
INTERIM REPORT

COMMISSION OF INQUIRY INTO THE ELLIS PARK STADIUM SOCCER DISASTER OF 11 APRIL 2001

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HIGH COURT OF SOUTH AFRICA**

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COMMISSION OF INQUIRY INTO THE ELLIS PARK STADIUM SOCCER DISASTER OF 11 APRIL 2001

INTERIM REPORT

1. **INTRODUCTION**

1.1_ Mr President, on 20 April 2001, following injuries to scores of people and the tragic loss of lives at a soccer match between Kaizer Chiefs Football Club and Orlando Pirates Football Club at Ellis Park Stadium in Johannesburg on 11 April 2001, you established a commission of inquiry into the incident; you also appointed me to chair the commission. Adv I A M Semanya SC, was subsequently appointed additional member.

1.2 **The Commission=s Terms of Reference**

The Commission=s terms of reference are published in Government Gazette No 22246 of 20 April 2001, Regulation Gazette no 7053:

AA. The Commission shall inquire into, make findings and report on the following matters:

1. The facts that led to the disaster on 11 April 2001 at Ellis Park Stadium, in particular:

1.1_ the events that took place on the day in question;

1.2_ factors which preceded the event and which led to the tragedy; and

1.3_ whether there was any mismanagement on the part of anybody.

2. The Commission shall report and make recommendations on how a similar occurrence is to be prevented in future.

1. These terms of reference may be added to, varied or amended from time to time.

2. The Commission shall commence with its duties forthwith.

3. The Commission shall have the power to publish interim reports

4. The Commission shall be subject to and be conducted in terms

of the provisions of the Commissions Act No 8 of 1947, as amended, and the regulations published thereunder.@

2. **THE NATURE AND STRUCTURE OF THIS REPORT**

2.1 This is merely an interim report; secondly, it will not include recommendations as to what steps should be taken to prevent a similar tragedy from happening again. This particular aspect requires further

research, consultations, comparative studies etc. In the meantime, however, it has been decided to release an interim report given the public=s anxiousness, particularly as to what led to the tragedy. Thirdly, in order not to burden the report, no attempt will be made to summarise the evidence, except where absolutely necessary.

Adv Semanya SC concurs with the report.

- 2.2 No Executive Summary has been prepared, it being hoped that the detailed index will make the contents of the report readily accessible.
- 2.3 Apart from the Introduction, this report deals with the following:
 - 2.3.1 Acknowledgments.
 - 2.3.2 Process and Procedure.
 - 2.3.3 The subject of the inquiry.
 - 2.3.4 The Venue: Ellis Park Stadium.
 - 2.3.5 The role players and their respective areas of responsibility on 11 April 2001.
 - 2.3.6 Relevant experiences of the past.
 - 2.3.7 Events prior to, and preparations for, the 11th April 2001 game.

- 2.3.8 Some of the material events found to have occurred on the day of the match.
- 2.3.9 Factors which preceded the event and which led to the tragedy, and mismanagement.
- 2.3.10 A few general remarks

3. **ACKNOWLEDGMENTS**

We consulted with a number of people in the United Kingdom who are experts on the safety and security of the game of soccer and its administration. We also read some of the publications on the matter, including reports of two commissions of inquiry into similar disasters in that country, namely, the Inquiry by the *RT Hon Lord Justice Taylor into the Hillsborough Stadium Disaster on 15 April 1989*; and the *Committee of Inquiry into Crowd Safety and Control at Sports Grounds chaired by Mr Justice Popplewell*. We were able to visit two stadia in that country. We also had the benefit of a report by a commission of inquiry, chaired by the late Rodger Sishi, into the Orkney soccer disaster which occurred in 1991 when the same teams met. The list is not complete.

4. **PROCESS AND PROCEDURE**

4.1 Following the publication of the Government Gazette constituting the Commission, several interviews were held with the media for wider publicity; the purpose was to invite members of the public and role players to make inputs into the work of the Commission. Wide spread publicity was given by the media to the processes of the Commission, for which I express my appreciation.

4.2 Meetings were also held with the legal representatives of the role players to arrange days for the hearing of oral evidence. Despite the inevitable difficulties in reconciling the availability of the different participants and the urgency with which the matter had to be addressed, we were able to settle such dates. I record the Commission=s indebtedness to the legal representatives in this respect. A special word of thanks must also go to Adv Attwell and his team that included Advocates Ledwaba and Gangadu. They did good work in leading evidence on behalf of the Commission; the same must be said about the police who were assigned to assist the Commission. Another

word of thanks must go to the secretariate of the Commission.

- 4.3 The hearings commenced on 16 July 2001. There were, inevitably, a few adjournments in between. In the end, evidence was heard over a period of about 10 weeks. A total of 47 witnesses testified. Some of them had to relive their traumatic experiences of the night in question, as also to endure what was sometimes an inordinately long cross-examination. I am grateful for their input; the same goes for the relatives and friends of the victims who appeared before the Commission.
- 4.4 In the course of the inquiry, it became necessary to conduct a formal inspection *in loco* and to make various observations which turned out to be highly enlightening. I express my appreciation to the assistance given by the Ellis Park Stadium management in facilitating and arranging the inspection *in loco*.
- 4.5 I record my thanks to Mr Trevor Phillips of the United Kingdom, the former Chief Executive Officer of the Premier Soccer League, for making time to come to South Africa specifically for the purpose of testifying

before the Commission.

4.6 At the conclusion of the evidence, the legal representatives of the various role players submitted written argument. They were also invited to make oral submissions if so advised. Their arguments were constructive, objective and of tremendous help to the Commission.

4.7 Given the nature of the mandate and the fact that this unfortunate incident was a repeat of similar tragedies in other parts of the world, we visited a few authorities in charge of football in the United Kingdom to learn from their experiences. The co-operation, understanding, assistance and compassion given by the people we met was invaluable. Special thanks must also go to the then South African High Commissioner in London, Ms Cheryl Caroulus and her staff; they facilitated the Commission=s work in that country.

5. THE SUBJECT OF INQUIRY: THE 11th APRIL 2001 DISASTER AT ELLIS PARK STADIUM

5.1 During the early evening of Wednesday 11 April 2001 a large crowd of

people descended onto the Ellis Park Stadium, Johannesburg, to watch a soccer match between Kaizer Chiefs Football Club (Kaizer Chiefs) and Orlando Pirates Football Club (Orlando Pirates). The event was to turn into the worst soccer disaster the country had known. A stampede ensued. At the end of it all, 43 people had lost their lives and scores had sustained injuries of varying degrees.

- 5.2 The game was a Premier Soccer League fixture. There had been two previous unsuccessful attempts to schedule the match for earlier dates; the problem was fixture congestion and the clash between national call-ups of the teams= players and the league=s fixtures. The game was very crucial as the outcome thereof had the potential to determine the league=s championship of that particular season. The two teams were themselves amongst potential champions. For this reason, there was bound to be a large number of spectators; especially because the two teams have the most supporters in South Africa and are both based in Johannesburg.
- 5.3 The match was a so-called home fixture for Kaizer Chiefs which had Ellis Park Stadium as its home ground. It is accepted practice in soccer that

home fixtures offer an added advantage to the home team in certain respects: for example, the team would hope to attract a larger number of supporters at such a venue and would be much more familiar with the pitch; on the other hand, such a team incurs certain security responsibilities.

6. **THE VENUE: ELLIS PARK STADIUM**

What follows is a broad description of the Ellis Park Stadium, with reference to some of its features relevant to this inquiry.

- 6.1 Ellis Park Stadium lies east of Johannesburg in the Doornfontein area. It is one of the premium stadia in the country with a capacity of about sixty thousand (60 000) spectators. Adjacent to it is the Johannesburg Stadium, also a superb facility designed along the lines of leading international venues. Ellis Park Stadium forms part of what is otherwise known as the Ellis Park Sporting Precinct. The precinct is a world-class sports, recreation and entertainment venue. It is located within walking distance of Johannesburg Central Business District and the densely populated neighbourhoods of Berea and Hillbrow. It is

easily accessible by road and rail and offers some of the best sporting facilities in the world. The precinct is bordered by Charlton Terrace in the north, Bertrams Road in the east, Miller Street in the south and a railway line and Siemert Road in the west. The areas immediately adjacent to the precinct are affected by activities within it; in particular, the businesses and industries between Miller Street and Bezuidenhout Street, and the Egoli Triangle, to the south of the precinct. Its facilities are centred around the African Plaza, a landscaped pedestrian area and are surrounded by seven-and-a-half hectares of open space. Designed to cater for up to 150 000 people at any given time, the precinct (not the stadium) offers facilities for a very wide cross-section of the community on a sustained basis.

- 6.2 The Ellis Park Stadium does not, however, have any formal parking for spectators, except for some areas that are reserved for AVIP@ parking. On event days, the streets surrounding the stadium are congested with parked vehicles and most businesses and industries in the area hire out their parking to spectators.

- 6.3 Ellis Park Stadium has an outer perimeter fence that runs from the middle of the northern stand next to the Upper Ross Street, around the east side to South Park Street next to gates 7, 8 and 9. There are other sections of the fence along Ove Street to Upper Railway Street and certain sections of the perimeter along Staib and Currey Streets.
- B The one entrance to the stadium lies on the south-west side of the stadium, closest to gates 10, 11 and 12. It is at this point that a fair amount of spectators including those who use the railway gain access into the stadium.
 - B Lying to the north-east corner of the stadium is the main gate which is closest to gates 4, 5 and 6. The majority of spectators use this entrance to enter the stadium. The stadium management has always been aware that this entry point normally gets congested during matches that draw a large number of spectators; the same applies, to a lesser extent, to the entry in the south-west side.
 - B Between the outer perimeter fence and the stadium proper(property

otherwise belonging to the local Municipality) is a large area that accommodates spectators *en route* to various gates at each corner of the stadium.

- 6.4 The Commission has been told that Ellis Park Stadium is accredited by FIFA, SAFA, SARFU and the IRB as a suitable test venue. It has a Sony Jumbo Tron screen, an Advertisement Scroll, an Internal and External Public Address System, a Medical Surgery Unit, a Media Centre, an Individual Telephone Services for thirty-two media personnel (accommodating fifty internally), a South African Police Services charge office, a Joint Operation Centre, two spotter kiosks, thirty-four internal food and refreshment kiosks, a ticket printing and issuing office and eight change rooms. For night games it has a lighting lux level of one thousand six hundred and four standby generators for emergency, and additional electrical requirements. The stadium has electronic evacuation roller shutter gates which can be controlled jointly and individually by either an electronic switch, or manually.

- 6.5 **The Joint Operation Centre** (JOC)

- 6.5.1 Ellis Park Stadium had a purpose built Joint Operation Centre (JOC) situated on the northern stand of the stadium. The room had a glass face giving a wide view around the stadium save a small section underneath it and the top sides of the northern side of the stadium on either side. Behind the JOC was another room that was used to house additional members of the joint operations team. The JOC was fitted with a transmitter and a radio. Since the incident the JOC has been moved to the southern side of the stadium, rebuilt, refurbished and even better equipped.
- 6.5.2 Seated in the JOC on 11 April 2001 were: a representative of Ellis Park Stadium who was manning additional radios for two security companies, a representative of the Visible Policing unit of the South African Police Services, representatives of two security companies and a Premier Soccer League representative (the latter is alleged to have been present for only a very short period of time). There was also a

representative of the Johannesburg Metropolitan Police.

6.6 **The Scaffolding: Erected specifically for the day in question**

The stadium management erected scaffolding for the day to create additional channeling of spectators towards gates 4 and 5. It must be said that the scaffolding was a potential safety hazard. Moreover, the area where the scaffolding was erected serves, according to the stadium design, as an exit point during evacuation. The video footage of the emergency rescue operations shows an ambulance whose access to the pitch could have been impeded by the scaffolding at the tunnel entrance. To suggest that ambulances were not meant to come onto the pitch does not excuse the creation of a potential hazard and obstruction.

6.7 **The Railings**

There were some railings at each corner of the lower terraces of the stadium. These were made of metal and were affixed to the concrete stairs that run from the top of the gangway to the bottom section of the

stadium. The stated purpose of the railings was to separate the sections of the stadium as well as to offer support as a handrail. The railings in the north-east corner were damaged when some of the victims got trapped and crushed against them. The railings were therefore a potential safety hazard.

6.8 **Suites and access thereto**

The stadium has several suites. The suite areas represent approximately ten thousand (10,000) of the sixty thousand (60,000) seats offered by the stadium.

Given the history of Ellis Park as a rugby stadium, the majority if not nearly all of the privately owned suites belong to companies whose main interest is rugby as opposed to soccer. In most instances where soccer is staged at Ellis Park, many suites remain unoccupied with the result that they are referred to as a A ring of shame@. This must be because whereas a large number of soccer fans would be congested in the open grand stands, these suite areas would remain unoccupied.

7. **THE ROLE PLAYERS AND THEIR RESPECTIVE AREAS OF RESPONSIBILITY ON 11 APRIL 2001**

7.1 **Ellis Park Stadium Management.**

Ellis Park Stadium Management had contracted several security companies to offer specialised security services for that day; it also had to provide its own security team, emergency medical services at the stadium, and the room referred to above as the Joint Operation Centre (JOC) in which parties charged with security would be represented; the management was also tasked with the printing, issuing and distribution of tickets and the co-ordination of the operational meetings. The above were only some of the responsibilities of the Ellis Park Stadium management in relation to that game.

7.2 **Kaizer Chiefs.**

The club used the stadium as its home ground. The relationship between Kaizer Chiefs and Ellis Park is *ad hoc*; however, it is said to be loosely governed by a document entitled A Ellis Park Stadium Promoter=s Guide@. There is a serious dispute between Kaizer Chiefs

and Ellis Park Stadium management as to who was in overall charge of security, each contending that it was the other. As will appear later, this situation did have a negative effect on the maintenance of security on the day in question.

7.3 **Orlando Pirates.**

It was the visiting team. The team carried no real security responsibilities, besides providing a contingent of security personnel, including the head of its own security, as a component of the Premier Soccer League security team.

7.4 **Contracted security companies.**

They were Stallion Events Management (Pty) Limited (that subcontracts Viper Reaction Unit), Diligence Services Holding (Pty) Limited, Wolf Security Group (Pty) Limited, and Associated Prevention Services (Pty) Ltd (APS) - a subsidiary of Associated Intelligence Network.

7.4.1 **Wolf security**

It was to control access into the stadium proper and the suites. It deployed two (2) special events managers and three hundred and two (302) special events officers who would be dressed in an identifiable outfit. Their function was to control access into the stadium by tearing the tickets of the spectators, and routing spectators through into the stadium. The personnel were to man each turnstile on the outside and the inside.

7.4.2 **Associated Prevention Services**

It deployed twelve (12) members who would look after the AVIP@ areas; there was also a representative in the JOC. To that number would be added sixty (60) reaction officers.

7.4.3 **Stallion Events Management**

It deployed one hundred and forty-five (145) control officers, sixteen (16) armed guards, two (2) additional armed guards

for the administration building and seventy (70) reaction unit members in and around the stadium. The responsibility of this company was to man the gates of the outer perimeter and the parking area; it would also provide reaction units (Viper) that would defuse small conflicts whenever they arose.

7.4.4 **Diligence Services Holdings**

It deployed eighteen (18) people in total whose responsibility was to ensure the security of the field, tunnel, change rooms and all the bars.

7.5 **Soccer bodies.**

7.5.1 **South African Football Association** (SAFA).

It is the national body in control of the game of soccer throughout the country, both professional and amateur. It is affiliated to the world body, FIFA.

7.5.2. **The National Soccer League** (NSL)

It falls under the jurisdiction of SAFA, and runs professional soccer in the country, including the Premier Soccer League (PSL) whose fixture the game was. PSL was to provide one hundred and fifty (150) security personnel whose responsibility was to help at the outer perimeter, to assist with crowd control as well as the channeling of spectators at ticket selling points. Its security comprised a team from Kaizer Chiefs and Orlando Pirates each. PSL contends that the security personnel it deployed on the day was far in excess of two hundred and fifty (250). It insists, however, that its security personnel were merely to act as Marshals@.

7.6 **The South African Police Services** (SAPS).

SAPS had to be present to ensure law and order in and around the stadium and to prevent crime. The Public Order Policing unit was to

maintain public order whenever it was threatened. The Visible Policing unit (Vispol) were responsible for crime prevention and were in uniform. There was also a mounted corps and a bomb disposal unit.

7.7 **The Johannesburg Metropolitan Council.**

The council was to provide its police to ensure a smooth flow of traffic, including the prevention of obstructive and random parking of vehicles.

The council also had a disaster management unit, which was also primed to deal with emergencies.

7.8 **Soccer supporters.**

This was a very important constituency and played a major role that night. A huge crowd turned up, with people coming from different parts of the country.

8. **PRE-EVENT HISTORY: RELEVANT EXPERIENCES OF THE PAST**

Many witnesses testified about their experiences during previous clashes between the two teams.

8.1 **Kaizer Chiefs v Orlando Pirates : Orkney, 1991**

Kaizer Chiefs played Orlando Pirates in a friendly match in 1991 at Orkney. A stampede occurred in which forty one people were killed and many injured. Following the disaster, the National Soccer League instituted a commission of inquiry under the chairmanship of the late Roger Sishi. The following were some of the recommendations by that commission:

- 8.1.1 that stairways, access ways and landings should be kept clear at all times to avoid impeding pedestrian movement;
- 8.1.2 that in view of the fanatical support that Kaizer Chiefs and Orlando Pirates enjoy, it is essential to employ adequate numbers of security personnel whenever the two teams play against each other;
- 8.1.3 that security personnel should always be visible to the spectators;

8.1.4 that security personnel should always be positioned where they can have a clear and unobstructed view of the spectators and can monitor the latter=s behaviour.

8.2 **Kaizer Chiefs v Orlando Pirates : Ellis Park Stadium, 10 October 1998**

Problems occurred at this game and the police were forced to use rubber bullets. The role players involved had different versions, particularly as to what caused the rioting.

8.2.1 **The Version of the South African Police Services**

The records of the SAPS indicate that the game was marred by various incidents of violence, including damage to property.

The match was played on a Saturday afternoon. Records also indicate that whereas the capacity of the stadium was about sixty thousand (60,000), an estimated ninety thousand (90,000) spectators turned up. The SAPS points in a report that among factors that led to the violence were the following:

- B The fact that the PSL security personnel allowed spectators through the gates after corruptly receiving monies from them, resulting in ticket-holding spectators being unable to enter the stadium;

- B more spectators were allowed into the stadium despite the fact that the stadium was already full;

- B thousands of complimentary tickets were used, thus swelling the numbers far beyond the projections;

- B the issuing of complimentary tickets was apparently unsupervised;

- B the aisles, gangways and passages were congested with spectators making the management, policing and evacuation of spectators difficult;

- B spectators became unruly at 15:00, breaking down the

perimeter fence and the entrance gates when access to the stadium was being restricted;

- B when the police attempted to drive the spectators away from the perimeter fence they were pelted with bottles and stones; in response, the police fired rubber bullets and used shields and tonfas;
- B the PSL security officials were untrained and were believed to have been drawn generally from lay members of the public and could therefore not manage a crisis situation; PSL security officials were more interested in watching the game than in attending to their responsibilities;
- B soccer has a culture of selling tickets shortly before the event resulting in the ticket selling points being unable to cope with the pressure brought onto them.

8.2.2 **Kaizer Chiefs Version**

Kaizer Chief=s account of events is that whereas the stadium capacity was sixty thousand (60 000), comprising fifty thousand (50 000) on the open stands and ten thousand (10 000) on the suites, approximately twenty thousand (20 000) more spectators than the capacity of the stadium arrived at the venue. The pre-event operational plans had emphasised that the capacity of the stadium would not be exceeded and Ahouse-full@ signs were posted at 15:00.

Thousands of spectators who had bought tickets earlier found it difficult to get into the stadium as most of the gates were closed; ticket and non-ticket holders blocked the AVIP@ gate and vehicles could not access the stadium. In frustration, spectators coming from the Ellis Park Station started stoning AVIP@ cars; windows of the ticket selling cubicles were damaged and the cubicles set alight; spectators broke down the perimeter fences, and entry gates into the stadium were damaged; the unoccupied suites were also damaged.

8.2.3 **The Version of the Premier Soccer League**

There was massive damage to property during the event. Spectators broke through the perimeter gates, set alight ticket offices, broke stadium gates, barged into suite areas and in general caused mayhem and chaos. A ticket pre-sale campaign during the week preceding the event did not help as only thirteen thousand (13 0 00) tickets had been sold by the Friday before the match. Compounding the problem was that most people who had bought their tickets in advance arrived late at the stadium, as did those without tickets.

The PSL also recorded that there were approximately a hundred thousand (100,000) spectators on the day of the match, which number was far in excess of the capacity of the stadium. There were injuries, but no fatalities were reported.

8.2.4 **The version of Ellis Park Stadium Management**

The Ellis Park Stadium Management record of the events indicates that whereas the capacity of the stadium was sixty thousand

(60,000), comprising fifty thousand (50,000) seats and ten thousand (10,000) seats in the suites, the attendance for the match was between eighty thousand (80,000) and one hundred thousand (100,000). Only fourteen thousand (14,000) tickets were sold during the week prior to the match, with thirty-six thousand (36,000) available for sale on the day of the match. When capacity was reached, ticket sales were stopped and the supporters reacted by storming and breaking through the perimeter gates, setting alight ticket offices, ripping out stadium gates and barging into suite areas; damage to the stadium was between two hundred thousand rand (R200,000.00) and two hundred and fifty thousand rand (R250,000.00)

Ellis Park blamed the situation on the poor quality of the services of members of the PSL security; it was said that they were inexperienced, and not able to cope with the intensity of such a situation.

8.3 **Orlando Pirates v Kaizer Chiefs: First National Bank Stadium, 29 November 2000**

Several witnesses before the Commission also testified about this game. It was played on a Wednesday night on 29 November 2000 at the First National Bank Stadium, Johannesburg; a massive stadium popularly referred to as ASoccer City@. Evidence shows that the selling of tickets started at 17:30. The sale was slow and only started picking up at approximately 19:45 when a crowd of about fifteen thousand (15,000) to twenty thousand (20,000) arrived. There were thirty-four (34) cashiers.

The game started while a large number of spectators was still in the process of buying tickets, causing enthusiastic spectators to climb the perimeter fence in order to get into the stadium; others tore the fence down. Some of the spectators who gained entry in this way had tickets but were too impatient to get in through the turnstiles.

In his report on the incident to the Chairman of Orlando Pirates, the head of the team=s security described the events of that day as follows (taken verbatim from the report):

AThe game started to play 20:00. The spectators started to show up at around 19:30 and during that thirty minutes before kick-off B twenty thousand (20 000) spectators were seen outside the stadium trying to enter through the turnstiles. The gates were turning very slowly because of the counting. Three gates were forced open and we managed to control it again. When I was busy at the stadium, Mr Thidiela (the then head of the PSL security) approached me and said that I must open all the emergency gates that the spectators must gain free entry. I refused his request and after fifteen minutes Oupa, who is second in charge of security, came to me and reported that there are two gates being forced open by the spectators outside. Oupa was supposed to handle this matter.

We have tried very hard to control the spectators who had arrived later thirty to fifteen minutes to kick-off time. The emergency gates at FNB stadium were not so strong and the spectators managed to push it open but we tried very hard and closed the gate. Mr Chairman, I want you to know that the night game between Pirates and Chiefs it is always the case with spectators. Last year between the Chiefs and Pirates at Ellis

Park a similar scene happened that the spectator arrive thirty minutes before kick-off. Even at the game between Chiefs and Sundowns at Johannesburg stadium the same thing happened. Mr Chairman, I am requesting you not to allow the big games to be played at night because some were shot by the police, some injured, some died at Ellis Park stadium.@

The witness continued (taken verbatim from the report):

AAs the security members, having analysed the situation regarding night games, particularly involving Kaizer Chiefs on the 29 November 2000 and the Rothmans replay, it appears it will always be problematic dealing with spectators when they arrive. Spectators= arrival and queue to buy tickets started heavily from 17:15 on both occasions this is mainly because some come from far away and could not make it earlier as it was during the week and they had work commitments.

It is a known fact that games of this nature generate a lot of spectator=s interest and it will be advisable to play on a weekend.@

9. **EVENTS PRIOR TO, AND PREPARATIONS FOR, THE 11TH APRIL 2001 GAME.**

9.1 **Operational Meetings.**

9.1.1 On 27 March 2001 the following role players held a meeting in preparation for the game: Ellis Park Stadium Management, representatives of Kaizer Chiefs, PSL, South African Police Services, Stallion, AIN, Diligence, Wolf, Metro Traffic Management, Pick it Up Environmental and Johannesburg Sport. The minutes reflect that the meeting dealt with issues such as the number of security personnel required and equipment to be deployed. Notable in the minutes is that the Visible Policing unit would deploy a hundred and fifty (150) members plus one (1) who was to sit in the Joint Operation Centre. The Public Order Policing unit would deploy twenty five (25) members and four razor wire vehicles. Kaizer Chiefs (clearly reference to PSL security) was to deploy two hundred and sixty (260) security personnel. The meeting also

discussed the possible use of a big screen.

The minutes of the meeting, as amplified by the transcript, also indicate that there was consciousness on the part of the role players present that gates 4, 5 and 6, which are situated on the north-eastern side of the stadium where the main entrance is, had always been a problematic area. The minutes state in so many words that there are huge problems in respect of those gates at big games. This is what appears in the transcript:

AJVR: Mr Chairman can I just raise a few problems at the risk of being a pain in the butt? We're shooting ourselves in the foot there at gates 4, 5 and 6 with every big match. We know now what a trend is and we still keep on doing what we were doing we don't have enough tickets booths. At every single match there we need the police to come and help us

out because they break the gates down because there are too many people and too little Y that the one problem, the second problem is that Y. But the bulk of our people come through that gate, the bulk of the stadium comes through there and 12 (referring to the booths) is not enough. The problem is really, soccer is Y. When we started doing soccer the people used to come in at 08:00 in the morning to come watch the game at 16:00 in the afternoon. Now when a game is 20:00 at night they arrive at 19:00. When we've got 20 000 arriving at 19:00 we just don't have enough gates to get them through as simple as that. And we are all fine there is no shouting and screaming until the main match starts when that whistle go they break the gates down. I mean it happens to us every match and we just ride it through and we are being stupidY@

ACC: I do not think it=s the problem at the ticket offices as such, but it=s the whole areas where they go in, they go straight to gates 4, 5 and 6 and that=s the problem@

AJVR: I have a different problem concerning those gates. If you have a sound system that we use at gate 4 and I put in one of my black guys, its superb. What we do is, when the guys come in they just naturally, all stream to gate 4. Once that gets too crowded we close gate 4 and send them around to gate 3, 2, 4, 5 rather 5, 6 and 7. But to do that we need a good sound system and that sound system is not good enough. Is there anything you can do about that. Bearing in mind by that the guys are coming in with bugles and its mad house. But if you are really able to talk to those guys we can actually channel them it goes a lot faster and there is no injuries that the one thing and so far we have been pretty lucky but

we are going to have some injuries at some stage.@

AGS: Ok so to recap there, what you are saying is not necessarily a number of tickets being sold for a period, its actually accessing the stadium through 4, 5 and 6.@

AJVR: The problem really starts with Arnie and them because the amount of people that want to come through at the same time when the match starts the first big balls up is with them and I=m not saying with **them** but once again there is too many guys that want to get through the gate at rush. Up until then they are pretty okay. Once they hear the whistle and people start shouting they want through. Then when they get through it=s a run to get to our gate and that where the whole thing just gets worse.@

AAW: Bearing in mind we've got YY when we open up North Park Lane we got 22 lanes that will let people through they've only got 3 to get into Y. so it is a problem.@

AST: You actually need to physically close that gate otherwise the guys will stand at gate 4 and they will try to get into that gate 4.@

AGS: And now the question is should we not only open that later so that the guys would normally all the way through move around move around B so we just open it up so that the sitting in that area only gets filled in that last slot.@

Apart from the problems around gates 4, 5 and 6 the following matters were also considered: that the Public Order Police unit would deploy Nyala vehicles and also provide razor wire for deployment if necessary; mounted police; the provision of additional ticket selling booths; the

erection of a big screen in the North Park Lane area; the pre-sale of tickets through an expanded network; the installation of a public address system outside the stadium.

9.1.2 On 3 April 2001 a second operational meeting was held. Once more, there were representatives of the various role players, with the notable exception of both PSL and Public Order Policing representatives.

The minutes of that meeting reflect, amongst others, the following: that the number of police members (Vispol) was reduced from a hundred and fifty (150) to a hundred (100); the public address system was to be upgraded to enable the announcers to channel spectators through the correct gates; Kaizer Chiefs was to arrange additional megaphones; the possibility of utilising the big television screen at the neighbouring Johannesburg Stadium in the event of massive spectator overflow was to be discussed with the relevant people; Mr C Coetzee (the Ellis Park head of security) was to

co-ordinate a meeting of all the role players to discuss specific requirements of the Joint Operation Centre, as also to describe the role of each participant.

- 9.1.3 The third and final operational meeting was held on 10 April 2001. The Visible Policing unit increased their number from a hundred (100) to a hundred and twenty-five (125) members. Public Order Policing increased their number from twenty five (25) to fifty (50) with twenty (20) members on standby. PSL security reduced their own number from two hundred and sixty (260) to a hundred and fifty (150). The management of traffic was to be the responsibility of the Metropolitan Police who, according to the minutes of the meeting, were to deploy forty-five (45) members, plus one (1) in the Joint Operation Centre. Their skeleton staff was to be on duty from 07:00, and the perimeter to the stadium was to be closed at 14:00.

Also discussed were the following: once more, the use of a

sound system outside the stadium; a big screen at the Johannesburg Stadium; the use of room N523 by official spotters inside the stadium; that Kaizer Chiefs would have one person in the Joint Operation Centre and another in the spotters room with a radio. There was to take place a briefing of PSL security on the afternoon of the day of the game; razor wire would be brought; Stallion Security would bring an extra reaction team for deployment inside the stadium; ticket selling booths would be moved to outside of the perimeter fence; Mr Coetzee, head of the Stadium=s security, would facilitate a meeting where Joint Operation Centre requirements would be discussed.

9.2. **Classification of the game**

The minutes (and transcripts) refer to the terms AA category@ and (occasionally) Afull house@ apparently synonymously. In their ordinary meanings, these would mean - in terms of Ellis Park Stadium - 70, 000 spectators. During evidence before the Commission, however, witnesses referred to a further AA plus@ category, meaning a sixty

thousand (60,000) spectator game at Ellis Park Stadium: AA@ category *simpliciter* now only referred to a crowd attendance of forty to forty five thousand (40- 45,000) (i.e a number safely below an ordinarily understood Afull house@ capacity), for which lower figure various of the parties later at the Commission hearing claimed they had in fact planned; this despite the fact that some witnesses acknowledged that they expected a real full house.

According to SAFA guidelines, PSL was supposed to be in overall charge of security at a game of this magnitude.

9.3 **The Mobile Screen**

9.3.1 The minutes of the operational meeting of 27 March 2001 reflect a discussion about the use of a big mobile screen that could be situated at the North Park Lane. The minutes read:

AMD: Mr Chairman if I can recommend we have done it in the past (addressing the situation of spectators who

come too late to buy their tickets) we put a big screen outside in North Park Lane then the guys who (are) late don=t get agitated they can watch the game (if) they are a little bit late. It takes the pressure off B they turn not to Y.@

AGS: I understand that is quite expensive.@

ARH: Ja, but it is crucial.@

AEC: Ja, we used that as a solution at Kings Park before but it cost us a good forty or fifty grand.@

AJVR: I just have one problem with that big screen Mr Chairman. I agree that while guys are buying the tickets it=s great, but once he has bought his ticket he doesn=t give a damn about the big screen and that=s when our problem comes. Because the big screen is right over there and he wants to get in

here.@

AAW: Mr Chair I would disagree with that because we work North Park Lane and that thing since prior to us having the big screen and do not understand obviously its huge financial implication but prior to that these guys used to come here and break down the gates every game. As soon as that big screen went up we never had that problem again.@

AST: I don=t have a problem with that but maybe we just have to talk to Chiefs and then let=s go 50/50 on the big screen otherwise we put in the big screen and there goes our money for the night.@

9.3.2 During the discussions of the operational meeting of 3 April 2001 the meeting addressed the issue of a big screen in the following terms:

ARH: For that game, will have more people for the crowd management part of it. Particularly on the north side, we can also adjust it depending on how the ticket sale go and also the screen will help.@

AGS: So a lot will depend on the screen?@

ARH: Yes.@

9.3.3 In the discussions of the operational meeting of 10 April 2001 the meeting further addressed the issued of a big screen in the following terms:

APN: Is the big screen going to be at the ticket sale offices at North Park Lane?@

AGS: At this stage it=s not.@

AVC: Is there anything at the Johannesburg stadium?@

AGS: We had a meeting with them, he=s got to come back to us if we can turn it on or not. The problem that they have got is that they are setting up for Greace, they=re putting the equipment in there and they want it locked off. So that takes that big screen out of it then. We=ve had quotes and need to talk about it straight after this, but they tell me it=s an expensive exercise.@

ANM: Mr Chairman have you been quoted for the big screen? Is that what you said?@

AGS: Yes. I think the decision will be made straight after this, as the cost decision. What we try to do to relieve part of the pressure, by creating more turnstiles or opening accesses. But we know that that definitely helps us a lot. But it=s a financial decision.@

APN: On the issue of the screen, Mr Chairman, what it

does is it relieves the pressure from the ticketing.

Traditionally they leave it the last minute, and when we get a huge rush on the ticketing, and the screen was over there so that the people, when the game started, they can take their time and buy the tickets.

To relieve that pressure. Pressure on other two gates, into the precinct and into the stadium that remains constant. But we don't have the screen then we are going to need, Y. I think Thami=s people will have to manage that, because we won't be able to unless we bring in additional.@

AGS: Well we=ve touched on the ticketing, maybe we can talk about it further. But it is a point. It makes sense to have the screen, but it will have a cost implication for Kaizer Chiefs.@

9.3.4 It is clear from the foregoing that at all the three operational meetings, the possible use of a big screen was discussed; despite this, in the end it was never used.

10. **SOME OF THE MATERIAL EVENTS FOUND TO HAVE OCCURED ON THE DAY OF THE MATCH**

10.1 **Traffic congestion and the blockade of the stadium by abandoned vehicles**

10.1.1 According to the evidence, by approximately 19:00 the roads leading to the stadium were congested with vehicular traffic.

The lane designated for AVIP@ entrance was blocked.

Witnesses who used vehicular transport told of immense difficulties in reaching the stadium; the result was late arrival at the stadium. The Chief Executive Officer of the Premier Soccer League, despite using the AVIP@ lane, took more than an hour to reach the stadium, a distance that would have ordinarily taken him a mere fifteen minutes.

10.1.2 Evidence also shows that due to crowd pressure at the AVIP@ gate, the security personnel in charge decided to close it; this caused traffic congestion. Many cars were abandoned randomly making access to the stadium impossible. Some traffic officers were themselves unable to drive around the

stadium; it was also impossible to use tow-away trucks to remove offending vehicles as the trucks were themselves closed in.

10.1.3 The congestion on the access roads also hampered emergency and medical services vehicles that were called in to assist with rescue operations.

10.1.4 The Metropolitan Police tried to blame the congestion and the blockade on the drivers who had illegally parked their motor vehicles in the way. It was also suggested that even if a large contingent of the Metropolitan Police had been deployed, the situation would still have been un-controllable.

There is no explanation, however, why the problem was allowed to occur in the first place.

10.2 **The sale of tickets for the game**

10.2.1 The number of spectators who turned up for the match of 11 April 2001 was later said to be in the order of some eighty thousand (80,000). Approximately less than four thousand (4

000) tickets were pre-sold. The majority of the spectators bought their tickets on the day of the game.

10.2.2 Ellis Park Stadium management contends that by midday of 11 April 2001 it had printed sixty-two thousand (62,000) tickets.

It had offered to Kaizer Chiefs two thousand five hundred (2,500) tickets that were to be pre-sold at the Kaizer Chiefs village. The reason for printing sixty two thousand (62,000) tickets (more than the stadium capacity) was to ensure supply to those ticket booths that would outsell others. It was expected, the commission was told, that the tickets actually sold would not be allowed to exceed the capacity of the stadium.

10.2.3 According to the reconciliation, tickets printed and sold by the stadium management is fifty seven thousand six hundred and forty (57,640) and three thousand nine hundred and fourteen (3 914) were returned as unsold.

- 10.2.4 What causes some concern about Ellis Park Stadium=s contention regarding the printing and the selling of the tickets is that whereas sixty two thousand (62,000) tickets were printed, the evidence points to some fifty-two thousand five hundred and twenty-six (52,526) tickets having been sold and three thousand nine hundred and fourteen (3,914) returned. The two positions are not reconcilable, leaving as they do approximately four thousand (4 000) tickets unaccounted for.
- 10.2.5 Compounding the difficulties with Ellis Park Stadium=s contention is evidence suggesting that at 17:00 on 11 April 2001 Kaizer Chiefs representatives requested the printing and issuing of two thousand (2 000) additional tickets when realising that the ticket booths were fast running out of supply in the face of a large number of spectators. Kaizer Chiefs say this request was met, despite the fact that Ellis Park had in the past shown some reluctance to print additional tickets under similar circumstances. There was a second request for yet additional two thousand (2 000)

tickets thirty (30) minutes after the initial one, which was also met. Therefore, approximately four thousand (4 000) tickets were issued to the Kaizer Chiefs representative by 18:00 on the day. In this connection evidence by a representative in the Joint Operation Centre was that they heard some announcement over the Ellis Park Stadium radio that the tickets had been sold out and that more tickets were being printed. However, Ellis Park management argues that 4000 additional tickets could not have been printed within such a short time because their ticket printing machines are only capable of printing one thousand (1 000) tickets per hour.

10.3 **The announcement that tickets were sold out; and the reaction of the crowd thereto.**

10.3.1 According to evidence, at about 19:15 announcements were made that the tickets had been sold out, and that the stadium was full; spectators were urged to go back home. The announcement was not heeded; the crowd on the south-

western side was then diverted to the northern side for the tickets, causing the security to allow people into the inner perimeter for this purpose. The result was that large numbers of people moved to the northern side where they would have to go through gates 4, 5 and 6 after buying their tickets. A combination of these people with those who had rushed in over the collapsed perimeter fence on the north, created a wave of people the security personnel could not stop. They all pressed towards the direction of the above gates, particularly gate 4. Although Public Order Policing deployed the razor wire between the collapsed perimeter fence and the stadium in reaction, this was in some respect too late as thousands of people had already forced their way into the stadium. The entrance gates were ripped apart and a large number of spectators, estimated in the thousands, rushed into the stadium causing damage to, *inter alia* the roller gates.

10.3.2 Amongst those who went through in such an unauthorised manner were both valid ticket holders and non-ticket holders. Probabilities are that some of the spectators who stormed their way into the stadium did so when they realised that their prospects of obtaining valid tickets were nil. It is, in this respect, important to remember that among the supporters of Kaizer Chiefs and Orlando Pirates were people who had come from all over the country. The reaction of such people ought to have been foreseeable; more so if they had expected to find tickets at the stadium on the day of the match. A crush was to follow.

10.4 **The Crush**

10.4.1 After control at the perimeter fence was lost between 19:15 and 20:10: the stadium was bursting at its seams; thousands of spectators accessed the stadium without going through the control points, as the gates including the roller shutter doors had been broken. With a large number of people going through gate 4, people were pushed and crushed.

10.4.2 The following contemporaneous record kept by a representative of Wolf Security in the Joint Operation Centre gives an overview of the situation:

B at 19:10: there was a message through to his radio indicating that the tickets were sold out at 19:00 and that there were still thousands of spectators outside the stadium.

B at 19:30: gates 5, 7 and 8 were being closed and there was total chaos.

B at 19:40: total chaos and people were being Athrown from above@.

B at 19:45: gate 4 was broken open, the fence at gate 6 was broken down, roller gates at gate 7 and all other roller gates were broken open.

B at 19:55: total chaos with all gates broken and the place being broken down everywhere.

B at 20:05: the police were contacted and arrangements made for extra police. There was chaos all over.

B at 20:30: several people dead and disaster management was called in.

B at 20:45: 24 people dead and hundreds injured.

10.4.3 Witnesses gave deeply moving accounts as to what happened.

Take for example the story of one man who was with his two young children. They had tickets which allowed them in and they had duly entered through gate 4. They proceeded to the vomitory leading into the sitting area of the pavilion. As they reached the first set of stairs that sharply inclined downwards, there was a sudden push by a large group of spectators thrusting them forward. He lost his grip on the one child but managed to protect the other against the mounting pressure from people who were falling all over

them. He later realised that one child had been crushed to death. One woman told how she was trampled upon and lost consciousness in the process. Another witness related how he took a cellular telephone from a friend and contacted emergency police in desperation from where he was in the stadium. This has been proved to be true as a transcription of his conversation with the police operator was handed in as an exhibit. The same witness also testified that when he realised that there were problems he tried in vain to attract the attention of the security personnel by setting alight a piece of newspaper. He also says objects were thrown onto the pitch for the same reason; again, to no avail. All these things happened in the north-eastern corner of the pavilion.

The representative of Associated Prevention Services in the Joint Operation Centre recorded on her contemporaneous notes that she saw a burning newspaper among the spectators and that she drew the attention of the PSL representative in the centre to the incident. She states that

the PSL representative merely looked at the incident and did not think much of it. Although the PSL representative concerned disputes this evidence, it is, on the probabilities, true.

10.5 **The use of teargas, or similar substance**

- 10.5.1 A Captain Molapo was at the stadium that evening as head of Orlando Pirates security team. He says that once the crowd became rowdy, got out of control and pushed their way through gate 4 into the scaffolding, a member of one security company called on a member of another security company to Aput them under teargas@ or uttered words to that effect. He says teargas was then discharged. As this issue was hotly contested, it is necessary to summarise the evidence briefly and then give reasons why it is likely that the allegations are true.

- 10.5.2 The Captain describes the person who gave these instructions as a white male, with a white eye-patch. This description led to one Kruger being mentioned as the person who had an eye-patch that night. When he was asked to stand up during the hearing, Captain Molapo pointed him out. He was at the stadium that night and did have an eye-patch, although he says it was a black one.
- 10.5.3 According to Captain Molapo, a teargas canister was detonated and thrown amongst the people who were already in the scaffolding, causing a stampede. Captain Molapo says he actually saw some smoke. He knows teargas. He described the uniform of the team whose member discharged the teargas. It became common cause that the uniform was that of Viper Security. From the video footage, it became clear that the witness could only be referring to a member of this team. He says members of the team carried on their persons what looked liked teargas canisters. He also described their helmets. The captain said that he was a few meters away from Kruger when the call was made.

- 10.5.4 The captain also referred to a prior incident at the same venue during which the same witness sprayed some substance into the face of a spectator. That spectator turned out to be a Provincial Deputy-Commissioner of SAPS who also testified before the Commission; amongst other things, he confirmed the incident. That incident is of course not necessarily proof of the truth of the allegations of 11 April 2001 levelled against Kruger.
- 10.5.5 The video footage viewed does not conclusively show teargas canisters on the persons of members of the concerned team. The helmets on the footage do not appear to be exactly as described by the captain; however, the pictures are not conclusive on this point either, particularly to someone who is not familiar with the variety of helmets of that nature.
- 10.5.6 Reference must also be made to the evidence of one spectator, a so-called ANo 1" supporter of Orlando Pirates.

He was seated on the southern side of the stadium. He says he and others caught the smell of teargas at some stage just before the game started. They gesticulated to the officials that there was some smell of teargas. He says Kaizer Chiefs supporters seated on the western side of the stadium, must have also caught the teargas smell because they too were gesticulating to the same effect.

10.5.7 On the video footage, some of the spectators were seen covering their noses. But counsel pointed out that it is clear, at least from other footages, that these people were on the southern or south- western side of the stadium, as opposed to the northern side where teargas was allegedly discharged.

10.5.8 A voice from one of the television commentators is clearly heard from the video sound track saying that they were having a repeat of the Zimbabwe situation. It is common cause that this was reference to an incident in Zimbabwe in 2000 at a soccer stadium during a World Cup qualifying game between that country and South Africa when teargas was

fired into the crowd inside the stadium. The commentator does not say why he made this remark. It is fair to say, however, that one of the reasons was the sight of people covering their noses.

10.5.9 Evidence was given to contradict the allegations against Mr Kruger, as well as the use of teargas. Mr Kruger testified and denied the allegations. He also denied that he had a white eye-patch; he had a **black** one on. He says even in the darkness of night he uses a black one. He admits though, that at one stage he was in the vicinity of gate 4. He says he could not have given instructions to a member of another security company. His task that night was limited to carrying a two-way radio communicator for his own team, though he was not the team leader.

10.5.10 Mr Kruger was hardly a convincing witness. He totally underplayed the role and relationship he had had or still had with the Ellis Park stadium as on 11 April 2001. It is common

cause that he is the son-in-law of the head of the Ellis Park security; that he had been to events at Ellis Park in the past and been seen in the company of his father-in-law; that he had worked for Ellis Park before - something he only admitted during cross-examination. The reasons given for his bizarre conduct after the game had been stopped to put on a different bib are not convincing; a bib which was for that matter, the uniform of a security company of which he was not an employee. He could not remember whether the bib was put on top of his own, or whether his had already been taken off.

10.5.11 There were also other witnesses who said that they did not see any evidence of teargas having been used. The implicated security company also denies that it had teargas. Nothing further needs to be said about them in the light of the following: the situation was very fluid that night; it is impossible to determine whether any two people - except those who moved inseparably at all times - were at the same

point at exactly the same time; moreover, all the times mentioned were mere estimates; the crowd was large and disorderly, making observation difficult.

10.5.12 Reference must also be made to a medical report by one of the doctors who attended some of the victims that night. She says in her report that Aone of the victims had to be treated for teargas effects.@ It is common cause that the doctor=s report does not constitute her own finding to that effect, but that she merely recorded the patient=s account. Even so the report is still of some value because it is proof of the fact that teargas was mentioned that very same night and is not, as was suggested, a recent fabrication.

What may not be clear is whether what was used was actually teargas, and if so, of what nature; for example, whether it was of the same nature as the one used by the police. The probabilities are, however, that a gaseous irritant, the exact nature of which is not necessary to determine, was discharged as alleged.

10.6 **Stoppage of the game**

The game started shortly after 20:00. From all accounts, it is clear that at the time it started many people had already been injured and lives lost. Eventually, rescue operations were launched. Some of the victims were taken from the stand and made to lie behind the northern goal posts while the match was still in progress. It took the then Chief Executive Officer of the PSL to stop the game; this was at about 20:40. Victims were shown on the screen in the stadium - a wise move which made the spectators appreciate why the game had to be stopped. More bodies and the injured were brought onto the field. The medical and paramedical teams sprang into action.

10.7 **The tragedy.**

Many people were crushed to death, and even more injured. The majority of the victims were on the north-eastern side of the pavilion.

This tragedy started unfolding well before the game started. The injured were ferried by ambulances and a helicopter to hospital. The game was abandoned a total of 43 people lost their lives, and 158 were

injured. Post-mortem reports indicate the death in each case as due to crush or stampede.

11. **FACTORS WHICH PRECEDED THE EVENT AND WHICH LED TO THE TRAGEDY, AND MISMANAGEMENT**

The points herein made are not dealt with in any order of importance. Secondly, subject to what is said in paragraph 11.1 below, no single factor can be said to have been decisive: the disaster was the result of a combination of all of them, each having contributed to a lesser or greater extent.

11.1 **Poor Forecast of Match Attendance**

On their own version, all the role players grossly underestimated possible attendance.

The records of the South African Police Services estimated that the match would be attended by about fifty thousand (50, 000) spectators.

The three operational meetings held by the role players state that the

number of spectators would be between forty five thousand (45,000) and fifty thousand (50,000). It is a mystery why this mistake was made, given in particular the following: the fact that each team enjoys a huge support; the history of rivalry between the two teams; their positions at the time on the league=s log, and the fact that both teams were based in Johannesburg where the stadium was. This was going to be a crucial game, the results of which could decide the championship. The match had all the ingredients for attracting a very large number of people.

Such a gross underestimation of possible attendance, must be seen as the fundamental cause of the tragedy: no plans were in place to deal with a capacity crowd, let alone a crowd in excess thereof (as it turned out to be the case).

11.2 **Failure to learn from the lessons of the past.**

There has been some failure to put past experiences to good use.

Similar or near similar incidents are discussed in paragraph 8 above; a

repetition is not necessary here. Such failure was not necessarily intentional or malicious; rather, it was in all likelihood the result of a false sense of security resulting from the fact that a preceding game between the two teams had gone off smoothly. Failure to heed lessons acquires special importance, given the fact that some recommendations are going to come from this Commission. It would be unfortunate if the experiences of 11 April 2001 were also to be ignored. All the role players were remiss in not adequately taking previous experiences into account in their planning during the operational meetings.

11.3 **Failure by the role players to clearly identify and designate areas of responsibility.**

In some cases, there was either a disagreement or a confusion as to areas of responsibility. This resulted in certain security functions either not being carried out properly or at all:

11.3.1 There is a notable disagreement as to whose responsibility it was to secure the outer perimeter fence against any possible violation by spectators. There were three possible role players responsible for this: the PSL security, Stallion and the Public Order Policing. However, none of them accepted this

responsibility. The PSL security contended that it had only marshalling responsibilities; Stallion, although identified in the operational plans as the entity charged with this task, saw their responsibilities as being limited only to manning access gates along the perimeter fence. The Public Order Policing unit, for their part, contended that their responsibility in that regard would arise only once public order was threatened; that is, they had no duty to act pro-actively or to guard the fence. The result was that nobody acted pro-actively to prevent the outer perimeter fence from being breached. Once the breach occurred, thousands of people rushed in and control of the situation was lost. That was the beginning of the stampede towards the gates.

11.3.2 No one was tasked with or accepted the responsibility of monitoring the crowd inside the stadium. There were two possible role players for this task (none of whom accepts this responsibility): PSL security or members of Diligence Security Company.

- s PSL security: according to the minutes of the meeting of 10 April 2001, a suite N523 was to be used by two spotters, one of whom was to come from the PSL security. The function of the spotters was to look out for problems that might arise in the pavilion. It is difficult to understand how two spotters could effectively monitor a crowd of about sixty thousand (60,000) spectators.

- s Diligence Security Company: some of their employees were deployed at various places along the field with supervisors moving from the one half of the field to each corner. However, they perceived their responsibility as being no more than ensuring that spectators did not invade the pitch during play. To this end their observations were limited to the first five rows of seats from the pitch, and around the field. Precisely because there was no effective monitoring of the crowd in the pavilion, trouble in the north-east corner was not picked up early enough, nor were the distress signals by the

spectators such as the burning of newspapers and the throwing of objects. The result was that the situation worsened and despite this, play commenced and continued for about 40 minutes before it was stopped.

11.4 **Absence of overall command of the Joint Operation Centre**

B The evidence is compelling that there was no particular person in overall command of the Joint Operation Centre, or of the entire event, who would receive all the information and take a decision.

Instead, there was a collection of independent heads of security groupings all of whom, to this day, deny that they carried ultimate responsibility; nobody had the final authority to issue commands from the centre. This was a glaring weakness in the security plans.

s The evidence shows that the joint operation centre was there by name only, in that the persons therein did not operate in a collective or co-ordinated manner; at least, not in the way that they

should have. The individuals who manned the centre were persons with no authority to take any corrective action on their own if any was needed. They conceived their responsibilities as being no more than to receive and relay messages.

- s There was also no proper co-ordination of information received in the centre by representatives of different companies or the police. Most senior personnel responsible for safety and security were at various places around the stadium without properly communicating with each other or sharing vital information that would inform corrective strategies.

11.5 **The inappropriate and untimely announcement that tickets were sold out**

- s The evidence indicates that at approximately 19:15 the stadium manager asked a senior Metropolitan Police representative to announce around the stadium that the tickets were sold out, that the stadium was full and that people were urged to go home and watch the game on television. The announcement, we were told, was made as a stratagem to discourage the many spectators who could not be accommodated in the stadium. The announcement

was made without prior consultation with, or warning to, the Public Order Policing unit, or some of the other role players. It should have been realised from previous experiences that whenever a large crowd of spectators realised that they would not gain access into the stadium, they would become agitated and try to force their way in. This is exactly what happened, resulting in the loss of control over the crowd.

- s It is conceivable that had the stadium manager consulted all the role players prior to the announcement being made, pre-emptive measures could have been taken such as the early deployment of the razor wire, the strategic positioning of security personnel around the perimeter fence and the deployment of mounted police.

11.6 **Failure to adhere to FIFA and SAFA guidelines**

- s Both FIFA and SAFA guidelines are specific that a game should not start until the situation inside and outside the stadium is under control. Yet evidence shows that when the game started, there were still thousands of spectators outside the stadium; many

places around the stadium were being vandalised; the gates were being ripped open; security personnel had been overwhelmed by the crowd; non-ticket carrying spectators were gaining access into the stadium; security was reporting total chaos outside the stadium; ticket-booths had been attacked and cashiers escorted under armed guards back to places of safety and terraces, stair- and gangways were crowded with spectators. It is clear that the commencement of the game was therefore in violation of the guidelines. The problem was that, due to lack of co-ordinated information, some of the officials inside the stadium, including the referee and senior soccer officials, were not aware of the scenario outside the stadium. It was not until 40 minutes into the game that the Chief Executive Officer of PSL, upon realising the tragedy, stopped the game. The argument that delaying kick-off could also have caused rioting is not acceptable; it all depends on how a given situation is handled.

11.7 **Unbecoming spectator behaviour**

11.7.1 South African soccer spectators were described as being amongst the world=s best behaved. The compliment and the accolade is valid for the vast majority of spectators and at most game attendances. It is also true, though, that South African soccer has recorded occasions of massive damage to property. The reasons for bad spectator behaviour are often the result of frustration when access to the stadium is, for one reason or another, denied, with many of the spectators having come from far; after all every person going to a stadium hopes to gain access.

11.7.2 However understandable the anger and frustration may be it is not acceptable behaviour to storm the stadium with consequences of damage to property and serious possibility of bodily harm to other spectators. The behaviour is reprehensible and deserves censure in the strongest of terms.

There is, moreover, evidence that some of the spectators arrive at a stadium, without tickets, very close to the time of the commencement of the game. In the result, pressure is

brought to bear on the ticket-selling offices, the marshalls, the security companies, the police and on the flow of people into the stadium. This is exactly what happened on 11 April 2001.

There is also evidence that some people parked their vehicles randomly, blocking the roads.

It would therefore be inappropriate to put all the blame on the game organisers. South African soccer spectators need to appreciate that their own conduct is as critical a factor as any other in the maintenance of safety and security at the stadium.

- 11.7.3 It must be emphasized, however, as did several witnesses including those from overseas, that the behaviour displayed that night was not characteristic of South African soccer spectators

11.8 **Sale of tickets at the venue and unreserved seating**

11.8.1 Failure to pre-sell tickets does not by itself lead to a tragedy of this nature; it depends on the circumstances, such as the popularity of a game. There is evidence that tickets were printed, issued and sold until close to the starting time of the game. The demand for the tickets kept on growing particularly from 18:00. On this particular occasion, the sale of tickets on site and on the day of the match did certainly contribute to the problems. The game was to be held midweek and in the evening when many people would only be able to go to the stadium after work; it was to be a very important (and possibly decisive) game. For these reasons, the sale of tickets on site held potential risk. This was compounded by the fact that seating was unreserved: at peak hour spectators would become anxious that they might not easily find a seat; too much movement in the stadium in search of a seat was the result and, when a seat could not be found, people stood in the gangways. Spectators already at the stadium would not readily accept being turned away once the tickets were sold out because they expected to obtain them on site.

11.8.2 When the stadium holds rugby matches, each ticket is allocated a particular seat. It was suggested that it was difficult to apply this system to soccer matches. Soccer spectators are said to be primarily from low-income groups, and therefore not particularly suited to purchasing tickets in advance of a match. Even admitting that many soccer supporters come from the low-income bracket, there is evidence that tickets had in the past been pre-sold. There was also an attempt to explain why it was not practical to implement a system of marked seats where soccer was involved. It was suggested that soccer spectators of a particular team would prefer to sit together in one pre-designated area of the stadium. This cannot be an insurmountable difficulty; for example, the system of colour-coding can be used.

11.9 **The use of teargas or a similar substance**

A finding has already been made that teargas or a similar substance was discharged amongst the crowd; the reasons for such a finding are found in paragraph 10.5 above where the issue is fully dealt with. The consequence of such an action was a panic reaction which either caused a stampede or aggravated it.

11.10 **Corruption on the part of certain members of the security personnel**

There was evidence, which could not be disputed, that some members of the security personnel allowed people into the stadium without tickets in return for money. Not only does this lead to the overcrowding of a stadium, but also agitates other spectators with or without tickets; especially the latter who are still in the queue for tickets. This corrupt practice is a recipe for gate-crashing.

11.11 **Dereliction of duty:**

Evidence shows that there was dereliction of duty on the part of certain security officials. This report limits itself to the following instances in which there was such dereliction of duty:

11.11.1 One witness after the other stated that there were no security officers at certain strategic points, and that as a result, there was nobody to demand tickets upon entry; people went through without tickets. Once this happened, pressure would then be brought to bear on the inner entrances. The result was that such few security officers as were found at the inner entrance points, could not control the crowd. Furthermore, as a consequence of such dereliction of duty some of the spectators were able to enter the stadium with their tickets intact, and then resell or hand them over to those outside. We were told that upon noticing this, security officers intervened. However, the fact is that this lapse of security contributed towards overcrowding the stadium.

11.11.2 Failure to pick up trouble inside the stadium at the north-eastern pavilion (where the disaster occurred). That there was a disturbance or commotion in that area, especially rows A 27 - B 27, cannot be denied: the video footages show this, and the majority of victims came from there. It has already been mentioned that the situation was so bad that bottles were thrown onto the field and a newspaper set alight in a desperate attempt to attract the attention of security personnel. Spectators also shouted at the top of their voices for help, to no avail. Despite all these attempts, and also what ought to have been a visible commotion in the affected area, the security personnel failed to take notice. If they were there as they claim, the conclusion is inescapable that they failed in the execution of their duty. It is in dispute as to which security grouping was directly charged with this responsibility; see, on this point, paragraph 11.3 above.

11.12 **Failure to use the big screen**

The overwhelming opinion on the use of the big screen was that it could relieve the pressure caused by spectators who, because they have arrived late, become anxious to obtain tickets before a game starts.

Indications are that the idea of using the big screen was abandoned because of cost implications to Kaizer Chiefs; this much is clear from the concerns expressed by a representative of the team in the meetings.

During the presentation of evidence on behalf of Kaizer Chiefs, it was suggested that the use of the big screen was not a unanimous view and that it was discarded because it was felt that it would have only achieved the opposite effect. The motivation for this contention was predicated on the fact that the television broadcast was not going to be live, but delayed by thirty (30) minutes.

Expert evidence indicates that it is technically possible to have had a live coverage on a mobile screen outside North Park Lane notwithstanding the fact that the television broadcast was going to be delayed.

There is no cogency to the contention that the live broadcast of the game at North Park Lane would have yielded undesirable results. On the contrary, the body of evidence is that it would have had a positive effect on the spectators still waiting their turn to enter the stadium. Further, the contention that the big screen would have adverse results is not borne out by the minutes of the discussions around the issue. The explanation that marketing and advertising considerations rendered the deployment of this strategy unnecessary seems to be an after thought. It is obvious that it is a position taken rather *ex post facto* as an attempt to remove the embarrassment that the use of a big screen, even though necessary, was jettisoned for financial reasons.

11.13 **Inadequate public address system**

s According to the minutes and transcripts of the operational meetings, there were discussions about upgrading the public address system outside the stadium to make it more effective.

s There were also supposed to be four (4) additional megaphones to be arranged by Kaizer Chief=s security for use by their designated members to address the crowd in different languages. According to the evidence several hand loudhailers were used at various stages of the evening but were not that effective. The public address system was also too inadequate to convey critical messages at material times. This breakdown of communication with the crowd made its control difficult.

11.14 **Failure by the Public Order Police Unit to react timeously and effectively**

The evidence of a representative of Wolf security company, Mr van Rooyen, is that at about 18h50 he noticed that the situation in the area of gate 4 was becoming a cause of serious concern; a large number of spectators were crowding there. He was so concerned, that he called representatives of other security companies, with the exception of the police, to a meeting at gate 4 to discuss the situation. Subsequent to that the outer perimeter fence and its gates were broken down and people rushed towards gate 4; employees of the Stallion Company

whose task it was to secure the outer perimeter gates, were overwhelmed. It was only after about 19h40 that the Public Order Police unit eventually deployed razor wire. The evidence of Captain Mkhwanazi, the unit's commander that night, that there had not been any need to deploy the razor wire earlier than it was done, cannot be accepted. While it is not for the Commission to prescribe to the police as to how to contain a situation, it is nonetheless clear that on this occasion they deployed the razor wire too late; a timely deployment could certainly have helped stem the tide.

18. **GENERAL REMARKS**

12.1 **The attitude of certain members of Private Security Companies**

Evidence has shown that the conduct of some of the employees of certain security companies left much to be desired.

12.1.1 Firstly there is a complaint particularly by the head of Orlando Pirates security, that they tended to be hostile to the spectators. In this respect, evidence was that certain

members of Wolf security company had a history of such a tendency; they would push and manhandle people. They showed on occasions a general disrespect for the dignity of spectators. Their duty was to assist people; but this they did not always do with the politeness that they should have displayed. They also showed contempt towards the PSL security personnel. In fact, on 11 April 2001, the latter refused to be debriefed by Ellis Park head of security. This kind of attitude is detrimental to the effective implementation of crowd control measures. There was palpable tension between PSL security and other security groupings.

- 12.1.2 At the game of 11 April 2001 there was an instance of open racial discrimination committed by certain security officers. A black person, who was in the company of his three white friends (one of whom being the witness who testified about this) was denied access into the inner stadium while the friends were to be allowed in; this despite the fact that he too had a valid ticket. This was around the time when pressure was mounting. It took vehement protestation from his white

friends to get him in. The witness was not able to identify the company concerned.

12.2 **Castle complimentary tickets**

At the commencement of each season the PSL issues to its sponsors five thousand (5 000) complimentary tickets. The tickets are issued in two batches of five thousand (5 000) each. Each ticket is valid for one unspecified match at any venue throughout the country. Following the abandonment of the match of 11 April 2001 and its re-scheduling, it was announced that spectators could still use their tickets. A number of these complimentary tickets were exchanged for the re-scheduled match. It was from this process that it was realised that such tickets may well have been used to attend the game of 11 April 2001. Incidentally, Kaizer Chiefs say they have objected to the use of these tickets at their games. There appears to be no system regulating where and when the tickets will be used; therefore when the total number of ordinary tickets for a particular game is determined in accordance with the maximum capacity of the stadium to be used it is not

possible to predict and take into account the number of complimentary tickets that may possibly turn up. It is obvious that the holders of such tickets would overburden the stadium. It is not possible to say how many holders of such tickets gained access into the stadium on 11 April 2001; but those who did so would have contributed towards the overcrowding of the stadium.

Signed at Pretoria on this 4th day of February 2002.

**B M NGOEPE: JUDGE PRESIDENT OF THE TRANSVAAL PROVINCIAL
DIVISION OF THE HIGH COURT OF SOUTH AFRICA
CHAIRPERSON OF THE COMMISSION**

Signed at Pretoria on this 4th day of February 2002.

**ADV I A M SEMENYA, SC
ADDITIONAL MEMBER OF THE COMMISSION**