COMMISSION OF INQUIRY

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

FINAL REPORT ON ATTACKS ON MEMBERS OF THE SOUTH AFRICAN POLICE

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KOMMISSIE VAN ONDERSOEK INSAKE DIE VOORKOMING VAN OPENBARE GEWELD EN INTIMIDASIE

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

FINAL REPORT ON ATTACKS ON MEMBERS

OF THE SOUTH AFRICAN POLICE

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THE STATE PRESIDENT

The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation has the honour to present the final report on attacks on members of the South African Police.

1. INTRODUCTION

1.1 On 14 July 1993, the State President requested the Commission to investigate the origins of the recent serious attacks on members of the South African Police. The Commission immediately requested any person with relevant information to submit it to the Commission.

1.2 After submissions were received, with the concurrence of the Minister of Justice, a Committee was established with the following terms of reference:

1.2.1 To ascertain the circumstances under which policemen have been killed or injured since 17 July 1991;

1.2.2 To identify the persons or organizations directly or indirectly responsible for the killings and injuries;

1.2.3 To recommend steps which should be taken to prevent or curb any recurrence of such killings.

1.3 The Committee consisted of Mr G Steyn, a member of the Commission and Mr S Moshidi, a Johannesburg attorney.

1.4 The Committee has now reported to the Commission and its report is attached hereto.

2. THE COMMITTEE'S RECOMMENDATIONS

2.1 The recommendations of the Committee are set out in paragraph 16 of its report.

2.2 The Commission fully supports these recommendations. In particular, the Commission is of the view that in the near future all members of the SAP will be accepted by the vast majority of South Africans as a friendly force working for and together with the broad community. That, more than any other single factor, will provide the solution to the problem investigated by the Committee.

3. SELF DEFENCE UNITS [SDUs]

3.1 The Committee heard evidence and has made recommendations concerning Self Defence Units and Self Protection Units.

3.2 Whether any individual communities will in the future still find these structures to be necessary will, to a large extent, depend upon the speed with which a new image for the SAP can be established. The two are inseparably connected.

3.3 In all the circumstances, the Commission is of the view that it would be premature for any further investigations to be made

now. This is a matter which should be considered by the new Government of National Unity.

4. THE MURDER OF IFP MEMBERS

4.1 Although not directly related to the work of the Committee, the Commission considers that it is appropriate to deal with this indirectly related topic at this stage.

4.2 The IFP has constantly alleged that the ANC and MK have had a systematic policy of murdering its leaders and members. During August 1993 the Commission instructed its Natal Investigation Unit to inquire into the allegations.

4.3 The Natal Unit completed its investigation into deaths that occurred between 17 June 1991 (the date of commencement of Act 139 of 1991) and 30 November 1993.

4.4 The names of 140 leaders and members of the IFP fell within the parameters of the investigation.

4.5 The Unit initially set about obtaining inquest reports and documents. It established, after numerous and frustrating enquiries, that they were only available in 29 cases. In the remaining 111 cases the police (SAP and KZP) have not completed their investigations.

4.6 The Unit analysed the inquest documents and came to the provisional conclusion that, at this stage, there is no evidence connecting the ANC or MK with the deaths.

4.7 On 2 February 1994, the Unit requested the SAP and KP to arrange a meeting with the investigating officers in the 111 cases. That did not eventuate. However, on 24 March 1994, the SAP furnished the Unit with written information concerning all 111 outstanding cases.

4.8 After analysing the information the Unit has concluded that in 70 of the cases there was no evidence at all linking ANC or MK members with the murders.

4.9 The Unit has requested the SAP to provide further information with regard to the other 41 cases. In respect of 9, warrants of arrest have been issued. In 11 cases the accused are awaiting trial.

4.10 The position at this stage, is that:

4.10.1 In 99 of the 140 cases there is no evidence of MK and ANC involvement;

4.10.2 With regard to the remaining 41 cases the Commission is awaiting further information and will report when it becomes available.

5. CONCLUSION

5.1 This inquiry has been a lengthy and complex one. The Commission would like to extend its appreciation to Mr S Moshidi

for the valuable assistance he gave to Mr Steyn. Mr Moshidi is a busy practitioner and once again was prepared to devote his time and energy to the work of the Commission.

5.2 The Commission would also like to associate itself with the other expressions of gratitude referred to in paragraph 17 of the Commission's Report.

R J GOLDSTONE
CHAIRMAN

21 April 1994

REPORT OF THE COMMITTEE OF INQUIRY INTO ATTACKS ON MEMBERS OF THE SOUTH AFRICAN POLICE.

1. MEMBERS OF THE COMMITTEE.

Mr G.Steyn — Chairman.

Mr S. Moshidi — Member.

2. APPOINTMENT OF THE COMMITTEE.

The Commission, at the request of the State President, appointed the Committee to investigate the violence perpetrated against members of the South African Police (SAP). The terms of reference were -

2.1 To investigate the circumstances under which police officers have been killed or injured since 17 July 1991.

2.2 To identify the persons or organisations directly or indirectly responsible for the killings and injuries.

2.3 To recommend steps that should be taken to prevent or avert any recurrence of such killings.

3. The parties were represented as follows-

3.1 The SAP: Mr P.A. Hattingh, SC, assisted by Mr W.L. Wepener.

3.2 The African National Congress (ANC) and Umkhonto We Siswe (MK):

Mr A Cachalia, Mr B. Barry and Mrs T. Siwendu of the firm Cheadle, Thompson and Haysom.

3.3 The Kwa Zulu Government and the Inkatha Freedom Party(IFP): Mr L.P. Visser, SC, assisted by Mr H.F. Jacobs.

3.4 Mr J. J. du Toit led the evidence at the inquiry.

4. SESSIONS.

Many sessions of the Committee took place at Pretoria and later at the Commission's offices at Sandton. The evidence of 132 witnesses was heard.

5. PERIOD INVOLVED

The inquiry was for practical reasons confined to the period 1 July 1991 to 31 December 1992. Where necessary, however, more recent events were also investigated.

6. EXTENT OF THE INQUIRY.

Initially we heard evidence of violence on police committed in various parts of the country. In view of the many incidents in that area, we subsequently decided to give priority to events in the Vaal Triangle. The forthcoming election and the appointment of a Government of National Unity will obviously affect the matter of

policing and we decided that it was important to finalise the inquiry before 27 April 1994. After consultation with the parties we are submitting our final report at this stage. We have sufficient evidence on the nature of attacks on policemen and prolonging the investigation would not really take the matter any further.

7. INTRODUCTION.

7.1 The SAP and the ANC submitted written arguments. No submissions were received from Counsel for the Kwa Zulu Government and the IFP. This was because there was no evidence involving them. The PAC did not participate in the proceedings.

7.2 The arguments were exceedingly helpful and *inter alia* dealt fully with evidence tendered in respect of individual incidents of violence. Evidence of individual incidents proved helpful and enabled the Committee to gain a proper perspective of the extent of the problem. The Committee's reference stated that it should ascertain the circumstances under which police officers were killed or injured. A report on individual attacks does, however, not appear to be necessary.

7.3 During the inquiry hearsay evidence was also tendered. The Committee also heard evidence from informers who appeared only before the Committee and its Counsel. As, in the past, findings will only be made on adequately substantiated evidence.

8.STATISTICS.

8.1 National statistics provided at the inquiry show the following: -

YEAR	INJURIES TO SAP	SAP DEATHS
1989	329	24
1990	637	68
1991	313	50
1992	402	96
1993	550	176

8.2 Dr.C.P.de Kock, a political sociologist, whose main interest is inter-group conflict in plural societies and violent manifestations of conflict, gave evidence. He studied the record of the proceedings at the inquiry and analysed the statistics. He said attacks on police had increased since 1990. In 1992 the police were attacked on 2017 occasions. In 1993 there were 4165 attacks, an increase of 106%. This increase occurred against the background of increased democratisation. Statistics also showed a decrease in official violence. SAP deaths and injuries have more than doubled since 1989. In 1989, still part of the revolutionary stage, there were 353 casualties. In 1993 there were 726 casualties, an increase of 105%. The casualty figure of 705 in 1990 disturbs the clear tendency between 1989 and 1993.This is apparently due to the historical turning point in 1990 when political parties were unbanned and political leaders freed. Mass processions and meetings followed. They in turn resulted in attacks on the police who attempted to control

them. The violence against the police at that stage was however less serious than that which later occurred in 1992 and 1993. During the first period police officers were injured during crowd control while in 1992 and 1993 they were attacked intentionally with lethal weapons. Between 1990 and 1993 there was an increase of 157% in the mortality rate and a decrease of 14% in injuries. The statistics show the following tendency.

	1989	1990	1991	1992	1993
%mortality	6,8	9,6	13,8	19,3	24,1

The inference is that during 1989-1990 police officers were injured incidentally in the exercise of their normal duties while during 1992-1993 they were intentionally attacked and killed.

8.3 Brigadier Abrie, of the SAP, gave evidence that 56% of the police officers killed during 1991-1992 were murdered while off duty, while 44% were murdered on duty. He said that during 1991 79% of the police murdered off duty were shot. In respect of those killed on duty 54% were shot. The proportion of attacks with sharp instruments decreased from 44% in 1991 to 9% in 1992. According to Abrie more police officers died because of head wounds in 1992 than in 1991. The police used bullet proof vests during 1991-1992. During 1992-1993 37 police stations were attacked.

8.4. It therefore appears that despite increased democratisation, and consequent decreased State intervention, attacks on police increased in volume and severity.

8.5 It is common cause that political casualties drastically increased. Statistics, however, show that during 1993 police casualties were 0.0068 per thousand while that in respect of the general population was 0.00027 per thousand. Police casualties were therefore 25 times higher.

8.6 The statistics show that there is a definite connection between political violence and attacks on police. More attacks took place in areas where greater political conflict occurred. It also appeared that after events that evoked particular political emotions, like the Boipatong massacre and the Hani assassination, violence on police increased.

8.7 Despite all efforts to prevent attacks, police officers are still attacked, injured or killed at an alarming rate.

9. REASONS FOR VIOLENCE AND ATTACKS ON POLICE.

9.1 Reasons for violence on the police are multi-faceted, but the root causes are to be found in the political history of the country.

9.2 Police officers are attacked, killed, robbed of their firearms and property. Their homes are destroyed and they have to leave black residential areas for their own safety and that of their families. The nature of many attacks was alarmingly brutal and barbaric.

9.3 Members, of the SAP who were victims of violence, and members of the community gave evidence that police officers are subjected to mistrust and hatred, especially in black communities. The causes for this are to be found in the historic

role that the police played in the enforcement of apartheid legislation. The manner in which this was done met with strong objection. This enmity of the community towards the police made law enforcement in unrest situations very difficult. Action taken by the police in those circumstances often resulted in them being branded as the perpetrators of the violence. These perceptions are, often, based on rumour, incorrect information and insufficient observation. Police witnesses claimed that attackers, at times, wore police uniforms in order to create the impression that the attackers were police. Few witnesses were able to give unbiased or objective evidence where police involvement was concerned. Evidently the political history has firmly entrenched the perception that the police are unable to act fairly and impartially. It is therefore easy to discredit police officers in the townships. The evidence has shown that this was not always without cause. Whether sufficient cause has been established is not really relevant. The problem lies in the reaction of a large section of the community to the manner in which it, rightly or wrongly, perceives the police. Very little regard for the safety and welfare of the police exists. In those circumstances violence towards the police is not generally frowned upon by the community. Those who assault and kill police officers do so with impunity and little fear of retribution. Many attacks on police appear to have met with a measure of community approval. The relationship between the police and the township communities clearly plays a major role in the violence on police.

9.4 At the initiative of the ANC, amongst others, self defence units (SDUs) were formed to protect their communities. These SDUs also played an important role

in the violence perpetrated on police officers. The Peace Accord, also, makes provision for the formation of self protection units (SPUs). The SDUs, referred to, were not formed and structured on those lines. Evidence about the members of SDUs was rather vague. Members of the community, who gave evidence, were unable to give clear particulars of these units. These groups are completely amorphous. Certain ANC officials testified that they were formed spontaneously by unknown members of the community. The reason for this anonymity is that people are afraid to become involved. They fear harrassment of those persons if their identities become known to the police. Many of these groups became involved in crime. Criminals also took over some groups. These groups were often involved in attacks on police officers.

9.4.1 It is unfortunate that nobody took any positive steps after the signing of the Peace Accord towards the proper structuring of SPUs, in the manner envisaged in that document.

9.5 Dr De Kock, in dealing with the ANC's relationship with SDUs, stated that the ANC, which was involved in the establishment of the then existing SDUs, did not, after the signing of the Peace Accord, respond adequately to ensure the transformation of the SDUs into the form envisaged by the Accord. He was of the opinion that the fact that the ANC did not, strongly enough, condemn the actions of the SDUs, to an extent, caused the ordinary communities to believe that their leaders approved of such activities.

9.6 According to De Kock, revolutionary situations lead to attacks on police. This is due to the vertical armed struggle between the State and the masses. The SAP,

as an important security arm of the State, was automatically the target of the revolutionaries. Since 1990, however, the revolutionary struggle changed into one of negotiation for the new South Africa. It, however, appeared that certain elements in the black communities still regard themselves as involved in an armed struggle. This definitely plays a role and accounts for certain attacks on police officers.

9.7 Studies by De Kock have shown that lack of social control in communities led to a vacuum in the enforcement of law and order in which political activists and ordinary criminals flourished. This forced the ordinary citizen to organise himself or herself into self defence mechanisms. The SDUs referred to above illustrate this. The crimes some of them resorted to show the danger of such situations. The manner in which criminal elements exploited the unstructured SDUs played a substantial role in the violence perpetrated on police officers.

9.8 The evidence is that numbers of MK and APLA cadres were present in the townships. Proper command structures were lacking. This resulted in trained men roaming around idly and available to lead attacks on police. Evidence of attacks on police by such cadres was heard.

9.9 The Committee heard evidence of APLA members who were involved in attacks on police officers and their homes. Policy statements by APLA leaders were handed in. These statements labelled police officers as "the enemy" that should be killed. In media reports, which were handed in, APLA leaders claimed credit for the killing of a substantial number of police officers. These numbers were, according to the police evidence, grossly exaggerated. This exaggeration

was, apparently, to create the perception that APLA was a very successful liberation movement.

9.10 Witnesses produced by the ANC complained of violence perpetrated upon them, during house to house searches, by members of the police, particularly by members of the Internal Stability Unit (ISU). This was disputed by police witnesses. The perception that this happened, however, cannot be disputed. Such action by the police or perceptions of it obviously resulted in revenge attacks by SDUs. This, in turn, led to further police action, which perpetuated the ever continuing cycle of violence.

9.11 Professor Haysom, who gave evidence on behalf of the ANC, stated that the criminal element will always take advantage of the situation of violence. This tendency has increased over the past few years. In some areas there is a very predominant criminal motive in what is sometimes passed off as politically motivated violence.

9.12 Throughout the enquiry the ANC sought to establish that the behaviour and attitude of the SAP towards the community were the causes of the enmity towards the police. Common allegations against the SAP were -

(a) That complaints did not receive proper attention.

(b) That due to poor investigation, offenders against them were not punished.

(c) That members of the ISU enter townships and commit violence against the residents. It appeared that they were not wanted in black communities unless they first reported at local police stations. We gained the impression

that those members were regarded as foreigners.

(d) That the police committed acts of brutality against them and destroyed their property during unnecessary raids and searches.

(e) That certain police officers, who had killed people, were not punished.

The police evidence was that some complaints were to a certain extent justified but grossly exaggerated. They however gave evidence of steps taken to prevent recurrences and to redress any damage wrongly caused. The police and members of the ANC gave evidence about steps taken to improve the relationship between them.

10. WHETHER VIOLENCE AND ATTACKS ON POLICE ARE PART OF A POLICY.

10.1 The critical question to decide is whether any persons or party had an agenda to commit violence on the police. Many attackers wore clothes suggesting support for the ANC and other organisations. Members of the ANC and other organisations were, indeed, involved in such violence. Counsel for the SAP correctly conceded that there is no conclusive proof that the ANC, its Alliance or MK is following a national policy aimed at carrying out attacks against police officers. He, however, argued that there are strong indications that such a policy **"could exist as a result of both incitement against the police either directly or indirectly and actual attacks perpetrated and the perception that an agenda to this effect exists"**.

10.2 Counsel drew the Committee's attention to various statements and utterings

by political leaders that, he argued, could create the perception in the minds of members and followers that violence on the police was encouraged. The Committee is satisfied that certain of the statements referred to were capable of creating such perceptions. It is important that persons with a high political profile should guard against behaviour that could lead to injury of any kind to members of the SAP. It is desirable that speakers openly distance themselves from attacks on police. They should also condemn attacks and utterings that could lead to violence. It is time that people realised that labelling the police as "the enemy" can lead to serious injustice.

10.3 Professor Haysom suggested that policing based on professional standards would be an absolute necessity in future as far as the ANC were concerned. Professor Haysom conceded that some of the ANC's criticisms of the SAP were partly inconsistent and partly unselective. However, the ANC policy was that the random assassination of members of the SAP militated against creating an ideal police force. The ANC, as it has already done, must condemn these attacks on police members and explain why it does so. Cross-examined by Counsel for the SAP, Professor Haysom testified that the attacks on police were, in certain areas, apparently based on victimisation of a policeman simply because he is a policeman. These attacks were seemingly by some youths, or other element that is of the view that police should be driven out of the particular area. These are areas of high political violence, high crime rate and depersonalised communities. The "power struggle" is just one of the many other factors identifying areas in which police are attacked. It was submitted that the ANC did not have an agenda

to attack members of the South African Police. However, in the 1980's there were calls by political leaders for police officers to be driven out of the black townships. Individual members of the ANC have been involved in attacks on police, in their individual capacities, contrary to official ANC policy not to do so. The ANC should be seen to enforce their policy of not attacking police. Political leaders should be more circumspect in blaming other parties or persons for causing violence. Political leaders should in future ensure that their policies are transmitted to their followers and that such members understood and agreed with such policies. Evidence by local leaders of the ANC, in the Vaal Triangle, gave the impression that current policies and views of the organisation do not always reach or are not always understood at lower levels.

10.4 Evidence was led that APLA and MK members were also involved in attacks on the police. In this respect Counsel for the SAP argued that if MK involvement does not prove a declared policy of the ANC to attack police officers, it, at the very least proved involvement in attacks by ANC and MK members and raised the perception " **in relation to the ANC/MK policy and this Committee should hold these organisations responsible for their failure to take disciplinary action against their members, thus creating the perception that it is indeed the organisation's policy to attack policemen.**" Although this approach required serious consideration the Committee was not satisfied that such inference was the only reasonable one.

10.5 The Committee heard evidence of statements by APLA leaders specifically calling on their followers to kill members of the SAP as they were "the enemy". There was evidence of attacks on and killing of police officers by APLA cadres.

This showed that, at least at some stage, police officers were attacked and killed because of APLA policy.

11. COMMUNITY POLICING.

11.1 It is essential for the proper functioning of the criminal justice system that lasting peace is restored. Close co-operation between the SAP and the community will go a long way to achieve this. Extensive evidence about steps by the SAP to improve police-community relationships was led. Brigadier Beukes of the Division Community Relations described their initiatives in detail. Full reference to his evidence is not necessary. It is sufficient to mention that impressive progress has been made. Community policing has, despite many problems, gone ahead. There are still problems of co-operation and communication in certain communities. However, structures were created and the communities are to a certain degree involved in police matters and policy decisions. Special attention is given to the cultivation of a positive approach amongst members of the SAP. Brigadier Beukes referred, with approval, to the booklet, entitled "Policing in the New South Africa", by Professor Haysom who gave evidence on the issue.

11.2 In his booklet, referred to above, Professor Haysom said that the new values of a non-racial and non-sexist democracy are, after all, nothing more than the values of accountable professional policing. The police must introduce a statement, a code of conduct, which clearly shows the primacy of the new values. Those who are opposed to these values, or are opposed to the process of

transition itself, can clearly not be trusted with the task of policing the transition. They should be required to find employment in other institutions. The Committee is happy to observe that the SAP is sincerely moving towards the attainment of an acceptable level of police-community relations.

12. POLICE UNIONS.

We heard evidence from members of police unions and of involvement of police unions in affairs affecting the SAP. Apparently there is no objection to such unions. The nature of police work and the role they play in communities are, however, such that no police union should be allowed to have political affiliations. Allowing such affiliations, as the lessons of the past have shown us, is a sure formula to create perceptions of political bias, which in turn leads to violence on police.

13. THE PROBLEM OF POLICE OFFICERS WHO WERE VICTIMS OF VIOLENCE.

13.1 Police officers who were attacked and whose property was destroyed told the Committee of the immense difficulties and distress they suffered as result thereof. They suffered psychologically and financially. The SAP helped those members by allowing them to use police vehicles to remove their remaining property from their destroyed homes. There were, however, delays and in some instances their possessions were stolen or damaged further while they were

arranging transport. Their financial losses were dealt with by the welfare section of the police. The procedures involved took time and that, in certain cases, led to further hardships. Some witnesses testified that the violence against them led to their financial ruin. There was evidence that many witnesses relocated their families, for reasons of safety. Some removed their children, due to victimisation, to schools in "homelands". All this added to the burden they suffered merely because they were members of the SAP.

13.2 A rather sad factor is that very few of the investigations of the crimes committed against police officers reached a successful conclusion. In certain instances the investigations were not satisfactory.

13.3 There was also evidence that perpetrators arrested in respect of serious crimes against police officers were, soon after their arrest, released on inadequate bail. Often this happened despite other outstanding matters against them. Many of these suspects subsequently disappeared without trace. Others later perpetrated similar offences.

14. CONCLUSION.

14.1 It will be impossible to solve the problem of violence on the police in isolation. The matter is inextricably linked to the ongoing violence in the country. The Commission has repeatedly stressed the role of political intolerance in the country. Clearly, unless political tolerance is achieved, the picture will not improve. It is equally necessary that every effort is made to establish normal police-

community relations.

14.2 The more important findings of the Committee are the following -

(a) That many police officers were attacked and killed, only because they were police officers. This happened on and off duty.

(b) That houses and property of black police officers, in black residential areas, were burned and destroyed.

(c) That these attacks have caused many black police officers, for the safety of themselves and their families, to leave those areas and to seek accommodation in so-called white suburbs. This caused great hardship and financial distress.

(d) That the communities are thus deprived of the benefit of police living in their areas. Many witnesses referred to the negative result of this trend and expressed the wish that police officers should return.

(e) That police officers are attacked for political and also criminal considerations. SDUs and criminals who became part of the SDUs were involved in this violence.

(f) That although there was no official policy on the part of the ANC or MK to kill police officers, many individual members and supporters were responsible for such killings.

(g) That members of APLA were responsible for the killing of police officers but not to the extent claimed by their organisation.

(h) That irresponsible rhetoric and demonising of the police by some leaders, and the dissemination of propaganda played an important role in the

perceptions which led to attacks on members of the SAP.

(i) That although the SAP provided assistance to its members, who suffered attacks, there is room for improvement in the manner and time that it takes to relocate and reimburse them. It must be kept in mind that they were usually victims only because they were members of the SAP.

(j) That the success rate of investigations of crimes against members of the SAP is unsatisfactory.

15. RECOMMENDATIONS BY THE SAP.

15.1 Counsel for the SAP in his submissions suggested that we should consider recommending that -

(a) Steps are necessary to remove the complacency or lack of appreciation for the seriousness of the problem under discussion.

(b) That casting suspicion on the SAP, by politicians, to prevent community co-operation should receive urgent attention.

(c) That the provisions of the Peace Accord should be implemented effectively.

(d) That peace structures be put to better and more effective use.

(e) That the role, structure and regulation of SDUs should be investigated and formalised.

(f) That a study should be undertaken to consider the imposition of special punitive sanctions for offences against members of the SAP.

(g) That the whole question of the death penalty be finalised.

(h) That the credibility of the SAP should be improved.

(i) That methods to secure compliance with recommendations made by the Commission be investigated.

(j) That the urgent involvement of all agencies in the socio-economic restructering of certain areas must be promoted and attended to.

(k) That the granting of bail to suspects needed urgent attention and possible review.

(l) That bridging finances are made available to the welfare section of the SAP for spesific allocation to members driven from their homes or who have suffered damage necessitating them to vacate their homes. This would alleviate problems caused by delays in payment of compensation.

(m) That the possibility of obtaining insurance for private home owners, amongst members, should be investigated.

(n) That the Canadian " bullet proof " computer system which assists with the analysis of spent cartridges, be made available to the SAP Ballistic Unit at the Forensic Laboratory.

(o) That steps be taken to ensure that the political agenda of especially POPCRU be checked as no police union should be politically affiliated.

(p) That it should be ensured that political leaders as well as the media act with circumspection when publicly addressing issues such as police complicity in violence or murder. A matter to be enforced in this regard is that all political parties and organisations should respect and give effect to

the obligation to refrain from incitement to violence and hatred. In pursuit of it no language calculated or likely to incite violence or hatred, including that directed against any political party or personality, nor any willfully false allegation, should be used at any political meeting, nor should pamphlets, posters or other written materials containing such language be prepared or circulated, either in the name of the party or anonymously.

(q) That all political leaders should condemn both physical and psychological attacks on members of the SAP in the strongest terms.

(r) That all political leaders should publicly censure members and supporters who participated in attacks on police and ensure that disciplinary steps are taken in such instances.

15.2 Mr Cachalia, on behalf of the ANC, substantially agreed with those recommendations.

16. RECOMMENDATIONS BY THE COMMITTEE.

16.1 The SAP is the only law enforcement agency in South Africa and it will be the law enforcement agency of the new South Africa. It is therefore of the utmost importance that a new image of the Force be created. This will never be achieved by keeping alive the injustices and perceptions of the past. Police witnesses suggested that they are anxious to achieve acceptance by all South Africans. Giving them a fair chance is the only manner in which the police can become what the country requires. It is difficult to forget and forgive the past, but if that is what

is required to achieve lasting results all parties should strive to attain that goal.

16.2 The recommendations by the SAP deserve serious consideration and should be noted by all concerned.

16.3 The Committee after careful weighing of all the considerations and the practical implications thereof makes the following recommendations -

(a) Every possible step should be taken by the Government, the community, political organisations and the SAP to ensure that the SAP be accepted as a force for the community and from the community. Steps already taken in this regard are commendable and should be made known at all levels of society. It is not only necessary to take such steps but, those steps, as in respect of justice, should be seen to have been taken.

(b) No police union or staff association should be allowed to have political affiliations. No official of any such organisation should have any public role in any political organisation. This is to avoid perceptions of partiality.

(c) Urgent attention should be given to the question of SDUs. The need for self protection units (SPUs) according to the requirements of each community exists. There is, however, no place for unstructured units with no accountability. The provisions of paragraph 7 of Chapter 3 of the Peace Accord lays down proper guide lines in this respect. It is regrettable that existing SDUs were not formed on those lines. The Committee recommends that the SAP and the Peace Structures, at national level, take steps jointly to ensure the structuring and training of proper SPUs, where such need exists. Communities and local police should be involved in this matter. Care

should be taken to ensure that members are accountable and acceptable to the community in question. Where members of existing SDUs are nominated, their suitability should be carefully considered.

(d) Members of political organisations, community leaders, the media and others should exercise restraint when dealing with issues that could have the effect of creating perceptions that could result in incitement of violence against the SAP.

(e) Political organisations should take care that policy statements and views reach, and be understood, at all levels of their organisations. During the inquiry many shortcomings, in this respect, emerged. Some of these misunderstandings caused unnecessary friction between the SAP and communities.

(f) The SAP should review the manner in which the police victims of violence could be assisted to alleviate their suffering.

(g) Urgent and active steps should be taken by all political organisations and leaders, in consultation with the communities, to encourage the safe return, to their homes, of those police officers who were driven out and who wish to return.

(h) The criminal investigation of crimes perpetrated against members of the SAP should be more detailed and effective in order to result in successful prosecutions. Similarly complaints of crimes by members of the community should be addressed more sympathetically and effectively by the SAP.

(i) The regular liaison between the SAP and the communities such as that

initiated in the Vaal Triangle should be encouraged and extended throughout the country.

17. ACKNOWLEDGEMENTS.

17.1 The Committee wishes to express its gratitude to the following parties-

(a) Mr J. J. Du Toit who spent long hours in investigating matters concerning the inquiry. The manner in which he presented the evidence considerably eased the task of the Committee. His consultations with witnesses were thorough and enabled him to confine witnesses to relevant matters.

(b) The SAP for the manner in which they co-operated to make the inquiry possible. They spent considerable time and effort and complied with numerous requests to enable the inquiry to proceed smoothly.

(c) The ANC for their part in the inquiry. Their participation and the witnesses they made available were of great help.

(d) The legal teams for all parties played a major role in the inquiry. Their positive approach in the matter and common desire to find solutions to this vexed problem is appreciated. The Committee found the spirit of cooperation amongst them very pleasant.

(e) Professor Kwame Frimpong of UNOMSA for his participation.

(f) The court interpreters seconded to the Commission.