



FINAL REPORT

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

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

FINAL REPORT

PART I

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:

"A. 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.

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

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

D. The Commission shall commence with its duties forthwith.

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

F. 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 the Commission's final report. It is a joint report of the two members. In order not to burden the report, no attempt will be made to summarise the evidence, except where absolutely necessary. The evidence has been transcribed and occupies several volumes. Conclusions were drawn from this evidence.

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 This report deals with the following:

(Part I)

2.3.1 Introduction

2.3.2 Acknowledgments.

2.3.3 Process and Procedure.

2.3.4 The subject of the inquiry.

2.3.5 The Venue: Ellis Park Stadium.

2.3.6 The role players and their respective areas of responsibility on 11 April 2001.

- 2.3.7 Relevant experiences of the past.
- 2.3.8 Events prior to, and preparations for, the 11th April 2001 game.
- 2.3.9 Some of the material events found to have occurred on the day of the match.
- 2.3.10 Factors which preceded the event and which led to the tragedy, and mismanagement.
- 2.3.11 A few general remarks

(PART II)

- 2.3.12 Recommendations

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 (now a magistrate). 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 secretariat 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 "VIP" 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.

- 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.
- 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.

- 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 "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 "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 "VIP" 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:

- 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;
- more spectators were allowed into the stadium despite

the fact that the stadium was already full;

- thousands of complimentary tickets were used, thus swelling the numbers far beyond the projections;
- the issuing of complimentary tickets was apparently unsupervised;
- the aisles, gangways and passages were congested with spectators making the management, policing and evacuation of spectators difficult;
- spectators became unruly at 15:00, breaking down the perimeter fence and the entrance gates when access to the stadium was being restricted;
- 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;

- 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;
- 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 "house-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 "VIP" gate and vehicles could not access the stadium. In frustration, spectators coming from the Ellis Park Station started stoning "VIP" 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 "Soccer 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):

"The game started to play 20:00. The spectators started to show up at around 19:30 and during that thirty minutes before kick-off - 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):

“As 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:

“JVR: 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

... that the one problem, the second problem is that 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 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 stupid ..."

"CC: 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"

"JVR: 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."

"GS: 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."

"JVR: 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."

"AW: Bearing in mind we've got ... when we open up North Park Lane we got 22 lanes that will let

people through they've only got 3 to get into ... so it is a problem."

"ST: 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."

"GS: 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 "A category" and (occasionally) "full house" apparently synonymously. In their ordinary meanings, these would mean - in terms of Ellis Park Stadium \pm 60,000 spectators. During evidence before the Commission, however, witnesses referred to a further "A plus" category, meaning a sixty thousand (60,000) spectator game at Ellis Park Stadium: "A" 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 "full 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:

"MD: 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 - they turn not to"

"GS: I understand that is quite expensive."

"RH: Ja, but it is crucial."

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

"JVR: 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."

"AW: 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."

"ST: 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:

"RH: 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.”

“GS: So a lot will depend on the screen?”

“RH: 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:

“PN: Is the big screen going to be at the ticket sale offices at North Park Lane?”

“GS: At this stage it’s not.”

“VC: Is there anything at the Johannesburg stadium?”

“GS: 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."

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

"GS: 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."

"PN: 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, ... I think Thami's people will have to manage that, because we won't be able to unless we bring in additional."

"GS: 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 "VIP" 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 "VIP" 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 "VIP" 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 uncontrollable. 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:

- 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.
- at 19:30: gates 5, 7 and 8 were being closed and there was total chaos.
- at 19:40: total chaos and people were being "thrown from above".
- 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.
- at 19:55: total chaos with all gates broken and the place being broken down everywhere.

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

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

- 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 “put 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 like 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 leveled 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 "No 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 "one 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.

- 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.

- 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**

- 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.

- 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.

- 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**

- 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.

- 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**

- 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 fed 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**

- 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.

- 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.

12. 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.

PART II

13A Introduction to Recommendations

We have learnt a lot from the English experience, as many of the ideas we express will show. In that country, drastic changes (involving major economic repercussions) were forced through and today, at the top level, the situation and conditions are allegedly so “sanitized” that the authorities are criticized for stifling the essential passion of soccer. Whatever the reason(s), safety and security of spectators (and players) must have been the paramount consideration. Their stadia require to be licensed, with strictly enforced spectator capacity limitations; there are police cordons in public thoroughfares well before the stadia are reached; rival supporters are kept separated at all times (before, during and after the games); no fireworks, bugles etc, are permitted; highly-trained stewards and police control spectators inside and outside the stadia etc.

Reports and recommendations of English Commissions cannot, in many respects, be summarily applicable to a country like South Africa.

- England is a richer country, and geographically much smaller than South Africa.
- Soccer has been the national sport there for well over 100 years, with the

relevant infrastructure now well-established.

- The stadia, at the top level of the game, are owned by the soccer clubs.
- These stadia are generally in the cities themselves, and are served by a highly-developed public transport system.
- Some of the problems experienced are peculiar to the English scene; for example, hooliganism and violent rivalry between the supporters.

The South African football scene differs markedly from the aforementioned and therefore requires solutions tailored to suit the local conditions and realities of an essentially “developing” country. Therefore, our recommendations, despite taking a lot from the English experience, must ultimately be informed by our unique situation and local factors.

13. The following were some of the factors taken into consideration in making the recommendations below.

13.1 The terms of reference of the Commission. In this respect, it was submitted on behalf of the police that the recommendations should include the following:

13.1.1 Statutory provisions prohibiting the private use of off-duty members of the South African Police Services as security personnel at stadia during the games. The Commission does not think that this matter properly falls within its mandate; this is a matter for the Ministry of Safety and Security.

13.1.2 That the Commission's recommendations should not only be with regard to soccer, but also with regard to all other games and entertainment events. It was submitted that if the Commission's terms of reference were not that wide, they should be amended and broadened. The Commission cannot go beyond soccer; at any rate, it is unlikely that other games or events will remain oblivious to recommendations the

implementation of which would also benefit them.

13.2 The 11 April 2001 tragedy, and the fact that there had been other tragedies before, as discussed in Part I of the report.

13.3 The fact that by and large, big games are staged without incidents.

13.4 The fact that soccer is the most popular game in the country. While the safety of spectators is of the highest priority, care must be taken not to introduce measures which may kill the spirit of the game, or indeed hamper its development. In this respect, it should be noted that soccer authorities have managed to take the game to even the smallest of towns and villages and will need to continue to do so; stadia may, for example, therefore not all be subjected to the same stringent measures in respect of every game (we come to the categorization of the games, and the consequences thereof, later).

13.5 Many supporters are well-behaved; however, a few do cause problems occasionally.

- 13.6 The popularity of clubs is of great relevance; conversely, where clubs have fewer supporters and depending who they play against, the level of risk will be low; hence the categorization of games. The Ellis Park Stadium disaster has, however, shown that the assessment of risk or categorization of a game can be grossly inaccurate. The recommendations will, therefore, seek to enforce an accurate categorization of games.
- 13.7 The recommendations have taken into account the fact that the resources are limited. However, as against that, the Commission had to consider the fact that human life could be at stake and that the soccer industry generates a lot of income; it is only fair that the safety of those who support the industry must come first.
- 13.8 Football clubs in this country do not own stadia. The duty to ensure that the stadia are in a safe condition cannot therefore fall directly on the clubs. A legal duty must be placed on the owners of the stadia, to ensure that they are in a suitable condition in order to host games of certain categories.

13.9 South Africa is lucky to have a number of quality stadia which can host important and big games. The recommendations made below, such as the certification of stadia as being suitable to host games of certain categories, are made with the comfortable knowledge that we have many quality stadia in all major cities in the country; we are therefore satisfied that the measures we recommend are implementable. We give a brief profile of some of these stadia to illustrate the point.

– First National Bank Stadium: Johannesburg

Capacity ± 80 000; once the last face is complete, 110,000.

Built in 1989

Medical care centre – 1

General public medical centre – 1

Outside gates – 6

Turnstiles – 42

Has a joint operation centre

- Ellis Park Stadium: Johannesburg

Capacity ± 60 000

Constantly upgraded since 1982

Medical care centre for surgery and care – 1

First aid satellite centres – 2

Additional medical emergency facilities

Outer perimeter turnstiles – 40 (8 banks)

Inner turnstiles – 45

Has a certain counting system

Has a joint operation centre

Has CCTV surveillance system

– Minolta Loftus Stadium: Pretoria

Capacity – 50 000

Renovated in 1977

Medical care centre – 1

General public medical centre – 1

Gates – 9

Has a joint operation centre

Looking into installing CCTV

– Newlands Stadium: Cape Town

Capacity – 50 000

Renovated in 1997

Medical care centre – 1

General public medical centre – 1

Security, (outer perimeter) gates – 9

Entrance gates/turnstiles – 38

Has a joint operation centre

CCTV cameras inside and outside

– Kings Park ABSA Stadium: Durban

Capacity – 52 000

Renovated in 1999

Medical care centre – 1

General public medical centre – 2

Security (outer perimeter) gates – 8

Inner gates/turnstiles 43

CCTV Cameras inside and outside – 7 (and 19 more being installed)

Has a joint operation centre

– Telkom Park Stadium: Port Elizabeth

Capacity – 35 000

Built in 1960

Medical care centre – 1

General public medical centre – 1

Security gates – 5

Turnstiles – 23

Has a joint operation centre

- Free State Stadium: Bloemfontein

Capacity – ± 40 000

Built in 1995

Medical care centre – 1

General public medical centre – 2

Security (perimeter) gates – 6

Inner entrances (turnstiles) – 34

Has video surveillance facilities

Has a joint operation centre

- *Royal Bafokeng Sports Palace: Rustenburg

Capacity – 40 000

Built in 1999

Medical care centre – 1

General public medical centre – 2

Security gates - 7

- *Mmabatho Stadium – Mafikeng

Capacity – 59 000

Built in 1981

Medical care centre – 2

General public medical centre – 2

Security gates – 4

[*Information gleaned from documents prepared by or for SAFA, and not verified by the Commission]

The stadia are in a good condition, and they are in regular use. There are other stadia in these same cities and towns; furthermore, there are stadia in other cities and towns not mentioned here.

RECOMMENDATIONS

[In reading the recommendations that follow, it must at all times be borne in mind that they are primarily aimed at governing games with a high level of risk. We will not be repeating this point, except where it is imperative to do so].

14. The enforcement of safety and security must be in the hands of professional people.

14.1 There is an established practice to use private security companies. The lesson from the tragic events of 11 April 2001, as also from the evidence before the Commission, is that it is imperative that such security personnel be properly trained. Serious allegations of unprofessional conduct which exacerbated or could have exacerbated the situation that night were made. We recommend that such people must have received training at an institution accredited by, and registered with, the Security Officers Board.

14.2 The clubs often use their own stewards. Each club must ensure that its

stewards are trained and do not double as security officers. This need not be an expensive exercise; a club can have its own internal training mechanism.

For the purpose of this report, a distinction has been made between club stewards and security personnel proper. While the former help with crowd control in a broad sense, their duty is however a simple one: showing the people where the entrance is, where their seats are, etc. They cannot take security decisions or enforce security measures; matters of that nature must be left to professional security personnel.

The Commission is not minded to enforce the training of stewards through legislation; the soccer controlling authorities should enforce it and to this end, have effective sanctions against a club that fails to comply. Clubs must keep a register of their trained stewards. This will stop the practice, as the Commission was told, to take any available person from the street and use them for a particular game.

In making this particular recommendation, the Commission was influenced by a document entitled "Football Stewarding Qualification"

prepared by the Football League, The Football Association and the SA Premier League (of England and Wales).

15. Members of the security personnel, and other staff, must be dressed in easily distinguishable and highly visible uniform.

16. No fewer than four private security companies were sub-contracted to render services on 11 April 2001; poor attempts were then made to compartmentalize their duties. We recommend the engagement of as few a company as possible as this would facilitate co-ordination, something which was difficult to achieve on the day in question.

17. Games must be categorized according to a clearly defined risk-profile formula. The Commission heard evidence that games were classified into different categories according to the level of risk. This practice is encouraged. Games which hold a greater potential of risk should naturally attract more stringent measures. The Commission is of the view that an accurate classification of a game is a very vital step which, given the fact that it was in the past not diligently done, must be enforced through legislation;

accordingly, this aspect will feature in the recommended legal framework dealt with below.

18. Proper planning for the game should take place. To this end, meetings with all role players must be timeously held before each game and as many times as it is necessary. In contrast with the meetings for the 11 April 2001 game, all the role players should be represented, and by sufficiently senior people who will be at the game. There are many matters to be dealt with at such meetings, some of which deserve special mention later. What is emphasized at this stage is that the holding of such meetings is imperative and that they be taken seriously. We have gained the impression that some of the suggestions made at the meetings referred to above were not taken seriously.
19. The rehearsal of some of the essential parts of the plan, as to which, would depend on the circumstances. To this should be added the briefing of security personnel and the stewards.
20. What is said in this paragraph is actually part of the planning process already alluded to above; however, in the light of the experience of 11 April 2001, the point warrants separate mentioning: estimating the possible number of the

people that may attend. Indeed, there can be no proper planning without such an exercise; the more accurate the estimation, the more effective will the plans be. There are a variety of factors to take into account in so estimating; for example, the intensity of the rivalry between the teams, the level of interest in the competition, the implications of the outcome of the game to the championship race etc. Sufficient weight was not attached to these factors during the planning meetings.

21. Proper traffic control.

It is not intended to set out in detail how traffic should be controlled on the day of a big game. But the demarcation and/or closing of highways should be properly planned; a jammed traffic should be avoided as it would encourage the random abandonment of vehicles as it happened on that fateful night. Traffic authorities at the stadium must be firm; if need be, they should tow away offending vehicles at once. On 11 April 2001, tow-away vehicles eventually found themselves parked in!

22. Collaboration and consultations with public transport providers.

There ought to be timeous warning and consultation with public transport providers, eg. the train services and the taxi industry, to enable them to make provision for additional passengers and, very importantly, to announce in time their additional measures not only to take people to the stadium efficiently, but also back.

23. Encouraging people to use public transport to minimize traffic congestion. Special fares, in consultation with the public transport providers, may, for example, be considered. In the end, though, it is important to have an effective and dependable public transport system.
24. The provision of adequate parking at the stadium. While it is in the main the responsibility of the traffic authorities to ensure the smooth flow of traffic, the organisers of the game must provide adequate parking, both in terms of capacity and accessibility. The latter is particularly important: entry into the parking area must not hold up traffic unduly.
25. Parking for vehicles or drop off points should be safely away from the stadium, especially the entry points.

26. The installation of perimeter fencing:

26.1 There should be sturdy outer-perimeter fencing and gates, meeting certain nationally laid-down minimum specifications.

26.2 As to where ultimate responsibility for ensuring the integrity of this outer-perimeter fencing resides, should be clearly defined. It goes without saying that, in the absence of police cordons on access roads to the stadium, the outer-perimeter fencing/gates become the all-important first line of defence: once seriously breached, re-establishing public order inside the stadium grounds (or even inside the stadium itself) becomes severely compromised.

27. The number of entrances/turnstiles should be commensurate with the capacity of the stadium. An important factor to consider is the fact that almost without exception, a large number of people arrive during the last two hours or even less before the commencement of the game. The English experience suggests that the entrances into the stadium must, in relation to its capacity, be able to admit everybody within one hour. This is a commendable criteria. In this respect, account must be taken of the need to search people, or anything that

may slow down the intake.

28. Orderly queues should be formed and the stewards be committed to maintaining them. This practice would avoid uncontrolled crowding, which may cause a stampede even amongst ticket holders. There was evidence that on 11 April 2001 people jumped the queue with the help of security personnel.
29. There must be secure channeling at all entry points into the stadium itself, with narrow actual entry points quickly opening onto a wider open area on the inside.
30. There should be a mechanism to count the number of people entering at various points, which information should instantaneously and continuously be fed into a central point. This would enable those in charge to notice quickly when the stadium becomes full.
31. Timeous opening of the gates. No elaboration is necessary.
32. Effective ticket design. The designs must be such that the tickets would be difficult to be counterfeited, yet easy to process in order to avoid congestions.

It is suggested that the ticket should indicate the nearest entrance, where there is reserved seating or area.

33. Entry points into the stadium should as far as possible be kept clear of immobile crowd. No activity that can result in the congestion or immobility of the crowd, such as the sale of refreshments etc, should be allowed. There is for example a tendency to allow vendors to display and sell their wares in the vicinity of entry points; proper stands should rather be put up at designated places for them.
34. Essential information should be given to the spectators on emergency exits, emergency paths, and emergency telephone contact numbers (evidence has shown that some of the spectators carry mobile telephones). Some of the information may be printed onto the tickets.
35. The provision of public telephones at various points at the stadium.
36. There should be established at every stadium a central operation centre at which all the role players are represented. A good example is the one at Ellis Park stadium, referred to in our report as the joint operation centre. All

activity around the stadium will be fed into this centre, and co-ordinated from there. The joint operation centre at Ellis Park stadium has since been refurbished, re-equipped and better placed.

37. Proper monitoring of the crowd. This requires the installation of monitoring systems, such as closed circuit televisions both outside and inside. While it is recognized that this may be costly, it is our view that the industry enjoys enough support to enable it to carry these expenses. The monitoring should continue inside the stadium throughout the game. On 11 April 2001, it took too long for those charged with the duty to notice the stampede inside; not even distress signs such as the burning of a newspaper were picked up. People posted in the stadium around the pitch to monitor the crowd should have their back to the pitch. We saw it fit to mention this because that was not the case on the fateful night, at least as regards many of the "monitors".
38. It is important that timeous steps be taken to nib a potential problem in the bud. This may sound obvious; yet the evidence tells us that despite clear signs of trouble on 11 April 2001, no quick reaction was forthcoming. A representative of one of the security companies who foresaw problems, told how he tried to arrange a meeting of all the heads of security, without much

success. The deployment of razor wire was not timeous either. There ought to be some readiness and willingness to act decisively and timeously.

39. The pre-sale of tickets. In all games where the level of risk is high (that is, games of a particular category), tickets should be sold beforehand. This practice will remove one of the fundamental and immediate causes of overcrowding or a stampede which are associated with the sale of tickets at the stadium on the day of the game: the fact that tickets become sold out while many people are still waiting to buy! There is also the problem of anxiety not to miss part of the game. The pre-sale of tickets would also ease pressure on the entrance gates as people would, hopefully, arrive in time and head straight to the gates. We caution that, even in games where tickets are sold in advance, supporters without tickets will initially still go to the stadium until the culture of pre-sale takes root; there must therefore be contingency plans even at such games to deal with the ticket-less additional crowd.

40. To facilitate the pre-sale of tickets, there ought be established an easily accessible and efficient sale outlet throughout the country. There are many businesses or business centres which operate daily and for 24 hours.

41. If tickets are sold on the day of the game, the ticket selling points should be a good distance away from the gates.

42. The system of reserved seating is recommended. Spectators would be assured of getting their seats; moreover, the movement of people within the stadium (in search of an open seat which could be any distance away), would be minimized. There are many other obvious advantages which need not be gone into here.

The Commission is not unmindful of the difficulties associated with this system. For example, it was pointed out that supporters of a particular club usually want to occupy a separate section of the stadium. The system may be adapted in accordance with the practicalities on the ground; for example, a colour coding system may be used to reserve an area for the supporters of a particular club. The bottom line is that a supporter would be directed to the appropriate entrance at the outset. One of the disadvantages of the reservation of areas for particular supporters is that while one section may be "sold-out", the other may be "under-sold", resulting in some loss of revenue. This is the situation the soccer industry in England is able to live with; at any rate, the safety and security of spectators is paramount.

43. Where there is free seating, some seats are likely to become inaccessible. A five to ten percent reduction in capacity should be allowed in the sale of tickets. This is yet another English practice, which we whole-heartedly endorse.
44. No standing in gangways or in seating areas when a game is in progress must be permitted.
45. Maintaining a sound working relationship with the media. Soccer enjoys a lot of coverage in the South African media, especially the print media. Such a collaboration would facilitate the education of soccer supporters on many important issues. The media can for example help announce the pre-sale of tickets, adjustments of times, cancellations, public transport arrangements etc. Some of the reports in the print media often suggest that soccer authorities are not always trustful of the media, or at least not open enough.
46. Adequate public address system both inside and outside the stadium. This is vital for effective communication with the crowd. For example, to give directions or explanations for the happening or non-happening of certain events. A better informed crowd would be less irritated and anxious. Any

stadium which lacks an adequate public address system should not host big games, or, for that matter, any game. More about this when we discuss legislative measures.

47. The use of a big screen. We believe that it would keep the crowd in the queue less anxious.
48. The keeping of proper records and the recording of events at the stadium by the role players; for example, radio communications on crowd control. Evidence has shown that such records are useful for post-mortem purposes, and would also be useful for future planning. Moreover, every role player would know that all communications and activities are recorded; this would help minimize the possibility of carelessness or dereliction of duty.
49. Dangerous weapons should not be allowed into the stadium, including disposable containers which could be used as missiles. Experience has shown that while hooliganism is not a problem in South African soccer, some spectators occasionally throw objects onto the pitch when annoyed with a referee; this could cause not only injury, but also excitement or incitement.

50. Prohibition of the abuse of alcohol. Although there has been no evidence implicating the abuse of alcohol, it stands to reason that such a practice holds potential danger. The behaviour of a large number of people under the influence of liquor is unpredictable. In England it is an offence for a drunk person to try and enter the inner precincts of the stadium. By the same token, alcohol should not be carried into the stadium.
51. Body search. The police or other security personnel in distinct uniform, should have the authority to conduct reasonable body search. This should be done by trained people and with the appropriate attitude.
52. There must be a consistent adherence to the policies of the football authorities by role players, in particular the clubs or organizers of games. Consistency enables soccer followers to predict a particular course of events and adapt their conduct accordingly. For example, if a decision is taken that tickets are going to be sold in advance only, there should be no deviation on the day of the game. Inconsistency in the application of policies is apparent from what obtained on 11 April 2001: according to the policy of the PSL, security was supposed to be the responsibility of the host club (Kaizer Chiefs), yet the

agreement between the club and the Ellis Park Management was contended to be otherwise.

53. Conscientious and consistent adherence to Fifa, SAFA and PSL regulations on safety. This will include the following: that the game should not start until the situation inside and outside the stadium is under control. While it is obvious that there should be such an adherence, there was evidence of apathy resulting from a false sense of security on 11 April 2001. There also seems to have been some uncertainty, at least in the mind of some of the role players, as to whose responsibility it was to delay the start of the game or to stop it. It is imperative that people charged with the responsibility to take decisions on the safety of spectators be thoroughly informed about the Fifa, SAFA and PSL regulations.
54. The PSL must have a safety committee, headed by a national safety officer. This should be a person with appropriate experience, such as a former police officer; the same should apply as far as possible to the other members of such a committee. The main focus of the safety committee would be to act as an inspectorate to see to the general maintenance of safety standards, educating

sound supporters' behaviour and recommending legislative changes that are necessary from time to time.

55. Presence of the South African Police Services and in some instances, of members of the South African National Defence Force.

No game between, or involving, teams in the Premier Division should take place without the presence of the police; as to how many members should be present should be a matter for the police to decide.

No game classified as of high risk should take place without the presence of members of the Public Order Police Unit, and such other units as the police may in their discretion decide. Were the police authorities to so request for a particular game, every attempt should be made to deploy members of the SANDF.

56. We recommend the appointment of a national safety and security officer (as distinct from PSL's national safety officer) who will be a suitably qualified. Given the responsibilities of this person, he/she must be independent of the soccer administration and should be a police officer. He/she will, at the

national level, be the person in overall charge of safety and security at the stadia in respect of certain games. This officer will have the authority to appoint regional or even local safety officers to whom he/she would delegate powers and therefore need not personally have to attend all the time; for example, he/she may appoint a station commander or any police officer in whose area of jurisdiction a game is going to be held. Such an appointment and delegation may even be on an *ad hoc* basis. The appointee or delegatee will likewise be a suitably qualified police officer.

The safety officer would have the final word on matters of safety and security; for example, he/she may instruct the match commissioner/match co-ordinator to postpone, delay or stop the game. We recommend that in particular, the safety officer will also have the power to veto the categorization of a particular game, and put it into a category of a higher risk, upon information received. Accurate categorization of a game is very vital. We have already stated that the fundamental cause of the tragedy of 11 April 2001 was the underestimation of possible attendance.

57. Announcements to the crowd, particularly announcements with the potential to cause panic or anxiety, should be made with care; for example, when it is

announced that the game will be delayed, stopped or cancelled. Such announcements ought to be made at least:

- after consultation with all heads of security;
- after the plans are in place to deal with any possible reaction;
- in a calm and clear manner;
- when the time is appropriate.

Explanations must also be proffered.

The announcement that was made on the night of 11 April 2001 that the tickets were sold out, was made without prior consultation with all the heads of security and without plans in place to handle the reaction; the result was a disaster.

58. Educating soccer supporters; that is, inculcating the appropriate culture. This is a daunting task; yet it is a very important one. Most measures can only be implemented with the co-operation of the supporters. The following are some of the traits in the culture of local soccer supporters: to wait until the last minute to buy a ticket (often due to non-available of funds and/or concerns of

cancellation of the game for weather or other reasons); to only arrive at the stadium shortly before kick-off; attempts to get into grounds without paying (often with the collusion of poorly-paid corrupt officials).

The key to success is to make the supporters understand that all measures are aimed at ensuring their safety and security. Such an appreciation on their part is fundamental to their co-operation. The following are merely examples of aspects which the education should cover:

- that it is preferable to buy tickets before the game;
- that once a decision has been taken to pre-sell tickets for a particular game, anybody failing to do so would not be admitted;
- that it is important to arrive at the stadium in time;
- that the use of public transport is important in easing traffic congestion;
- that the referee's decision must be respected; although we are fortunate in this country not to have the problem of hooliganism in the game, isolated incidents suggest that some of the supporters need this kind of education. Very often the throwing of missiles onto the pitch (we have recommended the exclusion of dangerous or similar objects)

results from anger with the referee's decisions. Cultivating the right culture in the supporters must be seen as an ongoing process.

59. Whose responsibility should it be to educate the supporters, and how should that be done? The primary responsibility, we suggest, must lie with the PSL and the clubs. Every club in the country has a group of loyal supporters, with branches throughout the country (at least as regards the top teams). This network can and should be utilized to reach as many supporters as possible. Evidence before the Commission is that this network is used to distribute tickets; it can be used for the above purpose as well. The PSL can enforce such a practice, and indeed, it too should find ways and means of spreading the education: for example, through pamphlets and booklets.
60. The role and responsibilities of a match co-ordinator/commissioner, must be clearly defined and communicated to all other role players.
61. There ought to be a better fixture scheduling. Fewer teams in the top leagues (something which just very recently appears to have been done) will ease fixture congestion and alleviate problems such as last minute re-scheduling (for whatever reason) of big games.

62. It follows that for the enforcement of the above recommendations and other measures necessary for the safety and security of spectators, the soccer bodies require an efficient and committed management which puts the broader soccer interests above their own, and a heavy emphasis on the safety, security and convenience of spectators. The idea behind legislative intervention is to ensure accountability in this respect, by bringing in the participation of persons or bodies without a financial interest in the industry. The present situation cannot be allowed to continue.

63. Recommendations on legislative measures.

At the outset, it must be stated that there is a need for the introduction of special legislation to regulate the game in the interest of the safety of those attending. It was submitted that the terms of reference of the Commission be extended to enable the Commission to draft the relevant legislation or to participate therein. We do not think that this should be the Commission's task. We restrict ourselves to suggesting the framework, objectives and some of the aspects which need to be covered in the proposed legislation. What follows does not therefore pretend to be a comprehensive presentation of what should be in the proposed legislation. Government draftsmen will, after proper consultations, be better placed to produce a complete draft

63.1 The Act must identify the role players to be charged with the responsibility for the safety and security of the spectators. These role players will include the national security officer, the police, the owners of the stadia, the organisers of the games (the national body/the league/the club hosting the event), "and such other people or body or institutions as may have a material interest in the event."

63.2 The certification of stadia as being suitable to stage certain games for the season must also be provided for and regulated in the proposed legislation.

This recommendation derives from the English system, with slight adaptations. A certificate must be issued before the beginning of each season declaring a stadium suitable for the staging of certain categories of football games. This proposal recognizes the fact that games carry varying degrees of risk. It is also based on the assumption that games would be categorized accordingly. The English practice requires the issuing of a safety certificate by a local authority in respect of certain designated stadia. Our approach is rather to use the category of the game to be held as a determining factor, and prescribe that games of certain categories shall not be held at any stadium which has not been certified for the season as suitable for games of those categories. The advantage is that any stadium would be suitable for any game, except a game falling into a particular (high risk) category. Thus, if a team with a large support plays a smaller team in a small town, or two small teams play against each other, and the game falls in a lower category, a stadium may be used which need not meet the stringent conditions.

It is obvious that big stadia in the cities will strive to be issued with the certificate in order to attract games of all categories. Stringent conditions in small towns or villages may, hamper the development of the game.

The English practice, in terms of which the capacity may be reduced in accordance with the degree of the safety of the stadium, should be adopted. These are the details to be thrashed out in the legislation.

63.3 Who should inspect and certify the stadia? Legislation should identify the relevant authority. It bears mentioning, though, that the people to inspect and issue the certificate must be individuals independent of the soccer authorities, the club, or the owner of the stadium concerned. The guiding principle here is that not only should such people be independent, but must also be seen to be independent. If need be, a national inspectorate, or regional or local ones, may be created.

63.4 Criteria to be taken into account in determining the suitability of a stadium. The following are merely some of the criteria to be taken into account in determining whether or not a stadium is suitable to stage

games of a particular category:

- the inspectorate should, generally speaking, look at all the technical and other features of the stadia, details of which may be dealt with in the legislation if need be;
- the physical condition of the stadium;
- its accessibility to prospective spectators;
- the safety promoting facilities at the stadium;

It being essentially a matter of common sense, the inspectors must be able to take into account "any other relevant factors".

63.5 The provision of certain minimum security enforcement facilities. It should be compulsory for stadia to have certain minimum security enforcement facilities. The following are the guidelines:

- facilities to carry out a continuous counting of admitted spectators from the opening of the gates;
- crowd monitoring facilities, both inside and outside the stadium.;
- an effective public address system;

- effective communication system between all the security enforcement agencies;
- effective evacuation arrangements;
- mechanisms, such as the provision of multiple entrances, to avoid the concentration of spectators in any one particular area;
- proper lighting inside and outside of the stadium;
- emergency, medical and related facilities;
- the calculation of stadium capacity;
- seat numbering or identification (coding);
- the demarcation of standing areas where applicable;
- demarcated areas for family, children and disabled persons;
- proper signage.

63.6 The regulation of the employment of security personnel. The evidence disclosed lack of professionalism on the part of some of the people employed on 11 April 2001 to ensure the safety of spectators; serious allegations were made, some of them going back to previous occasions. The time is overdue to regulate the matter.

- 63.6.1 Where members of the private security companies are used, legislation must require that each such individual be registered with the recognized relevant body, such as the Security Officers Board, as a trained person; trained at an accredited institution.
- 63.6.2 A private security company should submit to the owner of the stadium, the security officer in overall charge, and to the head of the security of the hosting club, a full list of the names and other particulars of all members of its personnel to be used at a particular game; the list should be submitted by the latest at the commencement of the game, but preferably earlier. Such a list must be made available to other role players, or any person with a substantial interest.
- 63.6.3 The use of people not registered as described above, or failure to submit the list mentioned, should constitute a criminal offence. The sentence should not be a light one.

63.6.4 If the South African Police Service or the South African National Defence Force use their members, they will likewise submit the list of their participating members as proposed above.

63.6.5 Members of the security companies (as of course the SAPS and SADF) must have their name tags on at all the time.

63.7 Provision for the categorization of the games. Provision should be made for the classification of games, by football controlling bodies, and other role players, in accordance with the level of risk. The purpose would be to visit certain additional obligations upon the role players in respect of a category or categories with a higher level of risk. The Commission was unhappy that firstly, there was no diligent attempt to categorise the game of 11 April 2001, and, secondly, that there was no unanimity amongst the role players on the category of that game. This task should now become a statutory obligation.

As to what factors are to be taken into account, is a matter of common sense; they will include the popularity of the club or clubs involved, the

location of the game, the day of the week, the kick-off time, the relevance of the outcome of that game, the position of the teams on the log etc.

63.9 The authority to remove rowdy spectators out of and from the stadium.

The security personnel should be empowered to remove rowdy spectators out of or from the stadium or to deny them admission, and to use reasonable force for that purpose. This proposal once more underlines the need for the use of properly trained security personnel.

63.10 The designation of certain conduct on the part of the spectators as criminal. Closely related to the previous measure, would be the designation of certain conduct as a criminal offence; for example:

- entering without ticket;
- entering with dangerous objects or alcohol;
- invading the pitch;
- failure to obey orders of safety officials;

The criteria for such designation would be whether such conduct might cause disruption, incite riotous behaviour, obstruct gangways and passages, inhibit or obstruct security personnel from executing their duties properly, or generally endanger the safety of the people. Not only will such a designation enable the security personnel to act, but will also stigmatize that particular conduct and hopefully cause the spectators to refrain from indulging in it.

63.11 The sale of tickets by unauthorized persons (ticket touting) should be prohibited and made an offence; *inter alia*, provision should be made for the confiscation of any ticket sought to be sold in such a manner. This should particularly be the case in respect of the games where there has been a pre-sale of tickets. People should not have any hope of getting a ticket at the stadium shortly before the game. Touting of this nature undermines efforts to sell tickets in advance, and may also encourage counterfeiting.

63.12 The contravention of some of the provisions may be made an offence. The criteria will be the extent to which such a violation poses potential danger.

- 63.13 Generally speaking, punishment for the contravention of the provisions of the proposed legislation should not be light where a fine is imposed, especially when the offender is a club or a football authority. Given the kind of money generated, care should be taken not to prescribe fines which may be too low in relation to the money made in disregard of the law.
64. For the sake of completeness, we mention that the commission did not find it in its terms to express an opinion on what conduct, if any, would bring liability, criminal or otherwise, for the death or injury of those affected by the disaster. We believe other instruments and processes would deal with these aspects before appropriate *fora*.

Signed at Pretoria on this 29th day of August 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 29th day of August 2002.

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