

No Easy Road to Truth: The TRC in the Eastern Cape

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Note: This paper contains 'work in progress'; I would welcome any additional information on the cases contained here, which either elaborates on particular events or 'sets the record straight'.

Who was 'the first urban terrorist' in Port Elizabeth?

This story – which is but a small part of a much greater history – begins with the violent death of a man in an explosion in a street in downtown Port Elizabeth. The explosion took place on 8 March 1978, not six months after Steve Biko died a miserable and lonely death after being assaulted by the Port Elizabeth security police. The man was carrying a powerful parcel bomb to an unknown destination when it exploded, presumably prematurely, as he was walking down a quiet street. It exploded at 4.20 pm, shattering hundreds of windows and damaging two cars. One passer-by was slightly injured by glass. The person carrying the bomb was thrown up by the force of the explosion, and his hands were blown off. It was reported that the blast had flung pieces of his body over a radius of about fifty metres. Newspapers at the time carried disturbing descriptions of his mutilated body, which was covered with paper by a passer-by before being removed by an ambulance. The security police came to the scene to investigate. On 10 March it was reported in the local press that the incident was definitely an 'act of urban terrorism' but that the identity of the man was unknown. He is believed to be Makwezi MacDonald Mtulu, but at the time he was dubbed by the press as "the man who turned out to be Port Elizabeth's first urban terrorist". (*EP Herald* 9 March 1978).

South African Police Brigadier Johan Coetzee said that Mtulu, who was a 'close colleague and friend' of Steve Biko, had gone into exile in 1972, and that the bomb blasts in PE and elsewhere were 'the work of the ANC'. (*IDAF Focus* 18, September 1978) There is no such person in the list of MK members who died in combat or inside South Africa, compiled by the ANC for the Truth and Reconciliation Commission, and his family did not, to my knowledge, approach the Truth and Reconciliation Commission. The day after his death, another bomb exploded at the BAAB office in New Brighton, Port Elizabeth, killing one woman and injuring three others. This bomb is listed in the ANC submission to the TRC as an MK operation, with the target listed as being a 'government building'. It can be assumed that both bombs were the work of one MK member or unit, the actions of which played a significant role in determining the vicious cycle of conflict in the Eastern Cape over the following decade.

Existing analyses of the South African conflict tend to focus on the 'peaks' of resistance, seen as Soweto 1976 and the situation from late 1984 to mid-1986 which is characterised as 'near-insurrectionary' by some writers. This paper explores the 'early phase' of conflict in the PE/Uitenhage area of the Eastern Cape, from 1978 to 1983, and shows how the conflict of the mid-1980s was shaped by the perceptions of both the security police and their opponents. It explores how the Truth and Reconciliation Commission has given us the testimony of both victims and

perpetrators, in the form of both facts and perceptions, which enriches our understanding of this history.

Why focus on the Eastern Cape? This paper does not argue that the regional nuances of one part of South Africa demand a fundamentally different interpretation of events to a broader, national version of history. Rather, the Eastern Cape offers good case studies of certain dynamics in the history of the South African conflict. Firstly, there is a clear polarisation between the main protagonists, the security police as representatives of the white minority regime, and the ANC as representative of the black majority. Although the reality is more nuanced – as will be seen below – the public perception of the situation is still captured, reflected and played out in the TRC's amnesty hearings in Port Elizabeth: the white security policemen sat scowling on the stage; the black masses howled their hostility from the floor. The conflict was not mediated by a 'third party' such as the IFP in KwaZulu/Natal and on the Rand; or at least, not to such an extent. There certainly were black moderates and those perceived as collaborators, and attempts by the security forces to create their own allies within the black community – sometimes with devastating effect – but they were always a minority. Secondly, there is a perception that the Eastern Cape is the 'heartland of the ANC' and thus also the 'heartland of resistance'; figures are always quoted for the high numbers of detainees, the great extent of resistance in the mid-1980s, and the large number of liberation movement leaders coming from the region. In some respects uncomplicated, then, the Eastern Cape is a good region for trying to create a consensual history – or at least, to see whether the TRC has succeeded in creating a consensus on the history of a particular period.

The short period dealt with here is often characterised in the literature as a hiatus between upsurges of mass resistance, when solid organisational work was taking place, mass organisations were being formed, the profile of the ANC was being raised, underground structures were slowly being built, and MK was engaging in armed propaganda through its spectacular 'hit and run' operations carried out by the Special Operations Unit. The security police perspective, as relayed to the TRC amnesty hearings in Port Elizabeth, was somewhat different: they saw this period as providing a continuation and an escalation of revolutionary activity. MK was engaging in other actions beside the 'special operations' such as the attack on SASOL II. Firstly, the policy of assassination of individuals who had been labelled as 'traitors' began to be carried out; Leonard Nkosi was killed in September 1977, and Steve Mtshali in January 1978. Secondly, the period is marked by the bombing of the Carlton Centre in Johannesburg on 25 November 1977, and the bombing of the SAAF HQ building in Church Street, Pretoria on 20 May 1983 – both of which involved civilian casualties. Bombs in shopping centres in East London and Port Elizabeth were also laid on 6 and 8 August 1981 – indicating to the security police that the ANC's strategy was one of urban terrorism. While the ANC argued to the TRC that the Church Street bomb was a 'military target', it placed the other three 'shopping centre bombs' in another list, headed 'armed actions for which target category and/or responsibility is uncertain'. In the case of the Carlton Centre bomb, it is noted by Shubin that this was acknowledged by the ANC to have 'violated its rules', and it was understood that the MK members responsible had decided to 'do something spectacular' in order to gain publicity. This was because attacks on railway lines had been deliberately 'covered up' by the police. (Shubin 177). It is quite possible that the same strategy was adopted by the MK unit(s) operating in PE and EL in 1981; the railway line sabotage was deliberately kept out of the media by the police, and thus the frustrated MK units attempted to attract publicity by putting bombs in the shopping centres. It is also rumoured that the shopping centre bombs were the acts of young militant cadres who 'broke ranks' when angered by the assassination of Joe Gqabi on 31 July 1981 in Zimbabwe.

The significance of the New Brighton bomb is that it signals the beginning of the 'armed struggle' in the Port Elizabeth area. Up until 1975, MK had not engaged in armed actions in South Africa since its initial sabotage campaign of the early 1960s. The resumption of armed struggle began in earnest when the 'post-76 generation' of recruits began to filter back during 1977. This resumption came, in PE, at the tail end of six months of extreme violence and turmoil, which began in June 1977 with the commemoration of the 1976 uprising, and was exacerbated by the death in police custody of Steve Biko in September. From June 1977 to March 1978, the townships of PE and Uitenhage – as well as other townships in the Eastern Cape, such as those of Cradock and Graaff-Reinet – were enveloped in largely spontaneous protests and acts of arson by angry youth. Police used extreme measures to contain this violent outbreak, the extent and extremity of which has not been given much attention; many were shot dead, and (at least) four people died in police custody. The last of these was Lungile Tabalaza, who 'leapt out of a window' of Sanlam building while in the hands of the 'special anti-riot unit'.

The violence in the townships of PE and Uitenhage in the 1976-78 period was largely spontaneous, with the youth inspired, as elsewhere in South Africa, by the teachings of the Black Consciousness Movement. Meanwhile, the ANC had deployed Chris Hani to Lesotho, to establish underground networks inside South Africa. When these networks began to engage in sabotage actions, it appeared to the police as a continuation of the violent upsurge of 1976-7. The police were not unaware of the attempts by the ANC to win over the BC activists, and gave this as the motivation for the detention and interrogation of Steve Biko in 1977. The actions of Mtulu reinforced this perception.

The strange death of Petros 'James' Bokala

Five years after the New Brighton bomb, another man died in a bomb blast, which also took place at the BAAB offices in New Brighton. Fourteen years after the event, the family of Petros Bokala, a young man from the Free State, approached the TRC, wanting their son to be declared a victim of human rights violations by the state. Research into the circumstances of his death found that he was the second man to die in Port Elizabeth in a bomb blast of his own making; the TRC found that he was not a victim of a human rights violation, as he was a 'combatant'.

Once again, the bomb exploded outside the offices of the PE Community Council in New Brighton, on 26 January 1983. The man killed in the blast was taken away in an ambulance, his head and legs having been blown off by the explosion, leaving only his torso intact. Some members of the public were injured in the explosion, but he was the only person killed.

He was Petros Bokala, known within the ANC by the combat name 'James'. MK 'James' was one member of an MK cell which operated in Port Elizabeth from mid-1981 until mid-1983. It operated from the 'forward area' of Lesotho, and was set up in terms of the guidelines established following the ANC's strategic review, drawing on the lessons of the Vietnamese struggle. The cell was involved with various acts of sabotage, including an explosion on the Swartkops railway line on 6 April 1983. In an article in the *Weekend Post* of 31 July 1982, three explosions in PE are referred to:

"Only good fortune prevented serious loss of life in PE to date....in three recent explosions, a terrorist has blown himself to pieces close to his target, a device has been discovered in the nick of time and removed from a crowded shopping centre,

and this week, a cleaner stumbled upon a bomb in the corridors of the New Law Courts. Again it was carried out with only minutes to spare”.

The first incident must refer to Mtulu's death, some years before; the other incidents mentioned in the above article are also well-documented. One refers to the discovery of a bomb in the Constantia Centre on 29 May 1982; the other to a bomb discovered at the Law Court on 28 July 1982. Two other explosions which occurred at this time were a bomb blast at the residence of the Transkei consul in Summerstrand on 30 October 1980, and an explosion on the railway line between PE and Uitenhage on 20 May 1981. In none of these incidents was anybody killed, although a number of people were injured by the Constantia Centre bomb blast of 8 August 1981. The earlier explosions of 1980 and 1981 were not linked decisively to 'James' cell. Some of the members of his cell were arrested and brought to trial, amid rumours of treachery and possible tampering with their explosives. They were accused not only of sabotage, but also of the murder of a woman who had threatened to reveal their 'safe house' to the police. The investigating officer was Major Du Plessis, who as will be seen below was involved in the assassination of activists in PE. The court case, as was often the case, involved a 'trial within a trial' to determine the admissibility of accused No 1 Rufus Nzo's evidence, as he claimed he had been severely assaulted. Nzo and his co-accused were convicted and jailed, while other members of the unit managed to escape. Two of those in Lesotho were killed in the Maseru Raid in December 1982. Nzo's appeal, heard finally at the end of 1989, was upheld, and he was acquitted and released.

In the list entitled "MK comrades who died in combat etc in South Africa" compiled by MK, there is a reference to a Papase Bokala (No 57) who died, according to the list, in Venda on an unspecified date in 1982. There is no reference to any other possible person who died in PE in the early 1980s, in the period before 1984. However, in the ANC first submission to the TRC, under 'Missing – as reported by the Motsuenyane Commission' on page 96, is the entry No 15 - Motshwa Bokale - 00/00/00.;

How extraordinary, then, that members of the first two MK units to attempt acts of sabotage in Port Elizabeth should both die when their bombs exploded at the wrong time. There are hints of infiltration and subversion, along the lines of the 'booby-trapped grenades' of Joe Mamasela and the Vlakplaas unit in the 1980s; but nothing has been revealed, nothing proven, by either MK or the security police, about these early bombs. Extraordinary, too, that these MK members are not acknowledged by the ANC – either in their submissions to the TRC, or through the process of the disinterring and reburial of their remains.

While those who died have not been claimed as heroes in PE, these acts of MK in 1978 and 1981-3 preceded the uprising of the mid-1980s, and have a significance beyond their tragic aspect. It can be argued that they informed security police thinking for the decade to follow, and occurred at a crucial time, when mass organisation was beginning to occur. The security police made much of these bombings, in amnesty applications implying that MK activity was rampant in PE, and that drastic action had to be taken to contain it from the beginning. Such arguments were used to justify the abduction and murder of Siphiso Mtimkulu and Topsy Madaka, as well as Sizwe Kondile. It will be remembered that all three had links with the ANC in Lesotho; Kondile was killed in 1981, and Mtimkulu and Madaka in 1982. Yet their actions were not connected to the above MK cells, and did not result in any injury or loss of life to civilians.

The assassination of Siphwi Mtimkulu and Topsy Madaka

The case of the poisoning and assassination of Siphwi Mtimkulu is perhaps one of the most notorious acts of the PE security police, and one of the most bitterly fought cases to come before the TRC.

Mtimkulu was a student activist in Port Elizabeth from 1979 until 1982, when he disappeared. He was chairman of the Loyiso High School Students Representative Council, an active member of the Congress of South African Students (COSAS) and an underground member of the then-banned African National Congress (ANC). Mtimkulu was involved in the COSAS schools boycotts of 1980-81 and in a COSAS campaign against Republic Day celebrations in 1981. As part of the latter campaign, he was involved in the distribution of ANC pamphlets in Port Elizabeth. In April 1981 two other PE youths were sentenced to five years imprisonment, for furthering the aims of the ANC by distributing ANC literature. They pleaded guilty to importing 1 200 pamphlets and 75 cassettes from Lesotho and distributing them in SA. (*IDAF Focus* 35 1981).

Mtimkulu was detained on 31 May along with other COSAS members, and held initially under Section 22 of the General Laws Amendment Act. He was shot while trying to escape detention, and treated in Livingstone Hospital. He was later held under Section 6 of the Terrorism Act. He was held at Sanlam Building (security police headquarters in Port Elizabeth) as well as Algoa Park and Jeffreys Bay police stations. He was subjected to extensive interrogation and torture, including suffocation, electric shocks, sleep deprivation and being forced to stand on bricks for many hours. He was released without charge on 20 October 1981 after five months in detention. He made a statement to his lawyer and instituted a case against the Minister of Police for assault and torture.

The day after his release Mtimkulu complained of pain in his stomach and legs, and was soon unable to walk. He was admitted to Livingstone Hospital, fighting for his life, and as they were unable to diagnose the cause of his illness he was transferred to Grootte Schuur hospital in Cape Town in November, where his hair started to fall out. Neurologist Dr Frances Ames diagnosed his having been poisoned with thallium, an odourless and tasteless poison not available to the public in South Africa. In January 1982 Mtimkulu returned to Port Elizabeth in a wheelchair. The police claimed that a 'top-level' investigation into his poisoning was being conducted. On 2 April 1982 Mtimkulu instituted a second claim against the Minister of Police, this time for poisoning. On 14 April he disappeared.

In April 1990, Dirk Coetzee revealed at the London sitting of the Harms Commission that the poisoning, kidnapping and murder of Siphwi Mtimkulu had been arranged by Brigadier Jan du Preez of Security Police headquarters in Pretoria, and Colonel Nic van Rensburg of the Port Elizabeth security police. He alleged that a Brigadier Van den Hoven had had the rare poison flown to van Rensburg, who had it administered to Mtimkulu before his release from detention. Coetzee claimed that du Preez had told him about the murder of Mtimkulu. The case of Siphwi Mtimkulu was scheduled to be heard at the first Human Rights Violation hearings of the Truth and Reconciliation Commission in East London on 15 April 1996. An interdict brought by du Preez and van Rensburg in the Cape Town Supreme Court ruled that the Commission should not hear Mrs Mtimkulu's evidence before they had been given time to study the allegations against them. At the second Eastern Cape hearings of the Commission in Port Elizabeth on 22 May 1996, Mrs Mtimkulu collapsed when she

was informed that once again a court interdict prevented her from telling the story of her son's disappearance. A crisis situation was defused when thousands of demonstrating COSAS members were allowed into the Centenary hall in New Brighton and given an assurance that Mtimkulu's case would be heard at a special hearing of the Commission in the same venue on 26 June. In addition to the interdict, an interdict brought by Gideon Nieuwoudt also specified that Mrs Mtimkulu could not name him as one of her son's torturers. The ANC organised demonstrations and marches in Port Elizabeth protesting against the silencing of Mrs Mtimkulu.

At a special hearing of the Human Rights Violation committee of the TRC on 26 June 1996 at Centenary Hall, New Brighton, the case of the disappearance of Siphwo Mtimkulu and Thobekile 'Topsy' Madaka was finally heard. On the day before the hearing, a Cape Town supreme court ruling had overturned the previous decisions and ensured that the evidence of Mrs Mtimkulu could be heard

COSAS members Monde Mditshwa and Lulu Johnson presented a joint statement to the Commission in which a number of security police were named as perpetrators of torture. They stated that from 1979, the 'onslaught was intensified' and new tactics were used. They also provided a list of COSAS members who died in this period. Since the hearing, the case of the disappearance of Mtimkulu and Madaka was under intensive investigation by the Truth and Reconciliation's Investigation Unit. In January 1997, amnesty applications regarding the death of Mtimkulu and Madaka were received from Port Elizabeth security policemen Gideon Nieuwoudt, Nick van Rensburg, Hermanus du Plessis, and Gerrit Erasmus. At a press conference in Port Elizabeth on 28 January, it was revealed that the bodies of Mtimkulu and Madaka had been burnt, and their remains thrown into the Fish River near the disused police station Post Chalmers. The family was taken by the TRC to the site of the killings and disposal of the bodies. This application for amnesty was considered one of the most significant breakthroughs of the TRC investigation unit – bringing to light, as it did, information about one of the most intriguing disappearances of the apartheid era.

The amnesty hearing took place in September 1997, and illustrated perhaps more than any other TRC event in the Eastern Cape, the polarisation and animosity between the two parties to the conflict. The hearing was held in the Centenary Hall in New Brighton, long a venue for political meetings, long monitored by security police – back even to the 1980 schools boycotts. The security police applicants – who in this case were white and Afrikaans speaking – were brought to the venue in an armoured vehicle, and sat unsmiling on the stage, represented by their (white, Afrikaans) lawyers. The hall was packed to capacity with COSAS supporters and older township residents. The chairman of the gathering had to quieten the crowd, and prevent the waving of banners, to allow the proceedings to go ahead. During one session, when Mtimkulu's mother and daughter collapsed on hearing the details of Mtimkulu's killing, one of the lawyers for the amnesty applicants was heard to remark "It has been fifteen years – and they f***ing cry for the first time now" – a remark which surely demonstrated the gulf between the two parties to the conflict. At the end of one of the sessions, the angry crowd gathered around the vehicle and tried to mob their old adversaries as they left the hall. The *Eastern Province Herald* reported the events in its usual sensational style as follows:

"Angry mob bays for the blood of activists' killers at amnesty hearing – A bloodthirsty crowd stormed the Centenary Hall gates in New Brighton yesterday and pushed past police as they tried to get their hands on convicted killer Gideon Nieuwoudt and his three former security branch colleagues. A screaming, wild-eyed Aluta Mtimkulu – daughter of murdered activist Siphwo – led a 200-strong crowd in furious chants as she demanded to see her father's killers. She shoved a placard in the fact of one

policeman, screaming out what she had written: "Which one between the four dogs poisoned my father? Tell us you bloody liars!" Then she collapsed, wailing hysterically, as her toy-toying supporters surged forward. " (EP Herald 27 September 1997)

The reasons for their anger was clear: despite their applications for amnesty, it had become apparent that the security police were not prepared to reveal 'the whole truth'. They had tried on two previous occasions to prevent the truth from coming out in public; once it was clear that they would have to admit to some responsibility, they were still not prepared for the 'full truth'; they had not acknowledged the torture of Mtimkulu, nor his poisoning. This denial was, in turn, a denial of what many believe to be the real reason for the subsequent disappearance of Mtimkulu – his preparedness to take on the security police in court, the poisoning having been diagnosed by a professional who could not easily be refuted.

And so the hostility of the audience is explained. But what of the security police? Having come forward, after so many years, with their version of the past, they found a hostile audience, a disbelieving panel of lawyers and judges, and no sign of reconciliation. They had not applied to the TRC for amnesty at an earlier date, they explained, because they feared a 'Nuremburg trial' situation. Now, having been convinced to come forward, they found hostility on all sides, nobody prepared to believe them. Perhaps it is worthwhile looking at their own version of history.

The testimony of Gideon Nieuwoudt to the amnesty committee of the TRC on 25 September 1997 (Case 3820/96) in Port Elizabeth gives a clear indication of how the security police perceived the situation in the Eastern Cape in this period:

MR NIEUWOUDT: From 1978 onwards the executive management of the ANC outside the country *inter alia* the late Oliver Tambo visited Vietnam where they encountered the strategy of the people's war and where it originated.

And during 1980, the fertile ground for the initiation of the people's war was created by mobilising the masses, by politicising the masses and by arming the masses. That is where Madaka had a role in that structure in particular because the fertile ground had been created, the concept of revolutionary action had been created internally in the country, the masses have been indoctrinated, they have been politicised and they have been mobilised. That is the spectrum at which we are looking on the left from the freedom movements to topple the apartheid Government at the time and to effect this. And these are the two poles that we have to look at and the spectrum that existed.

It's exactly what happened, that is where the late Mr Madaka played a role and that is the conflict which arose between the security police of the time and the liberation ideology at this stage. The masses had been armed inside the country and that is why we had the series of attacks on - which took the form of bomb attacks, deeds of terror which were the order of the day at the time. We have to look at it from this subjective point of view and analyse the situation.

MR BOOYENS: That which you told the Commission now, is this also confirmed by Tom Lodge's book "Black Politics in South Africa" on pages 95 and 96 of the Appendices to your application?

MR NIEUWOUDT: That is correct.

MR BOOYENS: And more specifically dealing with the '80's, on page 96 the second paragraph, left hand page, in contrast to the first Umkhonto campaign etc., - that section there, where reference is made also to the Sasol bomb attack, the power stations in Eastern Transvaal, Voortrekker Hoogte police stations, *inter alia* New Briton, Chatsworth, Booysens, Soekmekaar. At the bottom of the page he refers to: "With the exception of the assassination of informers and other people regarded as collaborators, African Security policemen for example, the campaign strategy has been

guided by the principle that civilian casualties should be avoided". Was that the situation at the time?

MR NIEUWOUT: That is correct Mr Chairperson.

MR BOOYENS: At the same, in the middle of the page "Setting up Arms Caches etc., as well as forming a cellular organisational structure in the main townships", Mr Chairperson.

ADV SANDI: I'm sorry, can I ask - Mr Nieuwoudt are you still talking about 1980 when you talk about: "Acts of terror, violence, widespread turmoil", are you still talking about 1982?

MR NIEUWOUT: I am sketching the scenario from 1980 onwards which continued up to 1982.

Nieuwoudt's lawyer then skilfully leads his evidence to link the actions of Mtimkulu to the actions of MK:

MR BOOYENS: You have dealt now with Mr Madaka's position, let us return to the position after the return of Mr Mtimkulu. You said that his stature increased, what was his practical role on the ground? What did he do there, did he address meetings?

MR NIEUWOUT: He addressed meetings and the youth specifically at that time and one has to keep in mind that the schools boycott continued until the beginning of more or less March '82 and then gradually the pupils started returning to school. So there was throughout a process of politicisation and mobilisation that was taking place and this was done by Mr Mtimkulu and with the stature that had increased.

ADV DE JAGER: I beg your pardon Mr Nieuwoudt, but I just wish to determine whether these facts given in the book are approximately correct and you have to assist me to tell me whether these are so or not. On page 96 we have the statement that in August 1981 Oliver Tambo made a certain announcement - "Before the Tambo statement appeared in a foreign press, it was not reported inside South Africa, a bomb exploded in the main shopping centre of Port Elizabeth. Unlike earlier inner city explosions, this one took place during working hours".

MR NIEUWOUT: That is correct Mr Chairperson, the facts are correct.

ADV DE JAGER: Do you know when this bomb explosion in the shopping centre took place?

MR NIEUWOUT: Yes, Mr Chairman.

ADV DE JAGER: Could you perhaps tell us?

MR NIEUWOUT: I have a docket with me here Mr Chairman.

MR BOOYENS: Could you just give us a date?

ADV DE JAGER: Is this one of these that you didn't destroy?

MR NIEUWOUT: Or which they'd perhaps forgotten to destroy. "Explosion at Constantia Centre - 8 August 1981".

MR BOOYENS: May I continue Mr Chair? Your colleague also made reference very briefly of other bomb explosions, specifically in the Port Elizabeth area. Do you confirm that in July 1981 a bomb exploded at the old administration offices?

MR NIEUWOUT: That is so.

MR BOOYENS: And later on in 1981, at the railway line New Brighton?

MR NIEUWOUT: That's correct.

MR BOOYENS: Besides these, were there murders committed on policemen?

MR NIEUWOUT: Yes, that's correct.

MR BOOYENS: Can you remember specific incidents?

MR NIEUWOUT: Yes, I can.

MR BOOYENS: Could you please tell us?

MR NIEUWOUT: Sergeant Mtselo who worked with me from 1 April 1975 when I joined the security branch, he was my Black colleague who had been allocated to me.

MR BOOYENS: When more or less was he murdered?

MR NIEUWOUT: I think - well he was murdered in 1981 in front of the police station at Kwazakele.

MR BOOYENS: And any others?

MR NIEUWOUT: Then Sergeant Mtanda.

MR BOOYENS: Also security branch?

MR NIEUWOUDT: Yes, also at security branch and also in that period or in 1982 Mr Chairperson - '81/82.

MR BOOYENS: That is as far as security branch policemen are concerned?

MR NIEUWOUDT: Yes, that's correct.

MR BOOYENS: Although you are not aware of names or cannot remember names, if you recall, were other Black members of the police force also murdered, killed or had their property damaged?

MR NIEUWOUDT: That is so Mr Chairperson

In this way, the security police testimony links the sabotage actions of armed MK units with the ANC's 'political underground' which was involved in the building of mass organisation. For the security police, it was imperative to prevent the integration of mass political organisation with the armed struggle. As early as 1981 in Port Elizabeth, they had realised the threat that such integration posed. While armed MK units were few and isolated at this stage, and in fact never became very successfully installed in the Eastern Cape, it can be argued that it was the extreme measures taken by the security police to prevent this process that forestalled the ANC in its objective.

In most cases from the late 1970s, those who tried to leave the country for military training were arrested before they had left; some managed to leave but were apprehended on their way back in. There were a number of trials in the late 1970s and early 1980s in the Eastern Cape in which people were convicted for recruiting for, or being recruited by, the ANC. None, however, managed to successfully establish guerrilla units and carry out acts of sabotage - except for Bokala's unit as described above

ADV SANDI: Sorry Mr Booyens before you leave that, where was Mr Mthimkhulu arrested in 1981?

MR NIEUWOUDT: Mr Chairperson, he was arrested at Mjoli Street. That was in Kwazakete, a Black township in Port Elizabeth.

ADV SANDI: What were the circumstances of his arrest? Had you gone out there to look for him?

MR NIEUWOUDT: Mr Lulama Bangani was in possession of ANC documents and he was arrested and he alleged that Mr Mthimkhulu, the late Mr Siphwe Mthimkhulu, had been involved in the distribution of these ANC pamphlets. If I remember correctly he said that both of them had obtained these documents from the ANC in Lesotho and that was the reason there had already been a whole series of arrests that had taken place.

ADV SANDI: I do not intend to interrupt your leading of your witness but right at that point, Mthimkhulu, is he distributing pamphlets - what is he doing?

MR NIEUWOUDT: No, I don't believe he was distributing the pamphlets himself, he was the contact to collect the pamphlets from the late Chris Hani which had been drafted by the ANC in Lesotho, they just received the pamphlets with the purpose of distributing them here internally in the country.

ADV SANDI: Okay carry on, sorry for that.

MR BOOYENS: Thank you Mr Chairman. You didn't arrest him then?

MR NIEUWOUDT: No.

MR BOOYENS: Somebody else arrested him?

MR NIEUWOUDT: That is so.

MR BOOYENS: We're going to return to Tpsi Madaka, can you give us some background? Where does he fit into this story?

MR NIEUWOUDT: Mr Chairperson, according to the information which we had Tpsi Madaka was involved in a covert underground structure ...[intervention]

MR BOOYENS: You can continue.

MR NIEUWOUDT: Which was a structure which was responsible to act as a courier between Lesotho and South Africa, also to recruit scholars for military training outside of South Africa, the accommodation of trained persons, the establishment of DLB's.

MR BOOYENS: Was he in the same cell as Mthimkhulu?

MR NIEUWOUDT: That's correct Mr Chairperson.

MR BOOYENS: If you were to place him in order of rank as far as that operation was concerned, where would you place him?

MR NIEUWOUDT: Mthimkhulu seems to have been the number one person, I would make him second in command.

MR BOOYENS: The information on Topsis Madaka, where did you get this information from?

MR NIEUWOUDT: That came from an extremely sensitive report, an informant who was affiliated to their cell.

MR BOOYENS: Why - was this considered to be information coming from the informants?

MR NIEUWOUDT: That is correct.

MR BOOYENS: Why was Madaka not detained in terms of the Security Act?

MR NIEUWOUDT: Mr Chairperson, because this informant was the only one and he placed in a very sensitive position in the network of Madaka and if we should have detained him, it would not have mattered what questions you would have put to Madaka he would have immediately through neutralisation [elimination] have established the identity of this informant. I can categorically state here today that that person would have been eliminated by the ANC or whoever.

MR BOOYENS: It was well known policy of the liberation movements at that time that informants should be dealt with in this way, not so?

MR NIEUWOUDT: That is correct Mr Chairperson.

MR BOOYENS: So you had information, not evidence that you could use?

MR NIEUWOUDT: That is so Mr Chairperson.

MR BOOYENS: So by the time that we reach the beginning of April 1982, would you say that the situation had escalated - that is now the unrest situation in general in the Eastern Cape, from what it had been at the period May of the previous year?

MR NIEUWOUDT: Yes.

MR BOOYENS: Would you say the situation was much worse or just a little worse or what was the position?

MR NIEUWOUDT: I would say the situation had escalated increasingly.

MR BOOYENS: You'd also said that as far as your personal opinion was concerned, it was rapidly on it's way to the people's war?

MR NIEUWOUDT: That is so.

Did Nieuwoudt really believe in 1982 that the Eastern Cape was in the initial stages of a 'People's War'? The testimony given by the security police to the TRC amnesty committee contains police investigation dockets, copies of ANC literature, and analyses of events by political scientist Tom Lodge. It is possible that the security police now, with the benefit of hindsight and academic research, can fit all the events above into a convincing picture of imminent chaos and possible revolution. It did not seem so at the time to participants and observers. The bomb blasts before 1983 were not publicised; the schools boycotts had been contained by early 1982. While there is no doubt that COSAS was an integral part of the ANC's new strategy to prioritise the formation of mass organisation inside South Africa, and that the ANC in Lesotho was involved in the formation of COSAS, it was hard in 1980 to deny the validity of COSAS's campaigns around the quality of education for black youths in South Africa. The distribution of propaganda was indeed one of the tasks of underground ANC political units in the early 1980s, but the reality was that the ANC was only just beginning to develop a public presence.

The death of Sizwe Kondile

Sizwe Kondile, also a part of the ANC underground formed by Chris Hani and operating from Lesotho, was the first person to be assassinated by the PE security

police. Hermanus Du Plessis testified at the Kondile amnesty hearings, giving the same interpretation of events in the Eastern Cape as Nieuwoudt had done at the Mtimkulu amnesty hearings (Cape Town, 9 February 1998):

ADV BOOYENS: Let us try to summarise what you are trying to tell the Commission in this. By 1981 what was the political situation in this country regarding the struggle between the ANC on the one hand and the South African Government on the other hand?

MR DU PLESSIS: It was a tremendous struggle which escalated on a daily basis.

ADV BOOYENS: And as Security policemen what was your function?

MR DU PLESSIS: We were a buffer between the government on the one hand and the ANC on the other. This was not only on one occasion but on several occasions we were told by senior officers, by politicians that we were the last vestige and that it had to be our task ...(intervention)

CHAIRPERSON: I think that the term "vestige" may have been an interpretation which might not have been intended. Mr Booyens the word "vestige" has been used, "we were the last "vestige", there may be some other interpretation.

ADV BOOYENS: I think the word used by the witness was "vesting" which would be interpreted as the "last bastion" basically.

INTERPRETER: The last bastion.

CHAIRPERSON: ...(indistinct) of what?

MR DU PLESSIS: We were the only ones who could prevent the ANC from overthrowing the National Party.

Hermanus Du Plessis was granted amnesty for the abduction and murder of Sizwe Kondile. Du Plessis explained Kondile's role during the amnesty hearing.

MR BOOYENS: Can you tell the Commission, during your interrogation of Mr Kondile - and try to keep it brief, which information was obtained from him? I want you to refer to information that he gave to you as well as things that he pointed out to you.

MR DU PLESSIS: In brief, he gave us information regarding training in Lesotho, who was active in Lesotho, several infiltrations that he had knowledge of, that he received training in the handling of weapons himself, as well as political training, that he also came in, in order to do recruitment and to find safe places. He also pointed out several places to us where the freedom fighters - after they had infiltrated the RSA from Lesotho, where they had got out of taxis, where they were being transported to. And he also pointed out where trained terrorists found themselves which we followed up.

We dealt with several informers on the other side - that's in Lesotho. However, as any information agency we had certain voids and these were especially that we could with all reasonable safety say that if people infiltrated the Eastern Cape or to surrounding areas, that we knew that they would commit terrorist deeds but we did not know when and where they were on their way to. The position in which Kondile was, was perfect in the sense that firstly he was a confidant of Mr Chris Hani, he lived with him, he was intelligent and I was of the opinion that he could fill that void for us because with the correct briefing he could join in and we could possibly have known when people were infiltrating, where they were infiltrating and with what purpose they were infiltrating."

Du Plessis went on to explain that after he was convinced that Kondile had 'turned' and was prepared to act as 'double agent', he had found a note which Kondile had intended to 'smuggle out' to the ANC, explaining that he was not really a traitor. Du Plessis, feeling that he had been misled or 'double crossed' by his new-found agent, realised that there was no other option but to kill Kondile, as he by then 'knew too much' about the security police operations. This was accepted by the Amnesty Committee as being a plausible political motive for the assassination.

There is another possible truth, and that is that the security police were very much in control of the situation, and that they maintained this control through pre-emptive brutality. The significance of the two bombs exploding prematurely; the high level of infiltration of ANC units, as illustrated by the 1983 Bokala case and by the infiltration of Mtimkulu's cell in 1981/2, indicate this. Moreover, what was the role of Jan Raath – alleged by Eugene de Kock to have been the person responsible for poisoning Mtimkulu with thallium at the end of 1981 (de Kock 198); also involved in the interrogation of Kondile in 1981, which according to Coetsee's version of events, ended in his being brain damaged? Thus two cases of ANC members, neither of whom was linked to any military actions which involved human rights violations, were treated so brutally while in detention that 'drastic action' had to be taken to prevent the PE security police from being publicly castigated for further 'Biko affairs'. Most people still believe that the reason for Mtimkulu's 'disappearance' was that he was suing the police for poisoning him with thallium, and that perhaps the reason he was poisoned was because he had been severely tortured and would not keep quiet about it; most believe that Kondile had to die because he too had been too badly assaulted. This possibility is further borne out by de Kock's allegation that Raath was transferred out of the PE 'branch' soon after these events – having 'overstepped the mark'.

The assassinations of Kondile, Mtimkulu and Madaka were among the most sensational cases to have come before the TRC. They were significant in revealing the involvement of 'Vlakplaas' operatives in assisting local security police branches to deal with their 'problems'; they were significant in that they indicated the preparedness of the security police to assassinate civilian opponents at this early stage, before the 'insurrectionary climate' of 1985 which justified their killing of other activists such as Matthew Goniwe and his comrades, and the 'PEBCO 3'. They were significant in showing the 'thin line' between military and political work for the ANC, and the role of the ANC in building mass organisations from its forward area of Lesotho. They were significant in showing to the public the depth of animosity between the protagonists in the conflict in the Eastern Cape, and the lack of reconciliation.

Yet there are some unanswered questions about both these cases, the uncomfortable questions concerning motives and betrayal, which mean that the TRC has not succeeded in bringing 'closure'.

Sizwe Kondile's murderers have been granted amnesty; the judges argued that whatever the details of the case, they had a clear political motive for his 'elimination', and acted under police orders in carrying out the act. The Kondile family has made peace at last with their community, through the revelation by the police that their son was not a traitor, as had been previously believed by ANC supporters. The allegation by Dirk Coetsee that Kondile was killed because the police had 'gone too far' and caused him brain damage during interrogation – was pushed aside. The version given by security policeman Hermanus Du Plessis about Kondile's writing a note to the ANC is extremely improbable. There are unanswered questions too, about Siphiwo Mtimkulu and Topsy Madaka. It is widely believed that the reason Mtimkulu was assassinated was because the security police had, once again, 'gone too far' – this time in feeding the detainee thallium poison, possibly to ensure that he died of undetectable causes after his release. Mtimkulu was by all accounts a stubborn young man, who despite severe torture (which the security police still deny) refused to divulge information and after his release began to bring a charge against the police. The reason given for Madaka's not being arrested – as usual, that it would reveal a 'very sensitive informer' – is perhaps plausible; why, then, are the informers never disclosed in the interests of truth and reconciliation? Are the security police

engaged in an elaborate cover-up, or is their testimony a reflection of the truth as they perceive it?

Is it possible to create a consensus about this history? Has the TRC, despite all its shortcomings, succeeded in one vital area – the 'revealing' of a 'truth' which will be accepted by future generations as an (at least more or less) accurate version of the history of the Eastern Cape?

Conclusion: Truth and history in the Eastern Cape

Attending the amnesty hearings of the TRC in the Eastern Cape, it was apparent the extent to which the society is still acutely polarised, and the narrative about the society is still contested. To the (mainly black) supporters of the liberation movements and mass movements, the stories were of their heroes and martyrs – people who were presented as courageous activists, who were ruthlessly tortured and murdered by the security police. To the security police, these people were terrorist pawns of an international revolutionary communist conspiracy.]]

The different 'truths' of the analysis can be summarised as follows: Firstly, there is the 'truth' of the security police – a 'truth' which understood that the armed struggle in the PE area was escalating in the early 1980s, that this military escalation was closely related to the ANC strategy of building mass organisations, and that the situation was deteriorating into one of anarchy, insurrection or 'people's war'. Secondly, and closely related to this, is the 'truth' of the ANC when it argues that the building of the underground and the relationship of mass organisation to military units of MK was part of the strategy formulated in the 'Green Book'; according to this interpretation, the role of Chris Hani in Lesotho was vital in forming the underground networks; and Joe Gqabi's role in the formation of COSAS, as well as some of the 'old guard' of MK veterans such as Siphon Hashe in the building of PEBCO, were also vital. In this context, Nieuwoudt's understanding that he and others were being 'used' in a military capacity – and the perception of the enemy as 'soldiers' is not unreasonable. As Nieuwoudt testified,

MR NIEUWOUDT... we must not get trapped in the same process where the police have the task again to act in a military manner. This is something for the politicians to resolve, the police must not be involved in the present circumstances as I was involved during those times and under those circumstances ...

It is closer, perhaps, to the truth of Cronin's notion of 'just strugglers' – those killed like Kondile should be seen not as innocent victims, but as soldiers who fought on one side of a war; those who committed such deeds should be seen not as 'evil perpetrators' of human rights violations, but as those who fought on the other side of the war.

There is, however, another 'truth' – this is the 'truth' of the PE public, and those involved in COSAS in the early 1980s, who were not part of any military actions or MK networks. PE was relatively peaceful place in the early 1980s; while mass organisations were developing, they were operating in the sphere of legal, non-violent mass protest; the schools boycotts of 1980 were the first major resurgence of such forms of protest in PE. According to this 'truth', the student activists were 'taken out' without justification; moreover, some saw Madaka as an innocent assistant who was not even an activist.

Lastly, there is the 'truth' that ANC underground and military structures in the Eastern Cape at this stage were weak and heavily infiltrated. Most were based in Lesotho,

and the security police testified to the TRC hearings about how extensively they had infiltrated the refugee offices in Lesotho, and kept close tabs on all who travelled in and out of the 'Island' as it was known in the ANC underground. The reality was that there were few successful acts of sabotage in this period in the Eastern Cape, and there were very few civilian casualties. The casualty rate of combatants, however, was very high; the deaths of the two 'bombers' was never been explained. There was no question, at that early stage, of mass and armed struggles being combined in a general insurrection. It is even debatable whether that became possible in the 1985-6 period, which was seen by some within the ANC as a 'near insurrectionary situation'. In the 1981-2 period, however, one must come to the inescapable conclusion that the security forces were able to effectively counteract and preempt the ANC strategy.

Bokala, whose bomb exploded prematurely, was not declared a victim; the TRC policy on combatants being such that a participant in armed combat, in line with international humanitarian law, cannot be seen as a victim – unless she or he is 'hors de combat' for some reason or other. The possibility that Bokala's unit was infiltrated, and that the bomb was tampered with, was not investigated – nor, given the lack of information from the security police in that period in PE, was it likely that any further information would have come forward.

But what of others who died later - Sipho Kolisi, who died in combat with soldiers near Messina, far from his Eastern Cape home? He was apparently part of a unit laying anti-tank mines on farms in the border area, some of which killed farmers' wives, small children and farm labourers. Or Sonwabo Mdekazi, who died in a shoot-out with police in a shack in New Brighton? Or Thozama Fibi Mani, who was killed when a police anti-terrorist unit used the tactics of Koevoet, employed with success in Namibia – mowing down the Soweto-on-Sea shack with an armoured vehicle, shooting simultaneously to kill all those inside? What of those who were killed in the Transkei, such as Sithembele Zokwe, shot in cold blood while under arrest by Transkei police, his brains blown out, his skull stuffed with newspaper; the other MK members such as Senzangabom Khalipha who did not get away, and who died in shoot-outs with the police in remote areas and were buried in secret graves on far-flung farms. Who was a victim, and who a hero? While the TRC's decision-making was based on sound principles – those who died in combat, fighting, were not victims; those who were tortured or executed were victims – the line between the two was often not clear. Victims were sometimes also perpetrators of gross human rights violations by the TRC's definition; sometimes they were simply soldiers. The families of other MK cadres from the Eastern Cape approached the TRC to have their dead soldier sons declared 'victims of gross human rights violations'. Those MK members who lived, did not approach the TRC; they do not consider themselves victims, but 'just strugglers', to use Cronin's terminology. Of those who died, some died in combat; others died in circumstances such that it was difficult for the TRC to rule definitively whether or not they had been victims of human rights violations.

Michael Ignatieff has written, in the Eastern European context, about the "myths of innocence and victimhood" that are a "powerful obstacle in the way of confronting unwelcome facts". (1996:116) Each one of these cases deserves detailed investigation and, at the very least, an accurate recording of their history.

What truth has the TRC arrived at? On the one hand, it has, in a small way, reinserted some of the 'forgotten heroes' of the struggle such as Petros Bokala, into history. It has led to the revelation of some factual truth about what happened to particular individuals, and has thus led to some measure of 'closure' for the families of victims of human rights violations. In some cases it has exonerated those who were thought to have been traitors. It has also helped to build up a more complete

picture of what was happening in particular areas at particular times, thus giving a texture to the conflict, which goes beyond the broad rhetorical brushstrokes which usually paint the story of 'the struggle'. On the other hand, it has forced us to question the interpretations of events such as the killings of Sizwe Kondile and Siphiwo Mtimkulu, and see them in a more critical light. This new light in some respects raises more questions than it answers, illustrating that 'truth' is never absolute, and perhaps cannot be known in its entirety, not even by the TRC. It also challenges some of the conventional analyses of the South African conflict.

The TRC's final report cannot reflect these complexities and uncertainties; it is, as Lars Buur has described it, a 'black box' in which the 'manufactured facts' of the 'new South African history' are placed and closed. But beneath each decision of the TRC, behind each individual case, is the more nuanced history of the struggle. In this sense, Derrida's urging that the TRC report be 'kept open' for criticism and further interpretation, is important (Carin Williams refer to Derrida's speech at UWC on 10 August 1998). In this regard, further research which draws on the wealth of material presented to the TRC and compiled by the TRC, and which tries to reconstruct particular aspects of our history, should be welcomed.

My fear is that in the attempt to establish a consensus on 'the truth', many of the complexities and nuances of the truth are lost. It seems that we have to acknowledge that the truth that the TRC has uncovered is, at best, only a partial truth. And while half a loaf is definitely better than no bread at all, it may be more valuable to see historical truth as a continually unfolding process - not something that is past, but something that is still part of the present, still contested and still under construction. As an historian, I am of a school which holds that there is one reality, and that truth is not relative and can be known. This does not make it easy to find, nor does it mean that all will agree with the way it is interpreted or written by a particular individual. That someone does not remember the truth, or chooses not to tell the truth, does not mean that that person's version of history is equally valid. That historical truth - especially that arising out of bitter and violent conflicts- is contested, is inevitable. The fact of contestation does not give equal validity to all versions, but it does make the work of the historian more difficult and more interesting.

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