully, in Volume 3 (Regional Profile) as well as in volume 5 (Findings Volume), the basis upon which it found, on a balance of probabilities, that the SADF and Inkatha are nonetheless accountable for the human rights violations committed by Caprivi trainees.

2. Volume 1, Chapter 12, paragraph 44 (l) , page 444:

Tembisa (26-28 November 1996).

Commissioners heard stories of state repression in the 1980s in this township and in the neighbouring Ivory Park informal settlement. In the 1990s, the IFP-aligned Toaster gang committed many violations in the context of violence between the ANC and the IFP.

This paragraph is amended as follows:

Tembisa (26-28 November 1996).

Commissioners heard stories of state repression in the 1980s in this township and in the neighbouring Ivory Park informal settlement. In the 1990s, the Toaster gang, comprising members who claimed to be IFP supporters, committed many violations in the context of violence between the ANC and the IFP.

3. The statement in volume 2, chapter 5, para 283, p. 476:

283 As such, hit squad members had access to KwaZulu government resources, such as vehicles, arms and ammunition. A measure of protection from prosecution was made possible through the collusion of the KZP as well as instruments of the state security forces. Further, Inkatha officials conspired with senior KZP officials to set up hit squads to eliminate ANC/SDU elements. The activities of the hit squads operating in the Esikhawini area near Richards Bay, the New Hanover area of the Natal Midlands, and the activities of a hit squad known as the Black Cats in Wesselton and Ermelo in the Transvaal are documented in other sections of the Commission's report.

This paragraph is amended as follows:

283 As such, hit squad members had access to KwaZulu government resources, such as vehicles, arms and ammunition. A measure of protection from prosecution was made possible through the collusion of the KZP as well as instruments of the state security forces. Further, certain Inkatha officials conspired with senior KZP officials to set up hit squads to eliminate ANC/SDU elements. The activities of the hit squads operating in the Esikhawini area near Richards Bay, the New Hanover area of the Natal Midlands, and the activities of a hit squad known as the Black Cats in Wesselton and Ermelo in the Transvaal are documented in other sections of the Commission's report.

4. Volume 2, Chapter 5, paragraph 198, page 454:

198 Inkatha dominated the KwaZulu government (both its executive and its bureaucracy) to the extent that the government and Inkatha became interchangeable concepts. The organization effectively ruled the KwaZulu government as a one-party state and used KwaZulu government resources and finances to fund Inkatha party-political activities and in the execution of gross human rights violations against non-Inkatha supporters. The KZP came into existence in 1981 and was disbanded in 1994 following the April 1984 elections. Chief Buthelezi was the only ever serving Minister of Police in KwaZulu. Violations committed by the KZP are dealt with later in this report.

This paragraph is amended as follows:

198 Inkatha dominated the KwaZulu government (both its executive and its bureaucracy) to the extent that the government and Inkatha became interchangeable concepts. The organisation was the only political party that participated in the KwaZulu Government. The Commission heard evidence and made

findings that in certain instances, KwaZulu Government resources and finances were used to fund party-political activities and in the execution of gross human rights violations against non-Inkatha supporters. The KZP came into existence in 1980 and was disbanded and integrated into the SAPS in 1994 following the April 1994 elections. Chief Buthelezi was the only ever serving Minister of Police in KwaZulu. Violations committed by the KZP are dealt with later in this report. The SA Commissioner of Police retained a measure of control over the KZP.

5. Volume 2, Chapter 5, paragraph 279, page 475:

279 The role of the IFP in the political violence in the early nineties is dealt with under the relevant sections of the Commission's report. In brief, the IFP was found to be the foremost perpetrator of gross human rights violations in KwaZulu and Natal during this period. Approximately 9 000 gross human rights violations were perpetrated by Inkatha in KwaZulu and Natal from 1990 to May 1994. This constituted almost fifty per cent of all violations reported to the Commission's Durban office for this period and over one-third of the total number of gross human rights violations reported for the thirty-four-year period of the Commission's mandate.

This paragraph is amended as follows:

279 The role of the IFP in the political violence in the early 90s is dealt with under the relevant sections of the Commission's report. In brief, the statistical evidence, based on statements made to the Commission by witnesses, indicates that the foremost perpetrators of gross human rights violations (GHRVs) in KwaZulu and Natal for this period, were persons who were named by witnesses as being supporters of, or aligned to, the IFP. Approximately 9000 GHRVs were perpetrated by such persons in KZN and Natal from 1990 – 1994, which constituted 50% of all violations reported to the Commission's Durban office for this period, and over 33% of the total number of GHRVs reported for the 34 year period of the Commission's mandate. However, in the light of the fact that the vast majority of members and supporters of the IFP stayed away from the Commission, the Commission was denied the opportunity of recording the testimonies of the large numbers of IFP members and supporters who were victims of violence at the hands of supporters of the ANC or its affiliates. Accordingly, any statistical data concerning the respective culpability of the IFP and the ANC during these years, must be seen and understood in the light of the above.

6. Volume 2, Chapter 5, paragraph 280, page 475,:

The following passage is inserted at the beginning of para 280:

The Commission held public hearings into the violence in March 1990, that became known as the Seven Day War, but did not have the benefit of the participation of members and supporters of the IFP, who chose not to participate in the hearings. Thereby the Commission did not have the benefit of hearing the IFP's perspective of the nature and causes to this very intense period of violence and its findings are based on submissions received mainly from those involved in the conflict under the ANC banner.

7. Volume 2, Chapter 5, paragraph 282, page 476:

282 The Commission has made a finding that IFP supporters were conscripted into hit squads and that the activities of these hit squads became widespread in KwaZulu and Natal during the 1990s. From information received by the Commission, it would appear that the hit squad operations flowing from the Caprivi training and other political networks were predominantly supportive of the IFP, drawing in officials of the KwaZulu government and KZP as well as senior politicians and leaders of the party.

This paragraph is amended as follows:

282 A small number of IFP supporters and/or members became involved in hit squad activities, in various parts of KZN and Natal during the 1990s. Some of those involved had received training from the SA Defence Force in the Caprivi Strip and the evidence before the Commission indicated that they liaised with senior officials of the KZ Government and Inkatha Freedom Party.

7. Volume 2, Chapter 5, paragraph 285, page 477:

285 Inkatha supporters were also responsible for the commission of gross human rights violations in the province of KwaZulu/Natal in the run-up to the 1994 elections, when the IFP engaged in a campaign to disrupt the electoral process. During this period, Inkatha received arms and ammunition from right-wing organisations as well as sections of the security forces and embarked upon paramilitary training projects in which IFP supporters were trained in weapons handling and paramilitary tactics. This campaign continued until 29 April, just six days before the elections, when the IFP announced that it would contest the elections. The Commission found that approximately 3 000 gross human rights violations were perpetrated by Inkatha in KwaZulu and Natal from July 1993 to May 1994. This constituted more than 55 per cent of all violations reported to the Commission's Durban office for this period.

This paragraph is amended as follows:

285 Inkatha supporters were also responsible for the commission of gross human rights violations in the province of KwaZulu/Natal in the run-up to the 1994 elections which seriously disrupted the process leading up to the elections. During this period, certain senior IFP members received arms and ammunition from right-wing organisations as well as sections of the security forces and embarked upon paramilitary training projects in which IFP supporters were trained in weapons handling and paramilitary tactics. Just six days before the elections, when the IFP announced that it would contest the elections, political violence in the region came to an abrupt end. The Commission found that approximately 3 000 gross human rights violations were perpetrated by alleged Inkatha supports/ and or members in KwaZulu and Natal from July 1993 to May 1994. This constituted more than 55 per cent of all violations reported to the Commission's Durban office for this period. Allowance must be made for the fact that many IFP supporters declared that they would not report violations perpetrated against the IFP and would not participate in the Commission's process.

9. Volume 3, Chapter 3, first paragraph of the finding at paragraph 182 (page 220):

182 The Commission has made a comprehensive finding concerning Operation Marion. It is contained in a lengthy document which includes the full reasons for the finding and which can be found in the State Archives. The main features of the finding are as follows:

This paragraph is amended as follows:

182 The Commission has made a comprehensive finding concerning Operation Marion. It is contained in a lengthy document which includes the full reasons for the finding and which can be found in the State Archives. The Commission is mindful of the fact that senior members of the former SA Defence Force and Inkatha were acquitted in this lengthy trial on charges of murder and conspiracy to murder. In its findings, the Commission explains fully, in this volume as well as in volume 5 (Findings Volume), the basis upon which it found, on a balance of probabilities, that the SADF and Inkatha are nonetheless accountable for the human rights violations committed by Caprivi trainees. The main features of the finding are as follows:

10. Volume 3, Chapter 3, first sub-paragraph at paragraph 292, pages 267-268:

292 The full findings of the Commission on the event which became known as the Seven day War are recorded elsewhere in the Commission's report. In summary, they are as follows:

This paragraph is amended as follows:

292 The Commission held public hearings relating to the Seven-Day War, but did not have the benefit of the participation of members and supporters of the IFP, who chose not to participate in the hearings. The Commission did not have the benefit of hearing the IFP's perspective of the nature and causes of this intense period of violence and its findings are based on submissions received mainly from those involved in the conflict under the ANC banner. The full findings of the Commission on the event which became known as the Seven day War are recorded elsewhere in the Commission's report. In summary, they are as follows:

11. Volume 3, Chapter 3, the second last indented subparagraph of paragraph 294, page 270:

An informal inquest held in 1991 found that 'persons unknown' were responsible for the deaths. A second inquest was held in May 1995. The inquest magistrate, RA Stewart, found that former special constable Welcome Muzi Hlophe (aka 'BigBoy' Hlophe), SAP Lance Sergeant Peter Smith, KwaZulu government driver Abraham Shoba and a fourth unknown man were prima facie directly responsible for the killings. He also found that the original investigating officer, Major Joseph van Zyl, was an accessory to the killings and recommended that an investigation be opened with a view to a possible conviction of Van Zyl. He further found that the then Secretary of the KwaZulu Legislature, Mr. Robert Mzimela, KwaZulu employee Z Mkhize, and then head of the KLA Protection Unit Major Leonard

Langeni had been implicated in a cover-up operation. (Mzimela and Langeni were both involved in the operations of the Esikhawini hit squad – see below)

This paragraph is amended as follows:

An informal inquest held in 1991 found that ‘persons unknown’ were responsible for the deaths. A second inquest was held in May 1995. The inquest magistrate, RA Stewart, found that former special constable Welcome Muzi Hlophe (aka ‘BigBoy’ Hlophe), SAP Lance Sergeant Peter Smith, KwaZulu government driver Abraham Shoba and a fourth unknown man were prima facie directly responsible for the killings. He also found that the original investigating officer, Major Joseph van Zyl, was an accessory to the killings and recommended that an investigation be opened with a view to a possible conviction of Van Zyl. He further recommended an investigation into the roles of senior KwaZulu Government and Police officials who were strongly suspected of being involved in a cover-up operation.

12. Volume 2, Chapter 7, paragraph 186, page 625:

186 Inkatha was found to be the foremost perpetrator of gross human rights violations in KwaZulu and Natal during the 1990s. Approximately 9 000 gross human rights violations were perpetrated by Inkatha in KwaZulu and Natal from 1990 to May 1994. This constituted almost 50 per cent of all violations reported to the Commission’s Durban office for this period.

This paragraph is amended as follows:

186 Statistical evidence, based on statements made to the Commission by witnesses, indicates that the foremost perpetrators of gross human rights violations (GHRVs) in KwaZulu and Natal for this period, were persons who were named by witnesses as being supporters and/ or members of the IFP. Approximately 9000 GHRVs were perpetrated by such persons in KZN and Natal from 1990 – 1994, which constituted 50% of all violations reported to the Commission’s Durban office for this period, and over 33% of the total number of GHRVs reported for the 34 year period of the Commission’s mandate. However, in the light of the fact that the vast majority of members and supporters of the IFP stayed away from the Commission, the Commission was denied the opportunity of recording the testimonies of the large numbers of IFP members and supporters who were victims of violence at the hands of supporters of the ANC or its affiliates. Accordingly, any statistical data concerning the respective culpability of the IFP and the ANC during these years, must be seen and understood in the light of the above.

13. The finding in Volume 2, Chapter 7, paragraph 195, page 626:

THE COMMISSION MADE A COMPREHENSIVE FINDING ON THE SEVEN DAY WAR AND ON THE ACCOUNTABILITY OF THE PRIMARY ROLE-PLAYERS IN A CONFLICT THAT RESULTED IN THE COMMISSION OF MANY HUNDREDS OF GROSS VIOLATIONS OF HUMAN RIGHTS. THE ROLE-PLAYERS INCLUDE: THE RIOT UNIT OF THE SAP, INCLUDING SPECIAL CONSTABLES, AND THE SOUTH AFRICAN DEFENCE FORCE.

14. Volume 2, Chapter 7, paragraph 551, page 709 will be amended by the addition of the following bullet point:

- * The IFP perspective on the root causes, dynamics, political objectives and circumstances of the armed struggle and the so-called black-on-black conflict.

15. Volume 3, Chapter 3, paragraph 106, page 190:

160 By far the majority of reports of severe ill treatment were attributed to Inkatha. The number of acts attributable to Inkatha was double the number attributed to the police and more than three times the number attributed to the ANC. The number of reports of torture in this period rose to five times that of the previous period. The overwhelming majority of these acts were attributed to the SAP. The majority of reports of associated violations that occurred in the province during this period were attributed to the SAP, followed by those attributed to Inkatha. A small number of similar acts were attributed to other parties and organisations, namely, the ANC, the UDF, the KZP and the SADF.

The paragraph is amended as follows:

160 By far the majority of reports of severe ill treatment were attributed to members and/ or supporters of Inkatha. The number of acts attributable to IFP members and/ or supporters was double the number attributed to the police and more than three times the number attributed to members and/ or supporters of the ANC. The fact that the Commission received a greater number of reports implicating Inkatha must be considered within the context of most IFP members having elected not to participate in the Commission's process, and the IFP itself having distanced itself from the Commission's work after its initial submission. The number of reports of torture in this period rose to five times that of the previous period. The overwhelming majority of these acts were attributed to the SAP. The majority of reports of associated violations that occurred in the province during this period were attributed to the SAP, followed by those attributed to members and/ or supporters of Inkatha. A small number of similar acts were attributed to other parties and organisations, namely, the ANC, the UDF, the KZP and the SADF.

16. Volume 2, Chapter 7, the finding at paragraph 251, page 640:

THE COMMISSION FINDS THAT, ALTHOUGH THE SPU PROJECT WAS OFFICIALLY PLACED WITHIN THE AMBIT OF THE PEACE ACCORD AND THAT SELF-PROTECTION FORMED AN ELEMENT THEREOF, INHERENT IN THE PROJECT WAS ALSO AN INTENTION TO FURNISH INKATHA WITH THE MILITARY CAPACITY TO PREVENT BY FORCE THE HOLDING OF ELECTIONS WHICH DID NOT ACCOMMODATE INKATHA'S DESIRES FOR SELF-DETERMINATION. SUCH ARMED RESISTANCE WOULD ENTAIL THE RISK OF UNLAWFUL DEATH AND INJURY TO PERSONS AND, AS SUCH, CONSTITUTES A CONSPIRACY TO COMMIT MURDER.

The Commission will delete the last sentence of the bolded statement and substitute the statement with the following statement:

THE COMMISSION FINDS THAT, ALTHOUGH THE SPU PROJECT WAS OFFICIALLY PLACED WITHIN THE AMBIT OF THE PEACE ACCORD AND THAT SELF-PROTECTION FORMED AN ELEMENT THEREOF, INHERENT IN THE PROJECT WAS ALSO AN INTENTION TO FURNISH INKATHA WITH THE MILITARY CAPACITY TO

DISRUPT THE HOLDING OF ELECTIONS WHICH DID NOT ACCOMMODATE INKATHA'S DESIRES FOR SELF-DETERMINATION. THIS VERACITY OF THIS CONCLUSION HAS BEEN DISPUTED BY THE IFP.

16. Volume 2, Chapter 7, paragraph 253, page 641:

253 An informal alliance between the right wing and the IFP emerged after the formation of COSAG in 1993. The alliance played itself out in weapons smuggling an paramilitary training, primarily on white farms and KwaZulu nature reserves. There were also a few cases where IFP and right-wing members took part in joint attacks.

Paragraph 253 is substituted by the following paragraph:

253 An informal alliance between the right wing and the IFP emerged after the formation of COSAG in 1993. The alliance played itself out in weapons smuggling and paramilitary training, primarily on white farms and KwaZulu nature reserves. There were also a few isolated cases where certain IFP and right-wing members took part in joint attacks.

18. Volume 3, Chapter 3, last 3 sub-paragraphs of paragraph 208, page 239:

A formal inquest (Howick Inquest 13/88) into the killing of the three MAWU members found nine known Inkatha members responsible for the killings. Despite the inquest finding, no one has been charged for these killings to date. One of those named was Mr Vela Mchunu, a 'Caprivi trainee'. In order to prevent Mchunu from testifying at the inquest, KZP Captain Leonard Langeni and Chief Minister Buthelezi's personal assistant, Mr MZ Khumalo, arranged for him to be hidden at the Mkhuze camp. IN 1987, Sarmcol signed a recognition agreement with UWUSA, the Inkatha-aligned trade union, set up in opposition to COSATU.

In March 1998to the factory floor.

THE COMMISSION FINDS THE KILLING OF PROMINENT TRADE UNIONISTS IN MPHOPHOMENI TOWNSHIP BY MEMBERS OF INKATHA AND THE KZP SET IN MOTION A LENGTHLY PERIOD OF POLITICAL CONFLICT RESULTING IN WIDESPREAD GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH INKATHA AND THE KZP ARE HELD ACCOUNTABLE.

This paragraph is amended as follows:

A formal inquest (Howick Inquest 13/88) into the killing of the three MAWU members found nine known Inkatha members responsible for the killings. Despite the inquest finding, no one has been charged for these killings to date. One of those named was Mr Vela Mchunu, a 'Caprivi trainee'. In an apparent attempt to prevent Mchunu from testifying at the inquest, KZP Captain Leonard Langeni and Mr MZ Khumalo, a senior Inkatha official, arranged for him to be hidden at the Mkhuze camp. In 1987, Sarmcol signed a recognition agreement with UWUSA, the Inkatha-aligned trade union, set up in opposition to COSATU.

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THE COMMISSION FINDS THE KILLING OF PROMINENT TRADE UNIONISTS IN MPHOPHOMENI TOWNSHIP BY MEMBERS OF INKATHA AND THE KZP SET IN MOTION A LENGTHLY PERIOD OF POLITICAL CONFLICT RESULTING IN WIDE-SPREAD GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH ELEMENTS OF INKATHA AND THE KZP ARE HELD ACCOUNTABLE.

19. Volume 3, Chapter 3, paragraph 259, pages 256 – 7

The Commission has made a comprehensive finding regarding the KZP, in which it is described, inter alia, as a highly politicised force, openly assisting the IFP – by omission and by active participation -in the commission of gross human rights violations, as well as being grossly incompetent.

This paragraph is amended by the insertion of the first sentence below:

In investigating the activity of the KZP, which was disbanded and integrated into the SAPS in 1994, the Commission did not have the benefit of eliciting the view-point of and evidence from the KZP, as most of its senior members did not volunteer evidence to the Commission. The Commission has made a comprehensive finding regarding the KZP, in which it is described, inter alia, as a highly politicised force, openly assisting the IFP – by omission and by active participation - in the commission of gross human rights violations, as well as being grossly incompetent.

20. Volume 3, Chapter 3, first two sub-paragraphs of the finding at paragraph 390, pages 306 –7:

THE COMMISSION FINDS THAT, DURING THE PERIOD 1993 – 1994, THE SELF-PROTECTION UNIT PROJECT (SPU),ALTHOUGH OFFICIALLY PLACED WITHIN THE AMBIT OF THE PEACE ACCORD AND CONTAINING AN ELEMENT OF SELF PROTECTION, WAS ALSO INTENDED TO FURNISH THE INKATHA FREEDOM PARTY WITH THE MILITARY CAPACITY TO, BY FORCE, PREVENT THE CENTRAL GOVERNMENT AND THE TRANSITIONAL EXECUTIVE COUNCIL FORM HOLDING ELECTIONS WHICH DID NOT ACCOMMODATE THE IFP'S DESIRES FOR SELF-DETERMINATION.

IT WAS ADMITTED AT THE TIME BY THE PERSONS NAMED BELOW THAT SUCH ARMED RESISTANCE WOULD ENTAIL THE RISK OF UNLAWFUL DEATH AND INJURY TO PERSONS.

The second bolded paragraph starting with the words “It was admitted” and ending with the words “injury to persons” will be deleted. The first bolded paragraph will be amended as follows:

THE COMMISSION FINDS THAT, DURING THE PERIOD 1993 – 1994, THE SELF-PROTECTION UNIT PROJECT (SPU), ALTHOUGH OFFICIALLY PLACED WITHIN THE AMBIT OF THE PEACE ACCORD AND CONTAINING AN ELEMENT OF SELF PROTECTION, WAS ALSO INTENDED BY SENIOR INKATHA MEMBERS TO FURNISH THE INKATHA FREEDOM PARTY WITH A PARAMILITARY CAPACITY TO, BY FORCE, DISRUPT THE CENTRAL GOVERNMENT AND THE TRANSITIONAL EXECUTIVE COUNCIL FORM HOLDING ELECTIONS WHICH DID NOT ACCOMMODATE THE IFP'S DESIRES FOR SELF-DETERMINATION.

21. Volume 3, Chapter 3, paragraph 296, page 270:

296 In 1991, as a result of these concerns, Daluxolo Luthuli summoned Gcina Brian Mkhize [AM4599/97] to a meeting in Ulundi. Mkhize was a 'Caprivi trianee' who had joined the KZP and was posted to the Esikhawini Riot Unit in 1990. The meeting was held at KZP Captain Leonard Langeni's office in Ulundi early in 1991. At the time, Langeni was the officer commanding the then KLA Protection Unit. Others present at the meeting were Luthuli, Prince Gideon Zulu (then KwaZulu Minister of Pensions), Mr M R Mzimela (then Secretary of the KwaZulu Legislature), and Mr MZ Khumalo (then personal assistant to Chief Buthelezi).

This paragraph is amended as follows:

296 According to Daluxolo Luthuli and Gcina Brian Mkhize [AM4599/97] in 1991, as a result of these concerns, Luthuli summoned Mkhize to a meeting in Ulundi. Mkhize was a 'Caprivi trianee' who had joined the KZP and was posted to the Esikhawini Riot Unit in 1990. The meeting was held at KZP Captain Leonard Langeni's office in Ulundi early in 1991. At the time, Langeni was the officer commanding the then KLA Protection Unit. Others present at the meeting were Luthuli, Prince Gideon Zulu (then KwaZulu Minister of Pensions), Mr M R Mzimela (then Secretary of the KwaZulu Legislature), and Mr MZ Khumalo, a senior Inkatha official.

22 Volume 3, Chapter 3, second bolded sub-paragraph at paragraph 308, pages 276 –9:

INKATHA LEADERS APPROACHED THE INKATHA CENTRAL AUTHORITY IN ULUNDI BECAUSE THEY WERE CONCERNED THAT THEY WERE IN THE PROCESS OF LOSING THE STRUGGLE.

This sub-paragraph is amended as follows:

LOCAL INKATHA LEADERS IN ESIKAWENI APPROACHED CERTAIN SENIOR INKATHA OFFICIALS IN ULUNDI BECAUSE THEY WERE CONCERNED THAT THEY WERE IN THE PROCESS OF LOSING THE STRUGGLE.

The following sub-paragraph is inserted as the final bolded sub-paragraph of the bulleted findings relating to the hit squads on page 278:

THE COMMISSION NOTES THAT THE IFP DISPUTES THE VERSIONS OF DALOXOLO LUTHULI, GCINA BRIAN MKHIZE AND OTHERS. THE COMMISSION NOTES FURTHER THAT THOSE IFP MEMBERS IMPLICATED DID NOT MAKE THEMSELVES AVAILABLE TO THE COMMISSION TO REBUT THE EVIDENCE.

23. Volume 3, Chapter 3, finding at paragraph 318, page 286:

THE COMMISSION FINDS THAT THE KILLING OF SIXTEEN PEOPLE ON 8 NOVEMBER 1990 WAS CAUSED BY UNKNOWN SUPPORTERS OF THE IFP FROM THE BRUNTVILLE HOSTEL, CONSTITUTING GROSS VIOLATIONS OF HUMAN RIGHTS, FOR WHICH UNKNOWN INKATHA-SUPPORTING HOSTEL-DWELLERS ARE HELD ACCOUNTABLE.

This paragraph is amended by an insertion of an additional sentence and will read as follows:

THE COMMISSION FINDS THAT THE KILLING OF SIXTEEN PEOPLE ON 8 NOVEMBER 1990 WAS CAUSED BY UNKNOWN SUPPORTERS OF THE IFP FROM THE BRUNTVILLE HOSTEL, CONSTITUTING GROSS VIOLATIONS OF HUMAN RIGHTS, FOR WHICH UNKNOWN INKATHA-SUPPORTING HOSTEL- DWELLERS ARE HELD ACCOUNTABLE. THE COMMISSION NOTES THAT SINCE THE IFP DECLINED TO PARTICIPATE IN HEARING THAT THERE MAY BE OTHER PERSPECTIVES WHICH IT DID NOT HAVE THE BENEFIT OF RECEIVING AND ANALYSING.

24. The statement in Volume 5, Chapter 6, finding at the 5th sub-paragraph of paragraph 109, page 229:

IN KWAZULU SPECIFICALLY, THE HOMELAND GOVERNMENT AND POLICE FORCE (KZP) WERE RESPONSIBLE FOR:

The 5th sub-paragraph is amended as follows:

IN KWAZULU SPECIFICALLY, ELEMENTS OF THE HOMELAND GOVERNMENT AND POLICE (KZP) WERE RESPONSIBLE FOR:

25. Volume 5, Chapter 6, sub-paragraphs e, l and j of paragraph 116, pages 231 – 2:

- e the establishment in early 1986 of a covert, offensive paramilitary unit trained, armed and paid by Military Intelligence, and their deployment throughout KwaZulu until September 1990, during which the ‘Caprivi trainees’ killed large numbers of people and permanently altered the political landscape in the areas in which they were deployed (see separate find below);
- i the deployment of a joint KZP-IFP hit squad in Esikhawini township in 1990, and the resultant killing of over 100 people (see separate finding below);
- j the deployment of the IFP-based ‘Black Cats’ hit squad in Wesselton and Ermelo in 1990, and the resultant killing of large numbers of people;

Subparagraphs (e), (i) and (j) are amended as follows:

- e the establishment in early 1986 of a covert, offensive paramilitary unit trained, armed and paid by Military Intelligence, and their deployment throughout KwaZulu until September 1990, during which the several ‘Caprivi trainees’ killed large numbers of people and permanently altered the political landscape in the areas in which they were deployed (see separate find below);
- l the deployment of a hit squad in Esikhawini township comprising elements of the KZP and certain Inkatha supporters in 1990, which resulted in the killing of over 100 people (see separate finding below);
- j the deployment of the ‘Black Cats’ hit squad in Wesselton and Ermelo comprising Inkatha supporters in 1990, and the resultant killing of large numbers of people;

26. Volume 5, Chapter 6, paragraph 117 – 119, page 232:

- 117 The above mentioned incidents represent iconic events over the past twelve years in which IFP office-bearers, members and supporters were involved in acts of serious political violence. They do not purport to be a complete list of such incidents. However, the most devastating indictment of the role of the IFP in political violence during the Commission's mandate period is to be found in the statistics compiled by the Commission directly from submissions by victims of gross human rights violations. These established the IFP as the foremost perpetrator of gross human rights violations in KwaZulu and Natal during the 1990-94 period. Indeed, IFP violations constituted almost 50 per cent of all violations reported to the Commission's Durban office for this period, and over one-third of the total number of gross human rights violations committed during the thirty-four-year period of the Commission's mandate. The statistics also indicate that IFP members, supporters and office-bearers in KwaZulu and Natal were responsible for more than 55 per cent of all violations reported to the Commission's Durban office for the period between July 1993 and May 1994.
- 118 Other statistics derived from the Commission's database show that Inkatha/the IFP was responsible, in the mandate period, for some 3 800 killings in the Natal and KwaZulu area compared with approximately 1 100 attributed to the ANC and some 700 to the SAP. The IFP remains the major perpetrator of killings on a national scale, being allegedly responsible for over 4 500 killings compared to 2 700 attributed to the SAP and 1 300 to the ANC. These statistics suggest that the IFP was responsible for approximately 3.5 killings for on killing attributed to the ANC. A graph included in the Natal regional profile (Volume Three) illustrates that in 1987-88 the IFP exceeded even the SAP in terms of numbers of people killed by a single perpetrator organisation.
- 119 It must be noted here that, for much of the period in which the Commission was able to accept human rights violations statements, the IFP discouraged its members and supporters from making submissions to the Commission. The result is that only about 10 per cent of all statements taken in KwaZulu-Natal came from people linked to the IFP. The significant point is that the statistics derived from the Commission's database do not diverge from those published by other national and international bodies. All of these are consistent in identifying the IFP as the primary non-state perpetrator of gross human rights abuse in South Africa from the latter 1980s through to 1994.

The last sentence in paragraph 118 has been deleted and the paragraphs are amended as follows:

- 117 The above incidents represent iconic events over the past twelve years in which IFP office-bearers, members and supporters were involved in acts of serious political violence. They do not purport to be a complete list of such incidents. However, the most devastating indictment of the role of members and/ or supporters of the IFP in political violence during the Commission's mandate period is to be found in the statistics compiled by the Commission directly from submissions by victims of gross human rights violations. These established that members and/ or supporters of the IFP were the foremost perpetrator of gross human rights violations in KwaZulu and Natal during the 1990-94 period. Indeed, such violations constituted almost 50 per cent of all violations reported to the Commission's Durban office for this period, and over one-third of the total number of gross human rights violations committed during the thirty-four-year period of the Commission's mandate. The statistics also indicate that IFP members, supporters and office-bearers in KwaZulu and Natal were responsible for more than 55 per cent of all violations reported to the Commission's Durban office for the period between July 1993 and May 1994.

- 118 Other statistics derived from the Commission's database show that members and/ or supporters of the IFP were responsible, in the mandate period, for some 3 800 killings in the Natal and KwaZulu area compared with approximately 1 100 attributed to the members and/ or supporters of the ANC and some 700 to the SAP. Members and/ or supporters of the IFP remains the major perpetrator of killings on a national scale, being allegedly responsible for over 4 500 killings compared to 2 700 attributed to the SAP and 1 300 to members and/ or supporters of the ANC. These statistics suggest that members and/ or supporters of the IFP was responsible for approximately 3.5 killings for on killing attributed to the members and/ or supporters of the ANC.
- 119 It must be noted here that, for much of the period in which the Commission was able to accept human rights violations statements, the IFP discouraged its members and supporters from making submissions to the Commission. The result is that only about 10 per cent of all statements taken in KwaZulu-Natal came from people linked to the IFP. The significant point is that the statistics derived from the Commission's database do not diverge from those published by other national and international bodies. All of these are consistent in identifying members and/ or supporters of the IFP as the primary non-state perpetrator of gross human rights abuse in South Africa from the latter 1980s through to 1994. The Commission notes that a complete picture of the IFP-ANC conflict could not be formed due to the failure of by many IFP members and supporters to participate in the Commission and the absence of many countervailing complaints of violations against the IFP.

27. Volume 5, Chapter 6, first paragraph 121 pages 233 – 6:

121 The formal finding of the Commission in regard to the IFP is set out below:

DURING THE PERIOD 1982-94, THE INKATHA FREEDOM PARTY, KNOWN AS INKATHA PRIOR TO JULY 1990 (HEREINAFTER REFERRED TO AS "THE ORGANISATION") WAS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED IN THE FORMER TRANSSVAAL, NATAL AND KWAZULU AGAINST

- PERSONS WHO WERE PERCEIVED TO BE LEADERS, MEMBERS OR SUPPORTERS OF THE UDF, ANC, SOUTH AFRICAN COMMUNIST PARTY (SACP) AND COSATU;
- PERSONS WHO WERE IDENTIFIED AS POSING A THREAT TO THE ORGANISATION;
- MEMBERS OR SUPPORTERS OF THE ORGANISATION WHOSE LOYALTY WAS DOUBTED.
- IT IS A FURTHER FINDING OF THE COMMISSION THAT SUCH VIOLATIONS FORMED PART OF A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE ORGANISATION.
- THE COMMISSION BASED THIS FINDING ON THE FOLLOWING ACTIONS OF THE IFP:
- SPEECHES BY THE IFP PRESIDENT, SENIOR PARTY OFFICIALS AND PERSONS ALIGNED TO THE ORGANISATION'S IDEALOGY, WHICH HAD THE EFFECT OF INCITING SUPPORTERS OF THE ORGANISATION TO COMMIT ACTS OF VIOLENCE;

- ARMING THE ORGANISATIONS'S SUPPORTERS WITH WEAPONS IN CONTRAVENTION OF THE ARMS AND AMMUNITION, AND EXPLOSIVES AND DANGEROUS WEAPONS ACTS;
- MASS ATTACKS BY SUPPORTERS OF THE ORGANISATION ON COMMUNITIES INHABITED BY PERSONS REFERRED TO ABOVE, RESULTING IN DEATH AND INJURY AND THE DESTRUCTION AND THEFT OF PROPERTY;
- KILLING OF LEADERS OF THE POLITICAL ORGANISATIONS AND PERSONS REFERRED TO ABOVE;
- COLLUSION WITH THE SOUTH AFRICAN GOVERNMENT'S SECURITY FORCES TO COMMIT THE VIOLATIONS REFERRED TO ABOVE;
- ENTERING INTO A PACT WITH THE SADF TO CREATE A PARAMILITARY FORCE FOR THE ORGANISATION, WHICH WAS INTENDED TO AND DID CAUSE DEATH AND INJURY TO THE PERSONS REFERRED TO ABOVE;
- ESTABLISHING HIT SQUADS WITHIN THE KZP AND THE SPECIAL CONSTABLES STRUCTURE OF THE SAP TO KILL OR CAUSE INJURY TO THE PERSONS REFERRED TO ABOVE;
- UNDER THE AUSPICES OF THE SELF-PROTECTION UNIT PROJECT, TRAINING LARGE NUMBERS OF THE ORGANISATIONS'S SUPPORTERS WITH THE SPECIFIC OBJECTIVE OF PREVENTING, BYMEANS OF VIOLENCE, THE HOLDING OF ELECTIONS IN KWAZULU-NATAL IN APRIL 1994, UNDER A CONSTITUTION WHICH DID NOT RECOGNISE THE ORGANISATIONS'S DEMANDS FOR SOVEREIGNTY. IN ORDER TO ACHIEVE THIS OBJECTIVE, THE KWAZULU GOVERNMENT AND ITS KWAZULU POLICE STRUCTURES WERE SUBVERTED;
- CONSPIRING WITH RIGHT-WING ORGANISATIONS AND FORMER MEMBERS OF THE SOUTH AFRICAN GOVERNMENT'S SECURITY FORCES TO COMMIT ACTS WHICH RESULTED IN LOSS OF LIFE OR INJURY IN ORDER TO ACHIEVE THE OBJECTIVE REFERRED TO ABOVE;
- CREATING A CLIMATE OF IMPUNITY BY EXPRESSLY OR IMPLICITLY CONDONING GROSS HUMAN RIGHTS VIOLATIONS AND OTHER UNLAWFUL ACTS COMMITTED BY MEMBERS OR SUPPORTERS OF THE ORGANISATION.
- CHIEF MG BUTHELEZI SERVED SIMULTANEOUSLY AS PRESIDENT OF THE IFP AND AS THE CHIEF MINISTER OF THE KWAZULU GOVERNMENT AND WAS THE ONLY SERVING MINISTER OF POLICE IN THE KWAZULU GOVERNMENT DURING THE ENTIRE THIRTEEN-YEAR EXISTENCE OF THE KWAZULU POLICE. WHERE THESE THREE AGENCIES ARE FOUND TO HAVE BEEN RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS, CHIEF MANGOSUTHU BUTHELEZI IS HELD BY THIS COMMISSION TO BE ACCOUNTABLE IN HIS REPRESENTATIVE CAPACITY AS THE LEADER, HEAD OR RESPONSIBLE MINISTER OF THE PARTIES CONCERNED.

This paragraph is amended as follows:

121 The formal finding of the Commission on the actions by members, supporters or officials of the organisation, is set out below:

DURING THE PERIOD 1982-94 MEMBERS, SUPPORTERS AND/ OR OFFICIALS OF THE INKATHA FREEDOM PARTY, KNOWN AS INKATHA PRIOR TO JULY 1990 (HEREINAFTER REFERRED TO AS "THE ORGANISATION") WERE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED IN THE FORMER TRANSVAAL, NATAL AND KWAZULU AGAINST:

- PERSONS WHO WERE PERCEIVED TO BE LEADERS, MEMBERS OR SUPPORTERS OF THE UDF, ANC, SOUTH AFRICAN COMMUNIST PARTY (SACP) AND COSATU;
- PERSONS WHO WERE IDENTIFIED AS POSING A THREAT TO THE ORGANISATION;
- MEMBERS OR SUPPORTERS OF THE ORGANISATION WHOSE LOYALTY WAS DOUBTED.
- IT IS A FURTHER FINDING OF THE COMMISSION THAT SUCH VIOLATIONS FORMED PART OF A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE MEMBERS, SUPPORTERS OR OFFICIALS OF THE ORGANISATION.

THE COMMISSION BASED THIS FINDING ON THE FOLLOWING ACTIONS OF THE IFP:

- SPEECHES BY SENIOR PARTY OFFICIALS AND PERSONS ALIGNED TO THE ORGANISATION'S IDEALOGY, WHICH HAD THE EFFECT OF INCITING SUPPORTERS OF THE ORGANISATION TO COMMIT ACTS OF VIOLENCE;
- ARMING THE ORGANISATIONS'S SUPPORTERS WITH WEAPONS IN CONTRAVENTION OF THE ARMS AND AMMUNITION, AND EXPLOSIVES AND DANGEROUS WEAPONS ACTS;
- MASS ATTACKS BY SUPPORTERS OF THE ORGANISATION ON COMMUNITIES INHABITED BY PERSONS REFERRED TO ABOVE, RESULTING IN DEATH AND INJURY AND THE DESTRUCTION AND THEFT OF PROPERTY;
- KILLING OF LEADERS OF THE POLITICAL ORGANISATIONS AND PERSONS REFERRED TO ABOVE;
- OCCASIONAL COLLUSION WITH THE SOUTH AFRICAN GOVERNMENT'S SECURITY FORCES TO COMMIT THE VIOLATIONS REFERRED TO ABOVE;
- ENTERING INTO A PACT WITH THE SADF TO CREATE A PARAMILITARY FORCE FOR THE ORGANISATION, WHICH WAS INTENDED TO AND DID CAUSE DEATH AND INJURY TO THE PERSONS REFERRED TO ABOVE;
- ESTABLISHING HIT SQUADS WITHIN THE KZP AND THE SPECIAL

CONSTABLES STRUCTURE OF THE SAP TO KILL OR CAUSE INJURY TO THE PERSONS REFERRED TO ABOVE;

- UNDER THE AUSPICES OF THE SELF-PROTECTION UNIT PROJECT, TRAINING LARGE NUMBERS OF THE ORGANISATIONS'S SUPPORTERS WITH THE SPECIFIC OBJECTIVE OF PREVENTING, BY MEANS OF VIOLENCE, THE HOLDING OF ELECTIONS IN KWAZULU-NATAL IN APRIL 1994, UNDER A CONSTITUTION WHICH DID NOT RECOGNISE THE ORGANISATIONS'S DEMANDS FOR SOVEREIGNTY. IN ORDER TO ACHIEVE THIS OBJECTIVE, THE KWAZULU GOVERNMENT AND ITS KWAZULU POLICE STRUCTURES WERE SUBVERTED;
- CONSPIRING WITH RIGHT-WING ORGANISATIONS AND FORMER MEMBERS OF THE SOUTH AFRICAN GOVERNMENT'S SECURITY FORCES TO COMMIT ACTS WHICH RESULTED IN LOSS OF LIFE OR INJURY IN ORDER TO ACHIEVE THE OBJECTIVE REFERRED TO ABOVE;
- CREATING A CLIMATE OF IMPUNITY BY EXPRESSLY OR IMPLICITLY CONDONING GROSS HUMAN RIGHTS VIOLATIONS AND OTHER UNLAWFUL ACTS COMMITTED BY MEMBERS OR SUPPORTERS OF THE ORGANISATION.

CHIEF MG BUTHELEZI SERVED SIMULTANEOUSLY AS PRESIDENT OF THE IFP AND AS THE CHIEF MINISTER OF THE KWAZULU GOVERNMENT AND WAS THE ONLY SERVING MINISTER OF POLICE IN THE KWAZULU GOVERNMENT DURING THE ENTIRE THIRTEEN-YEAR EXISTENCE OF THE KWAZULU POLICE. WHERE THESE THREE AGENCIES ARE FOUND TO HAVE BEEN RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS, CHIEF MANGOSUTHU BUTHELEZI IS HELD BY THIS COMMISSION TO BE ACCOUNTABLE IN HIS REPRESENTATIVE CAPACITY AS THE LEADER, HEAD OR RESPONSIBLE MINISTER OF THE PARTIES CONCERNED.

28. Volume 5, Chapter 6, paragraph 122, page 234;

- 122 The Commission also made comprehensive findings with regard to a number of key incidents involving members of the IFP in KwaZulu-Natal, all of which are dealt with in more detail in the Natal regional study in Volume Three of this report. The commission has also made a finding on the KZP, which has been dealt with in the chapter on Homelands in Volume Two.

This paragraph is amended as follows:

- 122 The Commission also made comprehensive findings with regard to a number of key incidents involving members and/ or officials of the IFP in KwaZulu-Natal, all of which are dealt with in more detail in the Natal regional study in Volume Three of this report. The commission has also made a finding on the KZP, which has been dealt with in the chapter on Homelands in Volume Two. (...p696)