

## CHAPTER 4

### CASE STUDIES: DIRECT ATTACKS

#### INTRODUCTION

Because the agricultural societies were instrumental in the appointment of the Committee, they were asked to draw up a list of cases that they wanted to be specially investigated, and especially those cases where the motive might have been something other than mere robbery, and also cases where there was extreme and gratuitous violence. The Transvaal Agricultural Union supplied the Committee with a list of some seventy-seven cases, to which they later added a few more. Agri SA also submitted a number of cases to the Committee for further investigation. Unfortunately the information supplied by the TLU in many instances proved to be inaccurate or insufficient, so that some of the cases could not be traced. Some of the cases were also duplicated. Nevertheless, the Committee went to great lengths to identify each one properly and to consider them individually.

The Committee itself also drew up a list of cases from various sources where the motive was not palpably robbery or where there had been extreme gratuitous violence. As basic reference the Committee used the database of the National Operational Co-ordinating Committee (NOCOC) which, for the years 1998 to 2001, inclusive, has details of more than 3500 cases. This database contains information on the farm attack relating to the date and time, the farm, the town, the names of the victims, their ages, whether they were injured or killed, the number of attackers, attackers killed, injured or arrested, weapons used in the attack, whether firearms, vehicles, cash or other items were stolen, whether any political remarks were made, by the attackers, whether farm workers were involved, whether there were security measures, and particulars of the police docket and investigating officer. The entry also contains a very short summary of the salient facts of the case. The Committee also had at its disposal a large number of newspaper clippings relating to farm attacks stretching over many years. These were also perused individually. Some cases were also extracted from periodicals and other publications.

Upon further investigation a very large proportion of the cases earmarked turned out to be nothing more than ordinary robbery or attempted robbery, albeit often very violent. Nevertheless, from all these sources the Committee made a fairly eclectic and random selection of forty five cases to be studied in detail. They included cases where the motive apparently had not been robbery or where there had been extreme and gratuitous or unnecessary violence, but the list was not limited to those, because that would have skewed the picture completely. The case of a criminal gang causing mayhem amongst smallholdings in the De Deur area was also studied.

The basic information for the case studies was obtained by perusing the relevant police dockets, the files in the offices of various directors of public prosecutions and official court records. The Committee decided to concentrate on cases which had been disposed

of in the High Court. The reason for this was that reliable information on those cases was available in the official court records and in the files at the offices of the various directors of public prosecutions. Objective information could therefore be obtained, untainted by subjective recollections or speculative newspaper reports. In most of those cases the information had been verified in a court of law. In many instances this basic information was then elaborated upon by investigating officers and prosecutors (mostly state advocates). Note was also taken of interviews with victims, perpetrators and other witnesses. However, making a proper case study is very time consuming and expensive, and members of the Committee visited only three centres, viz. Bloemfontein, Pietermaritzburg and Pretoria for that purpose, although several cases from other areas are also included in the case studies.

The selection of a case for the studies can be criticised on three grounds. Firstly, because of the selection procedure, almost all the cases are of very serious farm attacks, many of them resulting in death, rape or serious injuries. It should not be assumed that they are typical of all farm attacks or that all farm attacks are that serious. On the other hand, serious cases are certainly not exceptional either. Furthermore, they are exactly the type of cases which receive widespread publicity and which tend to shape people's perceptions of the nature of farm attacks. The second point of criticism is that the case studies refer to relatively few victims who were not white. In some instances they were also injured, but in only one instance was a black victim actually killed. Again, this was largely the result of the way in which cases were selected. Thirdly, only two (4.5%) of the farm attacks took place on smallholdings, whereas the proportion for all farm attacks in 2001 was 37.7%.

To counteract the problem of creating a skewed picture of farm attacks, the Committee decided also to devote Chapter 5 to examples of farm attacks in general, including the less serious cases. Those also include many examples of cases where the victims were black.

Originally the Committee was hesitant to give full descriptions in the form of case studies of specific farm attacks. Firstly, there was the danger of sensationalizing the subject, since many of the cases are extremely violent and cruel. It is necessary to look at the problem of farm attacks objectively and without becoming influenced emotionally. Secondly, the worst cases sometimes also involved the raping of female victims. In terms of the Criminal Procedure Act, No 51 of 1977, it is illegal to publish the name or indeed such details as may reveal the identification of rape victims, unless they are killed. Apart from the legal position, common decency also demands extreme discretion. Thirdly, many of the victims, and also the perpetrators, were prepared to speak to the Committee only on the express or tacit understanding that their identities would not be revealed.

In the end the Committee decided that it would be the right thing to include a chapter with full descriptions of specific cases of farms attacks. Firstly, it is impossible to understand the emotions and anger created by farm attacks amongst the farming community without looking at the details of specific cases. Secondly, some publications purport to give an overview of farm attacks but in fact give a skewed picture. In the

chapter 'Violent Crime Against Farm Owners' in the Human Rights Watch publication 'Unequal Protection: the State response to violent crime on South African farms', only three cases are described in fairly great detail and another two later in the book. Not one of those cases could by any stretch of the imagination be described as falling within the more serious category of farm attacks. Two murders of farmers are referred to in a 'case study', but only to demonstrate how those murders led to excessive response by the farmers or security companies, and assaults on farm residents and others.

The Committee was also hesitant to publish the names and other particulars of the victims. On the other hand, many cases had received widespread publicity in the media at the time. Furthermore, the court records, where much of the information came from, are public documents. The Committee therefore decided to publish identities and other particulars, except where a live victim had been raped or indecently assaulted. Alternatively the name of the victim of a farm attack may be given, but the fact that she was raped or indecently assaulted will not be divulged. Furthermore, where some of the victims may be unjustly embarrassed, the names are also withheld. Where the victim was killed and her identity revealed during the court case in any case, that consideration falls away. The names and particulars of convicted perpetrators are also given, except where they are minors. The names of suspects not convicted or found criminally responsible at a judicial inquest, are kept confidential.

The Committee interviewed the victims in four of the case studies and gave the undertaking that their identities would not be revealed. Some of the victims in fact do not mind being identified, but the Committee nevertheless decided to keep its original undertaking. Those four cases are therefore discussed in Chapter 6, which deals specifically with the victims and where no names are given.

Finally, it is important to understand the difference between a criminal prosecution and a judicial inquest. The Inquest Act, No 58 of 1959 provides that when any unnatural death has occurred, and there has been no criminal prosecution for murder or culpable homicide in respect of that death, an inquest must be held. Where an inquest is to be held the affidavits in the police docket is normally put before a magistrate for evaluation. He or she may also call witnesses to give *viva voce* evidence. The magistrate then has to decide whether anybody is criminally liable for the death of the deceased, but this is decided on the balance of probabilities. In a criminal prosecution, on the other hand, the guilt of the accused must be proved beyond a reasonable doubt. It therefore happens sometimes that the presiding officer at an inquest brings out a finding that a specific person is criminally liable for the death of the victim, yet that person is not prosecuted or, if he is prosecuted later, he may be acquitted. This often causes great consternation amongst the family and other interested persons.

Some of the cases received widespread publicity in the media and in some cases video footage of gruesome murder scenes appeared on television. They no doubt contributed to some of the perceptions that the farming community has about farm attacks in general.

## CASE STUDIES

### 1 Van Aart: 1991-10-02

Gustav van Aart (age unknown) lived alone on the farm Fleetwood in the district of Wepener in the Free State. On 2 October 1991 he arrived back on the farm at about 18:00. After parking his vehicle in the garage he went to his house. The next morning when the domestic worker arrived she found the doors locked and the curtains drawn. The police was summoned and it was discovered that Van Aart's vehicle was gone, as well as a large quantity of goods, including three rifles and a shotgun, to the value of R20 000. The body of Van Aart was discovered on another farm. His hands were tied behind his back and he had been shot in the face with a shotgun.

His attacker, Thabang Sempe (34) fled to Lesotho. He was arrested in Kroonstad on 7 February 2000, after he had returned to South Africa. He was prosecuted in the Free State High Court on 28 August 2000 and convicted of murder, housebreaking and robbery with aggravating circumstances, for which he received a prison sentence of twenty years, and kidnapping, for which he received five years.

The circumstances surrounding the events were described by the accused himself in a written statement handed in by him at his trial. According to the statement he was hitchhiking a few days before the event when the deceased picked him up with his truck. He sat in front with the deceased because it was raining. They started talking and the deceased made disparaging remarks about the ANC, saying that if Mandela should win the election the 'kaffers' would be in trouble. They spoke in Sesotho.

He then met up with one Moseli and asked him to accompany him to Van Aart's farm so that he could take revenge. That night they broke into the house through an open back window. They found Van Aart asleep, overpowered him and tied his hands behind his back. He argued with Moseli, because the latter wanted to take various articles, whereas he himself only wanted to kill Van Aart out of revenge. Moseli loaded a large quantity of goods on the pick-up. They put Van Aart inside and drove with him to a clump of trees. There Van Aart was told to get out. Moseli had the shotgun with two cartridges, but he, Sempe, took out one because they were in the 'freedom struggle' and had been told to use only one bullet on a person. Moseli then shot Van Aart in the face. He stressed that in the spirit of the 'struggle' he wanted to take revenge on Van Aart for his contemptuous attitude and for calling him a 'kaffer'.

#### Comments:

This was the oldest case investigated by the Committee, dating from 1991. Because the accused had fled to Lesotho, the case was only tried in 2000.

It is one of the very few cases where politics or racial sentiments overtly played a role, although there was also an element of revenge for specific things that the victim had allegedly said. It is difficult to reconcile this with a farmer who gave one of the attackers a lift and told him to sit in front with him in the truck because it was raining.

The deceased was killed execution style and in cold blood.

At the same time a large quantity of goods were robbed. In fact, it is quite a noteworthy feature of almost all cases where the accused alleges that he acted because of some political motive, that large quantities of goods were also stolen. There is a likelihood that in many cases the accused tries to give the case a political or racial overtone in order to evoke sympathy.

Although this case was not typical of farm attacks, it received much publicity for obvious reasons. It is exactly the type of case that is the source of the perception that farm attacks in general are politically inspired.

## 2 Engelbrecht: 1991-12-22

Willem Engelbrecht (aged 71) and his wife Sophia (68) lived on the farm Grootstry near Verkeerdevlei in the district of Brandfort. The accused, Gabriel Mahakoe (42) started working on the farm at the beginning of December 1991.

Their daughter, Helena Smit (40) lived in Kimberley with her husband and two daughters, Michelle (11) and Elizabeth (12). On Sunday, 22 December 1991, the Engelbrechts went to fetch their daughter and grandchildren for a holiday on the farm. While they were away Mahakoe broke into the house through a window. He armed himself with Engelbrecht's .22 rifle.

When the Engelbrechts returned with their daughter and grandchildren, they noticed that someone had broken in. When they entered the bedroom they were confronted by Mahakoe. Mahakoe shot dead the Engelbrecht couple and ordered Helena Smit and her daughter to climb into the wardrobe. When they could not all fit into the wardrobe he reloaded the rifle and shot dead Helena Smit. He reloaded again and shot at the two girls in the wardrobe, grazing the head of Elizabeth and killing the younger sister standing behind her. Both fell out of the wardrobe and he hit Elizabeth over the head with the rifle butt. He left her for dead. He put clothing and other valuables into two suitcases, loaded it into the Engelbrecht's motorcar and left for Bloemfontein. He left the rifle behind. Elizabeth regained consciousness after he had gone and ran to the neighbouring farm to get help. She was taken to hospital.

The vehicle was traced in Bloemfontein that Sunday evening. The car had been damaged and the number plates removed. Most of the stolen items were also recovered and Mahakoe was arrested. He was tried in the Orange Free State Supreme Court on 21 April 1992 and convicted some months later on four counts of murder, one of attempted murder and one of robbery with aggravating circumstances. He demanded to be tried by a black judge. He was sentenced to death for the murders, and to 12 years and 9 years imprisonment for the attempted murder and robbery respectively. He later received amnesty from the Truth and Reconciliation Commission.

In a confession to a magistrate Mahakoe said that he killed the deceased because the farmer liked calling people 'kaffers'. When he was brought before court on 27 December 1991 he said the following: 'I am guilty. I killed apartheid. I wanted to cut off the hand of apartheid. Unfortunately I only chopped off the fingers. On that day I wanted to shoot dead between 20 and 50 people, but I did not succeed.' He said he also wanted to kill Elizabeth.

### Comments:

This was one of the most gruesome cases that the Committee has come across.

The motive given by the accused for killing the farmer and his family was that the farmer had called people 'kaffers' and also that he wanted to kill apartheid. At the same time he also shot a mother and two young daughters that he had never seen before, killing two of them.

Again, in spite of the political motive, the accused stole a vehicle and a large quantity of goods.

The accused demanded to be tried by a black judge.

He later received amnesty from the Truth and Reconciliation Commission.

He was a new employee on the farm, indicating the need for new employees to be properly screened.

### **3 Fourie: 1992-02-12**

Roelof Fourie (aged 70) and his wife Audrey (74) lived on the farm Stormberg near Verkeerdevlei. On 12 February 1992 Fourie was ambushed by four men in a river about 100 metres away from the farmstead and shot dead. His wife, Audrey, was then overpowered in the house. She was assaulted and tied up. The attackers then ransacked the house before fleeing in Fourie's motorcar with clothing, money, two firearms and other items.

The farm workers ran to the neighbouring farm to get help, but it was too late. Although roadblocks were set up to catch the perpetrators, that was unsuccessful.

Hendrik Leeuw, Sebolai Nkgwedi (27), Meshack May and Daniel Mogoda were arrested some time later. They were prosecuted for murder and robbery with aggravating circumstances and duly convicted. Leeuw received the death penalty, which was later commuted to life imprisonment. Nkgwedi was sentenced to a total of 26 years imprisonment. The fate of the other two is unknown to the Committee.

The accused applied for amnesty from the Truth and Reconciliation Commission on 25 March 1997. At the hearing Leeuw said that he and three other members of a task team of the PAC had ambushed Fourie at the gate. He shot Fourie when he got out to open the gate. Leeuw said that he had grown up on the farm. Although he had not born a grudge against Fourie personally, Fourie had been chosen because his Apla commander, which he named, had given instructions that farmers should be attacked and murdered.

At the hearing Nkgwedi testified that he too had grown up on the farm. He alleged that Fourie had treated black people very badly, although Fourie had been selected as a target because he had weapons which could be used in the struggle against apartheid. He said it was the policy of the PAC that farmers occupying the land illegally should be attacked, as part of 'Operation Great Storm'.

Mr. Oupa Kgotle, an Apla ex-commander, testified on their behalf. He confirmed that the Apla commander had given instructions for farmers to be attacked, because they served in the Army and the Police and also contributed to the country's economy.

Comments:

The farmer was ambushed and killed somewhere else on the farm. Thereafter the

attackers proceeded to the house where the wife was overpowered.

This is one of the older cases, where political motives were given for the farm attack. It was not doubt also one of the cases which gave rise to the perception that farm attacks were politically inspired.

The attackers nevertheless robbed not only firearms, but a motorcar and other items as well.

#### **4 Oosthuizen: 1992-04-02**

The six accused were part of a gang of ten men who planned to execute a robbery on the smallholding of one Orsmond near Bethlehem. One, Tsokolo Mokoena (aged 30), had worked on the plot previously. They armed themselves with at least five AK47 assault rifles and two pistols. The morning of 2 April 1992 they went to the plot in a pick-up truck where they reconnoitred the area. They returned in the afternoon and stopped in the road nearby, opening the bonnet of the vehicle. Three of them, Mandla Fokazi (47), Johannes Nxala (32) and Steven Makhura (28), armed with pistols, started walking towards the house; the others pretended to be repairing their truck. A neighbour became suspicious and notified the police.

When Constables Lourens Oosthuizen and Hermanus Joubert arrived and stopped at the truck, the would-be robbers started shooting at them immediately with the AK47 rifles, killing Oosthuizen instantly and seriously wounding Joubert. They took Joubert's pistol and fled.

Fokazi, Nxala and Makhura fled on foot. They were arrested later by a farmer, Bruce Collie, with the help of some farm workers. They were put on the back of his truck. While they were traveling Makhura hauled out the pistol he had hidden and pointed it at the farmer. Collie swerved and stopped. Although the farm workers tried to restrain Makhura, he managed to shoot Collie in the leg and stomach, seriously wounding him. The three then fled on foot into Bohlokong near Bethlehem.

The other attackers fled with their truck. They were pursued by Sergeant Coetzee and Constable Nortje. The robbers at the back of the truck opened fire with their AK47 rifles. When the policemen returned fire the robbers stopped their truck and took cover. There was a shootout with the police, and the robbers again fled in their vehicle. In the follow-up operations by the police two robbers were shot dead. Six were eventually arrested and two fled to Lesotho.

The six accused were tried in the Orange Free State Supreme Court, and the case was finalized on 5 March 1993 when they were all convicted of conspiracy to commit robbery, murder, several counts of attempted murder and of illegal possession of firearms and ammunition. Each was sentenced to six years imprisonment for the conspiracy, life imprisonment for the murder and to long terms for the attempted murders.

Comments:

The case is an example of a large gang armed with AK47 assault rifles who wished to execute a robbery. It is probably one of the cases which have given rise to the notion that farm attacks are carried out with “military precision”. In reality there are very few such cases.

A policeman was killed, possibly as a result of not being alert enough.

The police also displayed great bravery in pursuing the robbers while being fired upon with automatic firearms.

The farmworkers also acted bravely in trying to prevent an armed attacker from shooting their employer.

## **5 Van Niekerk: 1992-08-12**

Cornelius Petrus van Niekerk (aged 86) and his wife Magdalena Elizabeth (85) lived on the farm Denneplaas in the district of Clocolan, on the border with Lesotho. The night of Wednesday 12 August 1992 at about 23:00 the couple were asleep when two men broke into the house by breaking a window, crawling through the ceiling and breaking down an internal door. Mrs. van Niekerk heard the noise and woke her husband. When he opened the bedroom door they were overpowered by two men, demanding money. The attackers severely assaulted the husband and threw his wife against the wall, where she lost consciousness. The attackers opened the safe with the keys given them and stole two rifles, a shotgun, a pistol and a revolver. They also took money, clothing and other valuables before escaping in the farmer’s pick-up truck and a trailer.

When Mrs van Niekerk later regained consciousness she found her husband dead. She was unable to call for help, and was found the next morning at about 06:00 when the domestic worker arrived.

The attackers went to Lesotho, where they later sold some of the booty. One of them was later shot dead by the Lesotho police, and another one was arrested in 1998 and extradited to South Africa to stand trial in the Free State High Court. Although there was fairly strong evidence against him, he was acquitted, probably because of the difficulty in getting witnesses from other countries to come and testify in South Africa.

Comments:

This is one of the earliest cases of which the Committee obtained police records.

The attackers came from Lesotho, and the case demonstrates the difficulties in extraditing perpetrators from Lesotho in the early nineties.

The house was penetrated in spite reasonable security measures by exploiting the weakest link - the ceiling.

## **6 Retief: 1994-08-27**

Cornelius Louw Retief (about 30 years of age) lived on the farm Klipkop in the Weenen district. On 27 August 1994 his body was found on the farm in the vicinity of the house, with hands tied behind his back with wire. Two .32 calibre bullets were found near the body. He had died of a gunshot wound to the neck. He had been shot with a 9mm pistol, probably one that had been stolen during the attack. Half a bottle of brandy was found near the body.

In October 1994 two suspects were arrested after being pointed out by an informer, but there was insufficient evidence to charge them and they were released. There were vague allegations of an assassin (his name is mentioned) being involved. Apparently the deceased had had a dispute with people stealing firewood on the farm. There was also mention of the deceased having had financial problems and the farm was later repossessed, but this seems to be unrelated to the attack.

No other evidence has ever come to light, and a judicial inquest was held in December 1995 to finalise the matter. The person or persons responsible for Retief's death could not be identified.

### **Comments:**

It is clear that the deceased was shot dead execution style, with his hands tied behind his back.

Because of the allegation of the dispute with people stealing firewood on the farm, the Committee wanted to investigate the matter further.

The motive for the attacks is unclear, although the farmer's firearm was stolen.

Because of the length of time that had elapsed, however, very little other information could be obtained.

## **7 Swart: 1995-08-16**

Wessel Swart (aged 52) lived alone on the farm Ouwerf in the district of Kestell. Two men, Thomas Dlamini (35) and Johannes Dlamini (23), went to the farm on 16 August 1995. They were noticed by two employees at about 13:30, and when confronted they said that they were looking for work. The employees referred them to the farmhouse about two kilometres away.

At the house (probably at the back door) they told Swart that they were looking for work. One of them then took out a 9 mm pistol and shot him in the back and arm. He was dragged into the house and tied up with wire. They then took some money and rode off in Swart's pick-up truck.

Although the workers heard the shots they thought that it was Swart shooting birds. They saw the two men driving past in Swart's truck at high speed, however, and immediately

went to the neighbouring farm with a tractor to report the incident. Several farmers as well as the police arrived shortly afterwards, and found Swart in the dining room, bound and heavily wounded. He died soon afterwards.

Two days later Thomas Dlamini hid the vehicle under a canvas at an address at Reitz. The owner there recognized the truck as belonging to Swart and he contacted the police. That led to the arrest of the two Dlamini brothers. Thomas was a police officer, and he later made a full confession. The firearm used in the attack was his service pistol.

The two accused were indicted in the Orange Free State Supreme Court on 15 April 1996. They were convicted of murder and robbery with aggravating circumstances. Thomas was sentenced to life imprisonment for the murder and 18 years for the robbery. Johannes was sentenced to 18 and 10 years imprisonment for the two crimes respectively.

Comments:

This is a typical case where the attackers entered the farm on some pretext, in this case ostensibly to look for work.

The employees immediately summoned help when they realised that something was amiss.

Although the attackers had the opportunity to kill off the heavily wounded victim straight away, they tied him up.

## **8 Botes: 1997-02-06**

The deceased, Dr. Sonja Botes (aged 26), was a young medical doctor serving her housemanship at Botshabelo Hospital, Bloemfontein. She lived with her parents on the farm Valencia in the Brandfort district. Her attackers, Jimmy Scholtz and Calvin Eksteen (ages unknown), lived at Brandfort and they used to be employed by Botes's father.

Botes had to travel about 50 kilometers to work every day. On the morning of 6 February 1997 she left for work as usual. When she got to the entrance gate to the farm, she was overpowered by Scholtz and Eksteen, who had been hiding in the long grass next to the gate. She was abducted in her vehicle and driven to a desolate place where she was beaten to death. Her assailants left her tied up in the bushes next to a deserted farm road outside Bloemfontein,

They then fled in her car (a state vehicle), which was later found abandoned. They also took her watch and automated banking card, and withdrew money from her bank account, for which she had given them the pin code number.

The perpetrators were indicted in the Free State High Court for murder and robbery with aggravating circumstances. They were found guilty and both sentenced to 30 years imprisonment.

During the investigation it came to the attention of the investigating officer that the

perpetrators had wanted to take revenge on the father of the deceased because of a dispute between them over work and pay.

Comments:

This case aroused much publicity in the press, because of the ruthless killing of a young doctor.

One of the motives for the attack might have been revenge, although robbery was definitely committed. The Committee is unable to say whether the attackers were justified in feeling aggrieved.

The suspects were well known to the deceased, and one of the reasons for killing her was to prevent her from identifying her attackers. The Committee came across several cases where this was the reason for the murder.

## **9 Gathmann: 1997-03-25**

Werner Gathman (aged 60) lived on the farm Schoonzicht in the Seven Oaks area, Rietvlei. The farmyard was secured with a two metre high fence with razor wire on top. The gate was normally locked, but on the day in question only drawn shut. On the morning of 25 March 1997 Gathman left in his pick up truck. Simon Ntuli (21), Sifiso Ndlovu and a third man (22) went to the farm. One of them approached a worker on the pretext of purchasing cattle from Gathman. He then drew a gun, tied the worker up and locked him in a room. (The worker subsequently heard three shots fired).

The attackers then waited at the gate for Gathman to return. When he returned he stopped his vehicle at the gate, while a worker on the back of the truck jumped off to open the gate for him. The worker saw the armed men approaching, one from the right and the other two from behind, and he ran away. The assailants accosted Gathman and shot him, killing him with gunshot wounds to the neck and chest. The attackers searched the vehicle and removed the deceased's firearm before fleeing.

The third person was arrested first, and led the police to the other two attackers. The police also recovered the firearm used to kill the deceased, as well as the one the accused stole from him. For reasons that the Committee is unable to establish, the charges against the third person were withdrawn. Ntuli was granted bail. While out on bail he attacked another farmer (one Havemann) using the same modus operandi, and he was killed in a shoot-out with the police. There is strong evidence linking him to the murder of another farmer, one Daniels, some months before the Gathmann murder.

Eventually only Ndlovu was prosecuted for the murder and robbery of Gathmann. He was convicted in the Natal High Court in April 2000 and sentenced to a long term of imprisonment.

Comments:

A farm worker was overpowered first and tied up. Another worker ran away unharmed. The attackers, however, had no compunction to kill the farmer. This phenomenon has been found in many cases.

It is not clear why the case against the third accused was withdrawn.

It is not clear why it took three years for the case to be disposed of.

## **10 Bergh / Meyer: 1997-09-21**

On 19 September 1997 Thys Vosloo (aged 28) broke into a caravan on the farm Goedheid in the district of Vredefort and stole a rifle. On Sunday, 21 September 1997, he gained entry to the house of Oloff Bergh (68) on the farm Annashoek while the latter was absent. He collected several articles, which he put in a carry-all. Bergh returned home at about 14:30 and when he entered the bedroom he was confronted by Vosloo with the rifle stolen previously. Vosloo demanded money. Bergh tried to escape, but Vosloo caught up with him and struck him over the head with the firearm and further assaulted him. He was seriously injured and lost consciousness. Vosloo took the pistol that Bergh had on him.

At that stage Daniël Meyer and his family arrived on the farm. They were confronted by Vosloo and he put the pistol against the stomach of Meyer's young son, Carel, threatening to shoot him. He then tried to flee in Bergh's pick-up truck but he was hit by shots fired by Meyer. He left the truck and fled on foot. The police arrived shortly afterwards and Vosloo was arrested in the veld with the stolen articles.

He was indicted in the Free State High Court on 24 August 1998, and later convicted on two counts of housebreaking and theft, one of robbery with aggravating circumstances, one of attempted murder and two of illegal possession of a firearm. For the robbery and attempted murder he was sentenced to 18 years imprisonment. On the other counts he received lesser periods of imprisonment.

Comments:

This is also a typical case where a firearm stolen previously at another farm was used in a later farm attack.

The movements of the victim were studied beforehand, and the attacker broke into the homestead on a Sunday while the owner was absent. It came out that Vosloo had spied out the movements of Bergh for some days prior to the attack.

It is not clear whether he waited for the owner to return or whether he was surprised.

The prosecuting state advocate indicated during an interview that the motive of the accused was purely criminal.

## 11 Venter: 1997-11-14

The Venters lived on the farm Blaaukrans, Burgersdorp. On Friday, 14 November 1997, Ansie Venter (aged 35) went to fetch the older children at school. She then took all the children out for lunch. They were Johan (14), Lindie (12), Gerhard (5) and Charlotte (18 months). While they were away the two perpetrators, Mzoxolo Poyo (22) and Andile Frans Lukani (16), broke into the farmhouse and ransacked the house for fire- arms, money and valuable items. Whilst inside the house they also helped themselves to food and alcohol, and smoked cannabas.

Mrs. Venter and the children returned home at about 15:00. As she entered the house with Lindy she was confronted by the men and Poyo shot her in the stomach with her husband's .38 special revolver. She died shortly afterwards in the presence of the children. The younger attacker put the children in the car and drove away, whilst the other one stayed behind at the house. The suspect could not drive and Johan had to change gears for him. When they reached an outpost on the farm the two boys were tied up and locked up in a rondavel (storeroom). The attacker had to abandon the vehicle and he left on foot with Lindie, who was carrying the baby. Johan managed to escape from the rondavel and, with his little brother on his shoulders, ran to a neighbouring farm for help.

By now the alarm had been raised and farmers began hunting for the girls. They spotted them on the farm nearby the river. The suspects panicked when they realised that they were being cornered by the farmers and security forces, and they jumped into the river to escape.

The obvious motive for the attack was theft and robbery. It was well known that the workers' wages were paid on Fridays and that the house was not occupied during the late morning. However, the attackers told Johan that they were "shooting for Patrick", a farm labourer dismissed by Mr. Venter several years before and who was a friend of one of the attackers. They also made racist remarks.

The two attackers were tried in the Eastern Cape High Court on 11 December 1998. Poyo was sentenced to life imprisonment for murder and 12 years for housebreaking and robbery with aggravating circumstances. Lukani was sentenced to 18 years imprisonment for murder and 12 years imprisonment for the housebreaking and robbery, the effective sentence being 20 years imprisonment.

### Comments:

This is one of the most horrifying of all farm attacks that the Committee has looked into. The brutality and lack of compassion displayed by the attackers is beyond comprehension. The mother was shot dead in cold blood in front of her children.

The investigating officer is of the opinion that the motive for the attack was self-enrichment and that no political objectives could be proven. It is clear, however, that revenge and racial intolerance played a part in the attack.

It is a typical case where the attackers break into the farmstead when the inhabitants are away (in this instance to fetch the children at school).

The attackers had probably observed the movements of the farmer and his family beforehand.

## **12 Boonzaaier: 1997-11-30**

Nicolaas and Gertruida Boonzaaier (ages unknown) were the owners of the farm De Hoop in the North West Province. On the morning of Sunday, 30 November 1997, they went in to town to attend church and have lunch with friends. While they were away four or five intruders, armed with knives, broke into the house. They gained entry by opening the glass louvre window of the bathroom. They severed the telephone cable and ransacked the house, breaking open various doors. They got hold of a shotgun and a pistol. They ate and drank while waiting for the couple to return. They placed a couch conveniently in front of a window so that they could see when the farmer returned.

The Boonzaaiers returned at about 18:00. Mrs. Boonzaaier opened the garage door for her husband, but when she opened the inter-leading door to the house, she was confronted by the attackers with the shotgun. She tried to close the door, but the attackers were too quick. She ran back towards her husband. One attacker pointed the shotgun at her husband, who told her to run away. She managed to flee and to hide under a farm implement. Mr. Boonzaaier tried to use his own weapon but was shot and killed while still sitting in the vehicle. The attackers loaded the stolen articles, including the shotgun, the pistol, jewelry, diamonds, a CD player, and two suitcases full of articles, onto another truck and tried to get away, but eventually they fled on foot.

After the attackers had left, Mrs. Boonzaaier found her husband lying beside the vehicle. Together with two farm workers she ran to the neighbouring farm for assistance. A large number of farmers and the police converged on the farm and two of the attackers were arrested in the maize fields nearby the same evening and most of the stolen articles were recovered. Two were arrested later.

David Masilo (18), Frank Masilo (24), Joseph Tshabalala (19) and Simon Metoa (18) were indicted in the High Court, Transvaal, on 10 May 1999 on counts of murder, robbery with aggravating circumstances and illegal possession of firearms and ammunition. The first three were convicted on the charge of murder and each sentenced to thirty years imprisonment. For the robbery Frank Masilo received fifteen years imprisonment and the other two ten years each. Metoa was convicted of the robbery only. Comments:

The attackers came from two nearby villages. Their ages varied between 18 and 24. It turned out that one of the attackers, Frank Masilo, had either worked on the farm previously or had a relative living on the farm.

One of the attackers told the police that they had gone to the farm to get money and diamonds. It must therefore have become known that the farmer kept diamonds on

the farm.

The attackers went to the farm on a Sunday while the occupants were in town to go to church. This is a typical *modus operandi* of attackers.

The dogs on the farm were very tired and subdued when the owners arrived, possibly from a confrontation with the attackers. They might also have been drugged, as has happened in other cases. (One of the accused told the police they had been worried about the dogs, but it is not clear how they overcame the problem.)

The house was fairly secure with internal security gates. The attackers gained easy access to the house, however, by means of a louvre window at the back. Other cases also demonstrate the ineffectiveness of louvre windows against intruders.

The attackers obviously waited a long time for the owners to arrive, eating and drinking. The motive for this was probably to get information from the victims or to open the safe.

The farmer was shot dead without any hesitation. He was shot with his own weapon. It is unknown whether the weapons (or the jewelry) had been properly secured.

There was a speedy arrest. The prosecution was successful and heavy sentences were imposed. The case was finalized only some eighteen months after the attack.

Both the investigating officer and the prosecuting state advocate were interviewed by Committee members. They were of the opinion that there were no political motives involved, and that the main aim was robbery.

### **13 Van Rensburg: 1997-12-20**

Francois Janse van Rensburg (aged 27) lived in a flatlet on the farm Komkommerhoek in the Steynsburg district. He was employed as a foreman by a neighbouring farm. On Monday, 22 December 1997 he was found dead on the floor of his flatlet. He had been tied up, stabbed and his chest staved in with a heavy object. The attackers gained entrance to the flatlet by breaking a window and waited for the deceased to return home. He arrived back at about 19:00 and the evidence shows that there was an intense and violent struggle before he was overpowered by his assailants.

The deceased's legs were tied with rope and his face was covered with a cloth. It was later discovered that the deceased had been attacked with an iron pipe and that he had also sustained multiple stab wounds to the body. The telephone had also been disconnected. The attackers took the several items, namely a video machine, microwave, hi-fi system and clothing, and fled the scene in the deceased's truck.

The two attackers were arrested in Kimberley after a breakthrough with the assistance of the media. Police followed up information after somebody reported that a bakkie with the same description they had read about was seen in Kimberley. The two, Petros Fose (28) and Samual Bunta (23), were stepbrothers and both hailed from Kimberley. Fose worked as a worker on a farm which is about 10 kilometres in distance from the farm

Komkommerhoek. He usually made deliveries on Komkommerhoek and knew the set-up of the farm quite well. It also emerged during their questioning that the two suspects had observed the movements of the deceased from their hiding spot, situated at a nearby shed, for two days prior to the attack.

The two attackers were indicted in the High Court, Eastern Cape, and convicted on 14 December 1998. Fose was sentenced to 19 years for the murder and 10 years for the robbery with aggravating circumstances. Bunta was sentenced to 24 years and 12 years imprisonment for the two crimes respectively.

Comments:

This is also a case where the perpetrators gained entry in the absence of the farmers and waited for him to return.

The victim was probably killed to avoid identification, because he knew at least one of the attackers.

The investigating officer is of the opinion that the motive for the attack was self-enrichment.

#### **14 Van Vuuren: 1998-01-16**

Daniel van Vuuren (aged 43) lived on the farm Wilgerpoort in the district of Balfour. Johanna van Zyl (33), her young child and her mother, Johanna Pieterse (80), also lived on the farm.

The morning of 16 January 1998 at about 07:00 at least four attackers went to the farmstead. They entered the house, armed with firearms and knives. Van Vuuren was up already, although the other inmates were still in bed. When he saw the attackers he ran back into the room where van Zyl was and tried to close the door. The attackers pushed open the door. The woman grabbed her child and ran to another room and locked the door. The attackers then shot Van Vuuren dead.

They kicked open the other door to the room where van Zyl and her child were. One with a knife stabbed Van Zyl in the shoulder and demanded money. She gave him the money but was stabbed again. She then went to her mother's room where she gave them R300. They demanded the keys to the safe in the room, whereupon she unlocked the safe. They took a rifle and revolver. They also demanded money from Pieterse and slapped her through the face. They took Van Zyl out and demanded more money, and when she said there was no more she was stabbed again and hit over the head with the firearm. She was stabbed again and her hands tied with the telephone wire. They then robbed cash, a rifle, a revolver watches and other valuables before fleeing. They ran in the direction of the kraals on the farm.

A house servant, Pauline Maseko heard the shots and informed the other employees. They went to a neighbour, one De Wet, who armed himself and went to Wilgerpoort. He

also summoned other farmers in the area by radio and also requested them to get the police. A large group of farmers, policemen and commandos arrived on the farm very quickly and there was a shootout with the attackers, during which more than two hundred shots were fired. Sgt. Lehlohonolo Zondo was killed, shot in the head, and Const. Kijimani Masangane was wounded, shot in the shoulder. Three of the attackers, including the one who had shot the two policemen, were also killed. They were Thulani Mwelape, Khombi Ngobese and Bongumusa Ndlovu.

Wilson Dlamini (40) was indicted in the High Court on 19 April 1999 for murder, robbery with aggravating circumstances and illegal possession of firearms and ammunition. He was convicted and sentenced to imprisonment of fifty, twenty, two and one years on those counts respectively.

#### Comments:

The case is especially noteworthy for the fact that so many people died: the farmer, one police official and three robbers.

During an interview with the Committee the investigating officer described the scene as 'absolutely chaotic'. More than two hundred rounds of ammunition had been fired.

The attentiveness of the employees and the quick reaction time of the farmers, police and commando are noteworthy.

There are indications that one of the attackers was shot after he had been arrested. This is the subject of a formal judicial inquest at present. Because of the large number of people involved it will be difficult to establish exactly what happened.

The prosecuting state advocate is of the opinion the motive for the attack was purely robbery. This is confirmed by the investigating officer.

### **15 Nkabinde / Greyling: 1998-02-25**

Elias Nkabinde (aged 50) was a farm worker employed by one Greyling (72) on the farm Driehoek in the Bethal district. Greyling lived alone in the house. They were attacked on 25 February 1998, Nkabinde being killed and Greyling injured. It is not clear what happened because Greyling suffered loss of memory as a result of the attack and has become quite feeble. He has since moved from the farm. From the available information the events can be reconstructed as follows:

On 25 February 1998 at about 16:30 Greyling came from the fields where he had been cutting grass with the tractor and mower. After he had stored the tractor he was attacked by two men about thirty metres from his house. He was assaulted and tied up very tightly. He was tortured by dripping burning plastic on his legs, probably so that he would open the safe and hand over valuables. A .38 special revolver was taken, but a shotgun and a .22 rifle was left behind. The house was ransacked but it is not clear whether anything else was taken. The telephone wire was cut. It is not clear whether the attackers had gained access to the house first. There was very little security and the house was not burglarproof.

When the police arrived on the farm they went to the living quarters of Nkabinde. There they found him hanging from the rafter by the neck. He had been strung up with a piece of wire. His hands and feet were also bound with wire and his house was also ransacked. He too had been severely assaulted. It is not clear whether he or Greyling was attacked first. There can be no doubt that the two attacks were connected. Nkabinde might have been attacked to prevent him from raising the alarm or because he knew the attackers.

No one has been arrested for the attack.

#### Comments:

This case is noteworthy especially for the fact that the farm employee was killed in a gruesome manner. The reason for his killing remains unknown but it might have been for a variety of reasons, such as to incapacitate him or to get information out of him or to avoid identification.

It is not common for a farm worker to get killed during an attack on a farmer. The usual pattern is for the worker to be tied up. (The Committee has come across several cases where black security guards or night watchmen were killed.)

It is also an example of an attack on an elderly farmer living alone.

### **16 Marais S.: 1998-03-16**

The victim, Sheila Marais (aged 56), lived on the farm Newlands near Warmbaths with her husband Peter and son Rodney. On 16 March 1998 Peter Marais left for Warmbaths, leaving his wife behind. Later Sheila Marais also left in her motor car to do shopping in town. When Peter Marais returned around 16:00 he found the car of his wife near the farm gate. The doors were open and his wife was dead inside, shot through the heart. Carry bags - his wife's purchases - were strewn all over. Her handbag with credit cards, purse and other items were missing.

Elias Kekana (24) was arrested at Temba, Hammanskraal, the very next day. The handbag, credit cards and some of the other stolen items were also recovered. Neo Josiah Pine (39) was arrested a few days later. Blood belonging to the deceased was found on his overall.

While in jail Kekana told a fellow prisoner that he had shot a white woman and that the vehicle then collided with a tree. He then again fired several shots at the woman, one of which accidentally hit his friend in the arm when he tried to remove the handbag from the car. In court Pine testified that they were walking along the road when the woman stopped and asked them what they wanted. Kekana then pulled out a firearm and fired a shot. The vehicle started moving with Kekana clinging to the door.

There were in fact spinning marks on the road, indicating that the victim had tried to speed away. In all probability, therefore, the victim stopped to enquire what the

perpetrators wanted. When one took out a firearm she tried to speed away, with the man still clinging to the door. She was shot, causing the car to stop or collide. Her attackers then rummaged through the grocery bags and then left with her handbag.

Both accused were indicted in the Transvaal High Court on 17 August 2000 on counts of murder, robbery with aggravating circumstances and the illegal possession of a firearm and ammunition. Kekana was convicted and sentenced to life imprisonment for the murder and 12 years imprisonment for the robbery. Pine received 18 years and 8 years respectively for the two offences. Kekana was also convicted for the illegal firearm and ammunition.

#### Comments:

This is a fairly typical case where the victim was attacked at the farm gate.

Kekana has a long list of previous convictions, mostly theft and burglaries. While in prison he also told a fellow prisoner that he had committed another murder before.

During an interview the prosecuting state advocate said that there was no indication of a motive other than robbery. This was confirmed by the investigating officer. In fact, during the trial the Court found that the accused went to the farm in order to commit robbery.

### **17 Ronaldson: 1998-03-16**

Dave Ronaldson (aged 68) and his wife (65) were retired and lived on a smallholding near Old Wartburg Road, Pietermaritzburg. They were negotiating the sale of their property and were expecting a visit on the day of the attack, 16 March 1998, from a man who was interested in purchasing it. With the intention of robbing the couple the accused, Silindilo Ngcobo (19), Mfanafikile Mseleku (28), a youth of 16 years and a fourth person proceeded to the property, armed with a pistol. Ronaldson saw someone outside and, thinking it was the expected visitor, opened the door and was shot dead in cold blood by the accused. Mrs Ronaldson ran outside, but was forced back inside, taken to her room and assaulted by one of the suspects, who wanted firearms and cash. The attackers started looting the house. Mrs Ronaldson managed to get hold of her revolver and started shooting at the suspects, hitting Ngcobo in the chest. The attackers then ran away with some of the loot.

Ngcobo had the bullet in his chest removed by a doctor at a local hospital-clinic. His fingerprints were also found on the scene of the attack. He and the three other accused were all arrested. A stolen clock radio was recovered, as well as the pistol used in the shooting.

One of the attackers escaped from prison in October 1999 before the case could commence. Mseleku turned state witness and the charges against him were withdrawn. The other two were indicted in the Natal High Court in March 2000 on counts of murder, robbery with aggravating circumstances and illegal possession of a firearm and

ammunition. They were convicted and for the murder Silindilo Ngcobo was sentenced to 23 years imprisonment and the younger accused to 15 years imprisonment.

Comments:

The Committee interviewed the two accused in prison. Despite one of them having actually been shot during the incident, they both deny their involvement in the attack vehemently.

The accused that escaped from prison had relatives at the nearby Swapo informal settlement, where they might have obtained the necessary information for the attack.

The farmer was shot dead in cold blood, but the motive of the attackers seems to have been purely robbery.

## **18 Marais D: 1998-05-12**

Daniël Marais (65) lived with his wife, Maria Magdalena Marais (64), and their grandson (7) on their farm Marydale at Oppermansgrond in the district of Koffiefontein. The perpetrator, Hendrik Jemi Spieël, was employed on the farm by Mr. Marais, and he used to have his meals with them. Spieël was arrested for a murder committed in Luckhoff, a neighbouring village. He was granted bail and he phoned Marais, asking him to pay his bail. Marais paid the bail and, after being released from prison, he went back to the farm where he worked.

After they had had supper on the evening of Tuesday, 12 May 1998, Spieël told Mrs. Marais that her grandson was feverish. She went to the bedroom where her son was in bed, leaving Spieël and her husband in the dining room. Spieël took a knife and stabbed Mr. Marais to death. Mrs. Marais came to her husband's assistance, and managed to push Spieël out of the house. She then locked herself and her husband in a room, but Spieël broke down the door. He overpowered Mrs. Marais and assaulted her.

Spieël then took off his bloodstained clothes and burned them. He cut the telephone wire and also burned out the telephone. He then took two watches, R900-00 in cash, clothes and drove off with the family's vehicle. He was arrested the next day near Vanwyksvlei, when he overturned the vehicle.

Spieël was indicted in the High Court, and on 10 October 1998 he was convicted of murder, housebreaking with intent to rob and robbery with aggravating circumstances. He was also convicted for the murder committed at Luckhoff. The presiding judge declared Spieël to be a dangerous criminal and he was given an indeterminate sentence of which a minimum of 25 years imprisonment was to be served. He is serving his sentence at Grootvlei Prison, Bloemfontein.

Comments:

The victims as well as the perpetrator were coloured persons.

This is a borderline case of a farm attack, since the perpetrator was being treated as part of the family. The Committee includes this case because it was one of those referred to it by the Transvaal Agricultural Union.

The prosecuting state advocate as well as the investigating officer were interviewed by the Committee. They are of the opinion that the crimes were the result of common criminality on the part of Spieël.

## **19 Delafield: 1998-05-15**

The Delafield couple, Donne Delafield (aged 62) and his wife, Verina (52) lived on the farm Leeupoort near Rustenburg. Donne Delafield was a cripple and walked with the aid of a walking frame. Verina was last seen alive the morning of 15 May 1998, when she bought a newspaper at a shop in town. When a domestic worker went to their home the morning of the 17<sup>th</sup>, there was no answer. She reported it to the father of Verina who lived nearby on the same farm, and he went to investigate. He found both of them killed. Donne Delafield was lying in the passage, stabbed to death, and his wife was in the bedroom, hit over the head with a fire poker. Their watches, jewelry and a pistol had been stolen. Mrs. Delafield had also been raped.

Two notes written by the attacker were found in the house, addressed to 'Mr. Mandela'. A notepad in the dining room contained the following words: 'Viva Apla. Mr Mandela think about the political prisoners. Released all Apla cadres and fair integration into SAPS and correctional services. Zimberi and co. Don't forget Benoni six month child.' The following had been written in an exercise book found in the bedroom: 'Fair integration for all. Release all Apla cadres. Carl Zimberi. Released all Apla cadres Mr Mandela. Fair integration. Viva Apla.'

As a result of information given by an informer, Elias Molefi (28) was traced in Carltonville on 16 July 1998 and arrested. He was connected with the attack by means of forensic evidence, such as fingerprints and DNA comparisons. He was indicted in the High Court, Transvaal, on 26 February 2001 and sentenced to life imprisonment on each of the murder counts and to 18 years imprisonment for the robbery and 20 years for the rape.

Molefi pleaded guilty at the trial and no evidence was lead. It is therefore not clear exactly what had happened, but he did tell the investigating officer what had taken place. According to the information he went to the house after Mrs. Delafield had left, and he attacked and killed her husband. He then waited for Mrs. Delafield to return, eating, drinking and smoking. When she arrived, she was also attacked, and then raped and killed.

### **Comments:**

The perpetrator was 28 years of age and lived in Krugersdorp. It seems that he was related to the domestic worker and that he obtained information that way.

He waited till Mrs. Delafield had left and then attacked the near helpless Mr Delafield, who was a cripple and 62 years of age. It is obvious that he had observed their movements carefully.

He then waited for Mrs. Delafield to return, whom he attacked, raped and killed.

He was only arrested two months later. The value of informers to assist the police in this type of situation is clearly demonstrated.

Carl Zimmeri was one of the attackers involved in the St James Church massacre in Cape Town.

The 'Benoni six month child' was probably the black baby killed by a ricochet bullet when a white smallholder fired shots in the direction of a girl walking across his property with the baby.

During the trial the accused wanted a black judge.

This is one of the few later cases where any political or racial views have been expressed overtly. There was a call for the release of all Apla cadres. Molefi had been a member of APLA and had been integrated into the SAND, but was later dismissed.

## **20      Barkhuizen: 1998-05-26**

The Barkhuizens lived on the farm Fern Arbor near Muden. They managed the farm on behalf of the owner. On 26 May 1998 three men entered the farm premises at around midday and kept the house under observation. When they observed Mr Barkhuizen leaving the house (he was going to the orchard to chase some thieves away), two of the intruders, one of whom was armed with a 7,65 mm pistol, entered the farmhouse while one kept watch outside. Mrs Dawn Barkhuizen (aged 54) was then held at gunpoint, and her assailants took a hunting knife and a pair of binoculars. Mrs Barkhuizen attempted to escape and ran out of the house, but was caught by the assailants. One of them fired shots at her, fatally wounding her in the abdomen and chest. The three attackers then fled the scene.

The police arrested two suspects on 12 June 1998. They lived in the same area, about two kilometres away. One of them, Fanalakhe James Mzolo (24), had a 7.65 mm pistol and some ammunition. A ballistics expert linked the pistol to a 7,65mm cartridge found at the scene of the murder. (A bullet head recovered during the post mortem examination was mislaid and could not be tested.) A knife similar to the stolen one was found at the home of the second suspect, Bongumusu Eric Khumalo (18), but it could not be positively identified by Mr Barkhuizen.

The charges of murder and robbery against the two suspects were withdrawn, apparently on the grounds that the pistol was found too long after the event. Also, it would seem that a vital witness recanted on his statement to the police. Although Mzolo was prosecuted for the illegal possession of a firearm, he was acquitted on 13 October 1999 on the grounds that his version could reasonably be true. (This might indicate that a prosecution

on the murder and robbery charges would probably have failed as well.) At a judicial inquest held at Greytown on 12 November 1999, however, the presiding magistrate found that Mzolo and Khumalo were responsible for the killing of Dawn Barkhuizen. (It should be pointed out that the burden of proof at a criminal trial differs from that at an inquest. )

Comments:

This case is one of several examples where the wife was attacked after the farmer had gone out.

The wife was shot while attempting to flee. It served no purpose to kill her since the gunshot alerted the farmer in any case.

Nevertheless, while it demonstrates the callous nature of many farm attackers, it cannot be said that the motive was anything other than robbery.

## **21 Vermaak: 1998-10-05**

Daniel Vermaak (55) left his house on the Barlow Combine State Farm near Hluhluwe on 1998-10-05 at about 08:00. While driving in his bakkie near the gate about 300 metres away from his home he was shot through the windscreen by two attackers. Although heavily wounded, he continued driving and he radioed his wife for help. Vermaak's vehicle stalled about 1,5 km from where he was shot. When the police and paramedics arrived they found Vermaak still alive and conscious, but he died soon afterwards.

There were two attackers, but no one has been arrested. The weapon that fired the AK47 cartridge found at the scene could not be traced. A bag with an overall which might have belonged to the man who had shot Vermaak, was also found near him, but forensic examination failed to produce any useful results.

Comments:

The attack is described in the media, quoting the then KwaNalu president, as an attempted hijack. However, according to information in the police docket there were allegations that someone working for the deceased had said there was money in the house, and that one of the suspects worked on the farm.

There was also a suggestion of possible labour problems. There is a letter in the police docket, written in July 1998 by the trade union UWUSA, referring to a certain employee on the farm, and asking that the farmers and workers should please respect each other. (The letter lacks specifics, it is couched in very general terms.)

The farm which the deceased managed breeds Nguni cattle, and there is also a suggestion that stock theft suspects might be involved in the attack.

This is another example of an attack taking place at the farm gate.

## **22 Roos: 1998-10-31**

The Roos couple lived on the farm Coerland in the district of Fouriesburg, on the border with Lesotho. Colonel M.W.O. Roos was 65 and his wife, Annetjie was 60. They were attacked and killed on their farm on 31 October 1998 by the Tsoenyane brothers. The Tsoenyane family came from Lesotho.

The attack was planned some time beforehand by the Tsoenyane gang. The evening of 31 October 1998 they went to the farmstead, where they gained entry to the house. There the Roos couple were shot dead with a shotgun at short range, execution style. The house was plundered and a quantity of goods, including a rifle and a .38 special revolver, were taken. The tragedy was discovered the next morning by one of the workers who went to investigate.

The attackers fled back to Lesotho, but attempts to extradite the attackers to South Africa failed. Two of the brothers, Ramaketsi Tshoenyane (18) and Maketi Tsoenyane (25) were arrested, however, when they again entered South Africa. They were indicted in the Free State High Court on 5 August 2002 and convicted on two counts of murder, one of housebreaking and robbery with aggravating circumstances and also for illegal possession of firearms and ammunition. For the murders the elder brother was sentenced to two terms of life imprisonment and the younger one to fifteen years on each count. For the housebreaking and robbery they received fifteen and ten years imprisonment respectively.

#### Comments:

The case received much publicity, because of the prominent position that the Roos couple occupied in society.

The accused were part of a gang operating from Lesotho. They were suspected of having carried out other farm attacks as well.

The case demonstrates the need for extradition arrangements with neighbouring countries.

It is an example of an execution style killing of the victims, which is not exceptional.

### **23 Redinger: 1998-12-07**

Friedel Redinger (aged 49) was the owner of the farm Dalumbe near Kranskop. Two of his attackers, Nkosikhona Gasela (21) and Thembelani Sibiyi (21), lived in the Kranskop area and the third one lived in Mapumulo nearby. Some time before the incident they decided to rob the deceased of his pick-up truck and other valuables and, realising they might have to use force, armed themselves with, *inter alia*, a homemade shotgun.

On the morning of 7 December 1998 Redinger went to collect firewood from a plantation. The three attackers hid near the farm road along which the deceased had to return to the farmstead. When he came past at about 12:00 they stopped him, forced him out of his vehicle and shot him in the back of the head at close range. He died instantly.

The attackers left the scene in the deceased's vehicle and drove to Entombeni, where they took the deceased's cellular telephone, a radio/cassette player and a farm radio before abandoning the vehicle. The homemade firearm was retrieved on 11 December 1998 from an address in Entombeni, where it had been left by the accused. The other stolen items were also recovered.

The attackers were arrested with the assistance of informers. One escaped from custody but Gasela and Sibiya were indicted in the Natal High Court of murder, robbery with aggravating circumstances and unlawful possession of a firearm and ammunition. They were both convicted and sentenced to life imprisonment for the murder.

#### Comments:

According to information gathered by the police there was a land dispute around the particular farm. Allegedly occupants on the land were unhappy about the owner wanting to convert the farm to a nature reserve, saying the land belonged to them. According to hearsay, however, a local *induna* had said that he wanted the land.

There was also mention of a possible dispute over the wages of the farm workers. (The previous owner of the farm had also been attacked, although the Committee does not have details of that.)

According to other information received from an informer of a security firm used by the farmers in that area, it was alleged that R25 000 had been collected for the assassination of the farmer and that the attackers were part of a gang known as 'Amadogy dogy'. The name derives from an African-American criminal gang in New York under leadership of the Shakur brothers, Tupac and Snoop Doggy Doggy. It was further alleged that a note with the words '2 Pac and ama dogy dogy' was found near the scene of the attack on Redinger. This information is doubtful, however, since the police did not find such a note.

After his arrest, however, Gasela told the police that the motive for the attack was robbery, and had nothing to do with land claims. In his statement he confessed to having shot the deceased, which was corroborated by a statement of the third accused. (During an interview with Gasela by the Committee in prison, he claimed total innocence).

At a bail hearing Gasela, in response to a question from the court, said he had stayed near Dalumbe some seven years previously and had known Redinger but hadn't worked for him. He said he had had no quarrel with Redinger and had not experienced ill treatment by Kranskop farmers. The prosecutor said there was a witness in the cells who claimed that Gasela had told him that he wanted bail so he could kill more farmers.

This is another example of a farmer being ambushed while driving along the farm road.

Maurice Souchon (aged 65) together with his wife and son, lived on the farm Chiselhurst near Mandeni. At around midday on 22 December 1998, while the Souchon couple were out, three attackers, two of whom were wearing balaclavas, overpowered the Souchon son and the domestic workers and held them hostage. When Mr Souchon and his wife arrived back home, they were confronted. Maurice Souchon raised his hands to protect his wife, but was shot and wounded and, after falling to the ground was shot dead, execution style, in the head. A cellphone, wallet, purse, and R50 in cash were stolen.

Bongani Simon Mthembu (25) and Bongani Siyabonga Mhlongo (21) were later arrested. Apart from the fact that accused Mthembu had passed on the stolen cellphone some months after the attack, the case against him rested on a confession he had made after his arrest, in the presence of the then commander of the investigation unit. The second accused had also confessed, but this time in the presence of a magistrate. At the High Court trial the two accused claimed that the confessions had been made under duress after being assaulted by the police. After a trial-within-a-trial as to the admissibility of the confessions, the Judge ruled that they could be accepted. Both accused were found guilty and each was sentenced to life imprisonment for the murder and 30 years each for armed robbery.

#### Comments:

The third man involved in the attack has never been found.

The trial judge commented that under the Criminal Law Amendment Act he was obliged to hand down a life sentence but, had his hands been free, he would have sentenced the men to no less than 60 years imprisonment. He directed that his remarks be recorded and placed in the convicted men's prison files.

The investigating officer in this case is adamant that the motive was robbery.

## **25 Van der Merwe J: 1999-01-03**

Jacobus van der Merwe (aged 62) and his wife Elsie (58) lived on the farm Oskraal, Bethlehem. On Sunday, 3 January 1999, at about 13:00 they were attacked in their home by four men.

According to confessions made later by two of the attackers they had gone to the farm by motor vehicle, but they left the vehicle some distance away and went the last distance on foot. They had knives, an iron bar and rope with them. They knocked on the door and when Mr. van der Merwe opened he was overpowered. He was severely assaulted with an iron bar and tied up. He was taken to the bedroom where his wife was taking a nap. There she was also hit over the head with the iron bar, kicked and hit in the face. When she tried to grab the iron bar she was hit over the head again. She was tied up and her husband kicked and hit again with the iron bar. The attackers demanded money and firearms, and she showed them the key to the wardrobe. She was assaulted again, and they demanded the key to the safe, which was opened eventually. The attackers took two pistols, money and other valuables. They also smashed the telephone.

At that moment two domestic workers arrived. (Their names are unknown to the Committee.) They were held at gunpoint with one of the pistols and brought to the bedroom where they were blindfolded. Mrs. van der Merwe was assaulted again and she lost consciousness. They were then locked in the bedroom. The attackers took the booty and fled in the Volkswagen Kombi. After they had left, the employees untied Mrs. van der Merwe and she went for help on a neighbouring farm.

Mr. van der Merwe was taken to the hospital. He never recovered consciousness, however, and passed away on 21 January 1999.

Four accused were arrested several months later. They were arraigned in the Free State High Court from 3 to 21 September 2001. Three accused were found not guilty due to lack of evidence. Their confessions were obviously found to be inadmissible. There was better evidence against the fourth accused but he passed away before the case could be finalized. He had been on the farm previously to buy biscuits from Mrs. van der Merwe. The fifth suspect was well-known since he had worked on the farm previously. He had problems with Mr. van der Merwe over wages and he had threatened the farmer. He was never arrested, however, since he came from Lesotho.

#### Comments:

One of the attackers had previously worked on the farm and had a dispute over wages. He had threatened the deceased.

One of the attackers had been on the farm a few days before to buy cookies.

Possibly not enough care was taken by the farmer when he opened the door.

This is another example of a case where the farmer and his wife were seriously assaulted, but the domestic workers were left unharmed.

## **26 Steyn: 1999-01-20**

Alexander Steyn (aged 73) and his wife Petlana (67) lived on their farm Fort Weber in the Christiana district in the North West Province. On 1999-01-20 at about 18:30 the couple were outside their home when they were approached by four attackers. The attackers suddenly overpowered them, hitting them over the head and stabbing them. They then dragged the victims back into the house. The attackers took some money and other items, after which they poured out petrol in the house and over their victims and set them alight. Mr. Steyn died of burns and brain injuries, while his wife mercifully died of brain injuries and a stabwound of the neck. The house burnt down and the bodies were charred.

The attackers left in the couple's station wagon, which they later abandoned. One of the farm hands saw them leaving and reported to a neighbour. When help arrived it was much too late, however: the house was still burning, but both Steyns were dead.

The attackers were arrested the following day. They were Mathew Sebeya (19), Kenneth Keophilheytse (19), Jerry Sibitso (19) and a 15 year old youth. The farm hand partly identified them. The fingerprints of some of the attackers were found in the motorcar, and some also had stolen goods in their possession.

The accused were tried in the Transvaal High Court from 16 to 27 October 2000. They were convicted and the three older ones received similar sentences, viz. 25 years imprisonment on each of the two counts of murder and 15 years for the robbery with aggravating circumstances and arson respectively, i.e. a total of 80 years.

#### Comments:

The attackers all came from a township at the nearest village. Three were 19 years of age and one only 15.

They were arrested speedily. There was a successful prosecution and the attackers all received very long periods of imprisonment. The case was finalised 21 months after the attack.

The two victims were elderly persons, who were clearly unable to put up any resistance against four young men. It can be assumed that the murders were completely unnecessary.

The purpose of the fire is unknown, although it might have been to destroy fingerprints or other clues.

The prosecutor said during an interview with the Committee that, although the attack was particularly brutal and cruel, there was no political motive involved. The accused went to the farm to steal money.

#### **27 Van der Merwe G.: 1999-02-28**

Gert van der Merwe (aged 76) and his wife Francina (73) lived on a plot in Rietvallei, Naboomspruit. One attacker, Phineas Sibanda (22), worked for them and the other, Morris Ncube (29), was employed by their neighbour. Both employees were illegal immigrants from Zimbabwe. They were friends and frequently visited each other.

The Van der Merwes went to church on Sunday 28 February 1999. While they were away the two accused and a third person broke into the homestead by climbing through the roof. They cut the telephone wire. They then ransacked the house and stole a large quantity of clothing, jewelry, video machine, etc., which they hid in the bushes nearby. They also found a revolver, and then waited for the couple to return.

The Van der Merwes returned at about 20:00. Mrs. van der Merwe got out of the car. While Mr. Van der Merwe was parking the car in the shed one of the attackers ran up to him and shot him twice, in the shoulder and chest. Then his throat was slit. Francina was assaulted and raped, and then her throat was also slit. (Ncube told the police that they had demanded money from her, and she was killed when she said the money was in the

bank.) Mr. van der Merwe was then carried into the house. They were both covered with a carpet. The attackers then fled with some of the articles hidden outside. They sold some of the articles to workers on farms in the vicinity before fleeing to Zimbabwe.

Some of Sibanda's own clothes were also found inside the house, where they obviously had been changed for stolen clothing. Some of the stolen articles were found some 800 meters from the house. Amongst the clothing was a diary belonging to Morris Ncube. Some stolen articles were also found in an outbuilding. There was also a piece of cardboard with a message which read: 'To you old man we are robbers from Johannesburg at your son's business. Luck is on your side because our intention was to kill you. You are a person with evil motives because long back you oppressed black people too much. Wages of sin is death.'

Sibanda and Ncube were the obvious suspects, but they were nowhere to be found. Sibanda was arrested in Zimbabwe on 9 March 1999 and Ncube was arrested on 11 March 1999, also in Zimbabwe. They had a large quantity of the stolen articles in their possession. Ncube told the police that Sibanda had insisted that they kill the woman so that they could not be identified.

The accused were tried in the High Court from 1 to 7 March 2000. They were convicted on two counts of murder, for which life imprisonment was imposed, as well as robbery with aggravating circumstances, for which they received 12 years. Sibanda was also convicted of rape and sentenced to 20 years imprisonment.

#### Comments:

This is one of the few cases with overt political elements, viz. the message left by the attackers. However, the prosecutor told the Committee that there was no political motive behind the attack.

This was confirmed by the investigating officer. The accused told him that the comments on the piece of cardboard found after the attack had been intended to mislead the police so that they would be looking for the culprits in Johannesburg.

It is a typical case where the attackers broke into the house on a Sunday while the inhabitants were away attending church. The attackers waited for the victims so that they could get more money from them.

The victims were probably killed to prevent identification.

The Zimbabwean police gave their full co-operation in tracing and arresting the accused and in the subsequent extradition.

Taking into account that the accused had to be extradited from Zimbabwe, the case was heard fairly quickly, some 13 months after the event.

## **28 Goodes: 1999-04-06**

George Goodes (aged 75) lived on a plot in Weltevreden, Koppies, in the Free State with his wife Isla and daughter Suzan (45). The morning of Tuesday, 6 April 1999, at about 09:30, George Goodes went to a water pump near the farmstead. His wife and daughter were at home. When he got to the waterpump he was attacked by two masked men, Mohau Tsipane (24) and Malefane Mbongo (35), who kicked him and hit him with an iron bar. He was injured very seriously - amongst other injuries being blinded in the one eye - and later lost consciousness.

When he stayed away too long his daughter, Suzan, went to look for him. She was overpowered by the two attackers and forced back into the house. Her elderly mother, Isla, was pushed aside. They wanted money and firearms. Suzan and her mother were then locked up in another room. After putting the telephone out of action the attackers left with money and a pair of binoculars. After they had gone Suzan climbed through a window and drove to the police with her motorcar.

The local population gave their full co-operation to the police in tracing the attackers and they were arrested the very next day. They were indicted in the Free State High Court on 9 October 2000 and convicted of attempted murder, for which each received 10 years imprisonment, and robbery with aggravating circumstances, for which they were sentenced to 15 years each.

### **Comments:**

Although no one was killed, the assault on Goodes was very serious. He was blinded in the one eye.

The local population gave their full co-operation during the investigation of the case.

The main motive seems to have been robbery. According to a confession made by Tsipane after his arrest, they had been told by a certain person that there was money on the farm. That person denied this to the police, however, putting the blame on Tsipane.

## **29 Grobler: 1999-06-26**

Jan Grobler (aged 60) lived with his mother (86) on the farm 'Uitkyk' in the district of Ventersdorp. The mother was an invalid. On 26 June 1999 Charles Montsitsi (26) broke into the house of another farm in the Ventersdorp district, where he stole several articles, including a pistol used in the attack on Grobler. (It is possible that there were other burglars involved as well.)

On 10 July at about 20:15 Montsitsi, together with Dolphas Mgiqwa (26) and a third man, broke into the house of Grobler, by removing a louvre window pane at the back of the house. They had the pistol referred to above as well as a revolver, and they shot Grobler eight times, wounding him seriously. It seems that Grobler himself managed to

wound Montsitsi in the knee with his hunting rifle. The attackers took the hunting rifle and made their escape. Mrs. Grobler, who was in her room, apparently suffered a stroke during the attack and she passed away two days later. She had injuries to her body, but there is no evidence that she had been assaulted. Jan Grobler died in the Potchefstroom Hospital on 25 July 1999 as a result of the multiple bullet wounds he had sustained during the attack.

After the attack Montsitsi went to an acquaintance, Johannes Lepora, on a neighbouring farm for assistance with the wound to his leg. Lepora summoned the police, however, and Montsitsi was arrested. The pistol was also discovered near the house. Blood spots found inside Grobler's house also came from Montsitsi. Accused Mgiqwa was linked to the crime by fingerprints found in the house. His cap was also found in the house.

It is not certain what exactly happened during the attack. Both Jan Grobler and his mother were unable to make statements prior to their deaths. At their trial the accused closed their case without giving any evidence.

The accused were tried in the High Court from 12 to 16 March 2001. Montsitsi and Mgiqwa were convicted of housebreaking and robbery with aggravating circumstances as well as murder, and each sentenced to twenty years and life imprisonment on those two counts. For illegal possession of firearms they received lesser periods of imprisonment. The third person was also charged but acquitted due to lack of evidence.

#### Comments:

This case again demonstrates the ineffectiveness of louvre windows as protection against intruders. They can be removed without breaking.

This is one of several cases where the farmer is killed with firearms stolen previously at another farm.

Like the previous case, the attackers received no protection from the local community. The man that the attacker went to for help rather summoned the police.

### **30 Breytenbach: 1999-11-18**

Johan Breytenbach lived with his family on the farm Erfdeel in the Heilbron district in the Free State.

The morning of Thursday, 18 November 1999, the domestic worker, Elizabeth Lebenya, was alone in the kitchen of the homestead. She was overpowered by three attackers, Petrus Khubeku (29), Stephen Malothane (30) and Jabulani Morwetsi (29). One of them was armed with a knife. Lebenya was tied up. When she screamed she was heard by the gardener, John Ramaema. He came to her assistance but was also overpowered and tied up. The accused then waited for the owner to return, in the meantime getting hold of an R4 rifle and a .38 revolver.

Breytenbach and his little boy, Johan, arrived at about 13:30. He was confronted when he

entered the kitchen. He tried to flee but was shot in the back and stomach and he fell down, seriously wounded. He was tied up. The attackers demanded money and wanted the key to the safe. Ellen-Louise Breytenbach then arrived at the home with the three other children. The three children entered the home first and they were overpowered and tied up. When Ellen-Louise entered she was confronted by the attackers with the rifle and revolver. They demanded money and she offered to withdraw money. In the meantime several other female employees arrived. Some managed to flee but Sanna Makubing and Jemima Motsitsi were also forced into the house and tied up.

The attackers then decided that Mrs Breytenbach should take them to the bank to withdraw money. They put her and her little boy, Johan, in her double cab vehicle, threatening to shoot the boy if she resisted. They loaded a large quantity of goods, including the firearms, jewellery and clothing, in the vehicle and ordered Mrs Breytenbach to drive to the village. In Vanderbijlpark the vehicle ran out of petrol, and the accused fled on foot. Mrs Breytenbach managed to get to the police, however.

Khubeku and Malothane were arrested the same day in Vanderbijlpark. They had several stolen items on them, including the R4 rifle and the .38 revolver. Morwetsi was arrested a week later. They were indicted in the Free State High Court on 10 April 2000 and convicted on several counts. For robbery with aggravating circumstances they received twenty years imprisonment, for attempted murder ten years, five years on each of two counts of kidnapping, and a total of ten years imprisonment for illegal possession of firearms and ammunition.

#### Comments:

This is a typical case of attackers coming from an urban township to carry out an armed robbery on a farm.

Two of them had previously worked on a neighbouring farm, and therefore had the necessary knowledge to carry out the attack.

The willingness to shoot the victims when they try to flee is again demonstrated. However, they did not kill the seriously wounded victim.

In this case several of the farm workers were overpowered and tied up.

The attackers went to the farm armed only with knives. There they found the firearms with which the farmer was shot. The Committee came across several such cases.

### **31 Cross: 1999-12-20**

Nicolas Tsie (aged 22), was employed by the deceased, Stephanus Cross (55), on a guest farm in Limpopo Province. On 18 December 1999 there was a party at the farm. Tsie also attended the party. He got drunk and there was an argument between him and Cross about his wages. He said he could not bear working with Cross. Cross and other people then took Tsie to his hut.

The following day Tsie did not go to work and seemed to have disappeared. He returned on the 20<sup>th</sup> to fetch his clothes, and disappeared into the bush armed with a stick. Cross left with his motorcar. When he returned later, Tsie was waiting for him at the entrance gate. When he got out of his motorcar to close the gate, Tsie attacked him with a wooden stick, hitting him over the head several times. He died on the scene. Tsie then took his cellular phone, wallet and ID document and disappeared.

Tsie was arrested on 16 January 2000. In a confession he said that he and a friend had attacked Cross. He explained that Cross had promised to pay them R500-00 per month, but in fact only paid them half that amount. When they confronted Cross he called them “kaffirs”.

Tsie was tried in the High Court on 24 October 2001, convicted of murder and robbery with aggravating circumstances and sentenced to 15 and 12 years imprisonment for the respective crimes.

#### Comments:

The attacker worked on the farm.

This is one of the minority of cases where revenge or a dispute over wages between the farmer and the worker clearly was the motive for the attack.

There was a perception that Cross did not treat his employees well, and that the relationship between them was not good.

During an interview the prosecuting state advocate indicated that in his view the attacker had no political motive for the attack. This was confirmed by the investigating officer during an interview.

The court case was finalised some 20 months after the event. The sentences imposed for the murder and robbery were much lower than the usual sentence for farm attacks, because the court took into account the bad blood between the attacker and the victim.

## **32 Du Plessis: 1999-12-26**

Johannes du Plessis (aged 62) and his wife Eunice (58) lived on the farm Brooklands, Kinkelbos, near Port Elizabeth. The morning of Friday, 26 November 1999, at about 11:00 Mr. du Plessis and his grandson, Armand (9), were busy at an outside building washing a pick-up truck when they were confronted by two unknown males. One of the men produced a firearm and shot Du Plessis in the head before proceeding to the house. The domestic worker, Phumia Synthia Yozo (34), grabbed the grandson, Armand, and went to hide in a nearby bush.

Eunice du Plessis, who was busy in the kitchen at the time, fled to the main bedroom but she was followed by the attackers and shot once in the head. The suspects took a television set out of the bedroom. Once outside they found Yozo and Armand in the

bushes. They forced them onto the truck and drove off with them. Approximately one kilometer from the farmhouse they instructed Yozo and Armand to climb off and they drove further in the direction of the national road. Yozo and Armand walked to the farmhouse from where they summoned the police.

The bakkie was later recovered in Motherwell, Port Elizabeth. No one has been arrested for the crimes and no further progress has been made with the investigation.

Comments:

The case is noteworthy for the cold-blooded and unnecessary killing of the Du Plessis couple. It is doubtful whether the attackers were concerned that they might be identified, since they allowed the employee Synthia Yozo and the grandson to go free.

There is nevertheless no indication that there was any motive other than robbery.

It is one of the relatively few cases in the Eastern Cape where the culprits have never been found.

### **33 Pretorius / Oosthuizen: 2000-08-06**

Sebastian Pretorius (aged 76) and his wife lived on the farm Jacobasheuwel in the district of Viljoenskroon. They went to church on Sunday 6 August 2000 at about 09:00, leaving two employees, Ipileng Albertina Hahlatsi (42) and Thembile George Koba (47) in the house. Shortly after the Pretorius couple had left, three attackers, Lazarus Shebe (30), Solomon Motitsoe (21) and Jantjie Modise (21) overpowered the two employees, tied them up and locked them in the bathroom. The attackers had a .44 magnum revolver and a 9 mm. pistol.

Johannes Hermanus Oosthuizen (68) and other family members then arrived on the farm and waited in their motorcar for the Pretorius couple to return. When the Pretorius couple arrived Mrs Pretorius walked ahead to the back door. There she was overpowered and also taken to the bathroom. Her husband saw this and ran around the house to warn Oosthuizen, but before he could do so he was cornered by one of the attackers and shot point blank in the face. He was seriously injured. Oosthuizen tried to start his car in order to escape, but the same accused shot him three times, wounding him seriously. Oosthuizen, his wife and his mother in law, Johanna Boucher, were also taken to the bathroom and detained. The attackers then loaded a large quantity of goods, including two pistols and a revolver, into Oosthuizen's motorcar. Before leaving one of them returned to the bathroom and fired three shots at the victims lying on the floor. Mahlatsi, Koba and Boucher were also injured.

The three attackers were arrested the next day and various stolen articles were recovered. They were tried in the Free State High Court on 15 to 31 October 2001. For the robbery with aggravating circumstances they were each sentenced to 25 years imprisonment, and on four counts of attempted murder they received a total of 6 years imprisonment. (It is

not clear exactly how the sentences were calculated.)

Comments:

It should be noted that the accused had visited the farm on 30 July 2000 to reconnoitre the area.

The attackers overpowered the employees while the farmer and his wife were away at church and tied them up. When the farmer and his wife returned they were ambushed.

The attackers did not hesitate to shoot, and some of the shooting was quite gratuitous. One of the domestic workers was also wounded.

### **34 Cordier: 2000-08-26**

Marthinus Cordier (aged 57) and his wife Dina (57) lived on the farm Ebenaeser in the Wesselsbron district in the Free State. They were out on Saturday, 26 August 2000. When they returned they were ambushed near the house by two men, Zolile Gingela (28) and Daniel Motoai (31). Marthinus Cordier was severely assaulted and stabbed twelve times. His wife was stabbed twenty four times. They both died shortly afterwards and the attackers took the bodies to a shed and hid them under a canvas. They then took the keys to the house and removed cash, a knife and a revolver from the safe and fled in the farmer's pick-up truck.

Afterwards Gingela and Motoai went to a sangoma with the truck and told him that they had just killed two white persons and that they intended to carry on with this type of work. They asked the sangoma to 'treat' them, and he gave them traditional medicine. After they had left, however, they overturned the truck near Allanridge and it was recognised by an acquaintance of the Cordiers. He notified the police and that led to the arrest of the two attackers. A search for the deceased was started and their bodies discovered hidden in the shed.

The accused were indicted in the Free State High court from 3 to 12 December 2001. They were convicted and each sentenced to two terms of life imprisonment for the murders and to fifteen years for the robbery with aggravating circumstances. They received lesser sentences for possession of a firearm and ammunition.

Comments:

The multiple stabwounds (12 on the husband and 24 on the wife) are noteworthy, as it indicated that the attackers went much further than was required to achieve their goal.

At the same time they were criminals, with previous convictions and also intending to commit further similar crimes.

It is also a typical case where the farmer and his wife were ambushed on their return to the farm.

They had planned the attack some time beforehand and had also consulted the sangoma. The sangoma actually testified against the accused.

It is noteworthy that the accused had been convicted for other crimes previously and were out on parole at the time of the farm attack.

### **35     Holder: 2001-04-01**

Willem Adriaan Botha (aged 59 ) and Catherina Holder (53 ) lived on the farm Elna in the district of Balfour. On Sunday, 1 April 2001, they left the farm to go to church. While they were away five attackers broke into the house through two windows and started ransacking the place.

Botha and Holder returned at about 11:00. They were not aware that the perpetrators were still inside the house. Because of a burglary shortly before, Botha himself unlocked the back door for Holder to go inside, but he returned to fetch the parcels from the vehicle. When Holder walked into the house she was confronted by one of the perpetrators. She screamed and was instantly shot in the neck and killed. One of the attackers started shooting at Botha from the open door. Botha was wounded in the arm and leg, but he took out his own firearm and returned fire, wounding Skhosana. When the gunfire stopped he summoned assistance over the radio in the pickup van.

Two neighbours heard the distress call and went to Botha's assistance. Dirk van Deventer arrested one, William Zwane (25), who had a firearm on him. The other neighbour, Hendrik du Toit, arrested the heavily wounded Jan Skhosana (26), who told him that they had been five attackers and that the farmer had wounded him. When the Police arrived they started looking for the other attackers. One of the perpetrators shot the tracker dog dead and thereafter committed suicide by shooting himself. Solomon Makhubela (36) was arrested the next day in Ntorwane while in possession of some stolen articles.

According to a confession made by Makhubela, the attackers had come from Benoni. A previous worker had told them that there was a lot of money on the farm. They broke in and tried to open the safe, but without success. Two of them had firearms. They were then surprised by the farmer and his companion.

The trial of the three accused started in the Transvaal High Court on 14 October 2002. They were charged with murder, attempted murder, housebreaking and robbery with aggravating circumstances and illegal possession of firearms and ammunition. They were convicted and each sentenced to life imprisonment for the murder, ten years for attempted murder, fifteen years for housebreaking and robbery with aggravating circumstances and eight years for illegal possession of firearms and ammunition.

#### **Comments:**

The three attackers charged came from Kwandebile, Benoni and Pretoria respectively. They were aged 25, 26 and 36.

They heard from a previous worker on the farm that there was a lot of money on the farm.

This is a typical case where the perpetrators waited for the farmer to return from church on a Sunday morning. This is one of many similar cases where a movement sensing alarm inside the house might have prevented the tragedy.

Although the attackers said that they were surprised by the farmer, it is clear that they were well prepared for such an eventuality, because they were armed with two firearms and were prepared to shoot without hesitation.

The fact that the farmer had a firearm on him probably saved his life.

During a personal interview with the prosecutor she said that there was no indication of any motive other than robbery.

### **36 Visser: 2001-06-01**

Jan Visser (aged 39) and his wife Annelize (38) lived on the farm Kleinveld in a remote part of the Ceres district. During the week their children attended school in the village and every Friday about midday the parents went in to town to do shopping and to collect them for the weekend.

At about 07:30 on Friday, 1 June 2001, a farm worker, Japie Evans, saw a fire in the mountain only about 100 meters from the homestead. He told his employer, Jan Visser, about it and they went to investigate. He asked Visser whether he was not going to take a rifle along, but Visser declined. When they reached the spot where the fire had been seen, a man jumped up and shouted something. When Evans turned around and started running away he heard three gun shots. It was discovered later that Visser had been shot in the chest and had died almost instantaneously.

Evans kept on running, using a rivulet as cover. He ran to a neighbouring farm some four kilometres away. The neighbour, one Mouton, armed himself and immediately went to the Vissers' farm, while his wife alerted the police and commando. He was too late, however: when they got to Kleinveld they found Annelize Visser behind the study door shot through the head. There was a bullet hole through the door, and it was obvious that she was shot from the outside while sitting with her back against the door and trying to keep the door closed. Bags with clothing and other articles were already packed, but the attackers seemed to have fled without taking anything along.

Three suspects were arrested fairly quickly, after excellent police work, making use of an informer. One accused was released later when his innocence was established. The other two led the police to a cache of weapons hidden in the mountain. The weapons had been stolen earlier on another farm near the informal settlement where they had lived.

The other two accused, Parliament Ngulube (41) and Eliat Samela (27) will be tried in the Cape of Good Hope High Court in the course of 2003. The charges are housebreaking and theft (in respect of the firearms), two counts of murder, housebreaking with

aggravating circumstances and illegal possession of firearms and ammunition.

Comments:

It seems that the accused or other comrades had been watching the farm for some time prior to the attack, and they probably knew that the Vissers used to fetch their children in town on Friday mornings.

There were 'battle indicators' leading to the farm and to the mountain where they had been keeping watch.

The dogs were barking throughout the night before the attack. This did not seem to put the Vissers on their guard.

When the employee, Evans, asked his employer whether he was not going to take a rifle along, the latter refused. (Taking the rifle along might not necessarily have saved his life, however.)

The Vissers had a farm radio, but the battery was flat, so that assistance could not be obtained by that means. That might well have saved Mrs Visser's life.

Much was made of the fact that the attackers had taken nothing with them. In all probability, however, this was due to the fact that they had to make a quick get-away when the neighbour and police arrived on the scene.

**37 Van Rooyen: 2001-07-16**

The accused broke into the house on a farm belonging to one Lubbe in the Potchefstroom area, stealing a shotgun.

Machiel van Rooyen (48) and his father lived on the farm Rietkuil, although in separate houses some distance apart. Rietkuil is about ten kilometers from Lubbe's farm. On 16 July 2001 Van Rooyen went to his father's house and while he was away the perpetrators set up an ambush for him at the gate to the farmyard. He arrived back at about 17:00 and when he got out of his truck to open the gate he was shot with the shotgun. He jumped back into the bakkie, heavily wounded. He raced through the gate, made a u-turn and drove out again at high speed, apparently to get help. The attackers then ran away.

The victim only drove about a hundred meters before he succumbed to his injuries. The farm workers found him dead in the bakkie, with the engine still running.

Lulu Beukes and Frans Pheto (ages unknown) were arrested and charged. They were convicted of murder and sentenced to life imprisonment. A third accused is to be charged in the High Court shortly.

Comments:

This is another case where the firearm used by the attackers was stolen at another

farm.

Again there was an ambush at the gate.

### **38 Van den Heever: 2001-08-10**

Christaan van den Heever (aged 79) and his wife Martha (76) lived on the farm Sterkfontein in the Naboomspruit district. On Friday, 10 August 2001, Johannes Masenya (18), came to the farm to ask for employment and Mrs. van den Heever decided to take him. On the Monday he again reported for work at about 08:00. He worked till lunchtime, but then disappeared.

On the Wednesday the Van den Heevers were busy in the garden. Mr. van den Heever went to the house at about 10:00. His wife heard him screaming and she rushed towards the house, but was overpowered near the kitchen door by Masenya and another person, Frank Moloto. Masenya hit her over the head with an iron rod and they held a knife to her throat. They forced her into the house where she saw her seriously injured husband sitting in the courtyard. They demanded money and firearms. She unlocked the safe and they took money and firearms. They also took money from her purse as well as her cellular phone and the car keys. She heard her husband screaming again. They took her outside and she was assaulted again. She pretended to be dead.

When they had left she went back into the house and summoned the police. When the police arrived her husband was found in the pantry, shot dead in the chest at short range with the stolen shotgun. He had also been seriously assaulted. Mrs. van den Heever was very seriously injured as well, with a fracture of the skull and crushed fingers.

Members of the Commando followed the tracks of the attackers, and they were arrested shortly afterwards in a shack. Some of the stolen items were found on them, and the rest in a bush nearby, including the shotgun and air-gun.

Moloto and Masenya were tried in the Transvaal High Court on 4 November 2002. They were both convicted of murder, robbery with aggravating circumstances and illegal possession of firearms and ammunition. For the murder each was sentenced to life imprisonment and for the other crimes to 40 years imprisonment. During their application for bail they made certain incriminating admissions.

#### Comments:

The accused were aged 23 and 18 respectively. They came from the area where the farm was situated.

The Van den Heevers cannot really be criticized for taking the one attacker into their employ, since he was introduced to them by a worker from a neighbouring farm.

The victims were elderly people and quite helpless. Their attackers obviously intended killing them to prevent identification. Mrs. van den Heever probably survived because she pretended to be dead.

According to the prosecuting state advocate, the motive was robbery. The Van den Heevers were obviously not well to do people, however.

Lieutenant R.P. Schoeman of the Potgietersrus Commando acted particularly bravely, entering the shack where the attackers were hiding to arrest them. He only fired warning shots into the floor.

### **39 Knox: 2001-08-15**

Hendrik Christoffel Knox (aged 72) lived alone on the farm Sendelingsfontein near Hartebeesfontein. He was last seen alive in the farmyard by a farm worker at about 16:00 on 24 December 1998. When an employee went to the house the following morning, the house was locked up and quiet. She notified a neighbour, who broke into the house and found the body of Knox on the bed. His hand and feet were bound and a piece of cloth shoved in his mouth. His left hand had deep cut wounds. This was probably the result of warding off the blows with a panga-like weapon. He had died of asphyxia. His attackers had taken a rifle, a pistol and other items from the home before leaving.

Seven suspects were arrested within a few days. Most of them came from Jouberton. They included Sam Mokobeni (32), Gulani van Rooyen (46) and Adolfus Matyobo (29). The two firearms and some of the other stolen items were also recovered. The accused were tried in the Supreme Court during April and May 2000. Mokobeni, van Rooyen and Matyobo were convicted of robbery with aggravating circumstances, for which they received 20 years imprisonment, and murder, for which they each received 25 years imprisonment. They also received 5 years imprisonment for illegal possession of firearms and ammunition. The other accused were acquitted.

According to a confession made by Van Rooyen, he and the others went to the farm by vehicle. They stopped at a distance and waited till dark. They then walked in pairs to the homestead. There they cut the telephone line. They first tried to break in through a window, but without success. Then they cut through the security gate and unlocked the door with a key. They found the deceased in the bedroom sleeping. They woke him up and one of the other attackers hit him with a long knife before tying his hands and feet. They removed a rifle from the safe, and found a pistol in a drawer and covered him with a blanket. This version is confirmed in broad terms by one of the other accused who, however, was later acquitted at the trial.

Comments:

The ages of the attackers varied between 20 and 46. Almost all of them came from Jouberton near Klerksdorp, about 30 kilometers away.

They organized a truck to take them to a position near the farm. The truck left so as not to cause suspicion, and they were picked up later again.

They managed to penetrate a fairly good security system. There was a security fence around the house and burglarproofing in the house itself.

The victim was probably assaulted to force him to open the safe.

There seems to be no other motive than robbery. This was confirmed by the investigating officer. The state advocate who prosecuted has left the prosecution service and could not be interviewed.

The trial took place some 16 or 17 months after the event. Heavy sentences were imposed on those convicted.

This is also a typical case of an elderly farmer living alone on a farm and getting attacked.

#### **40 Transell: 2001-12-19**

The Transell couple lived on the farm Troscott in the Addo district. The farm is relatively isolated. Marlene Transell (aged 45) left for town on 19 December 2001 at about 10:00 to do her usual shopping. She returned around 12:00. Her husband George (47) was working in the garden. Later he went to his neighbour's farm, leaving his wife behind. They had a standing arrangement that one of them would always be at home, because of bad security.

Marlene was alone inside the house, watching television. At around 14:00 three attackers, Hilton Oliphant (19) and two others aged 16 and 17 respectively, gained entry to the house through an open kitchen window. They stalked Marlene and hit her over the head with an iron bar. She was almost knocked unconscious. The attackers demanded to be told where the money and firearms were. She was repeatedly hit over the head until she showed them the safe. Two pistols and jewellery were removed from the safe. One of the attackers then shot her through the shoulder. Her hands were tied up and they made threatening and degrading remarks. One attacker held the firearms against the victim's head and told her he was going to shoot her. He fired a shot but she pulled back her head, at the same time falling to the floor and pretending to be dead. (The shot left a burn mark on her face and caused her eardrum to burst.)

When the farmer returned home he felt that something was wrong. As he walked towards the house one of the attackers came round the corner, carrying a video player. He had one of the pistols, which he pointed at the farmer, ordering him to stand still. He tried to cock the pistol, but it malfunctioned and the farmer took the opportunity to run away. He went for help at the neighbour's farm.

When they returned the attackers had left. The attackers were noticed by farm workers in the area. The information was passed on to the police, which resulted in the arrest of the two youths. Hilton Oliphant was arrested later. He had been raised on a farm in that area and at the time he was an accused in another housebreaking case. The attackers later told the police that they had decided to attack the farm because they knew that there were several firearms. According to them they went to the farm in the morning and observed all the movements there. They waited until the wife was alone before attacking her.

The three were convicted in the Eastern Cape High Court on 2002-05-14 of robbery with aggravating circumstances. The sentences are not known.

Comments:

Again, this is a case where the attackers waited for the husband to leave before attacking the wife.

The victim probably was not killed only because she pretended to be dead.

#### **41 Dent: 2002-06-15**

On 15 June 2002 at around 03:00 assailants broke into the home of Robin and Allison Dent (both 59) and their son, Nicholas (13) on Aussicht Farm, Wartburg, while the family were sleeping. Robin Dent went to investigate and was confronted by the intruders. His wife and son, hearing an altercation, followed him. Robin and Allison Dent were assaulted, then both shot dead. Holding Nicholas at gunpoint, the attackers ransacked the house, stealing various items, including several firearms. They loaded the stolen items into the Dents' bakkie, which was outside, and instructed Nicholas to drive it. The vehicle was stopped at an isolated spot near Trust Feed and the stolen goods were offloaded into a minibus vehicle. Nicholas was told to run away, and he found his way to a nearby farm from where the incident was reported. R4 assault rifle cartridges were subsequently found at the scene where the Dents had been shot. The killers had gained entry to the home by forcing open the lounge window.

Jabulani Gqushu Zuma (aged 26) was arrested shortly afterwards. He was indicted in the Pietermaritzburg High Court on 25 November 2002 on two counts of murder, one of kidnapping and one of housebreaking with intent to rob and robbery with aggravating circumstances. During the trial, the son, Nicholas, described what had happened during the attack, testifying that the accused had used Mr Dent's Zulu nickname and that the accused also knew the Zulu nickname of his older brother. This witness had picked the accused out at an identification parade.

At the same trial Zuma was also indicted on two other counts of housebreaking with intent to rob and robbery with aggravating circumstances. Those charges related to an attack on another couple, Mr. Roderick Skinner and his wife Maria, on the farm Westwood near Greytown in the early hours of 26 March 2002, and one on Greytown businessman Mr Cassim Kharodia and his wife Lakpaphy, in the early hours of 2 April 2002. An R4 rifle stolen from Skinner had been ballistically linked to the murder of the Dents.

Zuma was convicted on 2 December of the murder of the Dent couple and sentenced to two terms of life imprisonment. For the kidnapping of the Dent boy, the other charges of housebreaking with intent to rob and robbery with aggravating circumstances, and illegal possession of the firearm, he was sentenced to a total of 82 years imprisonment. Zuma was out of prison on parole at the time the crimes had been committed. He had started his life of crime at the age of 15 and had three previous convictions for housebreaking. The crimes had been planned with fellow inmates in prison. The judge ordered that Zuma not be released on parole before the lapse of 25 years.

Comments:

The killing of the Dent couple was quite unnecessary. It could not have been to avoid identification, because the attackers allowed the boy to go free.

The case is another example of murders being committed by means of a firearm stolen at another farm.

In this case the attackers were clearly a gang specialising in stealing and robbing on farms and the judge in fact found that Zuma and his cronies had operated as a gang.

### **The December gang: 10 October 1995 to 27 April 1996**

During the period from October 1995 to April 1996 a band of criminals known as the December Gang (named after their leader, December Mkhuma) terrorised the smallholdings in the De Deur area, near Vereeniging, as set out below. They carried out nine attacks, in the process murdering three people and committing multiple rapes on six women, including young girls. In most instances they took firearms, jewelry, television sets and other expensive household goods and drove off in the owner's vehicle.

Their reign of terror started the night of 10 October 1995, when they overpowered David and Cornelia Ruck in their home in Walkerville. They strangled Cornelia to death and tied up her husband, before robbing them of a vehicle, a trailer and a large quantity of household goods. A week later they attacked a group of seven people in a house and an adjacent shop at Sweetwaters. They robbed a large quantity of goods and one of the women was raped ten times.

In December they attacked another house at Sweetwaters. They raped a minor girl three times, and robbed a motor vehicle, firearm and other items. The following night, in the vicinity of Grassmere, they fatally shot Bekikie Malevu in the stomach and robbed him of his firearm.

The next spate of attacks followed in March 1996, when they went to a house on a smallholding near Vereeniging, where they robbed the two female inmates of a motor vehicle and other items. They also attempted to rape one of the victims, but she luckily escaped. A week later they attacked another couple on a plot at Apple Orchards. They raped the wife six times before leaving with two motorcars and other items. Nine days later they attacked the four black inmates of another house near Walkerville, again robbing two motorcars and other goods. A minor girl was raped twice.

In April they attacked a couple at Hartzenbergfontein. The wife was raped and the couple was then robbed of a light delivery van, two firearms and other goods. Finally, the evening of 27 April they attacked the Craig family, Ester, Jeannette and Noël, in their home near Walkerville. They shot and killed Ester Craig, and robbed a motorcar, three firearms and other items.

Nine of the gang were caught eventually and prosecuted on several counts of murder, rape, robbery with aggravating circumstances and unlawful possession of firearms and ammunition. After an extended court case seven were convicted, and the matter was finalized on 2 December 1999 when they were sentenced to very long periods of effective imprisonment. Reuben Shabangu (aged 23) received 45 years, Collen Sithole (25) received 68 years, Gift Modau (24) received 113 years, Samuel Mkhuma (25) received 100 years, December Mkhuma (22) received 128 years, Simon Skosana (27) received 40 years and Meshack Mkhuma (28) received 63 years.

#### Comments:

This is clearly a case where a gang was involved in attacks on smallholdings. They came from the De Deur area, and also from Sebokeng and Soweto.

They committed many rapes. One woman was raped ten times; another six times. The gang robbed anything that they could lay their hands on, often escaping with the victim's motorcar.

There is no indication that there was any motive other than common criminality, and the attacks were similar to the reign of terror of gangs operating in some urban areas and informal settlements. Although the majority of victims were white, one of the victims murdered was black, as was one of the young girls who got raped.

During an interview on 2002-09-17 the prosecuting state advocate stated that there was no indication of any political motives for the attacks, and that the crimes had been the result of common criminality.

It is perhaps noteworthy that in none of the cases was a charge of burglary laid against the attackers. One therefore has to assume that they gained easy access to all the homes.

## **ANALYSIS OF THE CASE STUDIES**

Although the facts of the four cases studies incorporated in Chapter 6 are not given above, they are also used for the analysis below. Because of the extraordinary circumstances of the December Gang cases, however, they are ignored for the present purposes. The 45 case studies confirm many of the conclusions that can be drawn from looking at farm attacks in general. Farm attacks can take many forms but certain patterns can often be discerned. In fact, the similarity between some farm attacks is quite noticeable. These recurring patterns enable one to generalise on the nature of farm attacks and to take preventative measures on that basis.

It should be stressed once more, however, that the case studies are not a statistically valid sample of farm attacks in general because they are fall within the very serious category and their selection was not random enough. The frequency of a certain set of circumstances in the case studies should therefore not be taken as an indication of its incidence in general. For example, the proportion of cases where there were fatalities or overt political overtones is much smaller amongst farm attacks in general than in the case

studies. Nevertheless, the other features of the case studies correspond to a large degree with the nature of farm attacks in general described in Chapter 2.

In 7 of the 45 cases there was evidence that the attackers had prior knowledge of the circumstances obtaining on the targeted farms or smallholdings, while in 6 cases they had reconnoitred the areas. In two cases they approached the farm on some innocent pretext, such as wanting to buy something. In nine of the cases the victims were ambushed away from the farmhouse, perhaps while travelling along the road, while in eight cases the attackers broke into the house while the owners were away and waited for them to return. In four cases the employees or other inmates of the house were overpowered and tied up first by the attackers, who then waited for the farmer to return. In two cases the attacks were thwarted, while in the rest of the cases the victims were overpowered inside the house. In 26 (57.8%) of the case studies the attack took place inside the house, compared to 50.8% for farm attacks in general during 2001.

In the 45 cases there were a total of 110 victims, with an average of 2,4 victims per case. The average for farm attacks in general in 2001 was 1.4 victims per incident. In all but 8 of the cases murder was committed, a total of 49 (44.5%) of the victims being killed, including a young girl. This is much higher than the national average of 10.5% for 2001, which emphasises the seriousness of the case studies. In two cases the victims were killed while trying to flee from the attackers, in four cases they were killed while offering some resistance, and in at least six cases the victims were killed execution style, sometimes even with their hands tied behind their backs. In a few cases there was some logical reason for killing the victims, such as to prevent later identification, but in no less than 32 instances (71.1%) it would seem that there was no real reason for killing the victims. Eight of the victims were black and two coloured. One black and one coloured victim were killed.

In the case studies six of the victims were raped, making up 5.5% of all the victims or 11.1% of the 54 female victims. This corresponds very well with the general figures of 5% and 12.3% respectively. One of the victims raped was a young girl, and one was a coloured farmwife. In fact, most of the rape victims of farm attacks in general during 2001 were black women.

Twenty two (20.0%) of the victims were assaulted, the severity of the injuries varying from slight to very serious. This compares to 34.6% of victims of farm attacks in general in 2001. The reason for the low percentage in the case studies is probably that so many victims were killed. Three of the injured victims were black. One young girl was injured very seriously.

The ages of 80 of the victims are known. Seven (8.6%) were under 20 years, 11 (13.8%) were between 20 and 39 years, 28 (35.0%) were between 40 and 59 years, and 34 (42.5%) were 60 or older. The youngest was 5 years of age and the oldest 86. (In two cases there were also babies, but they are discounted for statistical purposes.) One can therefore see the large preponderance of middle aged and especially elderly victims. The percentages in each category for farm attacks in general are 5.9%, 31.2%, 34.4% and

28.4%. The victims' ages in the case studies therefore tended to be older. It may therefore confirm the impression of the Committee, for which there is no objective data at the moment, that elderly victims are more likely to be killed than their younger counterparts. The reason may have to do with the relative frailty of the elderly or the fact that some of the elderly victims are less able to handle the situation during a farm attacks properly. In one of the case studies, which the Committee does not want to identify, the son was overpowered and tied up. When the father then arrived, he started an altercation with the attackers, and was summarily shot dead.

In 42 of the case studies, robbery was committed. Nothing was stolen by the attackers in only three of the cases. In two of those cases the victims drove off after being ambushed and wounded in their cars, while in the third the attack was thwarted when the police arrived on the scene, but even in these three cases it can be said with a fair degree of certainty that the primary motive for the attacks was robbery. Unfortunately the statistics in this regard for farm attacks in general are inconclusive. In six of the cases revenge was mentioned as one of the motives, while in seven cases there were overt racial or political overtones. (In one of these cases, however, the purpose of the racist remarks was patently to mislead the police.) In all the cases where the motive might have been revenge or of a racial or political nature, the attackers also robbed items. One also cannot exclude the possibility that some of those attackers who claimed that the attacks had been motivated by political or racial issues, did so in order to evoke some sympathy.

It is clear that the items most sought after by the attackers were money and firearms, while items such as cellular phones were also in demand. Very often the victims' motor vehicles would also be loaded with loot and driven away. In farm attacks in general during 2001, money was robbed in 31.2% of the cases, firearms in 23.0% and vehicles in 16.0%. The differences may be ascribed to the fact that the majority of the attacks in the cases studies took place on farms, where weapons were more likely to be found.

In the case studies firearms were used in 33 (73.3%) of the attacks. This compares to the 63.8% for farm attacks in general. The difference is probably due to the fact that the case studies all fall within the very serious category. In several cases the firearms used to assault or kill the victims had actually been stolen or robbed from the victims themselves, while five of the firearms used had been stolen on another farm. Some of the most vicious attacks, however, were carried out with other weapons, such as knives.

There were at least 114 attackers involved in the other 45 case studies. (In some cases there might have been more than the known number of attackers.) There were therefore an average of 2.5 perpetrators in each attack. Four of the attackers were killed by the security forces or other farmers. In six cases the perpetrators could not be traced or there was insufficient evidence for a prosecution. Two of the prosecutions led to an acquittal because the State could not prove the case. In the other 36 cases some 78 accused were convicted. Their ages varied between 15 and 47, the average being 25.5 years. Most were in their twenties. The average awaiting-trial period was about 18 months.

In 36 cases, 58 accused were convicted of murder. The death penalty was imposed on

two of them (four times on one accused for four murders). One later received amnesty from the Truth and Reconciliation Commission, while the death penalty of the other one was commuted to life imprisonment after the abolition of capital punishment. Thirty one were sentenced to life imprisonment for the murders, including nine with double life sentences, while the others received sentences of imprisonment varying between 15 and 50 years. There were three sentences of less than 20 years, the accused being 16, 18 and 23 years old. On the other hand, some accused of below 18 also received sentences in excess of 20 years.

Sixty two of the accused were convicted of robbery or housebreaking with intent to rob and robbery. They all received sentences of imprisonment of between 6 and 25 years. Most, however, varied between 10 and 20 years imprisonment.

Six accused were convicted of rape. Life imprisonment was imposed on one, while the sentence of the others varied between 9 and 20 years.

The sentences imposed on the accused in the case studies were almost all very severe. The only exceptions were sentences imposed on a couple of youngsters and one accused who had a lesser role to play in the farm attack. The Committee also thought that the sentences of 9 and 10 years imposed on two rapists respectively in one case were too light. These relatively light sentences were the exceptions, however.