

COMMISSION OF INQUIRY REGARDING
THE PREVENTION OF PUBLIC VIOLENCE
AND INTIMIDATION

INTERIM REPORT OF THE WALLIS SUB - COMMITTEE
OF THE GOLDSTONE COMMISSION

GOLDSTONE REPORT; GK - 35

363.320968 GOL

NOT TO BE ISSUED

INTERIM REPORT OF THE WALLIS SUB-COMMITTEE
OF THE GOLDSTONE COMMISSION

1.

The committee was established pursuant to the third interim report of the Commission dated the 21st December, 1992 having the following as its terms of reference:-

"A number of parties requested the Commission to inquire into the many incidents of violence that have taken place. To accede to all these requests would be practically impossible and will not add significantly to the Commission's understanding of the causes of public violence and intimidation in the areas in question. It is not the Commission's function to investigate incidents of public violence where the cause thereof is known. That is the function of the police. However, the Commission has established a committee, with the necessary concurrence of the Minister of Justice, in order to ascertain whether there are any incidents of violence other than political rivalry between the IFP and ANC".

FIRST

The Committee understands that its function is to ascertain whether there are any causes of violence in the Natal Kwazulu area other than political rivalry between the IFP and the ANC.



2.

The Commission and the Committee called for representations from the public and thereafter held initial public sittings in Port Shepstone on the 11th January 1993 and in Empangeni on the 13th January 1993.

3.

Wide ranging submissions were made to us at both these centres on these and other occasions and we were referred to a number of incidents of violence.

4.

It was clear that whilst many of these incidents arose from political conflict between the ANC and the IFP - a matter specifically excluded from our terms of reference - the parties appearing before us had identified other causes as having a material influence on the continuation of violence and intimidation in Natal and Kwazulu.

5.

Central to the allegations made by the various parties was that incidents of violence and intimidation were not followed, as they should in the ordinary course be, by the operation of the normal processes of law, namely, investigation by the police, arrest of the perpetrators and their subsequent prosecution, conviction and sentencing by the courts.

6.

This problem had to some extent been identified by the Commission

in paragraph 5.6.3 of its third interim report which reads:-

"5.6.3.1 Both the ANC and the IFP complained about the inability of or failure by the SAP and the KZP to apprehend and successfully charge the perpetrators of serious political crimes. On the other hand the SAP and the KZP complained about the lack of community co-operation when they seek to investigate such crimes.

5.6.3.2 In this area the Commission believes that international police observers could be of substantial assistance to both the SAP and the KZP. Their presence and involvement for example in selected police stations would go a long way towards lessening the fears of many that they would not receive fair and serious attention and adequate response to complaints.

5.6.3.3 Without the full co-operation of the communities in which they operate the police cannot be expected to perform adequately or successfully.

5.6.3.4 In this area, too, an adequate, well known and trusted witness protection programme would encourage witnesses to report information to the police.

5.6.3.5 Many parties expressed their concern at the frequency and ease with which bail is granted to persons arrested on charges relating to serious cases of public violence and intimidation. This phenomenon heightens fears of further

violence and acts as a form of intimidation that prevents witnesses furnishing information to the police. This, in turn, reflects badly upon the ability of the police to successfully bring to justice the perpetrators of such violence. More attention should be given by the appropriate authorities to the effect of the release of such persons in already traumatised fear-ridden communities.

7.

The representations made to us both confirm this and go beyond it by making allegations in specific cases that the perpetrators of violence either were or included members of the South African Police.

8.

The essence of the submissions made to us was that there are both active and passive causes of violence and intimidation in Natal and in Kwazulu; active in the sense that specific allegations were made that member of the South African Police were guilty of such conduct and passive in the sense that the failure to bring perpetrators (including members of the South African Police) to book encouraged further violence by withdrawing the restraints and protective measures which should operate to prevent it.

9.

We confine ourselves at this stage to the South African Police because separate hearings have been undertaken by the Committee in relation to certain allegations against the Kwazulu Police and it will be necessary for us to report on that separately. It suffices for present purposes to say that in broad

detail the allegations referred to above were also made against the Kwazulu Police particularly in regard to their activities in and around Empangeni.

10.

In order to test the allegations that there is a major problem in relation to the investigation of incidents of violence and in securing the arrest and conviction of offenders we requested and obtained from the Senior Public Prosecutor in Port Shepstone certain statistics relating to such cases. We attach hereto marked "A" the information obtained from him concerning incidents of public violence and unrest - overwhelmingly cases of murder, attempted murder and public violence - in the area of his jurisdiction.

11.

What emerges from that information is this:-

- (a) the bulk of such cases in the past two years in the Port Shepstone district are still under investigation with no one being arrested and charged even where a suspect has been identified;
- (b) even in cases where charges have been brought there are inordinate delays in bringing matters to trial and the bulk of the accused in such cases have been released on bail which tends in the public eye to convey that no steps have been taken by the law in respect of the offences which they are believed by the public at large to have committed.

12.

We understand that the situation in Port Shepstone is in no way unique and is typical of the situation in other areas where violence and public intimidation has taken place in the past few years.

13.

When in addition to these cases regard is had to the numerous incidents identified by the parties who appeared before us, we are satisfied that there are substantial problems being experienced in Natal and Kwazulu in regard to the investigation and prosecution of cases involving violence and intimidation and in many, and possibly the bulk of, such cases, no effective action is being taken against the perpetrators.

14.

We are also satisfied that this failure or inability to bring such perpetrators to account is itself a substantial contributory cause to further violence because it encourages the view amongst perpetrators of violence that they can continue their actions with impunity. It lowers the standing of the police in the eyes of the community and diminishes their ability to perform an effective job of policing, particularly in relation to the incidents of violence and intimidation with which the Commission is concerned.

15.

The submissions as placed before us particularly by the ANC, the IFP and the Port Shepstone Local Dispute Resolution Committee suggested that the Committee should itself conduct an investigation into the various incidents of

violence reported to it and to identify the perpetrators thereof. Whilst not expressly stated the hope appeared to be that this would result in the Commission exercising its powers in terms of section 8(3) of the Prevention of Public Violence and Intimidation Act, 139 of 1991,

16.

It seemed to us that the suggestion that the Committee itself or the investigating team of the Commission operating in Natal under Colonel Dutton neither could nor should engage in an investigation of all the incidents reported to us. From a logistical point of view the undertaking of such an investigation was simply not feasible. Secondly the Commission in its third interim report had already recorded its view that it was not its function to undertake such inquiries and that:

"....little significant advantage is to be gained by multiplying its inquiries into specific incidents of violence".

17.

Against this background the members of the Committee engaged in extensive discussion with the representatives of the various parties appearing before us with a view to ascertaining in what way the Committee could proceed with its investigations in a positive fashion. It is appropriate at this stage to record that all of the representatives who appeared before us adopted a helpful and co-operative approach in these discussions.

18.

We must say in this regard that we are firmly of the view that the problems of public violence and intimidation in this country will only be fully resolved once those whose actions and words contribute thereto acknowledge their responsibility therefor and participate willingly in steps to bring it to an end.

19.

We were therefore encouraged, after our initial meetings in Port Shepstone and our discussions with the various parties to receive from the South African Police a memorandum dated the 17th February 1993, a copy of which is annexed hereto marked "B", which contained the following acknowledgement:-

"Nevertheless the SAP is aware that the complaints levelled against it are due to the activities of these individuals, not without foundation and accepts that some of its members have:-

- (a) displayed an anti ANC bias;
- (b) attempted to discourage support of the ANC;
- (c) attempted to encourage support of the IFP;
- (d) committed acts of violence against supporters of the ANC;
- (e) refused to entertain complaints by ANC members;

(f) turned a blind eye to violations of the law by members of the IFP;

(g) abused their powers.

In the turmoil that is wreaking havoc within the community, this conduct cannot be allowed to continue and the perpetrators of these acts must be rooted out before credibility and effective policing can be restored".

20.

The Committee welcomes this candid approach and regarded it as a breakthrough in the difficult process of resolving the problems referred to above. We agree entirely with the sentiments embodied in the last sentence of the quotation and wish to add only this. It is not only necessary that members of the police force responsible for the conduct referred are rooted out, but also that the police force should be seen to be pursuing the perpetrators of violent acts even-handedly and with only one goal in mind, namely, to bring to justice the perpetrators of violence irrespective of their motivation or political affiliations.

21.

The significance of this candid approach by the SAP was recognised by other parties appearing before the Committee. Thus in a memorandum in response to the police memorandum they were described by the ANC as being "momentous and far-reaching".

22.

After these memoranda had been delivered to the Committee a further meeting was held in Port Shepstone at which the implications thereof were discussed between the Committee and the representatives of the various parties appearing before us. There was an strong feeling among all concerned that this opportunity should be seized and used as a basis upon which all concerned could build in a co-operative fashion the beginnings of a solution to the problems referred to above.

23.

At the meeting the following proposal was put to the parties by the members of the Sub-Committee. We could see little to be gained by engaging in an endeavour to allocate blame for the situation which had arisen. We sought, however, to build upon common ground which existed. We accordingly suggested that the ANC and the IFP should identify certain key cases the investigation and resolution of which would have the effect of reassuring members of the community that the police are there to assist them and that the justice system provides a satisfactory means of resolving their problems. We asked that these cases should be selected not simply on the basis of their importance to the organisations concerned, but also on the basis of those organisations having available to them information which and witnesses who would materially assist in completing the investigations leading up to the arrest of the persons responsible for the crimes in question.

24.

Once these cases had been identified the Committee would then, bearing in mind also the cases referred to us by the Local Dispute Resolution

Committee, select a workable number of cases and refer them to a special task force, established by the local police in the area, with a view to solving the crimes quickly and bringing the offenders to book. The key to achieving this lay in a mechanism for overcoming suspicion which all parties agreed existed and which might in other circumstances result in witnesses being reluctant to come forward to report what they knew to the police. We suggested that this problem could be overcome and the gap bridged if one or more members of the Natal Investigation Unit of the Commission, including possibly one of the foreign policemen seconded to the Commission, could join the police investigating team and act as a link or bridge between them and the community organisations and the witnesses produced by them.

25.

In making this proposal we were mindful of our obligations not only to identify the causes of public violence and intimidation but, wherever possible, to make recommendations in regard to the steps to be taken to eliminate such public violence and intimidation. We saw this proposal as a very small first step in the process of restoring community trust in the police force and as a means of enabling the SAP to demonstrate to the community their willingness to engage in impartial and effective policing in this area.

26.

The proposal was welcomed by the ANC and the IFP and their legal representatives agreed to support it. The Committee asked for and received undertakings from them that they would use their best endeavours to produce witnesses and information to such an investigation unit.

27.

The proposal was likewise accepted by the representatives of the police who appeared before us. They made it clear, however, that they would require approval at a higher level before such a proposal could be implemented. In doing so it was accepted that if there existed logistical problems in implementing such a proposal these could form the subject of debate before the Committee in order to resolve them prior to the implementation of such proposal.

28.

It is with considerable regret that the Committee must report that the necessary approval to implement this proposal has not been forthcoming from the police authorities. Our understanding is that it has been referred to the Commissioner of the South African Police but we have received no official response thereto. Approaches made to the Commissioner through the offices of the Secretariat of the Commission have likewise elicited no response. No approach has been made to the Committee to suggest any reason why the proposal is impractical or unworkable.

29.

Shortly after our sittings in Port Shepstone the attention of the Committee was drawn to allegations made against the SAP in regard to their investigation of incidents in the Mooi River area, particularly the burning down of the Bruntville Hostel in January 1993.

30.

As a result of these complaints and the investigations undertaken by

the Natal Investigation Unit of the Commission, the Committee conducted hearings in Mooi River on the 14th, 21st and 22nd April, 1993 and the 12th May, 1993.

31.

It would be inappropriate at this stage bearing in mind the interim nature of this report, to make specific findings in regard to the proceedings in Mooi River. It suffices to say that the evidence led before us and the contents of the dockets placed before us by the Investigation Unit provide a *prima facie* basis for either criminal proceedings or disciplinary proceedings to be taken against members of the South African Police. It is pertinent to note at this stage that the South African Police were represented by the same legal team in Mooi River as had represented them in Port Shepstone and Empangeni.

32.

At the last sitting of the Committee on the 12th May 1993, we heard the evidence of GENERAL VAN DER MERWE who is the commanding officer of the South African Police in the Natal Midlands area. Like the SAP legal representatives he expressed a sincere desire to restore normal relations between the police and the public in the area under his command and to examine and improve community relations in that area.

33.

At the end of this hearing we were asked by the legal representatives for the ANC and the SAP to adjourn further proceedings of the Committee in relation to events in this area in order to enable the parties through their legal representatives to meet and discuss matters with a view to seeing whether it would be possible to arrive at a common proposal which could be put before the

Committee for its consideration. Naturally we agreed to this.

34.

In agreeing to postpone the further work of the Committee on these matters we were conscious of the fact that it is highly desirable for this Committee to bring its work to a conclusion and report thereon. We felt, however, that this had to be balanced by the need, if our work is to have any purpose, to make helpful recommendations with a view to resolving the problems identified by us. It was, and is, our view that such recommendations are far more likely to be effective and have desirable results if they flow from agreement between the parties principally involved. It was for that reason that we acceded to the request.

35.

We pause at this point to mention that the indications from the evidence before us are that the problem of lack of confidence in the ability of the SAP to provide an effective policing service is not confined to those areas referred to in our terms of reference, which areas are particularly associated with public violence having a political origin.

36.

Relatively shortly after the Committee was established we received an approach from Advocate MADONDO, a member of the bar in Pietermaritzburg, as the chairman of the MSINGA CRISIS COMMITTEE, a body established in 1980, expressing concern about the continuing violence in the Msinga area, a matter which is of general public notoriety, and of which every member of the legal community in Natal is fully aware.

37.

The interesting feature of Mr. MADONDO's evidence, for present purposes, is that, as with the other areas in relation to which we had received submissions, there is a considerable complaint in the Msinga area of inadequate policing, similar in character to that reported in other areas. This leads us to believe that the problem is a widespread one and this is confirmed by the police officers forming part of the Commission's Natal Investigation Unit.

38.

The Committee accordingly attached considerable importance to the willingness of the SAP in Natal to engage in discussions with interested parties with a view to seeking a solution to these policing problems and their willingness to participate in endeavours, such as those suggested by the Committee, to resolve those problems.

39.

The discussions which ensued from the hearings held by this Committee in Mooi River took place between representatives of the SAP, the ANC and the Legal Resources Centre in Durban, which represents various people in the area. In addition, we understand that attorneys representing COSATU were involved in these discussions. The Committee itself did not participate therein.

40.

As was to be expected the discussions were not free from difficulty. This inevitably slowed the process.

41.

One of the factors which occasioned difficulties was the need for parties to revert to their principals for instructions on every issue. During the process this was resolved and the parties ensured that their representatives had a mandate to attend and participate in the meetings. To this end Lieutenant General STEYN, the Regional Commissioner of the SAP, appointed Brigadier General MEIRING to participate in the discussions.

42.

During August 1993, the members of the Committee were advised that as a result of these deliberations the parties had managed to reach an agreement which, although initially applicable to the Natal Midlands area, it was anticipated could be extended to other areas in Natal in respect of which the Committee has been investigating incidents of public violence and intimidation.

43.

We were furnished with a memorandum dated the 9th August 1993 by the legal representatives of the SAP which set out the agreement which had been concluded. We annex hereto marked "C" a copy of that memorandum.

44.

In essence the agreement embodied in that memorandum involved the establishment of a carefully selected police investigation unit in the Natal Midlands, which would investigate every case of misconduct laid against any member of the SAP other than unlawful conduct arising out of the driving of a motor vehicle. It was contemplated that this police unit would operate in close conjunction with a

member of the staff of the Attorney-General in Natal as well as the Natal Investigation Unit of the Commission and the International Police Observers. The unit would report a quarterly basis to the police reporting officer in Natal, Advocate NEVILLE MELVILLE.

45.

The unit proposed to be established in terms of this memorandum would operate on a more limited basis than that foreshadowed by the discussions before the Committee at its sitting in Port Shepstone. It would be confined to investigations of cases of misconduct against members of the SAP and it would operate only in the Natal Midlands area. The reservations felt about this were, however, tempered by the fact that the memorandum stated the following:-

"However, notwithstanding the intentions of the SAP to implement these proposals in the Midlands, it considers it desirable that a similar unit be established in Durban, Pinetown, Port Shepstone, Newcastle and Empangeni. However, due to constraints of time interested parties in these areas have not yet been canvassed on their views which are considered to be of importance if the units are to have the credibility necessary for their proper function".

46.

It was the view of the Committee and we believe of all interested parties that the establishment of this unit would provide the first step along the long road which needs to be walked towards an effective and credible police force operating in the interests of all members of the community.

47.

The Committee was gravely disturbed therefore to be advised, when it convened on the 12th August 1993 to receive these proposals, that, notwithstanding their approval by the entire hierarchy of the SAP in Natal, the Commissioner of Police had on the previous evening instructed the legal representatives of the SAP that they were not to be placed before the Committee.

48.

During the day on the 12th August 1993 we understand that substantial efforts were made by the senior officers in the Natal Region of the SAP to discuss the proposal with the Commissioner and seek to persuade him to agree thereto. Those discussions came to nought and the hearing on that day was aborted.

49.

We were advised at the hearing by counsel representing the SAP, that whilst the Commissioner did not object to the proposal in principle, he was unwilling to accede thereto because of the existence of the Security Forces Board of Inquiry Act. This is so, notwithstanding the fact that:-

- (a) that Act has not yet been implemented nor is it expected to be implemented in the foreseeable future;
- (b) there have been demands for the amendment of that Act, and this process will not only not come before the present Parliamentary session but it is unclear as to when Parliament will be able to consider it;

(c) the board of inquiry to be established under that Act will only deal with a limited range of serious offences namely:-

(i) murder;

(ii) kidnapping;

(iii) assault with intent to do grievous bodily harm if such assault is committed on a person while he is in custody;

(iv) defeating the ends of justice;

(v) a contravention of the Corruption Act, 1992;

(vi) any other offence which in the opinion of the Chairman of the Board and the Chief Executive Officer of the Board is of a serious nature;

(vii) any attempt to commit one of the offences set out in subparagraphs (i) to (v).

50.

It will be apparent from the foregoing that even if the Board of Inquiry had been established and was functioning it would not have the powers to investigate many of the complaints which exist against the members of the SAP. Certainly, only a few of the matters placed before us at our sittings in Mooi River would have fallen within the proposed ambit of authority of this Board. The power of the Chairman and the Chief Executive Officer of the Board to enquire into any matter which they view as being of a serious nature is insufficient to overcome the

problem that in many cases the establishment of a Board of Inquiry having these terms of reference would in no way meet the problems experienced in relation to certain members of the SAP.

51.

The Committee's further objection to this approach is that it does very little to meet the concerns expressed above. Thus, for example, the Board could not undertake the tasks we had envisaged in our discussions at Port Shepstone namely of investigating criminal activity in the context of incidents of public violence and intimidation which are of great concern to the affected communities where the persons responsible therefor are not members of the SAP.

52.

The attitude of the Commissioner of the SAP was commented upon in certain newspapers over the weekend following the abortive sitting of the Committee. This resulted on the 13th August 1993 in the Commissioner issuing a press statement, a copy of which is annexed hereto marked "D".

53.

We do not regard the contents of that statement as being an adequate response to the problem. Whilst we share the view of the Commissioner that it is necessary to resolve the present problems of the SAP by way of a "comprehensive and well planned strategy on a national basis" we cannot accept that this is any justification for not establishing a unit such as that agreed to by the hierarchy of the Natal police in relation to the Natal Midlands area. We find it significant that those directly involved in the negotiations who would be responsible for the implementation of that agreement did not regard it as being

likely either to "create confusion" or to be "drastically counter-productive". Instead they regarded it as being a sensible and immediate response to an existing problem. We believe that they also shared the view that this could provide a stepping stone towards the type of national policy which the Commissioner has in mind.

54.

Our second serious objection to the standpoint of the Commissioner is the delays inherent in it. Every day which goes by without any effective steps being taken to address the problems referred to herein is another day on which ordinary people living in the affected communities will believe that the SAP is unable, or worse still, unwilling to address these problems and seek to fulfil its function of providing a proper and credible policing service to the community.

55.

The attitude that the affected communities must simply wait until a Board is established sometime in 1994 (if they are lucky) which Board may, or may not, regard their problems as a priority and which in any event cannot deal with most of them, seems to us entirely unacceptable. When this is seen in conjunction with a refusal by the Commissioner to permit the members of his force to participate in negotiated structures aimed directly at addressing their problems, the perception must at best be that the SAP are unconcerned about these problems, and at worst that they are unwilling to have them investigated. This is reinforced by the Commissioner's lack of a favourable response to the proposals in respect of Port Shepstone.

56.

All of this in our view adds to the lack of credibility which the SAP has in the community, discourages people from assisting the police in their investigations and leaves the field open for those who have chosen violence as their path to engage in it with little fear of apprehension.

57.

The attitude adopted by the Commissioner in relation to this matter also gives rise to grave concerns about the functioning of this Committee and, with all due respect, the functioning of the Commission. We say this for the following reasons. It is inevitable that in the area of the investigation of violence, the willingness of the police to undertake such investigations and the investigation of allegations that members of the SAP are involved in such incidents, any committee of the Commission or the Commission itself will make recommendations as to the manner in which the SAP should deal with these problems. Indeed, but for the agreements to which we have referred above, it is probable that this Committee would already have reported and made recommendations for the establishment of investigation units in the areas principally affected by violence in Natal, such teams to operate broadly on the basis discussed above.

58.

The making of such recommendations seems to us, however, to be rendered entirely pointless by the attitude which has been adopted by the Commissioner in relation to the agreed proposals in respect of the Natal Midlands area and his lack of response to the Port Shepstone proposals. If a proposal such as the former negotiated on the part of the police by officers of the highest rank acting with the approval of the Regional Commissioner in Natal are not to be

approved by the Commissioner then it is legitimate to ask what purpose would be served by this Committee, or the Commission, making recommendations of a broader and more general nature but along similar lines in its reports.

59.

Such recommendations would be made in the certain knowledge that it is improbable in the extreme that they will be approved by the Commissioner and accordingly improbable that they will be implemented.

60.

In effect the Committee finds itself in a position where whatever recommendations it may make in respect of the problem of public violence and intimidation in Natal, it knows in advance that such recommendations will almost certainly not be approved by the Commissioner and not be implemented.

61.

For those reasons we thought it best to issue an interim report at this stage indicating:-

- (a) the nature of the problems which we have identified and the role which those play in contributing to the continuing public violence and intimidation in Natal;
- (b) the possible solutions to those problems which have been explored by the Committee;
- (c) the impasse in which we find ourselves as a result of the attitude of

the Commissioner of the SAP.

62.

The only recommendation which we make at this stage is therefore that the Commission should meet, as a matter of urgency, with the Commissioner of Police, and if necessary, with the Minister of Police and the State President, with a view to clarifying the attitude of the police to recommendations by this Commission and to ascertain whether any useful purpose would be served by this Committee pursuing its present investigations and making recommendations which require for their implementation the co-operation of the SAP.

DATED at DURBAN this day of SEPTEMBER, 1993.

M.J.D. WALLIS S.C

A.J.L. GEYSER

R.M.M. ZONDO

REPUBLIEK VAN SUID-AFRIKA



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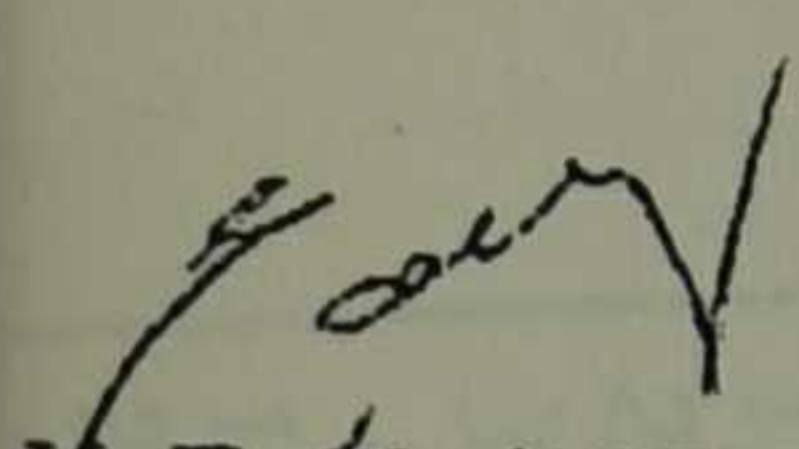
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4240

4 February 1993

STATISTIC OF VIOLENCE AND UNREST CASES NOT YET FINALISED

1. Attached two lists of statistics as required by you.
 - 1.1 List A - Cases where accused have already been charged but not yet finalized in Court.
 - 1.2 List B - Cases still under investigation.


M E W COETZER
SENIOR PUBLIC PROSECUTOR

MEWC/ib

DOPSAAK NO:	TIPPE SAAK	PLEK WAAR PLAASGEVIN	NAAM VAN BESKULDIGDE	NAAM VAN OORLEDENE	BY P.G.
3C 357/92	POGING TOT MOORD MR 6-8-92	MEHLO MNYAMA	1. MBONJWA J MBHELE 2. BHEKITHHEBA M DUTLA	MLUNGISI CELE MICHAEL MBILI	-
939/92	POGING TOT MOORD MR 7-7-92		1. NOTJA J MNCWABE 2. SCELO E DIAMINI	-	-
941/92	POGING TOT MOORD MR 248-7-92	BOBOYI	1. GOODMAN G MKHONDE 2. ZAKHELE JEROME GCABE 3. WILSON M MALLINGA	-	-
1439/92	MOORD MR 360-09-92		SCELO DIAMINI	-	-
31/92	MOORD MR 79-2-92	NYANDEZULU	ARMSTRONG M ZONDI	THABO MKITZE SHOZI SHOZI	-
92/0463	MOORD MR 221-5-92	NKULU WARD GAMALAKHE	1. SIMON M MBILE 2. NHLABUZINA NZAMA 3. FANA NDWALANE	KOMFATSHE NGWANE	JA
1079/92	MOORD MR 207-9-92	NYHABA WARD PADDOCK	DIDIZA MAVUNDIA	JEREMIA MAVUNDIA	JA
481/92	P/MOORD MR 1-10-92	GAMALAKHE	1. THOKOZANE BLOSE 2. MDU PHINEAS MBAMBO 3. MDUDUZI MADLALA	THOKOZANE BLOSE	JA
837/92	PUBLIC VIOLENCE MR 5-8-92	MURCHISON	JAMES MAVUNDIA	ZEPHANIA MZOLO	JA
420/92	PUBLIC VIOLENCE 33-04-91	NYANDEZULU PADDOCK	SISISO NGUBELANGA	-	-
			1. KHEHLANI J MBILI 2. JOSEPH B MBILI 3. MAKHELE S HOPE	-	-
			1. PHYMALANI C MBUTO 2. BONSANI P MBILI	-	-
			1. PETR... SITHOLE SITHOLE	THULANI MKHITZE	-

SAKE REEDS AANGEKLA - NOG NIE IN HOF AFGEHANDEL

"A"

BY P.G.

DOFSAAK NO: TYPE SAAK PLEK WAAR PLAASGEVIND NAAM VAN BESKULDIGDE NAAM VAN OORLEDENE

827/92 PUBLIC VIOLENCE NYANDEZULU

1. PETROS SITHOLE
2. SIBUSISO A SITHOLE
3. BONGANI P MBILI
4. SIBUSISU E MBULE

CASES WITH A.C.

2. CHARGED AND NOT FINALIZED
IN COURT UNREST CASES

"A"

R. NO	CASE NO:	CASE NO	C.R. NO:	TYPE OF CRIME	ACC - SUSPECT'S NAME	DECEASED'S NAME
	B1231/92	29:12:1991	MURDER	BABO CELE	NGIBONISELE BETHWELL NGWANE	
	A 886/92	247:01:1992	MURDER	ELF SINA	ZITWELLENI CYRIL SHEZI (FORMAL INQUEST)	
	A 74/93	2:65:02:92	MURDER 2 COUNTS	FUNWITSE NDWALANE	ROBERT MSELEKU ARSTRONG MSELEKU	
	B687/1992	56:04:1992	MURDER	STANLEY GBU MKWANAZI TSATSATSA MKWANAZI	THOLANI KEFAS LUSHABA (INQUEST BOTH ACC DECEASED)	
	RC 208/92	214:07:1990	MURDER	SIPHO PULULU DLAMINI	MEANEFUTHI ALLEN W/A MDIALOSE	
	"	116:06:1990	THEFT - FIREARM	"	-	
	B685/92	39:05:1992	3 COUNTS MURDER 2 ATT. MURDER	SKOFU ALFRED DLAMINI + 32	MAIPHANDA RICHARD MBILI MAGIBELA NDODA SHAZI	
	A74/93	396:12:1991	ATT. MURDER	FUNWITSE NDWALANE	ZITWELLENI C	
	B1231/92	7:07:1992	POSS. OF AK	BABO CELE	-	
	A968/92	207:08:1992	MURDER	NEILANILA MSELEKU	GIDEON MCHUNO (INQUEST ACC DECEASED)	
	B1231/92	41:09:1992	MURDER 4 COUNTS	KETHUTHULA INZILANDELONGO	KETHUTHULA NZIMANDE NCAMSEIWA DUMA (WITHDRAWN PROV.) MOKGILEKO NZIMANDE VIOLE SI LANDIZE NZIMANDE	
	B1231/92	30:07:1990	3 COUNTS MURDER	BABO CELE ZULU CELE	DUMISANI NGANDU NTOYBI VIVIAN GUMEDE NLOKO DLANI	
	B1011/92	77:00:1992	PUBLIC VIOLENCE	SIPITWE DUBE & OTHERS	N/A ATTACK ON POLICE	

M.R. NO	TIPE SAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
2-06-92	FACITION FIGHT		IMBEKEXWA S. CELE	MAOQWANE NGWAZI	JA
14-01-91	MOORD	INKULU WYK PADDOCK	1. MBONGENI CELE 2. ZINTI NYAWOSE	1. SIBOSISO A CELE 2. ZOLA NHLUMAYO	-
344-2-92	MOORD	NEW TOWN AREA MURCHISON	F E NYUYANE	SIMON S NZIMANDE	-
376-2-92	MOORD	KOKOKO MTHEMBU	XABA AREA GAMALAKHE	MANCUNESU MALINGA	-
150-2-92	MOORD	MBAYITBAYI WYK MURCHISON	JABULANI T CELE	EPHRAIM M MKHUNGO	-
173-2-92	BRAND= STIGTING	BHOMELA WYK BOBOYL	SCELO E <u>DIAMINI</u>	-	-
148-3-92	MOORD POGING TOT MOORD BRANDSTIGTING	MPHENGWANE WYK MURCHISON	ZAKHELE GCABA SCELO E DIAMINI SKOFY A, <u>DIAMINI</u> + CYRIL GCABA	LINDOGUHE BRIGHT MBHELE	-
225-4-92	POGING TOT MOORD	SEA VIEW FARM IZ OTSHA	SCELO E DIAMINI	-	-
196-8-92	MOORD	NEW TOWN MURCHISON	-	ONBEKEND	-
113-11-92	POGING TOT MOORD	GAMALAKHE	-	-	-
2-11-92	OPENBARE GEWELD	MBAYITBAYI WYK MURCHISON	SIMPHEWE SHEZI ZENZELE NDWALANE THANDOWAKHE NDWALANE MFANA NDWALANE	-	-
6-11-92	POGING TOT MOORD	OSHABENTI WYK MEHLOMNYAKA	-	-	-
66-4-92	POGING TOT MOORD	NCAZOLO WYK BOBOYL	SCELO E <u>DIAMINI</u>	-	-

SAKE WAT NOG ONDERSOEK WORD

I.R. NO	TYPE SAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
2-06-92	FACTION FIGHT		MBEKEKWA S. CELE	MACQWANE NCWAZI	JA
4-01-91	MOORD	MKULU WYK PADDOCK	1. MBONGENI CELE 2. ZINTI NYAWOSE	1. SIBOSISO A CELE 2. ZOIA NHLUMAYO	-
344-2-92	MOORD	NEW TOWN AREA MURCHISON	F E NYUYANE	SIMON S NZIMANDE	-
376-2-92	MOORD	KOKOKO MTHEMBU	XABA AREA GAMALAKHE	MANCUNTSU MALINGA	-
450-2-92	MOORD	MBAYIBAYI WYK MURCHISON	JABULANI T CELE	EPHRAIM M NKHUNGO	-
473-2-92	BRAND= STIGTING	BHOMELA WYK BOBOYI	SCELO E DLAMINI	-	-
448-3-92	MOORD POGING TOT MOORD BRANDSTIGTING	MHEHENGWANE WYK MURCHISON	ZAKHELE GCABA SCELO E DLAMINI SKOFY A, DLAMINI + CYRIL GCABA	LINDOGUHE BRIGHT MBHELE	-
225-4-92	POGING TOT MOORD	SEA VIEW FARM IZ OTSHA	SCELO E DLAMINI	ONBEKEND	-
296-8-92	MOORD	NEW TOWN MURCHISON	-	-	-
313-11-92	POGING TOT MOORD	GAMALAKHE	-	-	-
12-11-92	OPENBARE GEWELD	MBAYIBAYI WYK MURCHISON	SIMPHEWE SHEZI ZENZELE NDWALANE THANDOWAKHE NDWALANE MPANA NDWALANE	-	-
26-11-92	POGING TOT MOORD	OSHABENI WYK MEHLOMNYANA	-	-	-
6-4-92	POGING TOT MOORD	NCAZOLO WYK BOBOYI	SCELO E DLAMINI	-	-

I.R. NO	TYPE SAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
75-4-92	MOORD POGING TOT MOORD	MEAYIBAYI WYK MURCHISON	SCELO E DIAMINI	JULIUS SHEZI	-
39-9-92	MOORD	BETANIA SWART WOONGEBIED	1. N A CELE 2. WKAMFU DUBE 3. M K NZAMA	MIZE GWENSA	-
02-9-92	MOORD POGING TOT MOORD	MASHEMBENI WARD MURCHISON	1. SCELO DIAMINI 2. SIYABONGA HLUBI	LIVINGSTON M CELE	-
2-08-92	MOORD	BOBOYI	MBUSO OBERT SIMA	PATRICK T MTHEETHWA	

NAAM VAN BESKULDIGDE

NAAM VAN OORL.

Tipe SAAK

PLEK PLAASGEVIND

M.R. NO

FACTION FIGHT

MOORD

MOORD

MOORD

MOORD

BRAND=
STIGTING

MOORD

POGING TOT

MOORD

BRANDSTIGTING

POGING TOT

MOORD

MOORD

POGING TOT

MOORD

OPENBARE

GEWELD

POGING TOT

MOORD

POGING TOT

MOORD

MAOQWANE NGWAZI

1. SIBOSISO A CELE

2. ZOLA NHLUMAYO

SIMON S NZIMANDE

MANCUNTSU MALINGA

EPHRAIM M MKHUNGO

LINDOGUHLE BRIGHT
MBHELE

ONBEKEND

MBEKEKWA S. CELE

1. MBONGENI CELE

2. ZINTI NYAWOSE

F E NVUYANE

XABA AREA
GAMALAKHE

JABULANI T CELE

SCELO E DLAMINI

ZAKHELE GCABA
SCELO E DLAMINI
SKOFY A, DLAMINI + CYRIL
GCABA

SCELO E DLAMINI

SIMPHTWE SHEZI
ZENZELE NDWALANE
THANDOWAKHE NDWALANE
MTANA NDWALANE

SCELO E DLAMINI

2-06-92

14-01-91

1344-2-92

1376-2-92

1150-2-92

173-2-92

148-3-92

125-4-92

196-8-92

113-11-92

12-11-92

6-11-92

1-4-92

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I.R. NO	TIPPE SAAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
169/9/92	MOORD	GAFALAKHE	-	-	-
1400/12/90	MOORD X3	BETANIA	ALBERT NDWALANE	-	P.G.
1172/1/91	MOORD	MTENGKANA	WELCOME NDWALANE	-	P.G.
1196/3/91	MOORD	MURCHISON	ALBERT NDWALANE	-	P.G.
1474/3/91	MOORD	MURCHISON	WELCOME NDWALANE	-	
1193/4/91	MOORD X4	NKULU	-	-	P.G.
1220/4/91	MOORD.	MURCHISON	ALBERT NDWALANE	-	P.G.
1341/6/91	MOORD	BOBOYI	ALBERT NDWALANE	LINDANI MORAFU	P.G.
1130/6/91	MENSEROOF	GAFALAKHE	-	-	P.G.
169/7/91	MOORD X2	NYANDEZULU	-	-	-
213/10/91	OPENBARE GEWELD	MURCHISON	-	-	
356/12/91	MOORD	NKULU	-	MOMOMO NDWALANE	P.G.
00/12/91	MOORD	MURCHISON	-	BEGANI MEHELA	-

C.R. NO	TIPPE SAAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
95/12/91	MOORD	GAKALAKHE	-	MDUDUZI LUTHULI	-
30/5/92	P/MOORD	MTENGWANE	-	-	-
61/6/92	P/MOORD	MTENGWANE	-	-	-
316/6/92	MOORD	BOBOYI	-	-	-
7/7/92	MOORD X7	BOMELA	MAKHANDA NDWALANE	-	P.G.
90/7/92	MOORD	MADEGANE	-	-	-
104/7/92	MOORD X4	MURCHISON	MAKHANDA NDWALANE	-	P.G.
187/7/92	P/MOORD X8	MADEGANE	-	-	-
195/7/92	P/MOORD	MADEGANE	-	-	-
246/7/92	OPENBARE GEWELD	MURCHISON	-	-	P.G.
451/7/92	MOORD	BOBOYI	-	-	-
461/7/92	MOORD X3	BOBOYI	-	THEMBA MTHEMBU GILBERT GUMEDE FKILE HLOPE	-
474/7/92	P/MOORD	MURCHISON	-	-	-

R. NO		TIPE SAAK		PLEK PLAASGEVIND		NAAM VAN BESKULDIG		NAAM VAN DOOR	
12/8/92	OPENBARE GEWELD	BOBOYI					ZNAKELE CELE	-	
10/8/92	OPENBARE GEWELD	MURCHISON					LUNGANI MSOMI PATRICK DANCA SHABANE ZULU	P.G.	
97/8/92	MOORD X3	NKULU					DAVID MAVUNDLA	P.G.	
94/8/92	MOORD	NKULU						-	
77/8/92	OPENBARE GEWELD	BOBOYI						-	
06/8/92	MOORD X2	BOBOYI					MBOBO CELE BUSELAPHI NCOBO		MA NDWALANE BONISILE DIADLA
44/9/92	MOORD X4	BOBOYI MEDLAZI WYK					GERTRUDE GCABA		
62/9/92	MOORD	BOBOYI						-	
176/10/92	BRANDSTIG= TING	MTENGWANE						-	
19/10/92	MOORD	BOBOYI					SWEDI MOKOENA	-	
166/10/92	MOORD	NEWTOWN					ALPHIOS CELE	-	
1124/11/92	MOORD	GAMALAKHE					PAPU NGUMAKO	-	

L.R. NO	TIPE SAAK	PLEK PLAASGEVIND	NAAM VAN BESKULDIGDE	NAAM VAN OORL.	BY P.G.
30/11/92	P/MOORD	MURCHISON	-	-	-
31/11/92	P/MOORD	MURCHISON	-	-	-
93/11/92	OPENBARE GEWELD	MURCHISON	-	-	-
62/11/92	P/MOORD	MURCHISON	NORMA MNCWABE	-	-
24/12/92	MOORD	MURCHISON	-	DUMISANI DIAMINI	-
28/12/92	MOORD	MURCHISON	-	KHETTIEYAKHE GUMEDE	-
76/12/92	P/MOORD	MURCHISON	-	-	-

CASES BEING INVESTIGATED BESIDES FIREARM

I.R. NO	TYPE OF CRIME	ACCUSED'S NAME	PLACE OF CRIME	DECEASED'S NAME
HIBE 17/06/1992	ATT. MURDER	BONGINKOSI CALDWELL + 3 OTHERS	HIBE MAMFO LOCATION	-
18:06:1993	"	"	"	"
162:06:1992	MURDER	-	MURCHISON	BHEKIFA SAMPSON MAJOLA
39:07:1992	2 COUNTS OF MURDER	SUSPECT BUZU NDWALANE	MURCHISON	HENRY NGCOBO ALBERTINA NGCOBO
154:07:1992	4 COUNTS OF MURDER	-	BOBOYI	NHLANHLA NTONJA BESHI NTUNJA MILLION NXUMALO DONI NDWALANE
107:07:1992	MURDER	SUSPECT - ZAKHELE GCABA	MURCHISON	MARY MZANDLE
10:08:1992	PUBLIC VIOLENCE MURDER	-	BOBOYI LOCATION	KONZAPHI ALBERTINA NOLSOL- WANE JOHANNES NOLSOLWANE
181:06:1992	MURDER	-	MURCHISON	BHEKIFA SAMPSON MAJOLA (GOLDSTONE COMMISSION)
56:06:1992	MURDER	SUSPECT - ZAKHELE GCABA	MURCHISON	MFAHO MAXWELL MAKHANYA W/A
37:09:1992	MURDER	-	MURCHISON	VIVAMA MADLALA
40:09:1992	MURDER	-	MURCHISON	MADONDO CHILIZA
52:09:1992	MURDER	SUSPECTS - BUZU NDWALANE BONI NDWALANE	G G WARD	BONGANI ALECK NGCOBO
9:10:1992	MURDER 6 COUNTS	SUSPECT - SABELO MZOBE	MEHLONYAMA	GUGU NGWAZI NTOMBI NGWAZI MPIZANE TUTSHINI NOGBONGA NGWAZI ALFRED NGWAZI TALLMAN GUMEDE

J.R. NO.	TYPE OF CRIME	SUSP. ACCUSED'S NAME	PLACE OF CRIME	DECEASED'S NAME
32:11:1992	ATT. MURDER	-	MEHLOMNYAMA	-
366:03:1990	2 COUNTS OF MURDER	ZAKHELE GCABA	MURCHISON	NOKUTHULA MILDRED SIBISI ALICE MAZUBANE
78:11:1992	ROBBERY	ZAKHELE GCABA	PORT SHEPSTONE	-
311:11:1992	ATT. MURDER	-	MBOJA WARD	-
MARGATE 317:11:1992	ATT. MURDER	BONGANI MBILI	NOSITHA LOCATION	-
12:12:1992	ESCAPING	ZAKHELE GCABA	PORT SHEPSTONE	-
376:11:1992	ESCAPING	-	MARGATE	-
MEHLOMNYAMA 3:12:1992	MURDER	-	MEHLOMNYAMA	NHLANHLA CHALUZA
14:10:1992	MURDER	-	MEHLOMNYAMA	FANA WILLIAM DANCA
1:01:1993	ATT. MURDER	-	MEHLOMNYAMA	-

Annex A.

2

1. The history and origins of community supported policing

Community supported policing can be taken back to the establishment of modern policing by Sir Robert Peel in 1826 in England. It was not established as a result of a new school of thought, but (it was established) to accommodate and satisfy the growing need of society to be protected against crime and other forms of disorder.

From the earliest days of modern policing the relationship between the police and the public was described as: "The police is the public, and the public is the police".

Others like Critichley stated:

"From the start, the police was to be a homogeneous and democratic body, in tune with the people, understanding the people, belonging to the people and drawing its strength from the people."

Some writers like Berkley in the United States pointed out that mutual consensus between the police and the public is the only way to solve policing problems and issues. From these statements of years gone by the principles and philosophy of community supported policing were established.

It was only since the 1970's that these principles and philosophies were used as the starting point for the construction of community structures in order to consult with the community on law and order issues. In the United States the model was adjusted and shaped over a period of more than 20 years. In 1991 the New York Police Department formulated new principles and strategies in order to give a new meaning to community policing. From the early eighties different models of community policing was also introduced inter alia in England, Canada and other western countries.

The system of community policing is new to South Africa, but the South African Police however believes that community supported policing provides a framework and mechanism to effectively deal with crime, community relations and other law and order problems.

Members of the South African Police undertook a study tour to Canada in 1992. These members collected information on the principles of community policing and the models that were introduced to Canadian Police Forces. The South African Police consulted also with local experts like Mr Etienne Marais, Me Janine Rauch and Professor Clifford Schearing. The community policing models of the New York Police Department and Metropolitan Police Force were also examined. We also consulted with foreign observers currently in South Africa, from inter alia England and Holland.

Our own model is being developed in such a way that it suits South Africa's own unique circumstances. The principles of community supported policing will be the following:

- * consultation between the police and the communities about problems, policies, priorities and strategies.
- * adaptation of policing strategies to fit the requirements of particular communities and circumstances.
- * mobilization of all resources available to a community to resolve problems of disorder and to promote safety and security.
- * accountability through mechanisms that encourage transparency in the design and execution of policing policy.

The Police Board has also formed a sub-committee comprising of Lt-general Pruis, Me Rauch and Me van der Spuy to further develop the community policing model.

2. The necessity of community supported policing

Today the police are front and centre in every major issue facing society. The public expect us to do something about our own credibility, quality of service, violence, intimidation, the drug problem, child abuse, nature conservation, the escalating crime problem, etc. They expect our actions to have a long term impact on the quality of community life.

External forces such as political reform, urbanization, the increased demand for police service and protection, the changing nature of criminal activity, fiscal restraints, increased police accountability, etc are forcing us to change.

Common to the new system of community supported policing is the belief that effective policing can be achieved only when there is on-going consultation, cooperation and partnership between the Police and the public. Community policing is a multi-dimensional model which provides for the transformation of police structures, culture and strategy.

It is not possible to construct a ready made system at central level that will work everywhere in the country. Every region, district and station area have its own unique issues and problems and one needs to be pragmatic to identify and to solve the unique problems that are experienced in a specific region, district or station area. Such an approach calls for consultation with the community.

3. Functions and duties

The components dealing with community policing within the Division for Community Relations consist of the following:

- * community liaison which will co-ordinate the activities of more than 120 community policing officers country-wide whose task it is to facilitate the implementation of community supported policing by members of the South African Police.
- * internal communication whose task it will be to establish a service orientated policing style and working culture in accordance with the principles of community policing amongst all our members;
- * Peace liaison structures whose task it is to co-ordinate the activities of SAP members serving on structures established in accordance with multi-lateral and bilateral agreements, such as the Grootte Schuur Minute and the National Peace Accord.

3. Training

As far as training is concerned a working group, consisting of overseas experts, local experts and experts within the Force has been appointed who will do an intensive study on basic training.

For the interim, guide-lines have been compiled on community supported policing which will serve as a working document. In addition to that a working group has been appointed consisting of training personnel, members from community relations and other experts. This working group will compile training manuals for all our formal as well as in service training courses.

The in service training of members in the Force will commence on the 1st of March 1993. In close co-operation with all our training divisions, the section for community liaison will facilitate and co-ordinate in service training. Seminars on the topic will also be conducted in every region so that members can acquaint themselves with the principles and philosophies of community supportive policing.

4. Role and function - Police Reporting Officer (PRO's)

The PRO's have been appointed for each of the eleven regions (10 PRO's in total), except the Eastern Cape which became vacant on the appointment of adv. Liebenberg as Chief Justice. (See press statement by Ministry of Law and Order on 23 January 1993, attached hereby)

Each of the PRO's have been informed of their responsibilities and duties. They have already started receiving complaints from the public.

They will attend a meeting with the Deputy-Minister of Law and Order in Pretoria on Wednesday 1993-02-17 where they will be fully informed of the fees decided upon, the procedures and administrative arrangements.

5. Role and function - Police Regional Complaints Investigation Unit (RCIU)

The eleven RCIU's initiated in terms of par 3.2.4.1. of the NPA have been appointed and serve under the command of Major-general H V Hayns. Each RCIU comprises of seven members: a lieutenant as commander, one warrant officer, two sergeants and three constables. Thus in total 77 members form part of the RCIU's.

All serious complaints about police misconduct that will have a detrimental influence on police-community relations are investigated by these units. In all cases a report is compiled and forwarded per fax to Head Office. A progress report on each investigation must be forwarded to Head Office every fourteen days.

After the completion of an investigation all relevant documents are forwarded to Head Office for verifying and

recommendations by a Major-general. His recommendation together with the documents is then send back to the commanding officer for further action and to the Co-ordinating Office of the SA Police.

The Co-ordinating Office of the SA Police will send copies of the documents, findings and recommendations to the National Peace Secretariate.

When not busy with investigations under the NPA, the members of the Units resume their normal policing duties and functions.

B

BEFORE THE GOLDSTONE COMMISSION
SITTING AT PORT SHEPSTONE DURING MARCH 1993

MEMORANDUM SUBMITTED ON BEHALF OF THE SOUTH AFRICAN POLICE

The South African Police (SAP) and the African National Congress (ANC) have indicated their willingness to submit to this committee further submissions which may assist the Commission in identifying solutions to the violence without the necessity of hearing months of evidence in the form of accusations and counter accusations.

It is believed that no purpose will be served in investigating each and every complaint by those more intent on political posturing and point scoring than attempting to eliminate the causes of violence which should, it is submitted, be considered in broad perspectives rather than by reference to specific incidents.

The SAP believes that months of inquiring into specific complaints will reveal nothing that is not already common knowledge, namely

- (a) that certain members of the SAP have perpetrated acts of violence against ANC members ;

- (b) that certain members of the ANC have perpetrated acts of violence against the SAP ;
- (c) that the ANC are viewed with suspicion and hostility by certain members of the SAP which manifests itself in various forms of bias against the organisation ;
- (d) that the SAP are regarded as the enemy by elements in the ANC which manifests itself in attacks on the police and an attitude of obstruction rather than co-operation ;

During the 1980's the ANC's campaign of violence and destabilisation inevitably placed it on a collision course with the SAP who bore responsibility for the maintenance of law and order. The police force actively sought out and arrested members of the ANC who in turn responded with acts of violence against the police themselves, who were perceived to be collaborators and upholders of a system which was viewed as oppressive. In the ensuing low intensity war, victims abounded on both sides and amongst some an attitude of animosity towards each other became entrenched. After the unbanning of the ANC, certain individuals found past hostilities difficult to bury which presently manifests itself in acts which are the major cause of the accusations which are continuously made by the SAP and the ANC against each other.

Those accusations and counter accusations fuel existing attitudes of distrust and hostility which effectively discourage co-operation and assistance between the SAP and the ANC thereby exacerbating the tensions that exist between elements within their ranks.

The SAP endorses the view of the Commission made pertinently in its Third Interim Report that "without the full co-operation of the communities in which they operate, the police cannot be expected to perform adequately or successfully (paragraph 5.6.3.3) and recognises the importance of removing negative perception and creating community trust in itself.

In common with many police forces in the world the SAP has amongst its members a minority who abuse their authority and behave in an improper and sometimes unlawful manner. In addition there are those in its ranks with attitudes deeply rooted in the past, whose activities encourage distrust and increase perceptions of bias by the police against the ANC.

Whilst the behaviour of these members should not be tolerated, the suggestion that their conduct is condoned by the SAP is surely as puerile and unhelpful as the contention that those of the ANC who perpetrate acts of criminal violence, do so within the ambit of official ANC approval and encouragement.

Nevertheless the SAP is aware that the complaints levelled against it are due to the activities of these individuals, not without foundation, and accepts that some of its members have

- (a) displayed an anti-ANC bias ;
- (b) attempted to discourage support of the ANC ;
- (c) attempted to encourage support of the IFP ;
- (d) committed acts of violence against supporters of the ANC ;
- (e) refused to entertain complaints by ANC members ;
- (f) turned a blind eye to violations of the law by members of the IFP ;
- (g) abused their powers.

In the turmoil that is wreaking havoc within the community, this conduct cannot be allowed to continue and the perpetrators of these acts must be rooted out before credibility and effective policing can be restored. The SAP however urges its detractors to refrain from making unfounded, false and politically motivated complaints which effectively sow confusion, perpetrate mistrust and create difficulty in uncovering those troublesome elements amongst it.

It is suggested too that the attitude of "them" and "us" which exists amongst elements of the SAP towards the ANC could largely be eliminated if its leaders were to condemn publicly the killing and injury of policemen who are being violently attacked at an appalling rate. Re-education amongst the ranks is made more difficult when certain organisations are perceived, by the silence, to condone violent attacks against the police.

These submissions are not made in an attempt to shift the blame from the SAP but rather to emphasize that the solutions to the problems that exist cannot lie exclusively in their hands and require the assistance and co-operation of the ANC.

SOLUTIONS

The SAP has introduced the following innovations in an attempt to address the question of proper police behaviour and its relationship with the community.

Police Reporting Officer

Advocate N J Melville, one of three nominations by the Association of Law Societies and the General Council of the Bar, has been appointed Police Reporting Officer for the region of Natal to oversee investigations into alleged police misconduct which is of such a serious nature that it may detrimentally affect police/community relations. While the investigation is in progress, he may recommend to the

Commissioner of Police the suspension or transfer of the official under investigation and on the completion of the inquiry, may make recommendations in respect of the disciplinary action that should be taken against the member involved in misconduct. The Complainant will be notified of the recommendations together with the outcome of the complaint. It is submitted that this procedure will ensure impartial and thorough investigations into all serious complaints and assist in removing the perception that misconduct is tolerated by the SAP.

Special Investigation Unit

This unit under the command of General Manuel has been specifically established to investigate complaints referred to it by the Police Reporting Officer and will submit to Advocate Melville a report on the complaints received from him. The Police Reporting Officer will have the authority to ensure that the investigation is carried out fully and properly and shall be entitled to refer the report back to the unit for further action should it be necessary.

The Police Investigation Unit

This unit, whose function it is to investigate crimes involving members which are neither of a serious nature nor affect police community relations, is being expanded. Members of this unit are hand-picked for their impartiality and have unblemished records of past behaviour.

IN RE

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POLICE INVESTIGATION UNIT

MEMORANDUM

In consequence of numerous allegations of misconduct levelled against the Police at the sitting of the Goldstone Commission Sub-Committee, Mooi River, discussions were entered into between the SAP and representatives of the affected community. These deliberations were designed to identify and address the problems experienced in Mooi River between the police and the local population and to reach agreement, if at all possible, on the implementation of structures which would foster improved relations between them.

A number of fruitful and constructive meetings were held and after consideration of all relevant factors, the SAP has undertaken, in respect of the Natal Midlands, to create a Police Investigation Unit to investigate every case of misconduct laid against a member of the SAP with the exception of unlawful conduct arising out of the driving of a motor vehicle.

In an attempt to overcome misgivings of the SAP's ability to investigate itself and having considered suggestions and proposals made by interested parties, it was decided :-

- (a) That a selection panel consisting of laymen who have no obvious links to any political party would be chosen by agreement between interested parties or by the sub-committee.
- (b) That applicants for membership of the unit would be required to appear before the aforementioned panel for evaluation of their ability and suitability.
- (c) That the panel would initially consist of seven members and thereafter any three would constitute a quorum for further selections.
- (d) That so as to assist the panel in the assessment of the candidates suitability, his service record, curriculum vitae and record of previous misconduct would be made available.
- (e) That the rank, name and station of each applicant should be submitted to the Regional Peace Committee which would be afforded a reasonable opportunity (a period of two weeks is envisaged) to make written representations to the panel in respect of the Applicant's suitability.
- (f) That a member of the Attorney General's staff would be appointed to work with such unit.

- (g) That the Goldstone Investigation Team under Colonel Dutton and his international police observers would be requested to oversee such unit in the investigation of complaints.
- (h) That the unit would be required to report on a quarterly basis to the Police Reporting Officer.
- (i) That the member of the Attorney General Staff, The Goldstone Investigation Team and the Police Reporting Officer would have full access to all investigations and that some co-ordination should exist amongst them.
- (j) That as far as possible the unit will be housed separately from other police units.

However, notwithstanding the intentions of the SAP to implement these proposals in the Midlands, it considers it desirable that a similar unit be established in Durban, Pinetown, Port Shepstone, Newcastle and Empangeni. However, due to constraints of time, interested parties in these areas have not yet been canvassed on their views which are considered to be of importance if the units are to have the credibility necessary for their proper functioning.

A memorandum setting out these proposals and requesting comment by 18 August 1993 has been sent to representatives of the ANC, IFP and COSATU.

The police are mindful of the fact that without community co-operation the initiatives outlined herein will be unsuccessful and to this end intend arranging meetings with the local community where the members of these units will be introduced. It is hoped too that their training program will include addresses by various community leaders as well as by organisations such as the Community Law Centre, Legal Resources Centre and the Peace Accord Structures who will be able to present the problem of police community relations from the perspective of the affected community.

Although the SAP are hopeful that implementation of these proposals will lead to sound police community relations, their optimism is tempered by the awareness that those with cynical agendas and attitudes rooted in the past will continue to denounce the SAP no matter what positive steps are taken. It is suggested in this respect that the ANC and IFP have an important role to play in the education of their members and to this end are urged to act as bridge builders between the police and the community so as to help bring to an end the appalling spiral of violence and intolerance towards others of opposing factions.

The SAP believes that unless there is a concerted effort by leaders to depoliticise the violence, members of political groupings will continue to frustrate all efforts to apprehend perpetrators of criminal activity who belong to their own particular faction. In its view no steps taken to ensure more effective policing will be effective unless political and community leaders accept the responsibility of educating their

followers and emphasising that violence can never be justified whether it emanates from their own grouping or not.

It is hoped that the fruitful and constructive discussions that have led to the proposals outlined herein will continue in respect of proposals made by others and lead to an era of community co-operation with the police in attempting to achieve the common aim of eliminating the orgy of violence that has swept Natal.

R J A CALLUM
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