THE TRANSFORMATION OF THE SOUTH AFRICAN POLICE FROM A PARAMILITARY FORCE TO A SERVICE DELIVERY AGENCY, 1980-1998: A HISTORICAL ASSESSMENT

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M.M. Oelofse

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INTRODUCTION

The research and historical assessment of the transformation and restructuring of the South African Police Service (SAPS) became necessary due to the fact that limited research had been conducted on this transformation process. Every country in the world has its own policing agency, and much research and secondary sources on policing in the United Kingdom and the United States of America have extensively been published. However, very few secondary sources have been published on the South African Police Force and the SAPS in South Africa. Some non-governmental organizations such as the *Institute for Security Studies* publish on matters concerning crime, but less on the historical value of the transformation of the Police Force. It thus became necessary to conduct research on the transformation and restructuring of the SAPS before and after democratization.

It had already been stated that less secondary sources are available on the transformation and restructuring of the South African Police Force. Due to this, the most important source was to analyze files in possession of the SAPS. All the letters and correspondence concerning the restructuring and transformation of the Police Force to that of a service were documented in these files. Over 400 files were assessed in order to determine the historical process of transformation of the Police Force to the Police Service. It should be kept in mind that the Police Force and the later Police Service consist of a decentralized file system. All files, especially with relation to policies, procedures, Standing Orders, prescriptions are available in all the provinces and are not only restricted to Head Office. Therefore, file reference numbers are therefore the same at Head Office and all the provinces and all correspondences that are in files at Head Office will automatically be in files at Provincial offices. It became therefore easier to access files on Provincial level. The Police Service is such a huge organization and to research all the restructuring and transformation that took place, was not possible. The topic was thus too broad and is a huge subject to research. Only certain facets that focussed on the transformation and restructuring of the Police Force were therefore described but in less detail than had originally been intended because of the vastness of the study.

Thus, the emphasis concerning transformation and restructuring was mainly placed on two well-known components in the South African Police Force, namely that of the former Security Branch and the Riot Control Units, later to be known as the Internal Stability Unit. More information was available on the Riot Control Units than that of the former Security Branch due to its secret functioning. With the less availability of information on the Security Branch, more interviews had to be conducted with former senior and middle managers of this branch, some police officers of which are still in the Police Service. In this regard the study focussed on the oral history of the former Security Branch. Articles in periodicals, especially the *Journal for Contemporary History* and that of the *Institute for Security Studies* and newspaper clippings became important sources to document the historical transformation and restructuring of the Police Service.

The foremost description of a police officer is offered by August Vollmer, as quoted in a modern textbook of police management, who said that we expect the police officer "to have the wisdom of Solomon, the courage of David, the patience of Job, and leadership of Moses, the kindness of the Good Samaritan, the strategy of Alexander, the faith of Daniel, the diplomacy of Lincoln, the tolerance of the Carpenter of Nazareth, and finally, an intimate knowledge of every branch of the natural, biological and social sciences."[1]

Policing is a universal phenomenon and every country in the world has its own police agency. Whether it is called an agency, a service or a force, that agency had to provide the necessary functions in order to arrive at a just, fair and acceptable level of order. Viano thus stated: "We are foolish indeed if we choose to ignore the fact that in every age, men have been confronted by the same great problems of survival and of social order, the same difficulties in arriving at a just and happy life."[2] The whole focus of the issue of transformation in South Africa was on transforming the state institutions from something not as good to something better. To transform actually means making it better. The transformation of the Police Force to that of a service delivery agency had

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1 J.R. Snibbe and H.M. Snibbe, *The urban policeman in transition, a psychological and sociological review*, p. 206.

2 E.C. Viano and J.H. Reiman, *The police in society*, p. 4.

to be investigated in order to determine if the transformation that took place achieved just that, namely to make the Police Service a better institution for everyone, those it has to serve and also those working in it. Throughout the assessment the transformation of the Police Force was equally referred to as either that of an organization or an agency which had equal status in this document. In some references the word agency was used but in the majority of cases the transformation of the police was referred to as that of an organization. The research on the transformation of the Police Service became necessary because democratization became a reality, and therefore the SAPS had to be transformed into this new political dispensation.

During the period 1960 to the end of the 1980s the South African Police Force had four main functions to fulfil in terms of the South African Police Act, Act No. 58 of 1958. These functions were the maintenance of law and order, the preserverance of the internal security of the country, the investigation of crime and the protection of the inhabitants of the country. The introduction and creation of the policy of apartheid under the National Party government since 1948, contributed to increased criminalization under the apartheid policy. This had the effect that the Police Force had to become continuously and increasingly involved in the execution of government policy. By executing the policy of government they were labelled as enforcers of the National Party policy. The question that needs to be asked is whether the Police Force or Service in any political system, as the executive arm of the state, can function independently from the governing party who holds the power. A clear distinction between what is regarded as the government and the state needs to be found because this influenced the perceptions that existed in South African society as well as inside the Police Force themselves. Did the Police Force operate in a constitutional system or dispensation where they served the interest of the state, or did they operate to serve the interest of a political party?

The system of apartheid that was enforced on the African population as a social ordering process, attracted very negative responses from that population, in so far that the ANC, PAC and SACP as liberation organizations were banned due to their actions instituted against the National Party government. The orchestrated escalation of unrest,

mobilization and guerilla attacks that took place from the 1960s to the end of the 1980s made it very difficult for the Police Force to maintain law and order. The government increasingly introduced security legislation to secure and ensure the safety of the state against the onslaught from the liberation movements. The security legislation specifically was enforced by the South African Police Force and in particular a specific component, namely the Security Branch, or also called the Special Branch. It needs to be assessed whether it was really justified for the government to introduce such strict legislation and to provide such wide powers to the Security Branch in order to curb the attacks on it. The Special Branch could not work alone in curbing the escalation of violence, unrest and attacks on the government and the state as a whole. Other departments such as the National Intelligence Agency (NIA) and the South African Defence Force (SADF) itself and their intelligence department, namely the Department of Military Intelligence (DMI), worked together as part of the State Security Council (SSC) to curb the internal 'communist' threat against the RSA. The SSC that was formed at the beginning of the 1970s played a huge role in the emphasis on total control over the whole society. The NP government saw black nationalism against the background of the Cold War as a manifestation of the so-called worldwide communist threat in order to mobilize the overall white population in South Africa. This was also done to get recognition and sympathy from the Western world. However, did the influence and control that the SSC exercised over South African society also affect the paramilitary character of the Police Force? Were all these organs of state power successful and how did they achieve the combating of the internal threats in the country?

The South African Police Force was since its inception and after South Africa had become a Republic in 1961, generally described as a paramilitary or semi-military organization. It is however of crucial importance to determine whether the Police Force was indeed a paramilitary organization. To do so the history of the Police Force will be investigated in order to determine what contributed to their so-called paramilitary role and character. The issues concerning discipline, military doctrine such as standing orders, also called force orders, the authoritarian type of command and control, the specific training that the police members underwent and the type of equipment that they

used in their operations, had to be assessed. In this regard the operations of the Riot Control Units, later restructured to became the Internal Stability Units (ISU) and still later the Public Order Policing Units (POPS), need specific reference.

From the 1970s up to the middle of the 1990s much unrest and violence occurred in South Africa. The forms this unrest and violence took on were school boycotts, protest marches, strikes, people's courts and street committees that were attached to the issue of liberation. These situations had to be controlled by the Police Force because it could easily negatively affect the public order and the maintenance of the security of the state and its inhabitants in the country. The Riot Control Units to a large extent became the focus point and the most visible manifestation of the South African Police Force in that era. The focus was on the control of crowds by the Riot Control Units and later the ISU. Complaints and allegations were continuously made that these units operated brutally and were responsible for gross human rights violations. It is therefore important to assess whether these units indeed operated in that way in South Africa.

The militarization that took place in the 1970s and 1980s with the 'securocrats' in control of the National Party government, had a tremendous impact on the internal functioning of the Police Force in the country. The military expansion, especially under the auspices of the SSC, did influence the overall operational utilization of the Police Force. During the states of emergency in the middle of the 1980s the Police Force and the SADF, which assisted the Police Force, became known as the security forces. It is also necessary to determine whether there was a clear distinction between the mandates of these two state departments. Were there clear differences in the 'modus operandi', equipment and training that they utilized? Could the co-operation and assistance of the Defence Force with the Police Force enhance the paramilitary character of the Police Force? The focus of the research fall on the Police Force and therefore no primary sources such as files of the Defence Force were consulted.

The South African Police Force was sent to Rhodesia in 1966 to assist the Smith government with problems they experienced regarding terrorist insurgents from their northern borders. The government's decision was partly due to the fact that many

terrorists were of South African origin. It was the first time that the South African Police Force was sent into another country and thus utilized externally to assist with specific tasks. The focus here was to counter the insurgents from entering former Rhodesia, thus the name counter-insurgency. In 1967 the Police Force was also sent to former South West Africa to assist in curbing terrorist insurgency in the northern part of the border near Angola. These two incidents marked the beginning of an era in which counter-insurgency and external utilization of the Police Force occurred. Needless to say, serious adjustments had to be made concerning training courses for Police Force members to equip them with the necessary skills and equipment to conduct counter-insurgency operations. The role that Koevoet, a counter-insurgency unit of the Police Force, played in the former South West African war needs to be investigated. Allegations were made of intense brutality by Koevoet, and it should be investigated if it was true and if it was necessary to institute such non-conventional methods to counter the threat of insurgency. It also needs to be determined whether the external role that the Police Force played in the military operations of the bush war, contributed to them becoming more military in nature and character.

The escalation in violence in the country leading to the states of emergency in the 1980s, the escalating violence used by the liberation organizations in order to obtain 'people's power' in South Africa, the increasing infiltration of armed terrorists and escalating 'anarchy' in terms of bomb explosions, all contributed to the perception that South Africa was in a state of war. The liberation organizations committed atrocities and the South African Police Force as enforcer of the state policy and legislation also committed gross human rights abuses, due to the fact that a situation of war existed in South Africa. When looking at the extent and amount of violence and abuses that occurred in the South African Police Force, the question is whether it can be justified taking the circumstances of that era into consideration. The escalation of political violence between the ANC and Inkatha, the allegations of the existence of the so-called 'Third Force' and the much debated report of the Goldstone Commission, implicating senior managers of the Police Force in the violence, created the image that the Police Force was an instigator of the conflict in South Africa, had no control over their members and that they were totally brutal in their operations. This era also saw the

increased attacks on and murders of members of the Police Force. What contributed to this phenomenon? Could it be connected to the fact that the Police Force was seen by the black population as the enemy of the state against which they had to take serious actions? Or could it be associated with a brutalization of South African society as alleged by certain writers who stated that the methods and operations of the South African Police Force brutalized South African society?

When taking the historical developments of the past 30 years into consideration, South Africa arrived at a transitional period at the start of 1990 with the release of Nelson Mandela. It became clear that South Africa was on road to a democratic dispensation with much negotiations that took place between the then government and the former liberation organizations. The negotiations between the National Party government and the ANC started and eventually resulted eventually in CODESA and a multiparty conference where the Interim Constitution was written and Government of National Unity (GNU) was formed. However, at the beginning of the 1990s it had already become clear that the ANC as the main negotiator demanded to see a transformation of the South African society at large. Transformation of the Public Service became very important. The Police Force, that was part of the Public Service, inevitably had to reform as well. The militaristic character of the Police Force was not acceptable to the ANC as a future government. The Police Force was pressurized from everywhere, for example by politicians, experts on policing and some huge segments of the public, to demilitarize. The focus on the transformation of the Public Service needs to be assessed because it impacted on and guided the transformation of the Police Force. What was most important regarding the transformation of the Public Service was that it should become more effective in delivering a service to the communities. That was the focus of transformation. The Police Force had to demilitarize and had to become more effective as a demilitarized organization. When demilitarizing attention was given to discipline, the issue of uniforms, ranks, insignia, standing orders, utilization of force and firearms and acceptability. When taking into consideration all the aspects pertaining to demilitarization, it needs to be determined whether the transformed Police Force, called the new Police Service really became more effective after demilitarization and did the Police Force really demilitarize after democratization?

With demilitarization the issue of the trade unions had to be addressed. With the coming of democracy under a new ANC/SACP/COSATU government the rights of workers in a new South African society became important. The emphasis was placed on the accommodation of employees and workers in work places. The Labour Relations Act of 1993 specifically focussed on the rights of the workers. The Police Service was an organization that provided employment to a large number of people and the principles of employment had to be adhered to. This act also made provision for the establishment of official and recognized trade unions for the Police Force. In due time three official recognized trade unions of the Police Force were registered and police officials had to become a member of one of them. These unions were the South African Police Union (SAPU), the Police and Prisons Civil Rights Union (POPCRU) and the Public Servants Association (PSA).[3] The whole idea of the officially recognized trade unions was to negotiate better working conditions and remuneration for police officials. But did it all stay there? Did the trade unions also become involved in matters in which they should not and did they do what was expected of them? It is also necessary to determine how the trade union representatives became involved in representing individual police members in cases of misconduct and grievances against commanders or managers. In this regard it should be determined whether the coming of the trade unions affected the discipline in the Police Service negatively.

The transformation and restructuring of the Police Force also addressed a very central issue namely that the Police Force was not representative of the South African population. In order to deliver an effective service to the communities it had to become more representative of the communities it had to serve. Together with the issue of representivity, affirmative action and the equity principles have to be discussed in order to show how it affected the functioning of the Police Force in a new democracy. What was the composition of the Police Force before democracy and at the beginning of the 1990s? This contributed to the increasing requests for more representivity by the former liberation organizations. Did the Police Force introduced specific programmes to make it more representative and address the issue of affirmative action? Did this also

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[3] *Die Burger*, 10.2.1994, p. 2.

affect the service delivery of the Police Service? The reason for transformation was explicitly stated in the Public Service Commission on Transforming the Public Service: it was necessary to be changed into an institution that would deliver effective services to the communities.

The transformation of the Police Force cannot be discussed without the mention of the amalgamation processes involved. The first one was the amalgamation of the police agencies of the former TBVC countries and self-governing states with the Police Force. The situation after amalgamation needs to be critically assessed. Did the amalgamation of the eleven police agencies into one Police Service make it more efficient and effective? It was initially thought that amalgamation would be completed within one year. How long did it take to be realized? Connected to this amalgamation was the incorporation of the former Umkhonto we Sizwe (MK) and Azanian People's Liberation Army (APLA) members into the Police Force. From the start, the perception, request and feeling of the ANC as the main negotiator were that after the general election of 1994 former liberation fighters should be incorporated into the security forces, namely the Police Force and the Defence Force. Was it only payback time to incorporate these members or could they contribute to make the Police Force more effective by delivering better services to the communities?

The Police Force operated according to extensive security legislation since its existence. Some of the legislation was repealed; however, the criminal and criminal procedure laws remained almost intact. During the negotiations, the primary aim was to compile an interim constitution that would pave the way to a democracy in South Africa. The Interim Constitution and the Constitution of the Republic of South Africa in 1996 introduced some changes in the Police Force by means of specific legislation. The Constitution focussed on human rights due to past abuses of police power and infringements on basic human rights. The Bill of Rights which guaranteed specific freedoms for all became quite central in the Constitution. The SAPS Act changed the name of the South African Police Force to that of a service. In the new democratized dispensation, with the emphasis on being a 'service' rather than a 'force', a shift towards the protection and guarantee of people's human rights had to take place. The

perception was instilled in the general public and the Police Service that police members did not know how to operate in terms of a Bill of Human Rights. Police members had to be taught to respect every person's basic human rights, so a human rights culture had to be created in the Police Service. The belief was that police members in the new Police Service would have more respect for basic human rights and therefore also for society. A situation would develop in which the public would also become more trustful and respectful towards police officials in general. Did this actually occur in the period after democracy? With the emphasis on human rights, did it impact on the performance of the Police Service in terms of the combating of crime in general?

The issue of human rights is also central to two things. The first one is the issue of police brutality, also called 'blue collar' crime or police criminality. The perception existed that police members would increasingly become more protective of people's human rights, thus respectful towards people and society in general. They would no longer abuse people's human rights and torture or assault them as it happened in the era of the Police Force. The questions that remain to be answered is whether there is less police misconduct in the new democracy, which implies less police brutality or did police brutality cease to exist in a democratic dispensation? Did members guarantee people's human rights and become more respectful towards them?

With this issue of police brutality came the establishment of the Independent Complaints Directorate (ICD). The establishment of the ICD had already been requested in the transition period. The perception existed that the Police Force always favoured their members in misconduct and transgressions. When criminal charges were brought against members it had to be investigated by detectives - thus police officials had to investigate the cases against other police officials. This implied that police investigators were biased, partial and subjective in their investigations. The ICD would make the Police Service more accountable to the communities it had to serve. The ICD would then investigate all serious misconduct by police officials and also focus on escapes from lawful custody. Was the ICD equipped to handle all police investigation

against police officials? Did the ICD become successful in making the Police Service more accountable?

The Constitution and the Police Service Act both mentioned more accountability and transparency in the Police Force. The introduction of the Secretariat for Safety and Security, the ICD and the establishment of Community Police Forums (CPFs) also aimed at improving and enhancing the civilian oversight of the Police Service by making it more accountable to the communities. An historical assessment of the role that the Secretariat for Safety and Security played needs to be conducted. Did the Secretariat achieve its aim in making the Police Service more accountable and transparent? Another issue that needs clarification is that the Police Force was branded as politically accountable to the ruling party of the past, thus the National Party government. With the coming of democracy and the change to a Police Service, it needs to be asked whether the Police Service is also politically accountable to the new ANC government.

The Police Force was transformed from being a paramilitary organization to that of a service rendering agency. The main focus was on community policing. The concept provided a shift from state policing to that of self-policing and also of the communities' involvement in the prevention of crime. This implied a partnership approach between the communities and the Police Service in order to address crime effectively. It also implied more community involvement in the policing arena. The SAPS Act of 1995 stipulated that CPFs should be established at all police stations in the country. The CPFs were established to get the communities more involved in preventing crime, but not to interfere in actual police management issues. Were CPFs established at all police stations in the country and did these forums really function effectively? The second question that needs to be asked is whether the CPFs were successful in addressing the issues of crime jointly with the Police Service.

When speaking about CPFs and community policing, the whole idea was that the Police Service should deliver a better service to the communities by means of these two concepts and structures. Service delivery and good service delivery however, cannot be

explained without some crucial components, namely that of the morale of police officials and that of stress. An effective and efficient service can only be delivered by happy and 'contented' police officials. Is the morale of police officials better in being a service-orientated agency than being that of a Police Force, and are they really delivering an effective service to the communities? What contributed to the increase in stress levels amongst police officials in a new democracy?

With these, the issue of corruption needs assessment, because it affects the delivery of services by the Police Service to the communities. Police agencies all over the world are experiencing the same problem, namely police corruption. There was police corruption in the days of the Police Force, however, reports in the media after democratization indicated that police corruption increased. It needs to be determined if it actually did increase or were there better methods in the past to curb this phenomenon, or was it not reported that much? If there is more corruption, what contributed to corruption in the Police Service? A code of conduct was drafted for all police officials as members of the new SAPS. Did the code of conduct have a meaningful influence on the behaviour and conduct of police officials in the new Police Service?

The role of the Police Service cannot be assessed without mentioning their role in fighting crime. With the new era in policing with its community policing came another important change in police operations, namely that of the prevention of crime. The focus on crime investigation, thus reactive policing, shifted to that of proactive policing, thus the prevention rather than the investigation of crime. With the establishment of a formal Crime Prevention Division came the issue of social crime prevention. This implied that the root causes of crime should be addressed. In order to accomplish this task it was acknowledged that the Police Service cannot address the root causes of crime alone and that it should be done in conjunction and co-operation with other government departments. The Justice, Correctional Services, Police and Social Services Cluster (JCPS) was established in order to jointly address the issue of crime. The strategy implemented to do that was by means of the National Crime Prevention Strategy (NCPS). Could the JCPS and the NCPS effectively address the root causes of crime in

South Africa? Together with this came the partnership between the Police Service and the business community, called the Business Against Crime (BAC) initiatives. What meaningful role did these initiatives play in addressing crime?

The Police Service introduced strategic planning in which policing priorities to address the escalation in crime levels in the country were stipulated. Strategic and also operational planning were introduced to address specific priority crimes on the short and long term. In this regard reference will be made to the annual police plan and strategic planning for the Police Service.

The measuring instrument of crime statistics was introduced by means of which the increases and decreases of crime could be scientifically explained. The figures of crime increases play a huge role in how the public perceives the Police Service. The Police Service appointed lateral academics to assist with the interpretation and analysis of crime statistics and the root causes of crime. In the days of the Police Force, just the figures of crimes were mentioned and not the interpretation or contributing factors that gave rise to those crimes. With the focus on reliable and accurate crime statistics, it should be assessed whether the crime statistics provided by the Police Service were indeed what they supposed to be. When speaking about crime it should be clearly understood what crime really is. Were South Africans becoming more afraid of falling victim to serious and violent crimes? Is the issue of crime statistics a workable tool and is it justifiable to measure the report rate of crime? A very important contention matter is whether the Police Service alone is responsible for the increase in crime levels in the country and are they solely to be blamed for it?

The era of policing in South African under discussion cannot be concluded without reference to the role that the media played in portraying a specific image of both the Police Force and the Police Service. It is also important to refer to the overall perceptions of the public concerning the Police Force and the Police Service. How did the general public experience the Police Force in the past era? Is the new SAPS more acceptable to the general public? Lastly, is the general public satisfied with the services that the Police Service deliver? The existence of a working relationship between the

media and the Police Service needs discussion. In the era of the Police Force the media was quite restricted in their role as watchdog and carrier of information to the public. Is there a better working relationship between the media and the Police Service, and more openness and transparency?

The study concerns the process of transformation of the Police Force that took place in the period under discussion in South Africa. In the period from 1960 to 1990, specific politicians and personalities played an important role in the transformation of the Police Force and the South African society at large. Reference will only be made to these politicians and personalities, but no in depth analysis of their specific contribution will be discussed. The period for the transformation of the Police Service will end at 1998. The reasons for this is that National Commissioner F.G. Fivaz handed over the leadership of the Police Service in the beginning of 1999 to a new commissioner and huge restructuring and transformation of divisions and components took place during 1998. Interviews with middle to top managers that played a significant role in the transformation and restructuring of the Police Force to that of a Police Service, namely that of POPS and the former Security Branch were conducted. It should be kept in mind that transformation had at heart the issue of representivity and that the majority of high ranking officers in these divisions a that time were not representative of the South African population in terms of race and colour. Towards the end of the century the Police Service became more representative in that regard. The majority of more representative members and officers of these divisions were mostly junior officers and therefore interviews were not conducted with them.

The magnitude of the Police agency in South Africa makes it problematic to assess and investigate it. Specific focus areas were identified and discussed regarding transformation and restructuring that have an impact on specific issues. The most central issue is whether the Police Force really transformed from a paramilitary organization to that of a service delivery agency.

CHAPTER 1 - The South African Police Force as enforcer of the apartheid policy of the National Party (NP) government, resulting in conflict against liberation organizations in South Africa: 1960s to 1980s

1. Introduction

Bayley states that "the police of all the criminal justice agencies are the most pervasive and influential. For most of the world's people, they are the most visible manifestation of government."[1] This is but one of the statements made by historians, criminologists, sociologists, police and government officials about the existence and need for police agencies around the world, and South Africa is no exception in this regard. The need for police can be traced back to the Greek philosophers more than 2 400 years ago. Plato stated that "'n werklik menswaardige bestaan is moontlik net in 'n samelewing waarin geregtigheid verwerklik is, en dit is die geordende samelewing van die stad of staat, of liefs polis. In 'n geordende staat bestaan die owerheid wat gesag het en mag uitoefen."[2] This government cannot execute power through itself, but needs an organization through which it can enforce its power and therefore a police agency is a necessity.

There is no doubt that South Africa needs a police agency to enforce specific legislation introduced by government. The South African Police Force was that agency which attracted a lot of attention in their maintenance of law and order during the more than forty years of reign by the National Party (NP) government. The system of apartheid introduced in 1948 under the NP government, brought about drastic and dramatic changes in South African society at large. The South African Police Force was primarily responsible for upholding the political status quo and was confronted increasingly with the execution of various apartheid laws. The South African Police Force was always in the front line in the enforcement of apartheid. The South African

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1 D.H. Bayley, *Police and society*, p. 234.

2 A.M. Faure *et al*., *Die Westerse politieke tradisie*, p. 47. "A true decent existence is only possible within a well ordered society of the state, or polis. In a well ordered state, a government exists which has the necessary authority and power."

Police Force, as other police agencies throughout the world, has the primary responsibility to maintain and enforce law and order by means of specific drafted legislation. There is a distinction between the state and the government, and this distinction should be made in order to determine whether the Police Force was actually an instrument in the hands of government, or did it execute its primary task namely the protection of the state?

The build-up of the liberation struggle started in 1960 at Sharpeville with the State of Emergency, the banning of the African National Congress (ANC) and the Pan Africanist Congress (PAC) and the launch of the armed struggle by these two organizations.[3] During the 1970s and especially in the 1980s, the ANC's strategy involved the escalation of labour unrest, strikes, consumer boycotts, involvement of the youth by means of school boycotts, the escalation of guerilla warfare and the establishment of people's courts and street committees. The ANC, the Communist Party of South Africa (SACP), PAC and other liberation organizations increasingly included acts of terror in their armed struggle against the NP government. These acts were inclusive of the ANC's so-called 'People's War' strategy with the ultimate aim of making the country ungovernable for political goals.[4] During the 1980s, the ANC, SACP, PAC and other liberation organizations increased their acts of terror in their armed struggle against the NP government and the country as a whole. These organizations in their armed struggle for liberation within South Africa came into conflict and confrontation with the Police Force who had to protect the internal security of the country and to maintain law and order.

From the perspective of the NP government, as from the 1960s an international phenomenon of terrorism and political violence has emerged, not only in South African but all over the world. Greyling mentioned that terrorism has at its ultimate aim the destruction of the political system and justifies all acts of violence as political violence.[5] The NP government saw the actions by the liberation organizations as political violence

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3 R. Gibson, *African liberation movements*, p. 56.

4 J.A. Stemmet and S.L. Barnard, "Committees, tyres and teenagers: 'people's power' and 'alternative structures' as part of the strategy of the ANC to render the country ungovernable during the 1980s" in *Journal for Contemporary History* 28(1) June 2003, p. 94.

5 R.J. Greyling, *Terrorisme, die feite*, pp. 13, 14.

by armed terrorists. Furthermore, from the 1960s African nationalism spread over the African continent with the independence of African states from colonial rule. The rivalry between the United States of America (USA) and the Soviet Union to get a threshold in Africa during the Cold War from the 1960s to 1970s, and the expansion of communism contributed to much uncertainty within South Africa.[6] The communist threat and the close co-operation between the ANC and the SACP inside South Africa instilled a belief in the NP government that they had to counter the communist threat inside the country that plunged South Africa almost into civil war. The Police Force also perceived the communist threat internally as a huge threat to the security of the state.

The NP government responded by enacted legislation to equip the South African Police Force and especially the Security Branch internally with extraordinary methods to counter communism and the armed struggle. A lot of security legislation was promulgated to enable the South African Police Force and the Security Branch in particular to address these threats. More focus was placed on the perseverance of the internal security of the country than on the maintenance of law and order. The Security Branch became notorious for the way they addressed the threats inside the country, and heavy criticism was expressed against them for methods employed in detaining and interrogating especially the African population. By the end of the 1970s and during the 1980s, other intelligence agencies within South Africa, namely the National Intelligence Service (NIS) and the Directorate for Military Intelligence (DMI), also played a significant role in addressing the domestic threats. Liaison, assistance and co-operation between the various intelligence agencies in South Africa were orchestrated through the apparatus of the SCC. The question that needs to be asked is whether the actions instituted by the NP government in equipping the South African Police Force and in particular the Security Branch, were justified when assessing the threat of liberation in South Africa?

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6 M.K. Dziewanowski, *A history of Soviet Russia* (2nd edition), p. 341; D. E. Albright (ed.), *Africa and international communism*, pp. 27-28.

The increase in internal instability in the country, part of the ANC's plan to make the country ungovernable, prompted the NP government to declare a State of Emergency in 1985. South Africa was gripped in a State of Emergency for almost three years. During this period, the NP government relied heavily on the SADF in co-operation with the South African Police Force to ensure the security of the country and the safety of all its inhabitants. This put these two state departments directly into fierce conflict with the liberation organizations inside South Africa. The actions, attitudes and conduct of the SADF, and in particular that of the Police Force, were on a daily basis exposed in the media and especially the overseas press as being brutal in suppressing the internal turmoil inside the country. The question that needs to be asked, is if it was really necessary for the NP government to employ the SADF internally in assisting the Police Force?

2. The South African Police Force as enforcer of the NP policy, 1948 to 1990

When the NP government came to power in 1948, they introduced legislation to promote their policy of apartheid. For the enforcement of these laws of segregation that affected the African population in South Africa negatively they needed a strong, capable and powerful Police Force. As the years and decades passed under the rule of the NP government from the 1960s to the 1980s, the South African Police Force became more and more unpopular under the African population in their enforcement of security and apartheid legislation. However, any police agency, whether it operates in First or Third World countries, has the responsibility of enforcing legislation drafted by the government of the day, irrespective of who that government is.

In this regard, Bent claims that the police need to enforce specific laws. "Operating from prescribed laws and statutes, he (the policeman) is made to enforce popular and unpopular laws. He is subjected to pressure by the legal-political structure on the one hand and the myriad vocal and angry groups in our society on the other. The policeman lives and works in an environment of cross-fires in a highly charged community. This has made the policeman's role a most difficult and versatile one."[7] Varwell further states that "Society delegates to the courts the duty of interpreting the law, and to the

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[7] A.E. Bent, R.A. Rossum, *Police, criminal justice and the community*, p. 3.

police, the responsibility for enforcing it."[8] Westley agrees in this regard by stating that "the position of the police…to the law is that of the enforcement agent."[9] Grundy's opinion is that all police forces are, to a large extent, political organizations. Their principal function is to enforce the laws, and they are a coercive instrument of the state; they are designed ostensibly to maintain a particular constitutional order.[10] It is evident from the authors that policing in any given society is associated with unpopular actions and laws and that some people from the population would also query and not be satisfied with this. The police and especially the South African Police Force had a very difficult task to execute legislation and to keep communities overall policed and satisfied.

The South African Police Act, Act no. 7 of 1958, specifically stated that the South African Police Force was responsible for the maintenance of law and order, the perseverance of the internal security, the investigation of crime and the safety and the security of the inhabitants of the country.[11] The enforcement role of the Police Force lay in the three pillars of the legislation. The first was to maintain and uphold legislation. The second pillar was to ensure that order was preserved and that stability and security in South Africa was maintained. The third pillar of the act was to guarantee the safety and the security of all the people in South Africa from illegal, unlawful and instable acts by any person or groups of persons. According to Midgley the South African Police Force served for many years as the NP government's instrument in upholding its apartheid policy. The Police Force's prime function was to apply the maxim that the safety of the state was the supreme law. The Police Force's focus was to maintain law and order, to serve the state, and while this also caused some sectors in the society to feel safe and protected, police in essence saw themselves as protecting the state against certain communities and individuals.[12] Cawthra mentioned that the police were considered to be the archvillains who enforced the unpopular laws with vigour.[13]

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8 D.W.P. Varwell, *Police and the public*, p. 102.
9 W.A. Westley, *Violence and the police, a sociological study of law, custom and morality*, p. 10.
10 K.W. Grundy, *Soldiers without politics, blacks in the South African armed forces*, p. 135.
11 *Statutes of the Union of South Africa*, Act no. 7 of 1958, 14.2.1958, p. 12.
12 J.R. Midgley, *Community policing; tentative steps towards true reconciliation*, p. 3.
13 N. Melville, *The taming of the blue: regulating police misconduct in South Africa*, p. 1.

The apartheid system embodied a lot of discriminatory legislation whereby specific race groups within South Africa were classified and restricted in their movements. According to Brewer, the South African Police Force's primary task was to police race relations, and thus to contain and control black South Africans by keeping them in their political, economic, social, and moral place as a subject population. The South African Police Force was centralized and under political control, acted as the servant of the state in suppressing a part of the populace, performed several non-police duties on behalf of government, and its methods relied on brute force as the first resort.[14] Due to the fact that the South African Police Force was associated with the social control of the apartheid system under the NP government, it was classified primarily as the upholder of a political system. Although social control was also embedded in the pass office, labour bureau, factory, and building site, policing was easily seen as a political activity by Africans because the Police Force enforced and symbolized a system of internal colonialism which accorded them second-class citizenship. In this sense, Brewer argued, South Africa has always been a police state because the police has from the beginning been experienced by the subject population as the main mediation of social control.[15] The apartheid laws enacted from 1948 by the NP government were primarily instituted to segregate the black population from the whites, by means of no interaction on political, economic and social spheres. Social segregation by means of no freedom of movement, expression, association, and speech was connected with the political demand for citizenship that was not afforded to the African population in South African. The focus of apartheid legislation was on the exercising of social control over the African population, and the means by which the control was enforced and executed was by using the Police Force.

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14 J.D. Brewer (ed.), *Can South Africa survive? Five minutes to midnight*, p. 333.
15 *Ibid*. p. 335.

Brooks and Brickhill claimed that the employees of the Bantu Affairs Administration Board (BAAB),[16] who were in effect municipal uniformed police, executed the social control over the African population and had to carry out all the social movements of the African population. The BAAB was not part of the South African Police Force, they did not deal with ordinary crime, and in theory did not have the power of arrest or of prosecution in the lower courts, but they behaved like the South African Police Force. Officials of the BAAB raided at all times of the day and night, apprehended suspects who they took to the police station for the Police Force to follow through with prosecutions of pass law transgressions. The BAAB was feared and disliked by the African population and their activity complemented that of the numerous clerks and officials engaged in carrying out the 'influx control' aspects. The BAAB police function came to the fore in the disturbances during the 1960 and 1970s. BAAB officials armed with small arms roamed around the townships, 'patrolling' them. The BAAB bureaucracy was not only a controller and distributor of labour and administrator of the urban labour camps; it was also a policeman in the worst sense, a force against the community rather than a force serving the community.[17] The African population regarded the BAAB and the South African Police Force as performing the same functions and no distinction was made between the two of them that operated in the townships.

Brooks and Brickhill further claimed that the prevention and control of crime in the townships took second place to the enforcement of the pass laws, and this constituted a huge, routine operational burden on the South African Police Force, even though they were assisted in it by the BAAB. In any year, of the more than a quarter of a million prisoners sentenced to imprisonment, some two-thirds were Africans jailed for periods

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16 The Bantu Affairs Administration Boards (BAAB) were created to supplant all the existing Non-European Affairs Departments. By mid-1973, 22 regional Boards had been created, nine in the former Transvaal, seven in the Cape Province, and three each in the former Natal and Free State. In them were vested ownership and the control of all the land within the area of their jurisdiction, the power to allocate labour, and the responsibility for providing housing and auxillary services such as roads, sewerage and water. They also regulated trading licenses in general, and the sale of liquor in particular. They were also to keep the central register in each area in order to eliminate illegal housing and employment. From the outset the BAAB's have been expected to be self-financing. The BAAB was referred to as the "blackjacks" because of their black uniforms. A. Brooks, J. Brickhill, *Whirlwind before the storm: the origin and developments of the uprising in Soweto and the rest of South Africa from June to December 1976*, pp. 171-172 .

17 *Ibid*., pp. 195, 197.

of less than four months. While some of these cases were ordinary petty offences the majority of them were infractions of the pass laws.[18] The South African Police Force was concerned with regulating movement of Africans, checking passes and permits, and enforcing the laws of segregation. Jordan K. Ngubane, a South African writer, explained in his testimony in 1969 given before the U.S. Senate, that much of the Police Force's work dealt with the enforcement of apartheid legislation, giving them the kind of unpopularity the armed forces have avoided.[19] The focus on the maintenance of law and order in the African communities was less a priority for the NP government and thus for the Police Force. In this regard National Commissioner F.G. Fivaz indicated that the South African Police Force was not completely in line with international standards as to what they really should do, namely to focus on crime.[20] The focus was more on the political and social suppression of the African population in the townships in South Africa.

The South African Police Force's internal role was to execute legislation and in this regard apartheid legislation. Therefore its role was politicized and seen as inseparable from that of the NP government. However, which police force or service can be totally separated from the state or the government? In this regard Professor A. Wessels mentioned: "Who pays the police? The government, actually the state but the perception exists that it is the government. Therefore, you cannot expect that the Police should go in one way and the government in another way. I think it will be naive to think that the Police can operate independently from the government of the day."[21]

The National Commissioner of the South African Police Force from 1989 to 1994, General J.V. van der Merwe, stated the following on whether the Police Force could be

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18 *South African Institute of Race Relations (SAIRR) Annual Survey 1976*, pp. 89, 207.

19 L.H. Gann and P. Duignan, *South Africa:War? Revolution? Peace*, p. 47.

20 Commissioner George Fivaz became the first National Commissioner of the South African Police Service (SAPS) on 1 April 1995. He joined the Police Force in 1965 and was the Head of the component Efficiency Services before he became National Commissioner. Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

21 Professor Wessels started in January 1988 at the University of the Free State as senior lecturer in the Department of History. He specializes in South African military history and also published on Africa in the post-colonial era. Jane Buys Collection: Transcribed interview with Professor A. Wessels, acting Head of the Department of History, University of the Free State (UFS), Bloemfontein, 15.4.2004.

labelled as a political instrument in enforcing the apartheid policy by the NP government: "On the one hand it is true to say that the Police Force was an instrument to ensure the power of the previous government. Before 1990 there was a struggle in our country where the ANC as part of the liberation organizations tried to take over the government of the day with force. It was the task of the Police Force internally to ensure that it did not happen. If you see this as preservation of the government, then it is for sure true. The Police Force was also burdened with the maintenance of law and order, the protection of the ordinary citizen and to ensure that the government continued with its activities. The Police Force was the first line of defence, and therefore it was actively involved in the struggle."[22] Mr L. Calitz, Criminologist at the University of the Free State [23] agrees with the statement of Commissioner van der Merwe in stating that "the Police Force had no other choice but to enforce existing legislation that was enacted by the government that was in power. The Police Force was obliged to execute legislation. I saw the Police Force as an organisation that was in control of crime, and that could prevent crime to the advantage of the communities so that the communities could be protected."[24] The Police Force's role was thus primarily to ensure the existing legislation, irrespective of apartheid legislation or pass laws, would be enforced. The perception then arises that it was not concerned with crime in general.

In 1990 President F.W. de Klerk spoke to 500 of South Africa's highest-ranking police officers and set out his agenda for police reform. "The other tasks (the police) had to fulfil...was a control function connected to a specific political party and the execution of laws. We do not want to use you (the police) any more as instruments of certain political goals. We as politicians must take full responsibility for politics."[25] Two weeks later the Deputy Minister of Law and Order, Roelf Meyer, declared in Parliament

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22 Commissioner van der Merwe served forty-two years in the South African Police Force. He joined the South African Police Force on 3 February 1953 and resigned on 1 March 1995. He was also Head of the Security Branch during the period 1985 to 1989, after which he became National Commissioner in 1989. Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

23 Mr Calitz joined the University of the Free State in 1995 as lecturer in Criminology. He is at present the head of the Department of Criminology at the University of the Free State (UFS) in Bloemfontein. Jane Buys Collection: Transcribed interview with Mr L. Calitz, Head of the Department of Criminology, University of the Free State (UFS), Bloemfontein, 6.3.2004.

24 *Ibid*.

25 M. Brodgen, C. Shearing, *Policing for a new South Africa*, p. 25.

that the police "have been used too long by the government to enforce apartheid laws and political policy and that they would now be independent and depoliticized."[26] Davidson agrees with this in stating that "for decades South Africa had been virtually a police state for most of its inhabitants."[27]

Thus, the apartheid system that had come into effect under the NP government since 1948, was upheld by the South African Police Force until the NP negotiated in the 1990s with the ANC and other liberation organizations to dismantle the system of apartheid and to pave the way for a democracy in South Africa. As the South African Police Force was the organization that guaranteed that the NP stayed in power, it was associated with just that by the liberation organizations, and was then labelled the enforcer of the NP policy. During this period South Africa was also referred to as a police state, because the Police Force was seen as a political instrument in enforcing discriminated legislation under the black population. The enforcement role that the Police Force played in executing apartheid legislation contaminated their policing role tremendously. The perception was created that it was the only task that the Police Force fulfilled during the 1960s up to the 1980s and that they neglected their policing issues, namely the investigation of crime and the maintenance of law and order.

3. Intelligence agencies in South Africa and their role in enforcing security legislation in South Africa, 1948 to 1990

The restructuring of state power in South Africa has gone hand in hand with a restructuring of the intelligence agencies. Information on apartheid intelligence bodies was severely limited. Three intelligence-gathering organizations existed within South Africa at the beginning of the 1960s, namely the Buro for State Security (BOSS), the Security Branch of the South African Police Force and the Military Intelligence section (MI) of the SADF. These three intelligence organizations were primarily tasked to gather information in addressing the threats against the government of the day. The

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[26] J.D. Brewer, *Restructuring South Africa*, p. 72.
[27] B. Davidson, *Africa in history*, p. 347.

BOSS and MI gathered information on domestic and external threats. The Security Branch was tasked to gather solely domestic related intelligence.

When P.W. Botha became Prime Minister, one of his first initiatives was to clip the wings of BOSS.[28] Under the leadership of General Hendrick van den Bergh the agency doubled its size in the decade of its existence. By 1979 it employed at least a thousand operatives and staff. Throughout its existence, BOSS was at loggerheads with the other two intelligence agencies, the Security Branch of the Police Force and the Military Intelligence section, usually known as the Directorate of Military Intelligence (DMI) of the SADF. The tension was heightened by the intense personal antagonism between P.W. Botha and General van den Bergh, who as Premier Vorster's right hand was widely regarded as the "power behind the throne".[29]

The DMI suspected that BOSS planned to take over the military's intelligence functions entirely. Throughout B.J. Vorster's premiership the power of BOSS continued to grow at the expense of other agencies. At one point BOSS even took over the offices of DMI. Inter-agency rivalry became so intense that the departments apparently began spying on each other. The involvement of General van den Bergh in the "Information Scandal" was greeted with despair in BOSS circles. In 1978 Premier P.W. Botha moved swiftly, establishing a commission of inquiry under the newly appointed Minister of Defence, Kobie Coetzee. So, in 1978 a new acting director was appointed to symbolize the break with the past and BOSS was renamed the Department of National Security (DONS).[30]

Cawthra claimed that in January 1980 President P.W.Botha strengthened military and police control over DONS by transferring Rear Admiral Willem du Plessis and

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28 The Bureau of State Security (BOSS) was established in terms of the Public Service Amendment Act, no. 86 of 1969. The Bureau would co-ordinate and complement the security activities of the Security Branch of the Police and the Military Intelligence division of the SADF, but these organizations would retain their identities. It would not be subjected to the authority of the Public Service Commission, and except during the Annual Budget debate, Parliament would be unable to question its activities. The Security Services Special Account, Act no. 81 of 1969 set up an account to finance the activities of the Bureau. M. Horrell, *Laws affecting race relations in South Africa, to the end of 1976*, p. 449; R. Leonard, *South Africa at war: white power and the crisis in Southern Africa*, p. 124.

29 G. Cawthra, *Brutal force, the apartheid war machine*, p. 38.

30 *Ibid*., p. 39.

Brigadier Frans Steenkamp, second-in-command of the Security Branch, to the department. Lukas Daniël Barnard, a young professor from the University of the Orange Free State, was appointed to head DONS. Barnard's appointment to DONS was accompanied by a further name change, as the agency was renamed the NIS.[31] Leonard is of the opinion that the exact division of labour between the three agencies, namely the NIS, DMI and Security Branch, remained a closely guarded secret. The NIS functions were mostly concerned with the evaluation of intelligence gathered by its own operatives as well as by those of the other agencies.[32] The General Law Amendment Act of 1969 and 1973 stated that it constituted an offence to knowingly disclose any 'security matter' and the government minister was permitted to suppress any evidence before courts or other bodies to be 'prejudicial to the security of the state'.[33] The Security Branch was invested with powers of detention and arrest and played an important role in apprehending those suspected of activity against the apartheid state. Military Intelligence took over many of the functions previously carried out by NIS when, as BOSS, it carried out covert operations all over the world. While there was little doubt that the DMI has grown immensely in importance under the Botha presidency, it would be a mistake to assume that the NIS was a spent force. Professor Barnard himself played an active role on both the SSC[34] and its secretariat and working committee. Cawthra pointed out that it was also likely that the NIS played an important role in the National Intelligence Interpretation Section of the SCC secretariat.[35]

Potential threats to state security were identified and investigated by the NIS who reported to the SSC. The NIS was also intended to co-ordinate the activities of MI and the Security Branch of the South African Police Force.[36] At the same time, the work of the NIS was designed to complement the activities of these two units. According to the Lawyers Committee for Human Rights the NIS focussed on overseas operations, while internal security matters were the responsibility of the Security Branch, a plainclothes police unit that handled the arrest, detention, interrogation and prosecution of political

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31 *Ibid*., pp. 38-39.
32 Leonard, pp. 123-124.
33 *Ibid*., p. 124.
34 Grundy, p. 7.
35 Cawthra, *Brutal force*, pp. 39-40.
36 Leonard, p. 124.

offenders.[37] Stiff mentioned that from 1985 to 1986 the top secret Co-ordinating Intelligence Committee (CIC) of the SSC, under the chairmanship of the Director of the NIS, Dr Niel Barnard, was established. Its purpose, according to Barnard, was to co-ordinate the gathering of intelligence by the police, the military and the NIS.[38] Van Vuuren claims that as a police unit, the Security Branch was answerable to the Minister of Law and Order, who also sat on the SSC.[39]

The secrecy wherein and under which the intelligence gathering agencies worked, made it difficult to determine the extent of their operations, the influence that they executed internally and the importance of the intelligence they gathered. The internal co-operation and influence they had on one another made it difficult to establish who played the most significant role. All these things contributed to speculation by opponents of the government and the media of the interrelationship between these agencies and their working within South Africa. Every one of the intelligence agencies focussed on specific threats and their manners and ways of addressing those threats differed. They became specialists in their field of operation, but also had to co-operate with one another to determine if other threats also had to be addressed.

4. Security legislation introduced by the NP government from the 1960s to the 1990s

The Justice Department is writing legislation and when legislation is enacted and promulgated by Parliament it becomes the task of the Police Force to oversee that legislation is implemented, executed and enforced. Apartheid as it was introduced under the NP government from 1948, encompassed a lot of legislation. During the 1950s and 1960s the majority of the legislation was drafted and enacted through Parliament to enforce the system of apartheid. In any society, people cannot always agree on what the rules of that society ought to be. Bennett and Devine claim that even honest and intelligent men cannot agree, always and consistently, on what laws and rules are necessary and proper. It must be admitted that the rules and laws enacted by

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37 H. van Vuuren, *Apartheid grand corruption, assessing the scale of crimes of profit in South Africa from 1976 to 1994, a report prepared by civil society at the request of the Second Anti-Corruption Summit, May 2006*, p. 39.

38 P. Stiff, *Warfare by other means*, p. 85.

39 Van Vuuren, p. 39.

government representatives do not always suit all the people in society. The police officer must keep abreast of all new laws being enacted and any changes or modifications in the existing laws.[40] However, in a democracy these laws should be instituted to suit the majority of people. The laws in South Africa were instituted to affect the majority of the population, namely the African population, negatively because it restricted them in their basic movement as human beings and did not provide them with even human rights.

According to two American intellectuals, Gann and Duignan, the prime objective of the South African Police Force was the safety and security of the state, which meant they had to protect the state against a total onslaught by many of its citizens. Safety and security of the people and of individuals, was secondary to the preservation of the internal security.[41] From the 1950s and specifically during the 1960s legislation was introduced by the NP government to protect the power of the state at all costs against any subversive elements inside and outside South Africa. It needs to be mentioned that the South African Police Force is the administrator of justice of all legislation introduced within the Republic of South Africa.

The 40 years under the NP government can be seen as the period when the armed struggle by liberation organizations such as the ANC and PAC emerged in South Africa. The armed struggle, especially during the 1970s and 1980s, was classified as of a political origin, in so far that violence utilized by these liberation organizations was labelled as political violence. In this regard Wilkinson argued: "Political violence is implicitly prepared to sacrifice all moral and humanitarian considerations for the sake of some political end."[42] The term political violence is described as "a considerable or destroying use of force against persons or things, a use of force prohibited by law, directed to a change in the policies, personnel or system of government, and hence also directed to changes in the existence of individuals in the society and perhaps other societies."[43] Davis sees political violence thus: "Political violence refers to the use of

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40 T.W. Bennett and D.J. Devine, *Policing and the law*, pp. 107-109.
41 Quoted in Midgley, p. 7.
42 P. Wilkinson, *Terrorism and the liberal state*, p. 30.
43 *Ibid*.

force by organized domestic groups to achieve their national political objectives."[44] It can therefore be interpreted that the NP government saw the violence emerging from the liberation organizations as that of political violence of which the ultimate aim was to overthrow the system of government. In this regard, the NP government introduced specific legislation to counter these objectives by the liberation organizations.

The powers given to the police by the Suppression of Communism Act of 1950[45] were intended to suppress the political activity of a range of opposition groupings. Apart from outlawing the SACP, the Act was also used against the trade union movement and any "organization or individual who aims at bringing about any political, industrial, social or economic change within the Union".[46] In the wake of the Defiance Campaign of 1952 two more enactments followed.[47] The Public Safety Act, no 3 of 1953[48] and the General Law Amendment Act, no 62 of 1955[49] streamlined the capacity of the state to deal with threats to public order such as mass campaigns and civil disobedience. Grobler is of the opinion that these acts bestowed upon the South African Police Force an increasingly dominant role in defence of the state. Such acts were to set the tone for a process of increasing criminalization of political activity in years to come.[50]

All the emergency powers of 1960 were reintroduced on a permanent basis by a stream of repressive laws that steadily refined and extended the powers of the State. The Unlawful Organizations Act of March 1960 was passed to outlaw the ANC and PAC.[51] The most important of these laws was the General Law Amendment Act of 1962[52]

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44 J.P.C. Mostert "Die begrip politieke geweld: aard, oorsake en vorme" in *Journal for Contemporary History* 8(2), December 1983, p. 19; D. Reed, *The siege of Southern Africa*, p. 108.

45 *Statutes of the Union of South Africa*, Act no. 44 of 1950, 17.7.1950, p. 548.

46 Gibson, p. 49.

47 I. Liebenberg, *Ideologie in konflik*, p. 92; J. Grobler, *A decisive clash? A short history of black protest politics in South Africa, 1875-1976*, p. 100.

48 This act empowered the Governor-general to declare a State of Emergency over the whole or parts of the country, and to issue regulations suspending any law. Grobler, p. 100.

49 *Ibid*. This act provided that any person guilty of an offence "committed by way of protest or in support of any campaign against any law, could be sentenced to a maximum of three years imprisonment".

50 Bennett and Devine, p. 280.

51 M. Benson, *South Africa, the struggle for a birthright*, p. 225; Grobler, p. 125.

52 This act was known as the Sabotage Act. It gave police officers the authority to arrest without warrant and detain for up to 90 days any persons suspected of committing sabotage, or having information about specified types of political offences. R. I. Rotberg, *Suffer the future, policy choices in Southern Africa*, p. 41; Benson, p. 246; Grobler, p. 131.

which laid down penalties from a minimum of five years' imprisonment to the death sentence for a broadly defined sabotage and the General Law Further Amendment Act of 1963 which introduced a ninety-day detention without trial.[53] This act empowered the Minister of Justice to detain certain persons for a further period after they had served prison sentences for specific crimes. It also gave Police Force commissioned officers the authority to take any person into custody and to repetitively detain such person for 90 days if they were suspected of having committed sabotage or had plans to commit sabotage.[54] The Criminal Procedure Act of 1965[55] introduced 180-day detention of potential suspects. All these laws had one thing in common and that was to ensure the safety and security of the state at all costs by means of threats of communism, public safety, civil disobedience and sabotage.

The killing at the Munich Olympics in 1972[56] introduced the world to a new variation in radicalism and political expression, namely terrorism. Terrorism has been adopted and has spread with epidemic force, striking with terrifying unpredictability and effectiveness all over the world. Terrorists have discovered a new tool of political expression.[57] Terrorism was described in the Northern Ireland Emergency Provisions Act (1978) as "the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear."[58] Mostert is of the opinion that revolutionary terrorism exists out of the systematic use of terror acts and violence with the specific aim to bring about political changes.[59]

Lass elaborated further by claiming that political terrorism can shortly be described as threatening intimidation. This is the systematic use of murder and anarchy, or the threat of it, to terrorize individuals, groups, societies or governments to agree to the political demands of the terrorists. In this form of terrorism low intensity warfare is being

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53 Benson, p. 246.
54 M. de Witt Dippenaar, *The history of the South African Police, 1913–1988*, p. 317; J. D'Oliveira, *Vorster, die mens*, p. 129.
55 *Statutes of the Republic of South Africa*, Act 96 of 1965, 25.6.1965, Part II, p. 2010.
56 Massacre of eleven Israeli athletes at the 1972 Olympics in Munich by Arab terrorists. According to Wilkinson it was a terrorist attack because it was a violent act by Palestinians against Israelis committed on the soil of a third party state. Wilkinson, pp. 140, 232.
57 A. Bouza, *Police intelligence, the operations of an investigative unit*, p. 17.
58 Mostert, p. 26.
59 Mostert, p. 30; S.B. Payne, *The conduct of war, an introduction to modern warfare*, p. 231.

used.[60] The police is not capable of curbing the increasing violence and the assistance of the military is sought to restrict the conflict in order to curb a full-scale urban guerilla war.[61] Scruton stated that "terrorism merely opposes violence with violence in the name of freedom from violence".[62] Wilkinson is of the opinion that "terrorism can also be employed, as can urban guerilla warfare to convert the political crisis into armed struggle by the people against the military powers".[63] The NP government saw the acts of the liberation organizations to fit the definitions of terrorism and introduced applicable laws to counter it. When the specific laws were enacted it became the responsibility of the Police Force to enforce and execute them.

On 21 June 1967 the Terrorism Act, Act no. 83 of 1967, was published. The provisions of the Act were also applicable to South West Africa,[64] with retroactive force as from 27 July 1962 when persons were first recruited for terrorist training abroad.[65] The Act specified that the death penalty could be imposed for acts of terrorism and that in the event of prison sentences a minimum of five years would be applicable. Policemen were trained and drilled to bring suspects to court and let justice be done. According to Dippenaar, the Terrorism Act laid the basis for the suppression of insurgency by the liberation organizations.[66] This Act also influenced the course the South African Police Force took in exercising, controlling and expanding their paramilitary make-up in decades to come. The threats of communism and terrorism were thus severely noticed by the NP government in the drafting of laws to counter these two threats.

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60 H.R. Lass, *Die grondleggers van rewolusionêre oorlogvoering, Mao Tse-Tung, Vo nguyen Giop en Che Guevara*, p. 39.

61 Mostert, pp. 31-33.

62 L. Pettiford and D. Harding, *Terrorism, the new world war*, p. 57.

63 Wilkinson, p. 59, R.I. Rotberg, J. Barratt (eds), *Conflict and compromise in South Africa*, p. 20.

64 South West Africa was administered by South Africa as a Mandate and all the laws applicable to South Africa was also applicable to South West Africa. The South West African People's Organization (SWAPO) became very active during the 1960s in rioting and later guerilla warfare and sabotage within Ovamboland, with the objective of undermining and eventually taking over the administration of South West Africa. M. Morris, *Terrorism, a first full account in detail of terrorism and insurgency in southern Africa told and analysed by Michael Morris*, pp. 15-16.

65 Deeds would be deemed terroristic when attempted to endanger law and order, conspiracy or incitement to commit such acts, undergoing training which could be of use in endangering law and order, or taking any steps to undergo such training, or possessing any weapons, ammunition or explosives. Horrell, p. 446.

66 Dippenaar, p. 367.

The Riotous Assemblies Amendment Act of 1974[67] widened the powers of police officers to ban or disperse gatherings and authorized the Police Force to open fire on crowds without warning. In this regard former Senior Superintendent S.S. Barnard mentioned that orders had been given by government which they later denied to have given. He mentioned that during the Soweto Riots of 1976, the Minister of Police, Jimmy Kruger, ordered the Riot Control Units to open fire when a person pick up a stone, and that those police officials who would utilize tear gas canisters would pay for it. Barnard further mentioned that every command from the 'top' had to be obeyed, but people were not killed deliberately by the Riot Control Units.[68] The Internal Security Act of 1976 came on the statute book a few days before the Soweto Riots started, introducing internment for periods of up to one year.[69] With the escalation of political conflict inside South Africa by the banned liberation organizations, the security legislation became more restrictive and repressive. As the Police Force had to enforce this legislation they became more associated with the state apparatus by the African population.

The state's security legislation, consolidated in the Internal Security Act of 1982, established wide-ranging state authority to control and suppress all manners of opposition and dissent against the NP government. The Act defined offences against state security, such as terrorism, sabotage and subversion, very broadly. These offences carried heavy prison sentences upon conviction.[70] The Act also provided for the indefinite detention without charge of persons for security reasons with specific reference to the Sobukwe clause, the 90-day detention and 180-day detention clauses.[71] The Minister of Law and Order could order the detention of anyone considered likely to

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67 Horrell, p. 422.

68 Senior Superintendent Barnard joined the Police Force in 1975. He worked in the counter-insurgency unit and in 1985 joined the Unrest and Crowd Control Unit (UCCU) that was later transformed into the Internal Stability Unit (ISU). In 1995 he was promoted to the rank of senior superintendent as Provincial Commander of the Public Order Policing Unit (POPS) in the Free State Province. This unit was later renamed the Area Crime Combating Unit (ACCU) of which he was also the Provincial Commander. He resigned from the Police Service on 1 September 2006. Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial Commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

69 Brooks and Brickhill, p. 240.

70 Brodgen and Shearing, pp. 30-31, J. Cilliers and K. Sturman, *Africa and terrorism, joining the global campaign,* p. 78.

71 Horrell, pp. 468-471; T. Geldenhuys, *Introduction to Security Law*, pp. 52-53.

commit such offences or otherwise to endanger state security. Such detention was also authorized for the purpose of interrogating suspects about such activities.[72] Stemmet stated that this single piece of legislation gave the security forces the right to detain people for interrogation, ban newspapers, keep persons in so-called preventative detention, ban organizations, restrict individuals' movements and to control or restrict gatherings.[73] This act provided the mandate for the Security Branch to operate internally and to apprehend and detain persons suspected of furthering the ideals of sabotage, terrorism and subversion against the state.

The Internal Security Act provided for organizations to be declared unlawful if they threatened state security or public order. In October 1977 the Unlawful Organizations Act was again invoked to ban 19 organizations including the South African Students Organization (SASO), the South African Students Movement (SASM), the Black People's Convention (BPC) and the Christian Institute.[74] The high school students' organization, Congress of South African Students (COSAS) was banned in August 1984. Publications were also banned if they were believed to threaten state security or public order.[75]

Another provision of the Internal Security Act empowered the Minister of Law and Order or a magistrate to ban or impose restrictions on all gatherings and meetings. This provision was widely used throughout the unrest during the 1980s to suppress all kinds of political activity and organizations.[76] Many of the township funerals were banned or restricted pursuant to the Internal Security Act, often at the last minute, which resulted in bitter confrontations with the Police Force and caused further outbreaks of violence.[77] According to the Internal Security Act, the Police Force had the power to disperse prohibited gatherings as well as lawful gatherings that seriously threatened life or valuable property, using such force as may be necessary including firearms and lethal

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72 Brooks and Brickhill, p. 240.
73 J.A. Stemmet, *Apartheid under siege, 1984-1988: actions and reactions*, p. 132.
74 Brooks and Brickhill, p. 240.
75 Horrell, p. 464.
76 Lawyers Committee for Human Rights, *The war against children: South Africa's youngest victims*, p. 21.
77 J.A. du Pisani *et al.*,"Teoretiese, historiese en politieke aspekte van protesoptogte in Suid-Afrika" in *Journal for Contemporary History* 15(3), December 1990, p. 19.

weapons if other means had failed.[78] The Intimidation Act of 1982[79] made it a criminal offence to intimidate anyone by a threat or violence. Cilliers and Sturman stated that thousands of people had been charged during unrest with the common law crime of public violence and related criminal offences, such as arson, trespassing and malicious damage to property.[80] As the opposition to apartheid by the African population grew, more legislation were introduced by the NP government to restrict and suppress the opposition against the state. This was done in order to give the Police Force, and especially the Security Branch, more regulations by which to deal with the internal unrest under the Internal Security and the Intimidation Acts.

During the State of Emergency on 21 July 1985, the State President promulgated regulations without any debate or authorization by Parliament. Under these regulations, any member of the security forces, irrespective of rank, could make an arrest without a warrant. For purposes of the State of Emergency, the security forces were defined to include the SADF, the South African Police Force, the Railway Police and the Prison Service. Those who were arrested could be detained without charge for 14 days and, by the order of the Minister of Law and Order, indefinitely thereafter as long as the emergency remained in effect. More than 7 900 people were detained under these provisions, some for the entire eight months' duration of the State of Emergency.[81]

According to Bunting the Nationalist reply on the state of emergencies became increasingly brutal culminating in more repressive acts, which converted South Africa into a blatant police state.[82] Writers, academics, opposition parties, liberation organizations and the media branded South Africa at numerous occasions as a police state implying that the country was governed by its Police Force, particularly the Security Branch. It became clear that the Security Branch played an enormous role in guaranteeing the security of the state, the safety of the government and to ensure that the NP government stayed in power.

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78 Lawyers Committee for Human Rights, p.22.
79 *Hansard*, 10 May to 11 June 1982, Col. 7401.
80 Cilliers and Sturman, pp. 78-79.
81 Lawyers Committee for Human Rights, pp. 24-25.
82 B. Bunting, *The rise of the South African Reich*, p. 410.

4.1 The history of the Security Branch of the South African Police Force, 1947 to the 1990s

Security legislation during the apartheid years put enormous pressures on the Police Force and in particular the Security Branch to enforce it. To effectively curb any opposition to apartheid, security legislation was promulgated to ensure that the NP government stayed in power and the security of the state was protected at all costs. The Security Branch became notorious within South Africa for the way they addressed the threats against the state, and the methods they employed in curbing it. However, due to the secret functioning of the intelligence agencies, of which the Security Branch was one, little was known about them from a public perception. The secrecy also had the effect that little could and was written about this unit. Due to these reasons, the history of the Security Branch, also called the Special Branch by some, will be documented by means of interviews conducted with police officials and commanders who worked in this unit.

Bunting stated that the Security Branch was synonymous with the Soviet KGB and the Israeli Mossad. The operations of this élite unit caused many diverse feelings in the public, from fear to respect to blatant hate by specific sections of the population.[83] Grundy is of the opinion that with the escalation of the armed struggle, the escalation of unlimited power by the Security Branch also took place.[84] It was the responsibility of this component to collect political information of which the aim was to destabilize the country and to overthrow the government by means of subversive elements ranging from sabotage, high treason, sedition, terrorism and mass actions.[85] In this regard Commissioner George Fivaz described the Security Branch as the enforcer of draconic security legislation, and this branch had to fulfill specific tasks on request of the government of the day.[86]

After the Second World War the emergence and expansion of communism, led by the Soviet Union (USSR) and China, became a real threat in world politics. The Soviet

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83 Bunting, p. 412.
84 Grundy, p. 9.
85 *Ibid*.
86 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

Union under Stalin and China under Mao Tse Tsung aimed at expanding communism and built up huge armies by invading countries especially in Eastern Europe, South America and Africa. The leading countries of the Western world such as America and Brittain were directly opposed to communism and saw it as a threat to world stability and peace. The NP government in South Africa also regarded the emergence and expansion of communism, either by the USSR or China, as a threat in Africa and in particular southern Africa.[87] The era of the Cold War in world politics, the rivalry between West and East, capitalism versus communism, was at its highest and remained a determining factor in world politics as well as in African and southern African politics.

Dippenaar claims that since the end of the Second World War, the communists and other leftists and extremists worked ceaselessly to destroy South Africa's traditional way of life and particularly the NP government, and replace it with their own foreign structures. This was evidenced by the increasing number of strikes, generally associated with violence and clearly indicative of communist influence. The communists were not only active in the field of labour unions, but the black nationalist movement proved to be an extremely important instrument for promoting and even realizing communist goals and objectives. As a registered and legal political party, the SACP was entitled to openly hold public meetings and congresses, but at the same time these gatherings frequently necessitated police action.[88] The South African Police Force increasingly called for greater powers of surveillance and repression on the grounds that the SACP was a threat to the state.[89]

In this regard it became imperative for the South African Government and in particular for the South African Police Force to take effective action in regard to the threat that was clearly developing due to the legal presence of communism in the Union of South Africa. It became clear that when the first communist was elected to Parliament in 1947,

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87 O. Geyser, (ed.), *Adv B.J. Vorster, geredigeerde toesprake van die sewende eerste minister van Suid-Afrika, Deel I, 1953-1974*, p. 79.
88 Dippenaar, p. 209.
89 Cawthra, *Brutal force*, p. 10.

Major General Palmer,[90] the Commissioner of the South African Police Force, determined that a specialized organization should be established to deal with the potential danger. By October 1947 he consequently transferred Major H.J. du Plooy to Police Headquarters and handed him all the ledgers dealing with communism, communists and other radical organizations, and instructed him to actively combat communism in future.[91] Major General Palmer was of the opinion that an investigation division, with a specific view to investigating and effectively preventing undermining political activities, had become an essential element of Police action in the country.[92]

Leonard is of the opinion that in 1947 detectives were formed into the Special Branch, also referred to as the Security Branch, of the Criminal Investigation Division (CID). The Police Amendment Act of 1955 extended police functions to include "preservation of the internal security of the Union" and empowered the Security Police to "undertake the covert collection of information" connected with sabotage, subversion, espionage or any other matters related to the security of the State.[93] The security of the state thus became very important and had to be protected from the communist threat. Director P.D. de Kock mentioned that "the first thing they (the Security Branch) taught you was to understand the threat against the state and not the government per se. At that stage the Security Branch worked alone without government or political interference."[94]

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90 Major General Bobby Palmer was the Commissioner of the South African Police from 1945 to 1960. He left the Police at the beginning of 1940 to command a military battalion as a brigadier during the Second World War. He was both a soldier and a policeman. Dippenaar, p. 209. Other sources are contradicting this statement.

91 Cawthra, *Brutal force*, p. 211.

92 Dippenaar, p. 209.

93 Leonard, p. 120.

94 Director de Kock has been in the SAPS for 41 years. He joined the Police Force during 1966 and in 1971 he was transferred to the Security Branch primarily as an investigator. He conducted court driven investigations on internal security cases such as high treason and terrorism, and also handled informers. From the middle of the 1980s, he became the specialist in the country who testified in high court cases with regard to the threat from liberation organizations. In 1993 he was promoted to brigadier and later became director of the Crime Combating and Investigation Services (CCI) in the Free State Province. In 1996 he became the Provincial Head: Detective Service in the Free State Province when the divisions Detective Service and Crime Intelligence separated. Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

Senior Superintendent C.A. Prinsloo mentioned that the Security Branch personnel were sort of indoctrinated against the communistic threat, the so-called "rooi gevaar".[95] It must however be remembered that many black police members also worked day and night in the Security Branch for the same purpose. There was an enormous discipline within the Security Branch and coherence between members, black and white.[96] Former Brigadier A. Oosthuizen summarized the situation by saying that members of the Security Branch were absolutely loyal towards the government of the day, to the extent
that they could not distinguish between the threats against the state and government policy.[97]

Major du Plooy believed that in order to counter the specialized onslaught against South Africa, it was essential that the Security Branch should comprise of experienced officers from both the Detective and Uniform branches. Despite the opposition encountered from older commissioned officers, Major du Plooy was able to report to the Commissioner at the end of 1947 that he had managed to establish a Security Branch as an independent and fully equal branch of the Police Force. In future this branch would constitute the third leg of the Police Force and its establishment represented a major step in the development and composition of the South African Police Force. Former Brigadier Oosthuizen mentioned that it was indeed called the Special Branch in 1947 and in 1950 it became the Security Branch.[98]

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95 Senior Superintendent Prinsloo is the Provincial Commander of Crime Intelligence Gathering (CIG) of the Crime Intelligence Division in the Free State Province. He joined the Police Force on 15 March 1977 and the Security Branch in 1980. He was in the Security Branch when it was restructured and has been in the intelligence environment for the past 28 years. He was also acting Provincial Head: Crime Intelligence in the Free State Province from 1999 to 2000. Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, Crime Intelligence (CI), SAPS, Free State Province, Bloemfontein, 2.4.2007.

96 *Ibid*.

97 Brigadier Oosthuizen joined the South African Police Force on 28 February 1969. After college training he was transferred to the Security Branch. He served 26 years in the Security Branch and on 31 April 1995 he resigned from the SAPS as a brigadier. His resignation was due to a feeling that he would not fit into any post within a new dispensation due the political contamination of his work in the former Security Branch. Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

98 *Ibid*.

Early in 1948 Major du Plooy and a team of policemen under his guidance were sent to the United Kingdom to be trained in methods of combating subversion and subversive organizations. According to Dippenaar, the Security Branch would be exclusively responsible for the internal security of the country and its inhabitants and quite aptly, the definition of its responsibilities within the framework of police activities was extremely vague.[99] Former Brigadier Oosthuizen mentioned that the first task, aim and function of the Security Branch was to analyze the threat against the state and to identify information needs. The second aim was to gather information and to analyze, integrate and forecast the threats against the state. The third aim was to investigate terrorist cases. The fourth aim was to liaise and co-ordinate with other intelligence agencies on the SSC.[100]

The name Security Branch implied that the activities of this branch would remain secretive and should not be known to other policemen, let alone the general public. Information gathered by this branch was thus restricted to personnel working in this branch and also to specific politicians. Knowledge about the activities, training and composition of this branch was highly secretive and no information was published in the media and files in the Police Archive. In this regard, what Director C.J. Swart said about the Security Branch is very true: "In the past the Security Police were on their own. As an average policeman you did not know what occurred in the Security Police."[101]

During the 1950s and 1960s, black nationalism was expanding at a tremendous rate in the whole of Africa in an effort by the African states to gain independence from colonial rule, and whites in the Union of South Africa were branded oppressors. In the book edited by Cameron, she mentioned that the SACP discovered a very useful instrument for putting its own ideas into practice by using the ANC. During the 1950s and the

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99 Dippenaar, p. 211.

100 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

101 Director Swart joined the Police Force in 1978. He worked in the Visible Policing Division and also in the Detective Branch. In 1999 he was promoted to the rank of Director as Provincial Head: Management Services in the Free State Province. Jane Buys Collection: Transcribed interview with Director C.J. Swart, Provincial Head: Management Services, SAPS, Free State Province, Bloemfontein, 12.5.2004.

beginning of the 1960s the ANC was opposed to violence and proved extremely useful to the communist cause.[102] Former Brigadier Oosthuizen mentioned that the Security Branch specialized in those crimes that posed a threat to the state, namely high treason, sedition and terrorism. This Branch started with 63 members in all the provinces and at Head Office to counter the threats against the state. The Security Branch resorted directly under the Commissioner of the Police Force and on regional level for operational purposes they resorted under Security Branch Head Office, but for administrative purposes under the regional commissioners.[103] Leonard mentioned that in order to counter the threats against the state, General Hendrick van den Bergh was appointed in 1963 as head of the Security Police.[104]

Chaliand stated that since 1964 the Soviet Union and its supporters became the chief supplier of arms and related equipment to the ANC-SACP alliance and its military wing, Umkhonto we Sizwe (MK). The control and the influence that the SACP had managed to gain over the ANC and particularly over MK and the armed struggle by 1969, was systematically consolidated and extended in the 1970s and 1980s. Two major events that facilitated this development in the mid-1970s were the establishment in 1975 of Marxist governments in the two former Portuguese colonies of Angola and Mozambique, and the influx of thousands of new black recruits into the ranks of the ANC-SACP alliance and MK following the Soweto Riots of June 1976.[105]

In May 1966, the head of the Security Branch, General van den Bergh, announced that the strength of this Branch had been trebled in the past three years. Bunting stated that the total establishment of this special police branch was unknown, but its ramifications were widespread, and it was probably responsible for most of the activity classified under the heading 'secret services' for which R2 342 500 were budgeted in 1968, R1 012 000 for police secret services, R830 000 for the army secret services, and R500 000 for the Department of Foreign Affairs.[106]

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102 T. Cameron, *Nuwe geskiedenis van Suid-Afrika in woord en beeld*, p. 281; Dippenaar, p. 225.

103 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

104 Leonard, p. 120.

105 G. Chalaind, *The struggle for Africa, conflict of the great powers*, pp. 20-21.

106 Bunting, p. 412.

On 30 September 1968, the Prime Minister, Mr Vorster, announced the appointment of General van den Bergh as security officer to the Prime Minister, responsible not to the Chief of Police, but to the Prime Minister himself. Promoted to full general, Van den Bergh was given complete command over the intelligence services, not only of the Police Force, but also of the army, the air force, and the navy. In the words of the *Sunday Times*, General van den Bergh "has become the second most powerful man in State Service in South Africa, second only to Mr Vorster himself".[107] The prominence of General van den Bergh in South Africa showed the enormous importance of the role that the Security Branch played in ensuring the security of the state. An article in *The Star* reported on 17 June 1966: "Other promotions have raised the status of the Security Branch to the point where particularly in the larger cities, it has almost as many high ranking officers as the CID. The stage has been reached where the Security Branch takes over exclusively from the CID on security investigations."[108]

Director de Kock stated that many officers of the Security Branch came from the Detective Branch and they were very knowledgeable regarding investigations.[109] Senior Superintendent Prinsloo elaborated further by stating that members of the Security Branch identified people who were good investigating officers; they were profiled and recruited for the Security Branch. The majority of the investigating officers were detectives, but some investigators were also trained from within the ranks of the Security Branch.[110] J. Wagener stressed that the Security Branch was mainly dependent on officials from the Department of Justice for the successful prosecution of criminal cases and the support from the division Security Legislation. In doing this, the co-

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107 *Ibid*., p. 414.

108 Department of Political and Security Council Affairs, *Military and Police forces in the Republic of South Africa*, p. 13.

109 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

110 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.

operation between the Security Branch and the Department of Justice was very good.[111] Advocate A. du Toit mentioned that he worked on a few cases together with the Security Branch. It was really an experience to work together with them and they went out of their way to deliver a good service. However, "you did not know everything because they kept some information from you" – that was the way they operated.[112]

No Security Branch officer was allowed to make a statement to the Press. Occasionally the Press was not referred to Security Branch Headquarters in Pretoria, but to the Minister of Justice, an indication that the branch was directly responsible to the Minister.[113] Former Brigadier Oosthuizen mentioned that the Security Branch had resorted directly under the Commissioner of the Police Force.[114]

Director de Kock stated that during the 1970s and 1980s the Security Branch operated in groups of two to three members who were responsible for a specific geographical area and they handled many informers in order to ensure 'ground coverage'.[115] Senior Superintendent J.P.P. Erasmus elaborated by stating that the focus was very much

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111 Mr Wagener is a lawyer and was a member of the office of the State Prosecutor in Pretoria from 1 May 1977 to 30 November 1995. Over the years he was very much involved in high profile and sensitive cases for the former government, with components and individuals from the liberation struggle as opponents. His resignation from this office was due to a lack of trust in him by the new government. Jane Buys Collection: Correspondence with Mr J. Wagener, lawyer at Wagener Inc., Pretoria, 24.4.2007.

112 Advocate du Toit qualified himself as a lawyer and became a state prosecutor in 1969. From 1979 he worked at the attorney-general's office in Pretoria. In 1989 he was promoted and sent to the Free State Province. He worked in the office of the Director of Public Prosecutions from 1989. He became deputy Director of Public Prosecutions and since 2006 is the acting Director of Public Prosecutions in the Free State Province. He has thus 38 years experience in being a public prosecutor. Jane Buys Collection: Transcribed interview with Adv A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

113 Department of Political and Security Council Affairs, p. 13.

114 Jane Buys Collection: Transcribed interview with former Brigadier A. Oosthuizen, Head of Section D, Former Security Branch Head Office, Pretoria, 1.6.2007.

115 "Ground coverage meant that you need to see a lot of people, especially from the African population in a township so that the suspicion could not be reverted back to who your informers really were". Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

placed on teamwork. "You know that you can rely on your buddy, either if he is black or white."[116]

Due to the fact that the Security Police's activities were highly secret, some journalists and members of opposition parties claimed that actions launched by this branch violated human rights. In this regard Leonard stated that there were numerous complaints of torture and brutality by the Security Police, including the use of suffocation, electric shock, beatings, forced standings and psychological torture. He referred to a report in 1977 by Amnesty International on political imprisonment in South Africa that claimed "The pattern that emerges is one of torture being used almost on a routine basis by the Security Police."[117] He further claimed that no steps were taken by the government against the allegations of torture by the Security Branch.[118]

The Rabie Commission of Inquiry was appointed by the South African government in 1979 to examine the position of security legislation in South Africa. The commission recommended that "activities which threaten the internal security of the Republic should, as far as circumstances permit, be combated as crimes. Such a line of action is preferable to a situation where subversive activities are combated by military measures."[119] Cawthra is of the opinion that the exceptional legal procedures identified by the Rabie Commission gave scope to the Security Branch to play a decisive part in trials. The provision for the detention of suspects and potential witnesses allowed the police to extract statements by pressure, violence and torture that, regardless of their truth, provided convictions in court.[120]

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116 Senior Superintendent Erasmus joined the Police Force in 1977, worked in Visible Policing, Radio Control Johannesburg and two years at Maseru Bridge border post. He joined the Security Branch in 1981 where he was employed as both an investigator and handler until 1995. In 1995 he became the Provincial Commander of the Anti-Corruption Unit in the Free State Province. This Unit was closed in 2002, when he was transferred to the Detective Services as special investigator. In 2004 he was transferred to the office of the Provincial Inspectorate, and with the restructuring in 2006 was transferred back to the Detective Branch at Mangaung police station. Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

117 Leonard, p. 122

118 *Ibid*.

119 Cawthra, *Brutal force*, pp. 221-222.

120 *Ibid*. The report was released in 1981.

The Rabie Commission's report stated further that there was sufficient evidence in the statements and materials of the ANC, the SACP and dissident movements to suggest that the ties between the ANC and SACP were generally so close and interwoven that as far as their activities within South Africa were concerned, no clear distinction could be made between the two organizations. Le Roux expressed that the ANC needed the material and to a lesser extent the financial support of the SACP and the Soviet Union to survive underground and to continue with its armed struggle. On the other hand, the SACP needed the mass support of the ANC with its large African constituency to pursue its Marxist-Leninist ideals in South Africa.[121] Koster elaborated further by claiming that several communists had seats on the National Executive Committee (NEC) as well as on the Revolutionary Council (RC) of the ANC. It was evident that the SACP used these positions to influence the ANC from within.[122] The Security Branch thus focussed, in the words of Director de Kock, primarily "on the crimes that posed a threat to the state such as high treason, sedition and terrorism, and the illegal possession of firearms and explosives".[123]

Stiff claimed that the political leadership in South Africa, namely the NP government, came to regard the country "as being at war with the Soviet-Union" and by implication with the ANC. Already a banned organization, it became cast "as the enemy against whom maximum force could be legitimately employed in accordance with the conventions of war".[124] The interwoveness of the ANC with the SACP and the influence that they had on one another, were sufficient evidence for the NP government and the South African Police Force that communists had infiltrated the ANC. They also perceived the ANC/SACP threat to have the expansion of the communistic ideology within South Africa as the ultimate aim.

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121 C.J.B. le Roux, "Umkhonto we Sizwe and the ANC-SACP alliance: a critical assessment of the dominant role that the South African Communist Party played in the development of the "armed struggle" in South Africa since 1961" in *Journal for Contemporary History* 18(1), June 1993, pp. 60-61.

122 J.D. Koster, *The influence of the SACP on the ANC*, p. 40.

123 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

124 Stiff, p. 77.

The security structure in South Africa included both military and police forces, and operated under the ultimate authority of the SSC. This Council was established in terms of the Security Intelligence and State Council Act, no. 64 of 1972.[125] The Council was a cabinet committee chaired by the State President that comprised of senior cabinet ministers, as well as the Ministers of Defence, Justice, Foreign Affairs and Law and Order. The director of the NIS, the chief of the SADF, the director-general of Foreign Affairs, the director-general of Justice, the Commissioner of the South African Police.[126] Originally established as a consultative committee in 1972, the SSC played a central role in formulating and implementing policy and strategy in relation to national security.[127]

Murray stated that the SSC had met before the full cabinet convened, and some commentators believed it reduced the decision-making power of the Cabinet. The SSC's decisions, which were submitted to Parliament, already bore the stamp of presidential authority. The SSC liaised directly with government departments, and its jurisdiction encompassed virtually every area of government activity[128] and it had to deal with national policy and strategy in relation to the security of the Republic.[129] During P.W. Botha's premiership and state presidency the role of the SCC grew immensely. Decisions taken by the SSC on the perseverance of the security of the state, and how it should be executed, had an enormous impact on the actions undertaken by the Security Branch in dealing with these threats. The existence and functioning of the SSC will be discussed in the next chapter as to how it influenced the militarization of the South African society at large.

To a certain degree the eruption of widespread rioting and unrest during 1976/1977 created new expectations amongst members of the banned ANC and PAC. The Black Consciousness Movement (BCM) drew inspiration from the tense atmosphere and school boycotts. Gibson mentioned that due to the proportions the unrest had assumed, it became necessary in the eyes of the NP government, in the interest of internal security

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125 Horrell, p. 449.
126 J.M. Roherty, *State security in South Africa, civil-military relations under P.W. Botha,* pp. 80-81.
127 Stiff, pp. 78-79.
128 M. Murray, *South Africa, time of agony, time of destiny, the upsurge of popular protest*, p. 40.
129 K.W. Grundy, *The militarization of South African politics*, p. 49.

to detain large numbers of the chief agitators and instigators.[130] Incidents of public violence occurred and many persons were arrested and charged on counts of this nature. At the time of the riots some of the banned organizations began recruiting black youths for military training abroad.[131] Cawthra stated that the Security Branch played a critical role in suppressing black resistance in the second half of the 1970s and 1980s.[132]

Senior Superintendent Erasmus mentioned that no student constables were placed within the Security Branch and some academic students who had specific skills were recruited for this Branch. The majority of police officials had to work a few years either in Visible Policing or in the Detective Component and they had to be outstanding in their work to be identified by the Security Branch.[133] Former Brigadier Oosthuizen mentioned that members for the Security Branch was 'head hunted'. Members were recruited and were thoroughly screened before accepted within this Branch.[134]

According to Bunting, members of the Security Branch were extensively trained in the techniques of psychological warfare, and applied the most successful of these in their interrogation centres and in the treatment of political prisoners both before and after conviction.[135] Senior Superintendent Prinsloo stated that there were only a few formal courses in the Security Branch, namely a basic Security Branch course that focussed on ideologies such as the communist threat, an advanced Security Branch course, which focussed on the information gathering cycle and a Bomb Explosion course.[136] Director de Kock maintained that in-service training was at the order of the day within the Security Branch.[137] Former Brigadier Oosthuizen mentioned that some members of the

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130 Gibson, p. 66.

131 *Ibid*. The training courses lasted from three to nine months, and the recruits were taught general military skills, the use of firearms and explosives and about sabotage and the principles of guerilla warfare and they also received political indoctrination.

132 G. Cawthra, *Policing South Africa, the South African police and the transition from apartheid*, p. 10.

133 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

134 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

135 Bunting, p. 412.

136 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.

137 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

Security Branch that specialized in certain fields had to undergo specific courses such as the Very Important Person (VIP) Protection course, the counter-insurgency course, the Intelligence course and the Observation and Surveillance course.[138]

At the end of 1981, Major General P.J. Coetzee, commander of the Security Branch was promoted to the rank of Lieutenant General. Following his promotion, the South African Police Force, for the first time in history, consisted of three lieutenant generals as heads of the three branches. Lieutenant General H.G. de Witt headed the Uniform branch, Lieutenant General C.F. Zietsman the Detective Branch and Lieutenant General P.J. Coetzee[139] the Security Branch. The fact that Lieutenant General Coetzee was to remain in charge of the Security Branch made this historic event even more exceptional. On the one hand this meant that the Security Branch was placed on the same level as the other two branches, namely the Uniform and Detective branches.[140] This also meant that the working and the extent of the Security Branch's activities had escalated to such an extent that the vastness of this branch in terms of personnel was almost on par with the other two branches. It also provided prominence to the role that the Security Branch played in effectively countering the threats against the state. Former Brigadier Oosthuizen mentioned that the Security Branch comprised of six components, namely Section A that was primarily responsible for the gathering and analyzing of information; Section B that had to perform the screening of personnel; Section C that focussed on the combating of terrorism; Section D that consisted of the intelligence unit; Section E that was the investigation unit and Section F that was the technical unit.[141] Senior Superintendent Prinsloo mentioned that when police members started in the Security Branch, they all started at the administration section. Every member had to know the suspects and organizations, and had to know the policy and when a transgression had taken place. The Security Branch could not function properly without its administrative

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138 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

139 Lieutenant General Coetzee was also the first Head of the Security Branch who was appointed as the National Commissioner of the South African Police Force in 1983. Dippenaar, p. 643.

140 *Servamus*, 30.11.1981, p. 42; Dippenaar, p. 614.

141 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

capacity, that handled the administration, the registration of files and the identification of the suspects by means of the 'rotating time-table'.[142]

During the 1980s investigations by the Security Branch throughout the state of emergencies revealed that ANC terrorists infiltrated the Republic from neighbouring states with the purpose of politicizing black youths and recruiting members for military training abroad.[143] Senior Superintendent Erasmus mentioned that the Border Control function as well as the Bomb Explosive Units resorted under the command and control of the Security Branch. The movement control was done at the border gates and all the information of people entering and exiting the country was known to the Security Branch.[144]

When the unrest broke out in an organized manner in even the smallest towns and in country districts, the suspicions of the Security Branch were confirmed. Through intimidation, burning of schools and other government property, petrol bomb attacks and consumer boycotts, political unrest in an attempted revolution was characterized by unprecedented barbaric cruelties such as the 'necklace' murders.[145] Senior Superintendent Erasmus mentioned that an American journalist was arrested during the state of emergency in 1986 for being in possession of illegal video footage. The instruction from Security Branch Head Office was to release him. The Security Branch officials watched the video the journalist made of the atrocious transgressions whereby youths were involved in the so-called necklace methods. When looking at this from a NP government perspective, the emergency regulations were necessary to protect also the black population. It must also be kept in mind that the black population was also intimidated by the liberation organizations, and the method of intimidation was death in public by the most violent means.[146]

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142 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.

143 Dippenaar, pp. 566-567.

144 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

145 Dippenaar, p. 723.

146 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

Landmines were set on internal roads, and state institutions, including several police stations, were attacked by terrorists.[147] Former Brigadier Oosthuizen mentioned that bomb explosions followed whereby innocent people were killed. The Security Branch regarded this as a quasi-war that could not be combated by normal means.[148] Wagener put the picture more into perspective by saying that the Security Branch was primarily tasked to conduct an unconventional political war inside the Republic. The opponents did not bend to the rules of conventional war, so the only way to counter this war was by means of unconventional anti-methods. In this regard it is a known fact that certain members of the Security Branch resorted to unlawful actions. However, these incidents were few if the extent and duration of the political war are taken into consideration and these unlawful actions were exceptions and not the rule.[149]

Senior Superintendent Prinsloo[150] mentioned that during 1980 there were approximately 30 people in the provincial office of the Security Branch and three branches in the Free State Province. In 1988 this figure had quadrupled and five more branches were opened in the Free State. At that stage the Bloemfontein branch of the Security Branch had eleven officers and seventy handlers alone.[151] This indicates the extensive increase in manpower in the Security Branch, not only in the Free State but also throughout the country. It became necessary to expand the Security Branch when assessing the escalation in armed conflict, mass mobilization, unrest, sabotage, subversion and the communist threat.

The Lawyers Committee for Human Rights claimed that the Security Branch was responsible for serious and pervasive abuses of detainees, sometimes resulting in death. Physical abuse, including torture of detainees by the Security Branch, occurred during

147 Dippenaar, pp. 734-735.
148 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.
149 Jane Buys Collection: Correspondence with Mr J. Wagener, lawyer at Wagener Inc., Pretoria, 24.4.2007.
150 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.
151 *Ibid*.

interrogation.[152] Director de Kock mentioned that "when you detained a person, a possible terrorist under article 6 and later 29 of the Internal Security Act, the law stipulated that you must get information from that person. It happened that police officials transgressed and made themselves guilty of an offence."[153] He agrees that there were tyrants in the Security Branch, "but they should not be there from the start."[154] The majority of deaths in detention in the past 20 years occurred while the victims were in the custody of the Security Branch, or very shortly thereafter, in circumstances that strongly point to serious police abuse. There were 12 deaths in detention during 1985; the highest number recorded since detention without trial was incorporated into the security legislation more than 20 years ago.[155] Senior Superintendent Prinsloo mentioned that there was brutality during interrogation of suspects, it was a given fact. When looking back now, after all these years, then the brutality, which emerged out of interrogation, was not justified. But in another sense "you believed at that stage that you did the right thing. We worked for the NP government, we believed that apartheid was the right thing."[156] Former Brigadier Oosthuizen stated that it is known that some members of the Security Branch were involved in operations inside South Africa whereby certain targets were killed. This was done with the knowledge of people at the highest level of government.[157] Human rights abuses by the Security Branch took place when taking into consideration that the country was in a state of war as perceived by the Police Force and especially by members of the Security Branch.

On 7 March 1986 the State President announced the abolishment of the partial state of emergency. Approximately 7 996 people had been detained in terms of the emergency regulations during the state of emergency, but by 7 March 1986 only 323 persons were still in detention. These persons were released when the state of emergency was

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152 Lawyers Committee for Human Rights, p. 16.

153 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

154 *Ibid*.

155 Lawyers Committee for Human Rights, p. 16.

156 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.

157 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

abolished.[158] Director de Kock claimed that the liberation organizations had one goal during the political unrest in the 1980s and that was to brand the Security Branch as the culprits in inciting the violence as well as detaining innocent people such as youths.[159]

Senior Superintendent Erasmus mentioned that the police members were extremely loyal, disciplined and skilled. The cream of the Police Service was put into the Security Branch and a very high standard was maintained. The Security Branch placed a very high priority on success, productivity and performance. When there was an information need, then that need had to be addressed by means of taking initiative. When good work was done, members were commended for it. Erasmus further mentioned that there was no departmental steps taken against members in the Security Branch: "If you made yourself guilty by means of excessive alcohol, prostitution, etc. then you were immediately transferred out of the Security Branch, they called it 'nagtrein' by means of the night train, thus an overnight transfer to a new location."[160] Wagener mentioned that it is an open secret that the Security Branch had of the best human material in the Police Force at their disperse. Therefore, they could lay claim to the best training, expertise and also absolute loyalty. Loyal members successfully combated the liberation struggle and the extensive network of informers played a huge role in pro-active actions by the Police Force as a whole.[161]

The existence of the Askaris and Vlakplaas became known through statements in the media such as *Vrye Weekblad* by former Captain Dirk Coetzee at the end of 1989. Stiff stated that the Security Police interrogated and turned captured ANC and PAC guerillas to the South African cause, to become what they called 'Askaris'. The Askaris were based at the Security Branch's counter-insurgency unit, Vlakplaas.[162] Waldmeir mentioned that Coetzee was a member of the Security police, and the commander of one of apartheid's death squads based at Vlakplaas. In 1989 he fled to ANC protection

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158 Dippenaar, pp. 775-776.

159 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

160 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

161 Jane Buys Collection: Correspondence with Mr J Wagener, lawyer at Wagener Inc., Pretoria, 24.4.2007.

162 Stiff, p. 85.

overseas, and began to publisize the activities of these hit teams.[163] Coetzee said: "My men and I had to murder political and security opponents of the police and the government. We acted above the law and enjoyed very special protection. People were shot, poisoned, harassed, burnt, stabbed and blown to pieces. We were involved in a secret and dirty campaign against supporters and members of the ANC. We were fighting fire with fire. They killed us, and we killed them. It was a war without rules."[164] Coetzee is of the opinion that "no government has ever admitted its complicity in death squads. The SAP's first reaction to the death squad allegations was one of categorial denial and dismissed as 'unadultered nonsense'.[165]

The confession of Almond Nofemela on 19 October 1989 of Eugene de Kock's involvement in the death squads lead to the appointment of the Harms Commission of Inquiry into Certain Alleged Murders.[166] De Kock was one of the founding members of Koevoet in 1979.[167] In 1983 he was transferred to Vlakplaas and became the commander in July 1985. During his time at Vlakplaas 70 murders in different ways and during various operations were executed. In May 1994 De Kock was arrested, trialed on 121 charges and found guilty on 89, including murder. He was sentenced to two life sentences plus 212 years. It was apparent in the De Kock trial that he became the proverbial fall guy for a number of people. Those for whom De Kock took the blame during his trial were police and military generals as well as members of the former Nationalist government. For there can be little doubt that very senior men of the Nationalist government knew about the secret activities of its various security forces.[168] After the relevations of Vlakplaas and the Askaris, the closure of the Askari's was announced by President de Klerk on 1 August 1992.[169] The actions of these officers and other members stationed at Vlakplaas cannot be justified on humanitarian grounds.

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163 P. Waldmeir, *Anatomy of a miracle, the end of apartheid and the birth of a new South Africa*, pp. 12-13.
164 Quoted in Pauw, pp. 12-14.
165 *Ibid*., p. 252.
166 E. de Kock (as told by J. Gordin*), A long night's damage, working for the apartheid state*, pp. 19-20.
167 *Ibid*., p. 17. This SAP unit was responsible for counter-insurgency operations on the northern border of the then South West Africa, now Namibia.
168 *Ibid*., p. 16-19, 23.
169 *Rapport*, 2.8.1992, p. 4.

They however believed that it was part of the war they had to fight with the authorization of the then government.

Stiff is of the opinion that the NP government has through legislation and regulation allowed the Security Police to become a law unto themselves. They had facilities for collecting information that would have been the envy of most intelligence services outside the Soviet Bloc. Files on tens of thousands of activists were kept up to date on a daily basis both in Pretoria Headquarters and at the 110 branches around the country.[170] To however put the manpower of the Security Branch into perspective, former Brigadier Oosthuizen mentioned that in February 1990, with the start of negotiations between the NP government and the ANC, the Security Branch comprised of 4 162 members in the whole country. However, with democratization in 1994 only 912 members were left in the Internal Security Structure of the Crime Combating and Investigation Service (CCI), the former Security Branch.[171]

Diverse criticisms regarding the operations, actions and functions of the Security Branch were evident inside the RSA. Many people, such as journalists Dirk Kok and Gert van der Westhuizen, stated that they, as ordinary citizens and journalists, had not known about the operations of the Security Branch until it was revealed by Dirk Coetzee in the media at the end of 1989. [172] The reason for this was provided by Senior Superintendent Erasmus: "The successes of the Security Branch was never 'hanged on the big clock', that is why so little was known especially in the media regarding the operations of the Security Branch".[173] National Commissioner Fivaz described the South African Police Force as consisting of two parts. Firstly, the Police Force had to

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170 Stiff, pp. 84-85.

171 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

172 Mr Kok joined *Die Volksblad* as crime journalist in 1996. For eight years he was the crime reporter of the newspaper and came into contact with crime and policing issues. In 2005 he became the news editor of *Volksblad*. Jane Buys Collection: Transcribed interview with Mr D. Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007. Mr van der Westhuizen joined *Beeld* in 1992. He became crime reporter of the newspaper for eight years where he was especially involved in serious and violent crime issues. He is the sports editor of *Beeld*. Jane Buys Collection: Transcribed interview with Mr G. van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

173 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

play the conventional, classical policing role and secondly the role of the Security Branch, which was not at fault.[174] Commissioner M.J. Gaobepe is of the opinion that the Security Branch consisted of bad and brutal people, but they were very effective in their surveillance.[175] Commissioner C.P. de Kock mentioned that the success of the Security Branch could be obtained because they were all very dedicated and committed in addressing the internal threats against the security of the state.[176]

The Security Branch could not operate effectively in South Africa without the backing of the necessary legislation and also that of the politicians. That the Security Branch was perceived as being a law unto themselves, could be seen as justified given the circumstances under which they operated. However, when talking to police officers who worked for ten to 20 years within this branch, it became clear that as internal turmoil and violence with a political objective escalated, the effectiveness and ingenuity of the Security Branch also increased. It is a given fact that members of the Security Branch were involved in atrocities and even terminations of enemies of the state that could not be justified under normal circumstances. However, South Africa was in a state of war wherein extraordinary methods had to be used in order to combat and curb the threats against the state. What became almost impossible to believe, given the relatively small number of operatives within the Security Branch, was that this Branch could undermine the objectives of the liberation organizations in order to take over the

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174 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

175 Commissioner Gaobepe joined the Police Force in 1974 in Kimberley. He worked within Visible Policing, he underwent the candidate officer's course in 1977 and joined the Bophuthatswana Police Force. In 1977 as a lieutenant he became the Quarter Master of Logistics in the Bophuthatswana Police. In 1978 he was transferred to Head Office and became the Quarter Master up until 1988. In 1989 he became an Assistant Commissioner. In 1994 he became a Representative and Equal Opportunity Programme (REOP) appointee under training by the Area Commissioner for that post in Groot Marico. In 1997 he started as the Area Commissioner Lowveld, and in 1999 became the Provincial Commissioner in the Free State Province for a period of five years. Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

176 Commissioner de Kock was employed as a sociology researcher in 1976 at the Council for Human Research in Pretoria for a period of 20 years. In 1995 he became a Director in the Police Service as Head of Research in the Crime Information Management Centre (CIMC). In 1999 he became an assistant commissioner and the Head of the Crime Information Analysis Centre (CIAC) of the division CI. Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National Head: CIAC, CI, SAPS, Pretoria, 5.12.2006.

government of the day. That they were hated by a huge segment of the African population is a fact, but that they were effective in what they had to do, was also a fact.

5. The co-operation between the South African Police Force and the SADF in the States of Emergency during the 1980s

The eruption of widespread violence by liberation organizations, namely the ANC and PAC resulted in the announcement of various States of Emergency by the then State President, P.W. Botha during the second half of the 1980s. Brewer claimed that the NP government's constitutional reform in 1983 was one of the factors behind the reinvigoration of black protest, with widespread collective protest against the constitution.[177] Kendall and Louw mentioned that the unrest took the form of violence and rioting, stay-aways from work and schools, and boycotts of white shops.[178]

In 1983, State President P.W. Botha established a Special Cabinet Committee to assess possible future constitutional developments. During this period, the committee realized that South Africa, and, in particular the white minority, had reached a fork in the political road because separate development had proved itself to be impractical and an unattainable political dream. Dramatic changes would have to be brought about. The reforms introduced were those of the Tri-cameral Parliament which accommodated Coloured and Indian people in their own Parliaments, but excluded the black population from representation in government.[179] During 1984 violent political conflict and socio-economic upheavals erupted in South Africa in response to the Botha government's reform initiatives.[180] Frankel stated that South Africa witnessed an upwelling of black protest and organized resistance unprecedented in South African history.[181] The turmoil increasingly drew the attention of the international community. In spite of the government's attempts at squashing it, the violent political conflict continued into

177 Brewer (ed.), *Can South African survive?* p. 186.
178 F. Kendall and L. Louw, *After apartheid, the solution for South Africa*, p. 71.
179 F. van Zyl Slabbert and D. Smuts, (eds), *The system and the struggle, reform, revolt and reaction in South Africa*, p. 86; S. Mufson, *Fighting years, black resistance and the struggle for a new South Africa*, pp. 7-8.
180 Liebenberg, *Ideologie in konflik*, p. 112.
181 P. Frankel *et al*., *State, resistance and change in South Africa* (2nd edition), p. 11.

1985.[182] Drastic measures needed to be introduced to curb the escalating violence in the country that could lead to total instability.

A state of emergency means that the state is experiencing an emergency with which existing laws, the Police Force and the courts cannot cope. Rhoodie mentioned that in the case of South Africa, the emergency regulations were seen as draconian because they were layered over an already existing arsenal of restrictions.[183] A state of emergency is in fact martial law. Von Abo explains that the proclamation of martial law means that the government is determined to execute its inherent right to protect the state against threatening danger. The interests of the ordinary citizen must recede before the interest of the state. All the powers that were necessary, were given to the military authority to enable them to be successful.[184] According to General H. Heinze, a few factors prompted the NP government to ask for the assistance of the SADF to curb the internal turmoil. Firstly, the Police Force were involved in the border wars of Rhodesia and South West Africa, secondly they did not have sufficient manpower to curb the unrest, and thirdly the SADF had sufficient manpower when looking at their conventional forces as well as their reserve forces to support the Police Force internally.[185] It seemed that substantive reasons existed for utilizing the SADF internally. Extraordinary powers to the Police Force and SADF for curbing the unrest, could also lead to abuse, because it could be used to protect the ruling party and not the existence of the state. Liberation organizations and opposition parties claimed that it was unnecessary to bring the military into the picture by assisting the Police Force to restore law and order. The Police Force and the SADF were jointly described as the security forces during the states of emergency.

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182 J.A. Stemmet and S.L. Barnard, "P.W. Botha's Rubicon speech of 15 August 1985: A river too wide and a bridge too far" in *Journal for Contemporary History* 27(1), April 2002, p. 123.

183 E. Rhoodie, *P.W. Botha, the last betrayal* (1st edition), p. 209.

184 P.J. von Abo, "Die beheer van terrorisme" in *Journal for Contemporary History* 13(1), June 1988, pp. 35-37.

185 General Heinze started his career in the South African Defence Force (SADF) in 1969. He was involved in the South West Africa and Angolan wars, became the commander of the School of Armour, 1 SDB and 7 Division. He was the last commander of the Free State Command and also the first of the new GSB. He left the SANDF in 2000. He served in the former SADF and the new SANDF and left after 33 years of service as a soldier. Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, South African National Defence Force (SANDF), Bloemfontein, 31.5.2007.

The Lawyers Committee for Human Rights claimed that a substantial portion of the violence against children was a response to the protests voiced by student organizations. Mobilized initially in opposition to an inadequate and discriminatory educational system, which budgeted 7 times as much for each white child as for an African child, students took up the fundamental political demands of the African majority that were underlying the unrest. The primary means of organized protest used by children during the unrest were the school boycotts. Occurring sporadically in 1983, school boycotts became increasingly widespread and sustained in 1984 and 1985, and reached a peak during the State of Emergency in 1985.[186]

As the conflict intensified during 1985, the State President, Mr P.W. Botha, declared a state of emergency in 36 magisterial districts on 21 July 1985.[187] It remained in effect for eight months. The affected districts were black townships located mainly in the Transvaal and the Eastern Cape. As the unrest spread to the Western Cape, the State of Emergency was extended on 26 October 1985 to cover many of the townships in that area of the country as well.[188] Combined units comprised of members of the SADF and South African Police Force were deployed in the most violent areas. The Police Force relied heavily on the Riot Control Units to suppress the unrest in the black townships. Heavy criticism from the media, opposition parties and liberation organizations were forthcoming due to the handling of the unrest by these units. The NP government hoped that the presence of the security forces might curb the violence and unrest in the townships. Initially the unrest subsided, but after a few months it escalated again.

The Kannemeyer commission[189] of inquiry found that the Police Force was guilty in the Langa incident whereby 21 people were killed on 21 March 1985. The report mentioned that the actions and procedures of the police were incorrect, and that the

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186 Lawyers Committee for Human Rights, pp. 1–3.
187 Du Pisani *et al.*, p. 20.
188 Lawyers Committee for Human Rights, pp. 11–12.
189 A one-man judicial commission of inquiry under the chairmanship of Justice D.D.V. Kannemeyer was appointed to conduct an inquiry into the events at Uitenhage on 21 March 1985. *Eastern Province Herald*, 23.3.1985, p. 1.

crowd was not initially hostile towards the police, but that the police taunted them.[190] The Minister of Law and Order, Louis le Grange, stated that a Board of Inquiry was appointed to consider some of the Kannemeyer Commission's findings. The procedures followed to ban funerals were revised and the needs of the Police Force in terms of manpower, equipment and training to enable them to control riots with the least danger to themselves and the public were also revised.[191]

The lifting of the first State of Emergency resulted in renewed intimidation and violence, particularly among the black population. Dippenaar described that subverters, radical organizations and revolutionaries leapt at the chance of resuming protest actions and politicizing and mobilizing the non-white population. Indeed, the unrest situation immediately began to intensify. Without the restrictions imposed by the emergency measures and special powers for the South African Police Force, riots and destabilizing actions by leftist radical organizations undermined the security situation.[192]

A second State of Emergency that affected the whole country was declared on 12 June 1986 and stayed in force until it was lifted during June 1990. In Natal the State of Emergency was only lifted in October 1990, due to the escalation of political violence in that part of the country.[193] During the early morning hours of 12 June 1986 South African Police Force men began to round up hundreds of identified political activists. Road-blocks were set up near airports all over the country and armed guards were appointed to guard the Union Buildings in Pretoria. Clergymen, political activists, and trade union leaders were arrested. The South African Police Force received wide-ranging powers to cordon off areas, institute curfews and restrict the freedom of movement. The news media were restricted as well, which meant that no journalist was allowed into unrest areas without the permission and protection of the Police Force.[194] To protect the Security Forces from criminal proceedings, Section 103 of the Defence Act provided that members of the SADF or any other person acting in the service of the state enjoyed an indemnity from civil or criminal proceedings for acts "advised,

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190 *Eastern Province Herald*, 17.6.1985, p. 8; *Business Day*, 8.9.1986, p. 4.
191 *City Press*, 16.6.1985, p. 4.
192 Dippenaar, p. 777.
193 Du Pisani *et al*., p. 21.
194 G. Leach, *South Africa, no easy walk to peace*, p. 215.

commanded or done in good faith" in connection with the prevention or suppression of terrorism in an operational area.[195] In emergency situations the same regulations were applicable to protect the security forces, inclusive of the Police Force against civil or criminal proceedings.

In Athlone, the Police Force, for the first time acknowledged that security officials were subjected to sustained small arms fire on at least six separate occasions. Murray claimed that the use of firearms introduced a new and potentially explosive element in the civil strife that anticipated the evolution of tactical warfare in future. In early September 1986, political unrest spilled over into white neighbourhoods in Cape Town. The Police Force and white homeowners armed with shotguns and pistols repulsed crowds of youths who threw stones and gasoline bombs at homes in Kraaifontein, where the boundaries of white and mixed-race residential areas met.[196]

Lieutenant Colonel W.A.A. van Wyk said that the South African Air Force (SAAF) was also involved in support of the Police Force during the states of emergency. They particularly assisted the Crowd Control Units with the Bosbok.[197] They also did trouping with the Puma[198] helicopters by transporting Police Force and especially the Crowd Control Units into the unrest areas and also out of them.[199] General Heinze mentioned that the SADF usually cordoned off the unrest areas, to make it safer for the Police's Crowd Control Units to enter and to perform search operations. In this regard the SADF was there to protect and support the Police Force.[200] The actions of the Police Force and especially the Crowd Control Units against political protestors and

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195 Lawyers Committee for Human Rights, pp. 133–134.

196 Murray, pp. 347-348.

197 Bosbok also referred to Recce aircraft, meaning reconnaissance airplane. Lieutenant Colonel W.A.A. van Wyk is the second in command of the 87 Helicopter Flying School at the Air Force Base, Bloemspruit. He joined the Permanent Force 39 years ago and started his pilot course. He was involved in the Rhodesia, South West Africa, Angolan and Mozambican wars, where he flew Cessna and Bosbok airplanes as well as Alouette III, Super Freelon and Puma helicopters. Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

198 The Puma helicopter was utilized for trooping due to its capacity of carrying 16 soldiers or police officials. Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

199 *Ibid*.

200 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.

agitators were severely criticized by the South African Media and abroad as contributing to the violence in the black townships.

Drastic measures were necessary to bring widespread violence under control within the country. During the height of the riots in Los Angeles, President Lyndon Johnson of the USA said that law and order was the first priority and even closed a television station, to prevent it from broadcasting further riot scenes.[201] The Lawyers Committee on Human Rights in America stated that during the State of Emergency in South Africa, more than 2000 children under the age of 16 were detained under the emergency regulations. During the Harare conference which took place from 24-27 September 1987, it was mentioned that more or less 8 800 children under the age of 18 were detained by the security forces during the State of Emergency. Children were held in solitary confinement pursuant to the Internal Security Act as they were alleged to have been threats to state security. Serious criminal charges were laid against numerous children, frequently on highly insufficient evidence, in connection with incidents of rioting or unrest. Many of these children appeared in court without any legal representation.[202]

On 5 June 1987, Deputy Minister of Law and Order, Roelf Meyer, announced that incidents of unrest had decreased by 85%, deaths by almost 82% and attacks on security force members by almost 89%.[203] The period from 1984 to 1988 was an extremely volatile period in the history of the country where violent confrontations between children and the South African Police Force occurred almost on a daily basis. Violence became so entrenched in children's minds that the perception existed that the South African Police Force was firstly their enemy, and secondly that the Police Force should be blamed for the violence in the country. Confrontations and conflict situations with the Police Force, especially the Unrest and Crowd Control Units, did not occur without the use of force. The Police Force did not tolerate insubordination from crowds because they affected the public order in the state.

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201 Rhoodie, p. 209.
202 Lawyers Committee for Human Rights, p. 4.
203 Dippenaar, p. 826.

6. The South African Police Force utilized in suppressing the liberation struggle by banned political organizations, 1960s to 1980s

The 1960s to 1980s characterized a period in the history of the South African Police Force where internal turmoil by banned political organizations was the order of the day. The turmoil took on various forms and manifested in different ways. Firstly there was the sabotage campaign, followed by an escalation of guerilla warfare, and then came the political unrest, labour strikes, boycott actions, school boycotts and the establishment of people's courts and street committees. The two organizations that were primarily responsible for this were the ANC[204] and the PAC.[205] McKinley puts the emphasis on the ANC: "For the better part of three decades (from the early 1960s to the early 1980s), the dominant theoretical basis for the ANC's liberation struggle had been cast within the necessity for the revolutionary seizure of power….The revolutionary seizure of power was presented as a necessary precondition for the movement forward."[206] Central in curbing this instability, was the South African Police Force that had to maintain law and order and preserve the internal security of the country.

At the beginning of the 1960s the ANC and PAC were actively organizing and inciting the black population to massive unrest in protest against so-called discriminatory legislation. Agitation was predominantly directed against the passbooks that Africans were required to carry.[207] A few weeks after the events at Sharpeville, Langa and Caledon square in 1960, the Unlawful Organizations Act[208] was passed and promulgated with the full co-operation of the official opposition in Parliament and took effect on 1 April 1960. Both the ANC and the PAC were declared prohibited organizations in the Union of South Africa on 1 April 1960.[209]

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204 The ANC was essentially a reformist, élite-led association for the betterment of African eonomic, social and political conditions within a non-violent legal framework. Gibson, p. 38.

205 *Ibid*. pp. 83, 86, 89. The PAC was formally constituted on 5 April 1959 and was prepared to accept the democratic rule of an African majority initially by means of tactical non-violence.

206 D. McKinley, "Democracy and social movements in South Africa" in "*Development decade*," p. 413, <http://www.hsrcpress.ac.za>, s.a.

207 Benson, pp. 221-222, Dippenaar, p. 287.

208 Horrell, p. 415.

209 Dippenaar, p. 287.

Dippenaar stated that the banning of the ANC, the arrests of leaders and activists, and the clampdown on all public protest, led the ANC to resolve that non-violent actions could not be sustained.[210] According to Bennett and Devine, Sharpeville marked the turn towards the armed struggle within the liberation movements.[211] Grobler stated that by banning the ANC and the PAC, the NP government officially closed all potential channels of negotiation and set itself upon the path of confrontation with the organizations it banned.[212] The confrontation that materialized was mainly between the liberation organizations and the Police Force.

The ANC created a military wing to prepare for a new mode of struggle initially based on sabotage. On 16 December 1961 MK,[213] with Nelson Mandela as Commander-in-Chief, announced its existence with a manifesto and attacks on government buildings in Johannesburg, Port Elizabeth and Durban. MK disavowed all types of terrorism and stated that its targets were installations and not persons.[214] The newly alliance of the ANC/SACP formed a National High Command that directed the military activities of MK.[215] Houston claims that the reason behind the formation of MK was for the ANC to use violence in obtaining political power in South Africa.[216] To emphasize this, the secretary-general of the ANC, Alfred Nzo, said that "the ANC and its revolutionary allies decided to form MK as a core of the future's people's army. The main strategic objective of the ANC and its allies is the armed seizure of political power for the establishment of a people's government in South Africa. The only way is military confrontation with the enemy at every corner."[217] A year and a half of underground organization and actions followed, until July 1963 when most of the top MK leaders were arrested at Rivonia, near Johannesburg, and sentenced to life imprisonment on

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210 A. Tambo, *Preparing for power, Oliver Tambo speaks*, p. 39.
211 Bennet and Devine *et al*., p. 285.
212 Grobler, p. 125.
213 Umkhonto we Sizwe means "Spear of the Nation", Gibson, p. 58.
214 G. Mbeki, *The struggle for liberation in South Africa, a short history*, p. 91; B. Turok, *Nothing but the truth; behind the ANC's struggle politics*, pp. 131-132.
215 Mbeki, pp. 90-91.
216 G.F. Houston, *The national liberation struggle in South Africa: A case study of the United Democratic Front: 1983-1987*, p. 23.
217 Koster, p. 39.

charges of subversion, sedition and sabotage.[218] Ten ANC 'National High Command' members were arrested of which eight were sentenced to life imprisonment for sabotage, attempts to promote communism and to start a guerilla war in South Africa. Under those sentenced were Nelson Mandela, Walter Sizulu, L.G. Bernstein, Dennis Goldberg and A.M. Kathrada.[219]

Dippenaar mentioned that the major objectives of the MK movement were to launch direct but controlled attacks on government buildings and strategic industries, initially in such a manner that loss of life would be avoided as far as possible. A second objective was to promote political awareness among the masses and gear them to mass revolt against the state when the time was ripe. The third objective was to provide military training, as well as instruction on committing acts of sabotage to select 'freedom fighters'; and to engage in comprehensive guerilla warfare against South Africa if their attacks on state property should prove unsuccessful.[220] The ANC proclaimed that it would continue its violent struggle against the South African Government through MK. Phillips mentioned that the armed struggle became one crucial element of the ANC's revolutionary strategy.[221] The objectives of the ANC and especially its military wing, MK, conveyed the message to Police top management that more advanced methods and techniques in detecting and deterring threats to the security of the state, needed to be instituted.

Mandela stated that the Cape members of the PAC, which, for ideological reasons declined to collaborate with the ANC, regrouped under their military wing Poqo.[222] Cameron is of the opinion that the PAC militants began organizing for an armed struggle for the Freedom Year of 1963. The PAC sent a picked handful of militants abroad, especially to Ghana, the United Arab Republic and Tanzania to receive military

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218 N. Mandela, *No easy walk to freedom*, p. 162, 172; Tambo, p. 39.

219 N. Mandela, *Long walk to freedom, the autobiography of Nelson Mandela*, p. 335; P. Maylam, *A history of the African people of South Africa, from the early Iron Age to the 1970s*, p. 190.

220 Dippenaar, p. 300.

221 Houston, p. 23.

222 Poqo means "purified ones", Reed, p. 111; Cameron, p. 304.

training and establish missions of the party in exile.[223] Morris claimed that although the objectives of the Poqo movement were fundamentally similar to those of MK, Poqo was intent on blatant terrorism; its members were extremely militant and showed no hesitation in subjecting suspected informers and blacks who were unwilling to join the movement, to the cruelest forms of assault and even murder.[224]

During the night of 16 to 17 December 1961 eleven attempts were made by MK on the Witwatersrand, Port Elizabeth and New Brighton to blow up state administrative buildings and electrical plants.[225] All attempts failed; however, these attempts culminated in the promulgation of the General Law Amendment Act, Act 76 of 1962,[226] which became known as the Sabotage Act. Turok cited that over 200 acts of sabotage committed throughout the Republic during the period 1961 to 1963 were identified by the Security Branch as having been initiated by the ANC.[227] The Minister of Justice, B.J. Vorster announced that the Security Branch of the South African Police Force had been substantially enlarged, that mobile police units had been established on a permanent basis and that helicopter units had been formed to assist the mobile units.[228] Sabotage incidents instituted by MK and Poqo paved the way for the extensive powers exerted and executed by the Security Branch on behalf of the government and the Police Force.

Even since 1960, black people had been leaving the country to undergo training in guerilla warfare and sabotage in countries such as Soviet Russia, Red China, Algeria, Egypt and Cuba.[229] The majority of recruits for the so-called National People's Liberation Army (NPLA) were members of the ANC and the South West African People's Organization (SWAPO). The Security Branch was aware of the fact that recruits were leaving the country for guerilla training and sabotage abroad, in so far that

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223 Morris, p. 17; Gibson, p. 91.
224 Morris, pp. 9-10.
225 *SAP: Annual report of the Commissioner, 1960/1961,* p. 5.
226 *Statutes of the Republic of South Africa,* Act No. 76 of 1962, 22.6.1962, Part II, p. 1370.
227 Over the next 18 months there were 193 attacks, 72 minor and 95 incendiary bomb attacks. There were also several attacks on policemen and collaborators, though MK denied responsibility for these. Turok, p. 133.
228 Dippenaar, p. 301.
229 Turok, p. 213.

the Prime Minister, Dr H.F. Verwoerd, instructed the Police to act against terrorists as if the country were at war.[230]

During 1962 the sabotage campaign by MK began inside South Africa, while the external mission arranged training facilities and funds for MK recruits. Tanzania became the most important supporter of the ANC and Dar es Salaam the centre of its external organization. Over the next few years four guerilla training camps were set up and at one of them, Morogoro, the ANC headquarters was based. It was from these bases that MK recruits were later moved to Zambia. Early in 1967 they undertook their first joint military campaign into Zimbabwe and continued to infiltrate thereafter.[231] In this regard Morris claims that communist nations or communist-aligned nations gave much of the weaponry that the insurgents used, to them.[232] The arrest of insurgents in the possession of foreign weapons confirmed to the NP government that they were dealing with much more than just liberation organizations. This confirmed the perception that the threat of communism by means of terrorism was behind it.

The form that political violence takes, either revolutionary warfare or terrorism, is closely related to the specific goals it aspires. Mostert stated that it is well known that the main objective of the ANC was to overthrow the total political, cultural and economic system in South Africa.[233] On the other hand, Lass states that terrorism can be defined as the co-ordinated application of military means by militant groups, with the aim to overthrow an existing government or to exert pressure on the government to change its policies.[234] The ANC was very frank about their ultimate objective, namely political power and the means by which it needed to be achieved, namely through terrorism. Cilliers and Sturman described terrorism as the unlawful or threatened use of violence against individuals or property to coerce and intimidate governments or societies for political, religious or ideological objectives.[235]

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230 Dippenaar, pp. 345-346.
231 Tambo, pp. 41-42; Greyling, p. 46.
232 Morris, p. 30.
233 Mostert, p. 24.
234 *Ibid*.
235 Cilliers and Sturman, p. 4.

In the five years following the Morogoro conference in 1969,[236] the political balance shifted significantly against the South African government. In the book edited by Esterhuyse, he mentioned that the Morogoro conference led to the fact that the ANC was accepted in Eastern Europe as a legitimate revolutionary movement.[237] The process began with the reawakening of black working-class militancy, the 1972-1973 strikes in Natal, Transvaal and the Cape, and the impending success of the Mozambique Liberation Front (Frelimo) in Mozambique and the Popular Movement for the Liberation of Angola (MPLA) in Angola.[238] The fact that the ANC had support from African countries and other liberation movements in Southern Africa, put more pressure on the Police Force to secure the safety of the state.

According to Wolpe an unprecedented scale of mass political opposition, which challenged the very existence of the apartheid system, took place during the 1970s and culminated in the 1980s.[239] Strachan stated that the repression, brutality and rigidity of the regime into an impasse had forced the people of South Africa and their liberation movement into an armed struggle which was the only way to defend themselves against the apartheid system and to win their liberty. He further claimed that both the United Nations and the Organization of African Unity (OAU) recognized the liberation movements as the authentic representatives of the people of Southern Africa, and recognized the right of an oppressed people to take up arms as part of the overall political struggle to win their freedom.[240]

Raath claimed that at the Kabwe conference held in June 1985 in Zambia,[241] the ANC leadership had reached consensus on a number of major questions concerning what they dubbed as the "People's War against the South African regime."[242] The primary

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236 The Morogoro conference was attended by 70 to 80 delegates of the ANC's National Executive Committee (NEC) in Tanzania. It was decided to set up a Revolutionary Council charged with stepping up the struggle within South Africa. The 'Strategy and Tactics' document was also adopted wherein the military struggle was started. Grobler, p. 148; Kendall and Louw, p. 95.

237 W. Esterhuyze, P. Nel (eds), *Die ANC*, p. 84; A.W.G. Raath, *Die ANC en die rewolusionêre aanslag op kerk en politiek*, pp. 12-13.

238 Tambo, p. 71; Chalaind, p. 20.

239 H. Wolpe, *Race, class and the apartheid state*, p.1.

240 B. Strachan, *Never on our knees, youth in apartheid South Africa*, p. 51.

241 I. Liebenberg, F. Lortan, B. Nel, G. van der Westhuizen, (eds), *The long march, the story of the struggle for liberation in South Africa*, p. 29; Raath, p. 45.

242 Liebenberg, *Ideologie in konflik*, p. 97; Esterhuyse and Nel (eds), p. 21.

objective that emerged was that the ANC should step up the all-round political and military offensive in a protracted people's war aimed at the destruction of the apartheid state machinery.[243] Lodge mentioned that the 'People's War' strategy was "directed at the accomplishment of a particular political objective namely an insurrectionary seizure of power."[244] The propaganda onslaught included broadcasts on Radio Freedom, mainly from Ethiopia and Zambia to the Republic of South Africa, the distribution of propaganda literature in South Africa and the appearance of subversive graffiti on buildings. The ultimate aim was to politicize and mobilize the masses.[245] The ANC president, Oliver Tambo, delivered his New Year's message in 1985 by calling on the ANC supporters to render South Africa ungovernable.[246] With this message, the ANC came into increased confrontation with the Police Force and later on the security forces in ensuring that the ANC would not reach its goal, namely the seizure of power in South Africa.

The liberation organizations perceived the NP government as illegitimate because they only represented a minority group within South Africa. All their actions in destabilizing the country should be seen in the light that they regarded them as being justified. Therefore, any reaction by the NP government through the South African Police Force was seen as unacceptable and unjustified in curbing their political objectives in seizing power.

6.1 Escalation of guerilla warfare by the African National Congress (ANC) and the Pan Africanist Congress (PAC), 1960 to the 1990s

The 1960s and 1970s were characterized by the serious oppression of black resistance and extra-parliamentary opposition by means of strict security legislation. Du Pisani stated that all forms of resistance against the status quo, inclusive of protest marches,

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243 N.L. Combrinck, "History and the Commission of Truth and Reconciliation: the problem of collective guilt" in *Journal for Contemporary History* 23(2), December 1998, p. 107, Cawthra, *Brutal force*, p. 218; Van Zyl Slabbert and Smuts (eds), pp. 132, 144.

244 Houston, p. 27.

245 Payne, p. 228.

246 S. Mallaby, *After apartheid, the future of South Africa*, p. 23.

were oppressed with force.[247] During October and November 1976 the unrest underwent a transformation. Although the usual incidents of violence still occurred, albeit on a smaller scale, a change in acts of sabotage became evident in which the hand of the ANC was clearly discernible.[248]

From 1976 to 1977 sustained agitation and incitement to riot among certain sectors of the black population underscored that the Republic of South Africa was facing a calculated onslaught on the psychological stability of its population. The methods employed were a combination of political, economic and social agitation, accompanied by low-intensity violence. These trends were identified by the Security Branch and it was clear that the nature of the violence would vary according to what the disruptive elements deemed necessary for them to succeed. Acts of violence ranged from sabotage, bomb explosions in public places, small-scale terrorist activities to large-scale violent disruption. Every indication pointed towards the onslaught against South Africa taking the form of urban terrorism.[249] Stemmet and Barnard mentioned that "by calling on its supporters to claim people's power and to render the country ungovernable, the ANC confronted the authorities with an ongoing security hazard".[250] Arnold is of the opinion that in 1980 there was between 500 and 600 MK cadets in training in various camps in Angola and by the mid-1980s there was approximately 8 000 ANC members under arms and a further 5 000 in civilian posts in various African countries to the north of South Africa, where they had training camps and centres. The most promising recruits would be sent to the USSR, East Germany or Ethiopia for training as officers or instructors.[251] By recruiting youths for military training abroad, the ANC as the main liberation organization forced the Police Force to equip the Security Branch with more powers of surveillance, detention and interrogation in assessing the armed struggle against the state.

Strachan claims that during the 1980s popular resistance to the NP government had risen to new heights. An integral part of this new tide of resistance was the significant

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247 Du Pisani *et al*., pp. 1-2.
248 Dippenaar, p. 518.
249 *Ibid*., p. 534.
250 Stemmet and Barnard, "Committees, Tyres and Teenagers…", p. 93.
251 G. Arnold, *South Africa, crossing the Rubicon*, p. 139.

and widespread increase in the level of armed activity carried out by MK. These armed actions took the form of well-planned and co-ordinated acts of sabotage throughout the country, aimed at strategic, economic, administrative and military targets. Railway lines were blown-up, police stations in urban and rural areas attacked, strategic and well-guarded industrial installations severely damaged, and administrative structures of the regime such as law courts and pass offices were hit.[252] Houston mentioned that in 1979, MK turned its attention to state personnel when it conducted attacks against police stations.[253]

A rocket attack was launched against the SADF headquarters near Pretoria, named Voortrekkerhoogte. In December 1982 four explosions occurred on the site of the Koeberg nuclear power station near Cape Town, explosions at SASOL oil-from-coal plants, power stations and key industrial plants.[254] Cawthra stated that in 1984 Major General Steenkamp, the Head of the Security Branch, claimed that these attacks had caused R600 million damage, but the real figure is likely to have been several times that amount.[255] An analysis on armed actions between January 1977 and October 1982 revealed 33 attacks on railway installations, 25 on industrial and power installations, 14 on administrative buildings, 13 on police stations, 3 on military bases and 17 clashes between guerillas and army units as well as other actions.[256] The ANC showed with these attacks and bomb explosions that they were really at war with the South African government, and thus with the Police Force who had to maintain law and order and preserve the security of the country.

According to semi-official figures released by Pretoria University's Institute for Strategic Studies, the number of guerilla attacks during 1985 increased by nearly 300 per cent from the previous year. The location and the nature of the 136 guerilla attacks reported in 1985 suggested that small-scale actions directed at SADF personnel, state witnesses, police informers, and selected sabotage had replaced the previous emphasis on spectacular 'armed propaganda' exercises. According to Tom Lodge, the ANC

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252 Strachan, pp. 53-54.
253 Houston, p. 53.
254 *Ibid*.
255 Cawthra, *Brutal force*, p. 217.
256 *Ibid*., p. 218.

demonstrated "a qualitative advance in its ability to conduct guerilla warfare". Lodge elaborated by stating that most guerillas were based within South Africa and more attacks were carried out by people who had been trained here and had never left the country. The security forces reported the increasing use of small arms, including AK-47 assault rifles, and hand grenades in guerilla assaults on so-called 'collaborators' in the townships.[257]

Wim Booyse of the Department of Strategic Studies at the University of Pretoria indicated that the incidents of "armed revolutionary violence" increased by 800 per cent from mid-1984 to May 1986.[258] In the last week of May 1986, the South African Police Force reported that police units had come under fire several times in different areas of the country, including Katlehong, Nyanga and Gugulethu.[259] All in all, between June and the end of August 1986, there were at least 16 reported petrol and hand grenade attacks on the homes of councillors, policemen, and others believed to be working within 'the system'.[260] Mufson stated that during 1986, the Police Force indicated that there were 231 guerilla attacks, virtually all of them from the ANC.[261] The impression was created that the Republic was made ungovernable.[262]

The attacks against individual policemen escalated. An article in *Die Transvaler* reported that on 30 April 1986 the Minister of Law and order, Louis le Grange, announced that from September 1985 to April 1986, 807 homes of police officials had been attacked and damaged during attacks. During the same period, 33 members of the security forces had been murdered and a further 584 injured.[263] Combrinck mentioned that between 1973 to 1993, 1030 policemen had been killed and that much of these

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257 Murray, p. 397.

258 The following statistics in respect of violence gave an indication of the extent of unrest related incidents during the period 1 July 1984 to 30 June 1985: Petrol bomb incidents (617); Arson incidents (1156); Fire damage incidents (574); Looting incidents (343); Hand-grenade incidents (29); Persons killed by others (160); Persons injured by others (661); Persons killed by security forces (264); Persons injured by security forces (1004); Security force members killed (7); Security force members injured (256); Arrests (21 280); Total number of incidents (10 018); Physical damage (R59 019 495). Dippenaar, p. 734; Van Zyl Slabbert and Smuts (eds), p. 84.

259 Murray, p. 425.

260 *Weekly Mail*, 26.12.1985, p. 4.

261 Mufson, p. 193.

262 Dippenaar, p. 735.

263 *Die Transvaler*, 1.5.1980, p. 2.

deaths could be ascribed directly or indirectly to the actions of the ANC and its allies.[264] The increase in hand-grenade attacks on specific targets, in particular Police Force members, prompted the South African Police Force to introduce hand-grenade drill into their basic training courses and advanced training courses in equipping policemen with the necessary skills to counter these attacks.[265]

The pattern of attacks on black policemen compelled the police authorities to make alternative arrangements to accommodate black policemen and their families other than in black townships. It was not merely a case of removing the families from one township and relocating them in another, as they were in equal danger in nearly all the townships. One of the first police residential areas where black members and their families could be accommodated safely was the Marievale area near Nigel on the East Rand. The town consisted of 56 brand new five-roomed houses, each fully equipped with electricity and running water. All appliances, such as stoves and refrigerators as well as most of the furniture in the houses were new, since all the policemen and their families had to flee from their previous houses with only the clothes they wore when their homes were attacked and burnt down. Major General I.J.M. van Niekerk officially opened the Police town on 18 December 1985. In his speech he mentioned that 568 police houses, of which 78 were on the East Rand, had been burnt down or damaged during attacks.[266] The ANC orchestrated the masses in attacking and killing members of the South African Police Force, thus not having any respect for the police agency and the law. The Police Force was seen as supporting and strengthening the NP government.

Another focus area of the ANC strategy became visible within the country, namely landmine attacks. Dippenaar mentioned that landmines had been used in 18 terror incidents during which 12 people were killed and 24 injured.[267] Combrinck stated that during November 1985 and February 1991 25 people had been killed and 76 injured due to landmine attacks; 373 people had been injured from limpet and mine attacks and 22

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264 Combrinck, p. 113.
265 Dippenaar, p. 737.
266 *Servamus*, 31.3.1986, pp. 12-13.
267 Dippenaar, p. 767.

people killed; 40 people had been killed in car bomb attacks and 548 injured.[268] An article in *The Weekly Mail* reported that the landmine offensive appeared to be part of a co-ordinated strategy by the ANC of "wrestling control in crucial geographical locations from the South African authorities."[269] The national press in South Africa and in particular *Oggendblad* reported the establishment of three ANC training camps in Mozambique where terrorists would be trained for attacks on the Republic.[270] An article in *Beeld* reported that in 1986 the ANC held a conference in Lusaka, Zambia, during which it was decided that whites in South Africa should die and civilian casualties could not be avoided.[271] When considering the plan of action of ANC revolutionaries, it became clear why the powers of the Security Branch had to be increased in order to curb these threats. According to the ANC the need for black political representation in the government was not nearly in sight, and it gave the ANC/SACP alliance the right to institute drastic violent measures against the NP government. They were also of the opinion that they were fighting a just war. The killing of police officials by these organizations were seen as correct in achieving their political objectives.

During his budget speech in Parliament, Adriaan Vlok, Minister of Law and Order, mentioned that from July 1985 to June 1986, deeds of terrorism had increased by 45%.[272] In August 1988 the Commissioner of the South African Police Force, General Hennie de Witt, addressed a conference where he stated that the general public should assist in combating 'terrorism'.[273] Major General Herman Stadler, the former head of the Security Branch's Intelligence Unit, wrote a book, "The other side of the story", about the unethical methods the ANC used during the liberation struggle in combating

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268 Combrinck, p. 113.
269 Murray, pp. 398-399.
270 Dippenaar, p. 529.
271 *Ibid*., pp. 815-816.
272 A total of 403 people were victims of terrorism, 54 killed and 349 injured. *The Star*, 3.9.1987, p. 1.
273 *Sowetan*, 26.8.1988, p. 8.

apartheid by means of landmine and bomb explosions.[274] Strong criticism in the media was portrayed by the ANC and PAC against this book saying that it was not reflecting the whole picture regarding the Police Force's countering them.

6.2 Labour unrest, strikes and consumer boycotts initiated by banned political organizations within South Africa, 1970 to 1990

The ANC and the PAC as liberation movements instituted their armed struggle within South Africa but it was effectively countered by the Police Force. In this regard, they had to use other means to stimulate violence and unrest within the country. Koster elaborated by indicating that in a declaration by the NEC of the ANC, it was mentioned that "our weapons are everything at our disposal…from protest to strike, from stones and spears to arms".[275] *Sechaba*, the official paper of the ANC, declared "The underground guerillas of our liberation movement intensified the struggle inside the country through strikes, demonstrations, sabotage and armed actions."[276] In this regard Wilkinson is of the opinion that civil disobedience on a large scale becomes revolutionary when it is used to overthrow an existing system and establish a revolutionary regime, and when it is employed to coerce opposing and uncommitted elements into submitting to the revolutionary will.[277] When guerilla warfare, armed struggle by means of bomb explosions and landmine attacks did not achieve the results that the ANC wanted, they had to incorporate other elements in their struggle for liberation.

During the 1970s a significant amount of labour unrest occurred among non-white workers, leading to strikes over an extensive area, particularly in the industrial areas of the Witwatersrand and Natal. Several thousands of black workers were involved in these strikes which generally revolved around increased payment and improved conditions of service.[278] Unrest in the gold mining industry and the various tribal fights caused serious disruption of police activities, due to the fact that Police Force units needed to be brought in to restore law and order, and normal policing functions lacked

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274 *Saturday Star*, 1.3.1997, p. 5.
275 Koster, p. 39.
276 *Ibid*.
277 Wilkinson, p. 27.
278 G. Naidoo, *Reform and revolution, South Africa in the nineties*, p. 169.

behind. In September 1979 the South African government announced the granting of formal trade union rights to African workers. This was the culmination of a process which had begun with the appointment in 1977 of a government commission of inquiry into existing labour legislation, the Wiehahn commission.[279]

A new trend, namely consumer boycotts, emerged especially in the Eastern Cape during the 1980s. By threatening white shop owners with total boycotts and intimidating the black inhabitants of the townships by violent means, the activists succeeded in getting an economic hold on the white traders and extorting certain concessions from politically powerless communities.[280] Dippenaar claimed that throughout 1984 and 1985 the townships surrounding Port Elizabeth and Uitenhage had been subjected to continuous unrest and riots. Activists were also extremely active in these regions, so that the Eastern Cape became a breeding ground for unrest and trouble, which required full-time attention from the Police Force.[281] The declaration of the first State of Emergency in July 1985 gave the NP government wide powers to restore law and order. It was under these circumstances that the Congress of South African Trade Unions (COSATU)[282] was formed in December 1985. By 1986 African trade unions had over a million paid-up members and apart from their legitimate demand for improved conditions for their workers, they were also becoming a major political force in their own right. Thompson points out "African unions had become a central force in the struggle for power in South Africa".[283] The Police Force had to control strikes and protests marches by trade unions who agitated for better working conditions and that they were connected to liberation objectives.

Although the unrest and acts of terror occurred mainly in black townships where they disrupted the communities and left them in a state of confusion, they also claimed their toll on the South African Police Force. Attacks on the Police included stone throwing,

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279 R.M. Price, C.G. Rosberg (eds), *The apartheid regime, political power and racial domination*, p. 319.

280 Dippenaar, p. 778.

281 *Ibid*., p. 737.

282 COSATU's formation involved the organization of approximately 565 000 workers, who were members of 36 affiliated unions. I. Omar, *Reform in crisis: Why the tricameral Parliamentary system has failed*, p. 16; Naidoo, p. 184.

283 L. Thompson, *A history of South Africa*, p. 225; Arnold, pp. 193-194.

petrol bombs, acid bombs, hand grenades and even shooting incidents. Policemen were starting to get exhausted. The large number of people that had to appear in the courts for various crimes, especially public violence, made it more difficult for the Police Force to suppress the unrest. The accused were discharged on bail pending trial, whereafter they merely returned to their townships and continued with their activities. This did not only hamper the Police Force in their task, but law-abiding residents in the unrest areas started to lose confidence in the administration of justice. The situation in the country was seriously deteriorating and only drastic actions from the authorities could prevent the development of a state of total anarchy and uncontrollability, which, according to the media abroad, already prevailed.[284] The extension of the unrest to rural areas and the increase in violent incidents by liberation organizations, prompted the Police Force to increase their capability to deal with this, namely by means of the Crowd Control Units.

6.3 Involvement of the youth in the plans for liberation by the ANC, 1970s to 1990s

Students at certain universities in South Africa became politically active during the period August 1973 to June 1974. Several protest demonstrations were staged against restrictions imposed on the National Union of South African Students (NUSAS), while several students also agitated for increased payment and improved working conditions for Africans.[285] The South African Police Force and the Security Branch in particular, kept a finger on the pulse of the communities and were thus aware of brewing dissatisfaction in regard to the language-medium issue in schools.[286] However, mere dissatisfaction among any section of the population did not justify Police action as it did not constitute a contravention of the law. However, where dissatisfaction gave rise to any breach of the law or criminal laws, the Police Force was authorized to maintain law an order in whatever manner necessary.

On 13 June 1976 a large meeting of SASM was held in the DOCC Hall in Orlando East. A decision was taken to stage a mass protest march on 16 June 1976. At several meetings it were decided that should the Police Force take action, the pupils would fight

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284 Dippenaar, p. 736.
285 *Ibid*., p. 459.
286 Mufson, pp. 16-17.

back with all means at their disposal, particularly stones. No prior application had been made to the authorities to obtain permission for a procession through the streets of Soweto.[287] Violence, general disorder, looting and arson occurred everywhere during the demonstrations. Clinics, libraries, commercial banks, garages and shops were burnt down and officials and other benefactors were attacked. The Police Force intervened to curb the violence leaving people dead and injured. Dippenaar reflected, what became clear after the Soweto uprisings was that school children were used for concealed revolutionary and subversive objectives and started to play a dynamic part in the struggle against apartheid.[288] The Soweto unrest became to be known as the Soweto Riots of 1976. The Police Force was heavily criticized for the way in which they handled these riots and for the amount of force they utilized against children.

Strachan claims that since the youth had taken to the streets in June 1976, the Police Force came to regard black youths as the enemy. Thousands of students and young people were killed, maimed, arrested, tortured and imprisoned since the riots of 1976 because of their resistance to South Africa's oppressive racial policies.[289] Police attacks on youths included random shootings of young children, massive arrests of demonstrators, torture and beating of young detainees and the harassment or banning of black youth and student organizations. According to journalist Patrick Lawrence, since the uprising of 1976 "a battle has been fought with varying degrees of intensity between militant youths and the security police".[290] Du Pisani stated that after Soweto, the Minister of Justice banned all open-air gatherings over the country with the exception of religious and sport gatherings.[291] Internal opposition groups, liberation movement as well as the world media heavily criticized the conduct of the South African Police Force. The blame for injuries sustained by youths as well as deaths was put on the shoulders of the Police Force. With these riots, black youths realized the damaged, anarchy and violence they could inflict on their own societies, and this provided them

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287 Dippenaar, pp. 501-502.
288 *Ibid*., p. 508.
289 Quoted in V. Brittain and A.S. Minty (eds), *Statements from the Harare Conference, children of resistance on children, repression and the law in apartheid South Africa*, p. 110.
290 Quoted in Strachan, p. 60.
291 Du Pisani *et al*., p. 17.

with some sort of political leverage in their communities against the government of the day.

Murray cited that throughout the course of a long wave of unrest, school children played a central role in catalyzing the popular struggle. The classrooms themselves became meeting places where issues were debated and strategies planned. Even in the historical strongholds of political agitation, student organizations tended to outnumber large sections of the politically conscious mass movement. The grossly inferior educational system came to symbolize for militant black activists their status under apartheid. The slogan 'no education before liberation' became a rallying point for many student boycott campaigns that swept the black townships.[292] Houston claimed that since the initial outburst of student resistance in Soweto, the 'education struggle' became a crucial component of the struggle for national liberation. Schools and tertiary institutions for blacks became sites of struggle as increasingly politicized students challenged the state's authority and contested discriminatory education.[293] The ANC and its counterpart, the SACP, strategized that they needed to mobilize the youth and get them committed to their political objectives in order to liberate the country.

The Constitution in South Africa in 1983 extended political representation in central government, hitherto restricted to whites only, to the Coloured people as the House of Representatives and the Asian population as the House of Delegates, but continued to exclude the African majority from political participation in the government processes. It also considerably strengthened the executive arm of government under a powerful State President and entrenched the domination of the white minority in government.[294]

The call to form the United Democratic Front (UDF)[295] was made by Allan Boesak, President of the World Alliance of Reformed Churches, in January 1983. The call was

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292 W. Bezuidenhoudt, *Die skole-onrus in Thabong teen die agtergrond van die landswye politieke onrus in 1984*, p. 8; Murray, p. 403.

293 Houston, p. 47.

294 *Ibid*.

295 The UDF represented more than 600 organizations, and commanded the active support of about one-and-a-half million people in South Africa. The UDF was a front uniting different communities, classes, and sectors of the population. Strachan, p. 84; Houston, pp. 1, 27, 28, 46, 75.

made to unite all sectors of the population in the struggle against the government's new constitutional proposals and the 'Koornhof Bills'.[296] Much of the anger was directed at the discredited and unrepresentative local town councils instituted in 1983. The councils were part of a government reform initiative aimed at providing more autonomous local government for Africans. They were widely rejected by township residents, primarily because this reform was seen as an attempt to deflect the fundamental demand of the African majority for political participation in central government.[297] The strategy of the ANC/SACP changed in so far as that they realized that numbers and especially the involvement of the youth, would eventually force the government to succumb to their political demands.

In August 1984 a large-scale outbreak of political violence occurred, and it took on serious proportions. The violence resulted in severe opposition to the elections for the House of Representatives and the House of Delegates. Authorities hoped that it would die down after the elections, which did not happen. In fact, it increased with a vengeance.[298] These two houses were created to provide to the Coloured and Indian populations political representation in their own 'parliaments'.[299] The Constitution did not make provision for political presentation of the African population in government on the highest level, namely in parliament. The perception existed under the African population that they would never become part of the political processes within South African, because they were again excluded from them. The only way to achieve political representation was through the escalation of the armed struggle and by means of the seizure of power.

Cawthra stated that in a short period since its formation, the UDF became a vehicle for encouraging and supporting all legal forms of popular resistance to every aspect of

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296 The Koornhof Bills were proposals on the tightening of influx control for the African population. Dr Piet Koornhof, Minister of Co-operation and Development in 1980, draw up three bills to get rid of 'hurtful and unnecessary discrimination'. During the second reading of these bills in Parliament it was realized that the draft bills would make the situation worse than better. D. Herbstein, *White lies, Canon Collins and the secret war against apartheid,* p. 279; Kendall and Louw, p. 75.

297 Du Pisani *et al.*, p. 18.

298 Dippenaar, p. 723.

299 R.E. van der Ross, *The rise and decline of apartheid, a study of political movements among the Coloured people of South Africa, 1880-1985*, p. 350.

apartheid. The UDF grew to incorporate over 600 organizations, collectively representing two million South Africans.[300] Strachan cited that youth organizations and the student movements, represented by the COSAS, the Azanian's Student Organization (AZASO) and NUSAS, became an important united grouping within the UDF. The youth and student movement, like many of the other affiliates of the UDF, recognized the Freedom Charter as the only viable programme for the future of South Africa.[301] Houston pointed out that the UDF declared that they "stand for the creation of a true democracy in which all South Africans will participate in the government of the country".[302] Underlying their conception of democracy was the concept of people's power. People's power referred to the assumption of administrative, judicial, welfare and cultural duties by organs of people's power, namely street committees, defence committees, shop steward structures and Student Representative Councils (SRCs).[303] The people's power concept included the participation of the youth, especially those in the tertiary institutions.

The primary method of protest employed by school children and students was the boycott of classes at schools and universities. The school boycotts, which started in 1983, were initially undertaken in support of calls for reform of the black educational system, which lagged far behind the white school system.[304] The students' demands were virtually the same as those that sparked the Soweto Riots ten years earlier. The demands were free, compulsory education for all children, better qualified teachers, free and appropriate textbooks and educational materials and the recognition of democratically elected student representative councils.[305] The revolutionary pronouncement of the ANC was to make school and tertiary institutions 'flashpoints for freedom'.[306] Houston mentioned that children and student demonstrations had turned to riots.[307]

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300 Cawthra, *Brutal force*, p. 219; Mufson, pp. 53-54, 58.
301 Strachan, p. 84.
302 Houston, pp. 64-65.
303 *Ibid*.
304 Bezuidenhoudt, p. 17.
305 Lawyers Committee for Human Rights, pp. 10-11.
306 Dippenaar, p. 735.
307 Houston, p. 80.

The Lawyers Committee for Human Rights in America stated that state-instituted violence and repression against children had been part of a strategy to curb the student boycotts and protest. In August 1985, orders under the emergency regulations were issued that required pupils to be in the classrooms during school hours, prohibited any activities that did not have a direct bearing on tuition, prevented anyone other than pupils or staff from entering school premises; and forbade the teaching or communication of any matter falling outside the official syllabus or normal school activities.[308] Under the emergency regulations the Police Force and the SADF were given more powers to ensure the security of the state. Students and children were now behind the ANC/SACP alliance's agitation for political rights. The government had to institute harsher measures to restrict the violence.

On 28 August1985 one of the most popular and broad-based organizations of both primary and high school students, COSAS,[309] was banned. COSAS had long been the focus of the authorities' attempts to curb student resistance. Since its inception in 1979, many of its members had been killed in clashes with the police, detained or forced into hiding.[310] COSAS and AZASO[311] soon became the leading student movements at schools and tertiary institutions respectively. By the end of 1985, 169 schools had either been burnt down or damaged by fire and a further 127 schools had been damaged by stone throwing.[312] Mufson stated that in the black townships of Port Elizabeth, Uitenhage and Despatch blacks had also destroyed or damaged 273 buildings and 604 vehicles.[313] In order to pre-empt further political unrest, the NP government also announced the closing of 454 schools and colleges in the Cape Town area, locking out an estimated 360 000 students.[314] Brittain claimed that between 1984 and 1986 312

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308 Lawyers Committee for Human Rights, p. 12.

309 COSAS was formed in May 1979 as a national organization to represent the interests of black school students. W.H. Strong, *Die algemene verkiesings van 1987 en 1989 en die politieke gebeure daartussen*, p. 31; Houston, pp. 98, 115.

310 Lawyers Committee for Human Rights, p. 12.

311 AZASO was founded in November 1979 by students from Fort Hare, Zululand, Natal, Turfloop University of the North, and Durban Westville universities and Mapumulo College. AZASO was the student wing of the Azanian's People's Organization (AZAPO). A.J.G. Muller, *Die hervormingsinisiatiewe van die Nasionale Party, 1978 tot 1989, en die redes daarvoor*, p. 260; Houston, p. 124.

312 Dippenaar, p. 735.

313 Mufson, p. 85.

314 Murray, p. 344.

children died as a result of the Police's use of lethal firearms including combat rifles in the school unrest and boycotts.[315] The school boycotts had prompted the Police Force and especially the Security Branch to monitor the situation closely because it could easily escalate into massive unrest in the townships and make the country ungovernable.

Stemmet and Barnard claim that the youth was a predominant feature in the creation of alternative structures and all the positive and negative consequences thereof. In 1987 the President of the ANC, Oliver Tambo, called on the people "in particular the youth, to form and engage in self-defence units and combat groups in action against the fascist army, police and death squads, namely the vigilantes". The militant children played a central part in the enforcement of consumer boycotts and they were united in their hatred of the South African Police Force.[316] The politizitation of children and youths in the liberation movement, brought them in direct confrontation with the Police Force and later the SADF under the emergency regulations.[317] Newton's movement theory implies that for every action there is an opposite reaction. Actions by the youth were met by reactions from the Police Force which, according to the liberation organizations, were not met with the same amount of violence. The amount of force to meet a reaction should be more than those instituted in order to curb it. The curbing of the school boycotts and violence did tarnish the already bad image of the Police Force as an oppressor and enforcer in the townships. The ANC educated, mobilized and propagated to the children and youths that violence, unrest and agitation were the right thing to do, not against society as a whole, but against the Police Force in order to achieve a specific goal.

6.4 The existence of People's courts and Street committees in the ANC's strategy for liberation

In the wake of the states of emergency during the middle of the 1980s, the liberation organizations were forced to regroup in order to survive the intensified repression by the NP government. It was in the Eastern Cape townships that the formation of street and

315 Brittain and Minty, p. 13.
316 Stemmet and Barnard, "Committees, tyres and teenagers…", p. 104.
317 Houston, p. 76.

area committees first gained ground.[318] The mass detentions of community leaders under the emergency powers depleted the mass-based student and youth groups and civic associations of their most visible leaders. The purpose of the street committees was to provide alternative channels both to assess popular sentiments and to co-ordinate local actions such as school and consumer boycotts. Another objective was to offer protection to those residents who were being terrorized by criminals and vandals. In a broader scheme, political activists hoped that these street and area committees would become an alternative administrative structure that would replace the discredited town and community councils.[319] Brodgen mentioned that the street committees and people's courts were instituted to standardize ordering practices, and to achieve a measure of accountability.[320]

Midgley is of the opinion that police conduct was for decades a significant cause of hurt and suffering in the country, particularly among the black people. Police were unwanted in the townships and township societies created their own structures for regulating societal behaviour.[321] The policing in the black community was also most inadequate. Black communities were generally unwilling to co-operate with the police on policing issues for the South African Police Force was not regarded by township communities as being a legitimate law enforcement agency. Township communities established their own policing infrastructures, not only to supplement inadequate policing, but also to indicate opposition to the prevailing systems of social ordering and justice.[322] People's courts became increasingly acceptable to township residents as the lack of confidence in the police grew with the spread of civil 'unrest' at the end of 1984.[323]

After 1983, township communities formed the Self-Defence Units (SDU's) to give a more coherent form to the activities of the youth. These units had a political connotation of being associated with liberation organizations and mass democratic

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318 Murray, p. 394.
319 Murray, pp. 394-395; Mufson, pp. 126-127.
320 Brodgen and Shearing, p. 154.
321 Midgley, p. 3.
322 *Ibid*., pp. 7-8.
323 Houston, p. 81.

movements. This led to the justification of their existence by saying that their communities were under attack from hostile 'external' forces, and that they had to impose 'justice' in them. Sadly, a breakdown of control over the youth resulted in many turning to crime.[324]

In 1985 and up to June 1986, 532 people were murdered by rioters and 286 of the victims died by way of a new, shocking so-called 'necklace method'. In the past, the burning of corpses by rioters had been abhorred, but the necklace method of burning people alive was particularly barbaric. A crowd forced an automobile tyre doused with gasoline over the head and shoulders of a suspected collaborator and then set it alight. Trapped inside the tyre, the suspect could not lift his arms to free himself. Death came slowly and painfully to those people. This necklace method became the favoured technique to kill black police officials, informers and collaborators.[325] The year 1986 would come to be known as 'The year of the Necklace.'[326] Winnie Madikizela Mandela, the wife of Nelson Mandela proclaimed in public during 1986: "With that stick of matches, with our necklace, we should liberate this country."[327] Oliver Tambo mentioned that the sole reason for the existence of these structures was political and the basic guiding purpose of these courts was to "thwart the enemy plans and actions".[328] This barbarous method of getting rid of persons not supporting the liberation struggle or people suspected of collaborating with the government, sent shock waves through the country and the international community. This ultimately showed to what extremes the liberation movements, particularly the ANC, would go in opposing the government and the state.

In many instances, 'people's courts' were formed to replace the collapsing police and court systems that had lost their legitimacy according to the black communities. In

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324 *Servamus*, 30.11.2003, p. 16.

325 Mufson, pp. 91-92.

326 A car tyre, doused in petrol, was draped over the shoulders of the accused as a 'necklace' and then set alight in such a way that the person is not able to move. As his arms were pinned down, the accused had no chance of freeing himself and burnt to death while watched by his assailants. Dippenaar, p. 777; Murray, p. 391.

327 Quoted in Pettiford and Harding, p. 96; Also quoted in Stemmet, *Apartheid under siege: 1984-1988, actions and reactions*, p. 221.

328 Stemmet and Barnard, "Committees, Tyres and Teenagers…," p. 98.

several areas the people's courts exacted taxes in order to be more organized. Some residents were of the opinion that township crime had been reduced by means of these people's courts.[329] Some partisan observers hailed the people's courts as a functional alternative to apartheid justice because of the emphasis on education and compensation such as the return of stolen goods, rather than punishment and retribution.[330]

However, there was another side to these improvised tribunals. In some instances, the people's courts[331] were transformed into 'kangaroo courts' where the style of 'frontier justice' and hasty verdicts often claimed victims who were the targets of private enmities or political animus. By October 1986, the seemingly senseless and random killings were commonplace in the townships of the Eastern Cape.[332] According to township residents, clandestine people's courts were formed to punish those alleged to have hindered the struggle, meting out primitive sentences on wrongdoers.[333] People's courts were originally established to rid communities of criminals. It however got out of control and became a 'law unto themselves'.[334] Feenan claimed that in the middle of the 1980s an estimated 400 people's courts operated in various townships across South Africa.[335] The kangaroo courts or also called people's courts were part of the ANC's aim in making the country ungovernable. The establishment of these alternative justice structures showed to what extent the liberation organizations such as the ANC was willing to go in their so-called plan for liberation. To shoot people, to interrogate and detain them, to torture them were all unconventional methods used by the Police Force in stopping the liberation movements in seizing power. To kill people by means of necklacing was not also unconventional, but barbaric in mobilizing people to achieve a political goal. When assessing these unconventional methods utilized by the Police Force and by the liberation organizations from the perspective of the normal average

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329 D. Feenan (ed.), *Informal Criminal Justice*, p. 119.
330 Murray, p. 390.
331 *Ibid*. Modelled after the popular U.S. television charade of the same name.
332 *Cape Times*, 14.4.1986, p. 4.
333 *Sunday Times*, 20.10.1985, p. 2; Murray, p. 391.
334 Feenan, p. 119.
335 *Ibid*.

citizen, both did not justify the means. When assessing it however in terms of the era in which it occurred, namely 'war', some would justify the means used.

7. Evaluation

Commissioner George Fivaz stated that he perceives the Police Force structure as most effective, seen against the background of that era. The Police Force was very disciplined and purposeful. Till today it is for the ANC, as one of the liberation movements, very strange to notice how it was possible for the Security Branch to know of all the movements of their members. And how was it possible to secure the borders and to restrict insurgents from crossing the borders into South Africa? It was actually easy because there was a purposeful structure for every one of these things in place and it operated effectively.[336] What further needs emphasis is that the Security Branch in 1969 consisted of 63 members and at the beginning of 1990 there were 4 162 members in the Security Branch. This makes the way in which the Security Branch was able to counter the threats more distinguished. With only a few thousand personnel of which not all were handlers, investigators and operatives, they were effective in executing their core functions to preserve the internal security of the country.

As the internal and external struggle against the government and its apartheid system became more brutal, all the more because of the inclusion of a communist threat, it became clear to the authorities that drastic action was needed. The formation of the Security Branch was then given preference in countering the threats against the internal security of the country as well as the safety of its inhabitants through sabotage and terrorism. Little information is available on this Branch, because its actions, activities and operations were carried out in secret. However, this branch had to gather information on these threats in order to curb or eliminate them. During the 1970s and especially the 1980s this branch was expanded and operated as a separate division in the Police Force. Due to the secrecy pertaining to this Branch, much speculation existed in the media regarding police brutality and articles of alleged human rights abuses through arrests and detention of insurgents and agitators by this branch were published. This

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336 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

branch became notorious in the country for their so-called secret dagger under which they operated. However, without the necessary security legislation in place, it would have been impossible for this Branch to operate extensively in the country in curbing the domestic threats.

When looking at the era under discussion it seems that the ANC as the main liberation organization in South Africa was indoctrinated by the SACP in furthering the means of communism by resorting to violent actions in order to destabilize the state. The mass mobilization by the liberation organizations, together with the escalation of armed conflict and unrest in the country, contributed much to the belief that South Africa was on the brink of virtual civil war. Against the liberation organizations inside South Africa stood the Security Branch of the South African Police Force that was also indoctrinated by a belief that the ANC, SACP and other liberation organization's ultimate aim were to overthrow the state and take over the existing government by placing a new communist government in power. Therefore it can be concluded that South Africa was in a state of war, with the threat of communism on the one hand and the securitization of the state by the Security Branch on the other hand.

The fact remains that the Security Branch utilized unconventional methods in detention and interrogation of suspects in order to obtain certain information from them. These methods were unacceptable and unnecessary when looking from the perspective of the liberation organizations and their sympathizers and opponents of the government. On the other hand it was however preserved as necessary by the state, government and the members responsible for these actions. It is also evident that all the acting officers and former officers of the Security Branch are of the opinion that it was not always necessary to be brutal in obtaining information. Other officers like Director de Kock and Senior Superintendent Erasmus mentioned that the skill of obtaining information from suspects were not always violent, as some people believed. The skill lied in effective and constant interrogation of a suspect for 48 to 72 hours, so that in the end the necessary information would be obtained from him without any violence. To conclude, the members of the Security Branch who were most brutal and violent, were not

supposed to be there from the start, because the majority of this branch consisted of highly skilled, experienced and dedicated members of the Police Force.

Regarding the question whether it was necessary for the NP government to bring in the SADF to assist the Police Force internally, especially during the states of emergency, the words of General Heinze sums it up very adequately "A period existed where the Security Forces acted against violence with violence."[337] In any conventional war, violence from the enemy is answered with the same amount of violence and in some instances with more in order to end the conflict or war. The liberation organizations in South Africa orchestrated a 'people's war' against the NP government. The Police Force was not trained to orchestrate war, but to maintain law and order, investigate crime and preserve the security of the country and its inhabitants. The SADF's primary function was to fight a war. When the internal instability in the country were of such a nature that the Police Force with its lack of manpower and the fact that the Police Force was also involved in cross border wars in the former Rhodesia and South West Africa, could not sustain and maintain the law and order and security of the inhabitants, the NP government acted with a reaction to the so-called 'people's war' of the liberation organizations and brought in the SADF. The SADF was increasingly used to support the Police Force, especially when Martial Law was declared in 1985 and 1986. It meant that the Police Force was in no position to curb the escalating violence, unrest and conflict that occurred in South Africa on its own. It should also been noted that the SADF consisted of sufficient manpower, thus the capacity of soldiers to curb any unrest. The SADF and the Police Force were thus continually referred to as the security forces because they had to protect the security of the state.

The question that needs clarification, is whether the Police Force was the enforcer of the NP government's apartheid legislation. One of the stipulations in the Police Force Act of 1958, was that the internal security of the state be protected by the Police Force, and not per se the government of the day. Professor D.P. Wessels mentioned that any police agency, in this regard the Police Force operates in the interest of the state and not the

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337 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.

government by ensuring the safety of the citizenry, the maintenance of law and order and not the preservation of a certain political party.[338] He confirmed that they were in the service of the state and that the government had to introduce legislation to enable them to operate and to fulfill their primary functions. The alternative media, opponents of the government and liberation organizations branded the Police Force as the enforcer of the apartheid government. Any government in power, irrespective if they are of the SACP, African National Congress (ANC), Democratic Party (DP), NP, etc., calls the 'shots'. The government who is in power has the authority to enact legislation and to order the executive branch of the government, thus the Police Force, to perform specific functions. It was the NP government that criminalized apartheid legislation and by doing so they needed a Police Force to execute the law. For certain segments of the population the Police Force was seen as enforcer of the NP government's apartheid legislation and to other segments of the population they just remained the protector of the state.

When looking at the whole era under discussion, it was a most violent era in the history of South Africa and also that of the South African Police Force. Atrocities were committed not only from the side of the Police Force, but also from the side of the liberation organizations with the ANC in the lead. No government easily succumb to political conflict and pressure by liberation organizations. The time would come when both the opponents would decided that neither of them would go anywhere by instituting violence against violence and that peaceful negotiations would be the answer to the political conflict or war they were waging against one another.

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338 Professor Wessels had been involved in the Department of Political Science for nearly 30 years and he specialized in political dynamics. He was a former member of the Police Force and also performed duties as a police reservist. He worked together with the Security Branch and the Riot Control Units or Unrest and Crowd Control Units (UCCU) on analytical perspectives. Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State (UFS), Bloemfontein, 27.8.2007.

CHAPTER 2 - The paramilitary character of the South African Police Force in enforcing the National Party (NP) policy of apartheid: 1960s to 1990s

1. Introduction

The history of the South African Police Force during the 1960s up until the end of the 1980s, can be described as distinctively different from the preceding era and the era afterwards. This era marked the existence of a Police Force with a distinctive paramilitary culture and character. For the average South African citizen, especially during the 1980s, there was no distinction between the South African Police Force and the SADF. When looking at their conduct, discipline, method of operation, culture and equipment the only difference was found in the uniforms they wore. At a specific stage during the states of emergency in the 1980s the South African Police Force, in particular the Unrest and Crowd Control Unit (UCCU) and later Internal Stability Unit (ISU), wore camouflaged uniforms like the SADF. That made the distinction between them more difficult to determine.

The violent situation internally in the country and the external threat imposed tremendous pressure on the National Party government as well as the South African Police Force to maintain the political status quo. The Police Force had to revise their methods of operation, techniques and training in order to be able to cope with these situations. Training and equipment became primarily militaristic in nature. This was due to the internal situation in South Africa with the escalation of the armed struggle and also due to the external threat of insurgency by trained terrorists into South Africa. Insurgency training and riot control training became part of the basic curriculum for police students to undergo. The component Koevoet[1] needs mentioning for the paramilitary role they played in cross-border operations in the former South West Africa. This unit attracted a lot of negative criticism in the media for the way they were involved in counter-insurgency operations. The South African Police Force was

[1] P. Stiff, *The silent war, South African Recce operations, 1969-1994*, p. 358.

classified as a paramilitary organization with strict military discipline, behaviour, conduct and methods of operation.

Externally the South African Police Force was also utilized in protecting the borders of the country from external threats. They were initially sent to Zimbabwe to assist with the infiltration of terrorists on their borders, and they were later deployed on the northern border between Angola and the former South West Africa. The equipment the Police Force utilized in their role as protector of the borders was also distinctly of military nature. The co-operation that existed between the Police Force and the SADF was at an unprecedented high level. This was reflected in the strict military discipline of the police officials and soldiers. Could the Police Force indeed be classified as a paramilitary organization?

The liberation struggle took its stride inwards, initially from outside the borders of the Republic, to the rural areas and cities inside the country. This had a tremendous impact on law and order and the protection role that the Police Force had to perform. The shortage of police officials in addressing crime in general and the attendance to unrest due to the dissatisfaction of the black population concerning their political demands, left the government no choice but to look at means to support the Police Force. Compulsory military training for men at the age of 17, in either the Police Force or in the SADF, was instituted at the end of the 1970s.[2] The focus during the end of the 1970s and especially during the 1980s was on the militarization of the South African society with the expansion of the SADF under the state presidency of P.W. Botha. This era cannot be completed without reference to the role that the State Security Council (SSC) played in shaping South African society at large. The SSC established a hierarchy of command and control over all spheres of society. Did the SSC further promote the already military character and image of the South African Police Force?

During the 1970s and especially the 1980s, except for the Security Branch, another unit of the Police Force became much more visible and notorious in their daily handling of

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[2] C. Cawthra *et al., War and Resistance, Southern African reports: The struggle for Southern Africa as documented by Resister Magazine*, p. 101.

the internal unrest in the country, namely the Riot Control Unit. This Unit was later renamed the UCCU and at the beginning of the 1990s its name once more changed – it became the ISU. These units had to ensure that public life and property were protected where unrest, protest marches, strikes and boycotts occurred. This unit was crucified in the media for their total lack of handling the unrest situation in South Africa with the utmost care and insensitivity. They were also targeted as very brutal in their methods of operation and the issue of police brutality needs assessment. Could the violent actions and methods that these units employed be justified?

Lastly, the role that the media played in portraying an image of the Police Force during the 20 years under investigation needs discussion. The different types of media, namely the pro and anti-government media, played a huge role in the way they portrayed the Police Force and especially some of the specialized units namely the Riot Control Unit and the Security Branch. Many restrictions were placed on media coverage especially during the states of emergency and the question that needs assessment, was whether the media really portrayed an objective image of the Police Force during the 1970s up to the 1990s.

2. The paramilitary origin of the South African Police Force, 1910 to the 1980s

During its era of operation inside South Africa until transformation in the beginning of the 1990s, the South African Police Force was widely known to members of the Police Force as well as to the general public as being a paramilitary force. The word force means vigour, power, strength, control and authority. All these meanings of force the Police Force executed over the general public. The standing orders were also spoken to as force orders, meaning that the guidelines, procedures and standards within the Police Force were enforced. Enloe stated that a worldwide pattern of militarization of the Police and of the acquisition by police institutions of military characteristics, was visible.[3] Cawthra mentioned that the South African Police was born out of the Act of Union of 1910, which brought together Boer and British settlers and that most of the forces that preceded the South African Police Force were essentially military units. The South African Police Force retained many of the features of a colonial military force.

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[3] Quoted in K.W. Grundy, *Soldiers without politics, blacks in the South African armed forces*, p. 136.

Bennett and Devine further agree that the police were essentially an "internal army of occupation" and worked closely together with the Union Defence Force (UDF), whose duties were primarily internal.[4]

This unique feature of the origins of the South African Police Force was best summarized in a commentary on the 1912 Defence Act: "What we need in South Africa is not an Army so much as a police force, trained on military principles and ready to turn soldier when required". The Act assumed two main arms of South African defence, namely a relatively small permanent 'striking force' half police and half military in character, and a relatively large 'citizen army'.[5] The military characteristic of the South African Police Force was thus evident when its existence and development was taken into consideration. The aim of its existence was also that it should be militaristic of nature.

Steenkamp indicated that "in those days the clear modern distinction between police and soldiers did not exist. The existence of dual-purpose units which carried out both military and police tasks was the rule rather than the exception. With hindsight it can be argued that the very tradition of militarism was to have a pervasive effect on the overall task of policing in decades to come. The obstinate legacy of militarism of the South African Police Force is not idiosyncratic but rather derived from the very structure of a colonial-type society."[6]

The year 1920 represented an important milestone for the South African Police Force and those who, prior to 1913, had worked towards and cherished the ideal of establishing a national police force. The South African Police and the South African Mounted Riflemen were amalgamated into one national police force.[7] Police operating in municipal areas were not usually armed, but this began to change in the 1920s and 1930s and by the 1950s all white policemen carried handguns as a matter of routine.[8] In 1926, 724 cases were reported of policemen who sustained injuries in the course of

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4 G. Cawthra, *Brutal force, the apartheid war machine*, p. 8.
5 T.W. Bennett and D.J. Devine, *Policing and the law*, p. 13.
6 Quoted in Grundy, p. 136; Also quoted in Bennet and Devine, pp. 263-264.
7 M. de Witt Dippenaar, *The history of the South African Police, 1913–1988*, p. 46.
8 Cawthra, *Brutal force*, p. 8.

duty. Of this number, 382 cases were due to assault on police officers by prisoners or members of the public. Dippenaar is of the opinion that during 1926 the first South African policemen were issued with revolvers, and the armed policeman has become a permanent feature in the South African public.[9] The carrying of weapons by the South African Police Force further enhanced the perception that the police was more militaristic in its origins and that a firearm itself created the perception of a more forceful approach and attitude.

The majority of commissioned officers in the South African Police Force were ex-officers of the British Armed Forces and therefore steeped in Victorian discipline that they instilled into the men of the South African Police Force. The disciplinary framework had initially depended on strict military training, and the first Commanding Officer of the South African Police Training Depot at Pretoria in 1950 had been an officer in the British Army when he was appointed to train policemen.[10] Military discipline seemed to have provided the central mechanism through which institutional loyalty and organizational unity were assured.[11] Thus the training and discipline of the South African Police Force was from the start of a military nature. The Police Force was therefore in essence trained to be a military institution with the strict military discipline accorded to it.

Jefferson argued that paramilitary policing is not simply a recent development in the world. Internally the Metropolitan Police in Britain retained an organizational structure that reflected military rank and while there was no clear class division, as in the army or navy, the more senior officers were drawn almost exclusively from ex-military personnel. It was only in 1945, with the appointment of a civil servant as Metropolitan Commissioner, that a tradition of over a century was broken.[12]

From the 1950s onwards the question of sufficient police manpower was to become extremely critical. The striking increase in manpower can best be illustrated by

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9 Dippenaar, pp. 76-77.
10 *Ibid*., pp. 91-92.
11 Bennett and Devine, p. 276.
12 T. Jefferson, *The case against paramilitary policing*, p. ix.

reference to statistics. The total number of posts within the South African Police Force was to increase from 11 497 in 1944 to 28 465 in 1958. From 1953 to 1958 the number of approved posts for black police rose from 9 064 to 16 301. [13] Self-governing homelands and 'independent' states each acquired bodies of armed men responsible for the maintenance of 'law and order'.[14]

Armed white policemen of the South African Police Force spear-headed by the Riot Squad and supplemented by the relatively small number of armed black policemen succeeded, albeit with difficulty, in preventing a general breakdown of 'law and order'. Brooks and Brickhill claimed that the Police role was essentially a paramilitary one, for which the government had been preparing for a number of years.[15]

During the 1960s and 1970s the Police Force was confronted by increasing incidents of urban terrorism and guerilla warfare. According to Dippenaar the shift towards paramilitary activity was the police's participation in the Rhodesian bush war and later on the South West African border war.[16] Intensive training in counter-insurgency for larger groups of police followed. The primary task of the Police Force was that of tracking down terrorists and of eliminating the ideological criminals from within and from without. The importance of cultural artifacts such as medals for bravery and monuments for the dead cannot be denied in sustaining the ideological unity of the Police Force.[17] The common goal of operating against terrorists and communists created cohesion amongst members of the Police Force and made them dedicated to their cause.

Greyling mentioned that mass unrest, urban disorder and guerrilla activity served as powerful forces pushing the Police Force towards a more sophisticated paramilitary

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13 Bennett and Devine, pp. 280-281.

14 *Ibid*., p. 282.

15 A. Brooks and J. Brickhill, *Whirlwind before the storm: the origin and development of the uprising in Soweto and the rest of South Africa from June to December 1976*, p. 272.

16 South African Police members were sent to Rhodesia on 1 September 1965 to assist with the infiltration of terrorists from their northern border. The first 130 policemen under command of Lieutenant Colonel Jan Breytenbach arrived on 28 August 1966 at the Swapo base of Ungulumbashe in Ovambo. This is when the border war started. L. Scholtz, "The Namibian Border War: An appraisal of the South African strategy," in *Scientia Militaria* 34(1), 2006, p. 26.

17 Bennett and Devine, p. 286.

model of policing.[18] Leonard is of the opinion that the paramilitary role of the Police Force was openly displayed during the 1976-1977 student uprising, also called the Soweto Riots. Police units wore camouflage uniforms, were armed with automatic rifles and shotguns, and used Hippos.[19] Insurgency training as well as riot control training thus became very important and all operational police members had to undergo this training. Vorster stated that policing in South Africa during the apartheid years was, except for the prevention of crime, also militaristic and political of nature. In this period South Africa disposed of all the characteristics associated with a police state. Non-governmental organizations, specifically the African National Congress (ANC) and the Communist Party of South African (SACP), concentrated on changing the injustices of the apartheid situation in South Africa. Vorster further elaborated that the armed struggle contributed further in enhancing the militaristic and political nature of the South African Police Force, because tremendous pressure was put on them to maintain internal security. The conduct of the South African Police Force against anti-government organizations only fuelled the armed struggle further.[20] According to the official South African Yearbook of 1979, the South African Police was a "semi-military organization constituted on a national basis" and all members received "a thorough training in infantry drill and maneuvers".[21]

According to I. Liebenberg the rank structure of the Police Force was of a totally military nature. Ranks such as sergeant, lieutenant, captain, major, colonel[22] were all ranks utilized by armies around the globe. The new government in 1994 inherited a police service that had been a paramilitary force concerned as much with enforcing apartheid legislation as it was with serving and protecting citizens.[23] Commissioner M.J. Gaobepe mentioned that the highly militaristic nature of the Police Force was bad

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18 R.J. Greyling, *Terrorisme, die feite*, p. 49.

19 Hippos were armoured transport trucks. R. Leonard, *South Africa at war, white power and the crisis in Southern Africa*, p. 119.

20 L. Vorster, '*n Literatuurstudie oor werktevredenheid in die Suid-Afrikaanse Polisiediens*, p. 4.

21 *Yearbook of the Republic of South Africa*, 1979, p. 11.

22 Mr Liebenberg has for the past six years been a lecturer in Sociology at UNISA and specializes on the South African political terrain. He was at the Human Sciences Research Council (HSRC) for eleven years and before that four years at the Institute for Democracy in South Africa (IDASA). Jane Buys Collection: Correspondence with Mr I. Liebenberg, Senior lecturer in Sociology at UNISA, Pretoria, 16.4.2007.

23 "*Too many chiefs*," <http//www.capetimes.co.za>, 14.3.2006.

for the black population who lived in fear, because the Police Force operated with 'fearful force' that they instilled in them.[24]

It is thus clear that the Police Force was more a militaristic organization than merely a government department. The reason for its existence was to turn soldier when necessary. The Police Force was also utilized in the Second World War whereby a platoon of policemen, under the command of a Brigadier, was sent to North Africa. Given the history of military training, the strict military discipline and procedures, the Police Force could definitely be classified as a paramilitary organization. However, the co-operation with the The SADF internally and externally further enhanced the paramilitary nature of the Police Force. The era in the 1970s and 1980s cannot be concluded without mentioning the existence of the SSC. The establishment of this council was primarily militaristic of nature as well as the command and control it executed over all the government departments. The extent and role that it played with regard to the Police Force needs to be discussed.

2.1 The SSC and the South African Police Force, 1972 to 1990

The Committee for National Security, known as the SSC, became the key organization through which the security establishment shaped and co-ordinated regional and domestic defence policies.[25] The SSC originally came into existence in 1972 through an Act of Parliament, the Security Intelligence and State Security Council Act, Act 64 of 1972.[26] Davies mentioned that during the Vorster era, the SSC functioned as a purely advisory body and assembled only occasionally. During the Botha era the SSC evolved into the primary decision-making body within the South African state apparatus. It was chaired by the Prime Minister and later the State President. In practice, the SSC became the principal forum for formulating the implementation of the Total Strategy doctrine.[27]

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24 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, 10.4.2007.

25 I. Liebenberg, *Ideologie in konflik*, p. 116.

26 F. van Zyl Slabbert, D. Smuts (eds), *The system and the struggle, reform, revolt and reaction in South Africa*, p. 116.

After the collapse of the Portuguese colonial governments in Angola and Mozambique and the Soweto Riots of 1976, the White Paper on Defence was revised in 1977. It identified certain goals for the state, especially to plan the total national strategy at government level in order to co-ordinate action between all government departments, government institutions and other authorities to counter the multidimensional onslaught against the RSA in the ideological, military, economical, social, psychological, cultural, political and diplomatic fields.[28] It further observed that "We (the Pretoria government) are today involved in a war, whether we wish to accept it or not".[29] In order to meet this challenge of 'total war', it was imperative that national security did not remain the sole responsibility of the Department of Defence.[30] According to General Magnus Malan, South Africa became the target of a 'total onslaught' orchestrated by Moscow.[31] Prime Minister Botha declared in the House of Assembly in February 1982 "The onslaught is the result of the expansionist policy of Soviet Russia… The rationale lies in the strategic position and mineral wealth of the Republic of South Africa."[32] The threat to South Africa was no longer solely an external military threat of armed Umkhonto we Sizwe (MK) insurgents infiltrating South African from neighbouring states, but "that the brain behind the unrest was now in South Africa".[33] From the 1970s up to the end of the 1980s, an enormous emphasis was placed on the expansion of military capabilities and role definition internally within the country.

Murray stated that the SSC became the most powerful policy-making body in the increasingly centralized executive branch of government.[34] During the 1980s the SADF evolved from a conventional force orientated primarily on external defence to a principal force in the internal security structure, with increasing influence over domestic government policy. Military commanders were believed to dominate the State Security

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27 R. Davies *et al*., *Total strategy in Southern Africa*, p. 192; M. Murray, *South Africa, time of agony, time of destiny, the upsurge of popular protest*, p. 39.

28 J.A. Stemmet, *Apartheid under siege: 1984-1988, actions and reactions*, pp. 11-12; Van Zyl Slabbert and Smuts (eds), p. 118.

29 Leonard, p. 100.

30 *Ibid*. In 1980 general Malan was appointed as the South African Minister of Defence.

31 P. Stiff, *Warfare by other means*, p. 78.

32 *South African Institute of Race Relations, Annual Survey of Race relations in South Africa, 1982*, p. 351, Murray, p. 14.

33 A. Boraine, *A country unmasked, inside South Africa's Truth and Reconciliation Commission*, pp. 131-132.

34 Murray, p. 40.

Council.[35] P.W. Botha reorganized and militarized South Africa's intelligence services. As a consequence, he undercut the debilitating rivalries that had plagued the military intelligence and civilian intelligence branches operating under the Bureau of State Security (BOSS). In the reorganization of the state apparatuses, the National Party leader centralized and integrated all intelligence-gathering operations under the SSC. Dominated by a staff of high-ranking military personnel, the SSC assumed full responsibility for co-ordinating 15 interdepartmental committees that extended security planning into all aspects of South African life.[36]

The 'total strategy doctrine' of the Minister of Defence, P.W. Botha militarized society by putting the emphasis on the expansion of the military in all fields of life, had also an impact on the military character of the Police Force. Cilliers mentioned that the police (force) themselves had become militarized, repleated with military-type vehicles, armament and doctrine.[37] Liebenberg emphasized that the whole of South African society became militarized. Extensive weapons were purchased, arms were manufactured internally, the SADF commandos were enlarged and national service within the SADF was extended. Approximately 600 000 young men went through the system as national servicemen.[38] The emphasis that was placed on military culture, discipline and defence infrastructure also had a tremendous influence on the Police Force, in so far that military discipline, principles and conduct had to become more visible in the Police Force.

When mentioning the SSC it is also imperative to mention the National Security Management System (NSMS) that was adopted on 16 August 1979. The NSMS effected a high degree of co-ordination in the civil service and induced a much higher degree of efficiency in coping with security threats. The NSMS was deployed on the

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35 Stiff, *Warfare by other means*, p. 79.
36 Murray, pp. 39-40.
37 N. Rhoodie *et al*., *Democratic nation building in South Africa*, p. 387.
38 Jane Buys Collection: Transcribed interview with Mr I. Liebenberg, Senior lecturer in Sociology, UNISA, Pretoria, 18.4.2007.

central, regional and local level of state administration.[39] On the central level the Commissioner of the Police Force sat on the SSC and 11% of the Police Force members were seconded to the Secretariat of the SSC. At regional level the Police Force or Security Branch sat on the Joint Intelligence Standing Committee (JIK/GIK) which evaluated intelligence reports in that region.[40] Former Senior Superintendent S.S. Barnard mentioned that there were cryptographs and telex machines in the operational room of the NSMS at Head Office. Each incident in the country was known. In the radio operational room worked a lieutenant of the Police Force, a sergeant major of the Army, a sergeant major of the former Railway and Harbour Police, and two or three members of the Police Force. This was during the 1985 and 1986 states of emergency. The personnel resources of all the stations in the country were known, namely how many police officials were on duty at any given time. When an incident occurred a 'Sitrap', a situation report, was compiled and sent to at least ten clients in the highest level of government.[41] The NSMS was refined and underwent two changes of name, namely the National Management System in the middle 1986 and the National Co-ordination System at the end of November 1989.[42]

The SSC and especially the NSMS played a huge role in co-ordinating all information needed to counter any internal as well as external threats against the RSA. To illustrate the immense militarization of South African society, reference to ARMSCOR should be made. The military emphasis resulted in the establishment of ARMSCOR that benefited not only the SADF but also the Police Force in the type of weapons and ammunition that they utilized.

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39 H. Stadler, *The other side of the story*, pp. 148-153; M. Malan, *My lewe saam met die SA Weermag* (1st edition), p. 208.

40 Van Zyl Slabbert and Smuts (eds), pp. 120-122; P. Frankel *et al.*, *State, resistance and change in South Africa* (2nd edition), pp. 118-120.

41 Former Senior Superintendent Barnard was part of the Secretariat of the NSMS. Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

42 A. Minnaar, I. Liebenberg, C. Schutte, *The hidden hand: Covert operations in South Africa* (2nd edition), pp. 105-106.

2.2 The establishment of ARMSCOR and the militarization of South African society, 1968 to 1980s

Between 1960-1961 and 1966-1967 the budget for the manufacture of munitions in South Africa increased a hundredfold, from R368 000 to R44 990 000. During March 1968 the Minister of Defence, P.W. Botha, provided further details stressing that South Africa's increasing local manufacture was largely a result of the British arms embargo. P.W. Botha pointed out that South Africa was already self-sufficient in the manufacturing of rifles, mortars and ammunition such as grenades, smoke bombs, aerial bombs and explosives, armoured cars, parachutes and other auxiliary equipment.[43] Arms and ammunition were manufactured in the South African Mint, the Defence Ordnance factories, and three factories that were set up in 1962 by African Explosives and Chemical Industries Ltd., a private company with a capital of R10 million from Imperial Chemical Industries and De Beers. Tear gas and rockets of various types, both anti-tank and air-to-air, were also manufactured in these factories.[44] To guarantee South Africa's future supplies of armaments in the face of threatened boycotts, the government introduced during the 1968 session of Parliament an Armaments Development and Production Bill, Act no. 57 of 1968. This Act provided for the establishment of a massive state-owned armaments industry, namely ARMSCOR,[45] with an initial share capital of R100 million.[46]

During the 1980s ARMSCOR was the third largest industrial group in the country, with some 16 000 employees. By 1985, South Africa's arms industry was ranked as the tenth largest in the world, and reportedly fulfilled roughly 85 percent of the country's requirements. ARMSCOR only came into the arms procurement and manufacturing picture after the SADF had determined what specific weapons systems were needed to defend South Africa in accordance with policy laid down through the State President to the Minister of Defence.[47] Van Vuuren stated that ARMSCOR used approximately 1

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43 B. Bunting, *The rise of the South African Reich*, pp. 418-419.
44 *Ibid*.
45 M. Horrell, *Laws affecting race relations in South Africa, to the end of 1976*, p. 448.
46 Van Zyl Slabbert and Smuts (eds), p. 118.
47 Bunting, p. 419.

500 private sector subcontractors.[48] ARMSCOR not only provided in the interest of the SADF, but also in those of the Police Force by equipping them with the necessary equipment in fulfilling their tasks.

South Africa was described by Gann and Duignan as being among the most militarized states in the world who had built up the most powerful and aggressive military machine on the African continent. The SADF budget rose from R472 million in 1973 to R2 189 million in 1979. Gann and Duignan alleged that the SADF could mobilize 250 000 members of the Citizen Force and, by calling up all reserves, between 400 000 and 450 000 men at the end of the 1960s.[49] The establishment of ARMSCOR in weapon manufacturing and the increasing emphasis on the role that the military should play, contributed also to the militarization of the Police Force because they also utilized some of the weaponry in the execution of their tasks.

2.3 Co-operation with the SADF internally to combat unrest, 1960s to the 1990s

The utilization of the SADF in the states of emergency during the 1980s was discussed in the previous chapter. The only reference made in this chapter is the history of co-operation and involvement between the South African Police Force and the SADF in investigating from where the intrinsic military character of the Police Force originated.

The Defence Amendment Act, no. 77 of 1963 specified that any portion or member of the SADF might be employed in the prevention or suppression of internal disorder, the preservation of life, health, or property, the maintenance of essential services, or on such other police duties as might be prescribed. If employed on police duties these persons would have the same powers, functions and indemnities conferred by law on members of the Police Force.[50] This Act also provided for Citizen Force members and members of commandos to act as 'policemen' in times of emergencies.

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48 H. van Vuuren, *Apartheid grand corruption, assessing the scale of crimes of profit in South Africa from 1976 to 1994, a report prepared by civil society at the request of the Second National Anti-Corruption Summit, May 2006*, p. 47.

49 L.H. Gann and P. Duignan., *South Africa: War? Revolution*? *Peace?* pp. 42-43; B. Strachan, *Never on our knees, youth in apartheid South Africa*, p. 74.

50 Horrell, p. 434 .

The National Party government's greatest fear was that it would have to meet an attack on all fronts at once, launched by both internal and external forces. With this in view, Police Force command boundaries were redefined to coincide with the army commands, and a high degree of co-operation was built up between the SADF and the Police Force. Both military and police units were used in the suppression of the Pondo revolt in 1960 and 1961, while army and naval units took part in patrolling the Cape Peninsula during the disturbances of March 1960.[51] The participation of the SADF internally in South African in assisting the Police Force was therefore not a recent phenomenon.

The commandos operated as a paramilitary force designed for local defence and counter-insurgency operations. The commandos consisted not only of recruits but also of volunteers and able-bodied citizens who were not members of the Permanent Force, the Citizen Force or the Reserves. There was also an Air Commando Force comprised of units made up of private pilots and planes commissioned in times of emergency or war. The establishment of 12 squadrons was authorized in 1964, and initially the air commando consisted of 249 aircraft.[52] General H. Heinze mentioned that the commandos were primarily responsible for the 'huis en haard' protection internally in the country.[53] In Natal, Commando units were mobilized to back up the Police Force during the strikes in 1973, and again in September 1974 at the time of the pro-Frelimo rallies.[54] The primary role of the commandos was to assist the Police Force internally with protection and to ensure stability.

The Defence Act of 1967 initially stated compulsory military training would be for all white youths on reaching the age of 17.[55] In 1972 the Defence Act was amended to enable the SADF to call on a large reservoir of auxiliary manpower "so that no area in South Africa will be vulnerable to attack".[56] The SADF called up all white males to do commando duty for 12 days a year up to the age of 55.[57] These plans introduced by the

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51 Bunting, p. 423.
52 *Ibid*., p. 416.
53 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.
54 *Ibid*.
55 Bunting, pp. 415-416.
56 Frankel *et al*., p. 137.
57 *Ibid*.

government were meant to enlarge the SADF and the capacity of the commandos to be able to cope with potentially widespread popular unrest within South Africa.

In June 1975 the Minister of Justice and Police announced new measures to allocate national servicemen to serve in the Police Force in order to boost the numbers of South African Police Force regulars. He estimated that up to 500 men a year would be allocated and that whilst in the Police Force they would be trained in the combating of terrorism.[58] During the first year the Police Force trained and employed 137 national servicemen while another 223 were in the process of being trained.[59] In 1977 compulsory National Service for white males was extended from one year to a maximum of two years.[60] The Police Force's Directorate of Public Relations issued a statement which indicated that only after four years of service in the Police Force exemption could be obtained from further military training in the SADF.[61] Grundy stated that the device of compulsory military service had been used to channel young national servicemen into the Police Force to offset manpower shortages and for counter-insurgency purposes.[62] The belief under white youths was that some national servicemen would choose the Police Force to do their compulsory military training for a period of two years, but in actual fact is was four years in the Police Force and only two years in the SADF.

Neethling stated that the SADF played an important role in "the suppression of urban and rural terrorism and assisting the South African Police Force in maintaining law and order".[63] Cilliers mentioned that the massive deployment of the SADF in support of police law and order activities had blurred the distinction between the role of the military and that of the police.[64] Grundy is of the opinion that in 1979 the distinction between the Police Force and the SADF was further confused by the Defence Amendment Act of 1979 that claimed that "the South African Police are entitled to use

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58 Brooks and Brickhill, p. 246.
59 Frankel *et al.*, p. 125, Dippenaar, p. 487.
60 Leonard, p. 108.
61 *Rand Daily Mail*, 15.1.1981, p. 2.
62 Grundy, p. 137, *The Star*, 26.10.1974, p. 2.
63 T. Neethling, "Suid-Afrika en vredesteunoperasies: Perspektiewe op uitgangspunte en oorwegings" in *Journal for Contemporary History* 24(1), June 1999, p. 18.
64 Rhoodie *et al.*, p. 387.

certain units of the Army under given circumstances in any internal crisis in order to control riots. In the same way the Police were also granted the right to act in any capacity in or outside the Republic."[65] General Heinze mentioned that the SADF was primarily involved in conventional conflicts and to protect the country against any conventional threat against it.[66] The aim for which a Defence Force had initially been needed and created, was actually negated by the government, for supportive purposes in combating the escalating internal turmoil in the country.

An amendment to the Defence Act on 18 July 1984, clarified the conditions under which the SADF could be used to carry out internal police functions in South Africa. The amendment prompted much criticism on the point that the SADF was being used to implement the policy of apartheid. The amendment stated that the SADF was to assist the police in defending the country, preventing or suppressing terrorism or internal disorder, preserving life, health, property and the maintenance of essential services. During the states of emergency, soldiers of all ranks were granted the same far-reaching powers as were members of the Police Force.[67]

The government announced in October 1984 that the SADF units would be increasingly used in the townships to assist the Police Force. After that the SADF became a permanent feature of policing operations in the country. On 23 October 1984, a combined force of Police Force and SADF personnel, some 7000 strong, was deployed in a massive security operation in the townships of Sebokeng, Sharpeville and Boipatong.[68] Defending the decision to bring in troops, the Minister of Law and Order, Louis le Grange, declared that the SADF would thereafter be deployed "in all other circumstances that we may decide".[69] Boraine is of the opinion that the shift in counter-revolutionary strategy entailed an increasingly internal deployment of the SADF in support of the Police Force in South Africa. This resulted in a militarization of the

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65 Grundy, p. 141.
66 Jane Buys Collection: Transcribed interview with General Hans Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.
67 Lawyers Committee for Human Rights, *The war against children: South Africa's youngest victims*, p. 19.
68 G. Arnold, *South Africa, crossing the Rubicon*, p. 38.
69 Lawyers Committee for Human Rights, p. 19.

policing of internal resistance.[70] Senior Superintendent Barnard mentioned that the SADF was not utilized for Unrest and Crowd Control purposes but to support the Police Force in their conduct of search and cordon operations. The aim of these operations was to search for illegal firearms.[71] Since then, the SADF was routinely deployed in the troubled townships to carry out all manner of policing operations in a supportive capacity to the Police Force.

Because of the political unrest in the country and the decree of Martial Law, SADF units had to move into the unrest afflicted townships of the Eastern Cape on 31 March 1985 to support the South African Police Force.[72] Martial Law meant that the military takes president over the functions performed by the Police Force. In this regard, the Police Force relied heavily on the SADF in assisting them to maintain law and order.[73] Combined contingents of Police Force and SADF units invaded black townships, cordoned off large sections of the townships with road blocks and conducted house-to-house searches for boycotting school children. These initiatives were described as 'crime prevention operations'.[74] Professsor A. Wessels mentioned "that during the unrest in the Cape Flats, the security forces drove through the townships with Rooikat pantser vehicles. This was a parade of power in an attempt to show the people on the ground that we are coming in and we are going to shoot you, but we all know it cannot work like that. So it was acutally only a psychological conduct of war."[75] The Air Force as part of the SADF also assisted the Police Force in the maintenance of law and order and especially during the states of emergency. Very close co-operation existed between the SADF and the Police Force especially with the Unrest and Crowd Control Units. The night vision equipment that the UCCU utilized was that of the Army.[76]

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70 Boraine, p. 132.

71 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

72 Dippenaar, p. 739.

73 Murray, pp. 333–334.

74 *Ibid*.

75 Jane Buys Collection: Transcribed interview with Professor A. Wessels, acting Head of the Department of History, University of the Free State, Bloemfontein, 15.4.2004.

76 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

Although the State of Emergency was lifted on 7 March 1986, the violence continued. Military troops continued to be deployed in many townships and the President warned that even greater forces would be used in the townships when necessary.[77] The states of emergency could not be effectively sustained without the assistance of the SADF, due to manpower shortages that the Police Force experienced. Like the police, South Africa's armed forces played a central role in maintaining the system of apartheid. This function gave the SADF, which comprised of the Army, Air Force, Navy and Directorate of Military Intelligence (DMI) as a sub-component under the Army, unprecedented influence over internal affairs.[78]

The assistance of the SADF during the states of emergency and also thereafter remained a permanent figure in years to come. Even after South Africa had been transformed into a democracy, the assistance of the SADF in support of the Police in preventing crime, remained an inherent characteristic and requirement of delivering an internal service in the country. Professor A. Wessels stated that the aim of the SADF was to "protect a country's sovereignty, to protect the borders against potential insurgents or potential enemies…an army is not supposed to become involved in things that are taking place inside a country except for humanitary relief or distress work. By utilizing the Army internally, a role confusion was created between what the role of the Police Force and the Army should actually be."[79]

Lieutenant General A.J. Liebenberg affirmed at a parade in Rooihuiskraal, Pretoria in March 1989, that the SADF was involved in operations in support of the Police Force internally and also responsible for the protection of the borders in Northern Natal, Eastern, Northern and Western Transvaal and in the Northern Cape.[80] General Hennie de Witt, the Commissioner of the Police Force, said in an interview that an estimated 4000 national servicemen would serve in the Police Force in 1990. The new quota was designed to help alleviate the manpower shortage the Police Force experienced.[81]

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77 Lawyers Committee for Human Rights, p. 4.
78 *Ibid*., pp. 17-18.
79 Jane Buys Collection: Transcribed interview with Prof A. Wessels, acting Head of the Department of History, University of the Free State, Bloemfontein, 15.4.2004.
80 *Beeld*, 13.3.1989, p. 10.
81 *The Cape Times*, 10.10.1989, p. 2.

National Commissioner, General J.V. van der Merwe expressed that "We had the collective management system where all the government departments were connected into one co-operation agreement. The Army was frequently used for certain actions namely to form a cordon, where unrest were prevalent, and also for patrols."[82] General Heinze mentioned that he worked as a soldier according to the Geneva Conventions of War. There was a period when the SADF met violence by the liberation struggle with violence. It should however be remembered that the SADF was there to support the Police Force in the states of emergency.[83]

It becomes clear when assessing the period under discussion that the co-operation and assistance that existed between the Police Force and the SADF was not restricted to the past two to three decades but go a long way back in history. It seems that there was a sort of traditional agreement to assist one another when specific problems become too extensive for one or the other to handle and to cope with. The government realized, just after the first sabotage incidents had occurred in the early 1960s, that legislation on the SADF and the Police Force had to be amended so that they could dually assist one another in crisis situations internally as well as externally. The adapted legislation paved the way for legally utilizing the SADF internally in the country to curb the escalating violence and unrest. When the violence and unrest in the 1980s escalated it became clear to the government that the Police Force did not have sufficient manpower to combat it. With the militarization of South Africa under the SSC, the manufacturing of ARMSCOR as well as the compulsory military training for white males of the age 17, the government realized that the SADF was in the ideal situation to support the Police Force in addressing the internal problems. However, given the history of co-operation, the history of military training and operational manoeuvres with the SADF and the utilization of equipment manufactured by ARMSCOR, the Police Force became more militarized than it was in the beginning of the 1960s. The militarization of South African society under the premiership and later state presidency of P.W. Botha definitely had a huge impact in making the Police Force more paramilitary.

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82 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

83 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.

2.4 Brutality by the South African Police Force, 1960s to 1990s

The Police Force, when taking into consideration their history of co-operation with the SADF internally, as well as the problematic era of the states of emergency, became more forceful in their conduct in maintaining public order and stability. Conventional methods of arresting perpetrators who incited the violence and who contributed to the unrest and violence, became less effective. Alternative methods were used in order to curb the violence that impacted on the whole South African society and that had the ability to get out of control if not combated.

Sigmund Freud once put it thus: "It is a general principle that conflicts of interest between men are settled by the use of violence".[84] Brodgen, Jefferson and Wallclate elaborate further by stating: "Police accountability is inevitably an issue because of the nature of the police task. Any group mandated to uphold law and order, with a monopoly over the use of legal coercion to achieve their ends violently when necessary, has an intractable problem of accountability which means you can't please all the people all the time."[85] In the book edited by Viano and Reiman, they claim that the very existence of police implies impending strife, conflict, violence and other social ills. Eliminate the ills and you do not need police. So, the need for police is a symptom of social sickness. The reason police exist is that there is a conflict between the interest of the many and the interest of the concrete individual. The functions of the police are to protect society at large from violent individuals and to protect the individual from violence at the hands of the many.[86] Toch stated that teachers, hospital attendants, policemen and prison guards are empowered to use force to prevent or interrupt injury or disruption to themselves, to clients, and to outsiders. He further elaborates that given the generality of most restrictive rules, the legitimacy of deployed violence must often be ascertained after its use. It is then that a decision can be made about whether the use of violence fits organizational prescriptions, or contravenes them.[87] The aforementioned authors stated that any police agency, and in this regard the South African Police Force, has an inherent right to use force in the execution of their duties.

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84 A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS*, p. 129.
85 M. Brodgen, T. Jefferson, S. Wallclate, *Introducing police work*, p. 155.
86 E.C. Viano and J.H Reiman (eds), *The police in society*, p. 11.
87 H. Toch, *Peacekeeping: Police, prisons and violence*, pp. 3, 11.

This force should however be used in line with the possible threat and should not be excessive.

Brooks and Brickhill are of the opinion that evidence is well-documented and substantiated that the Police Force used excessive force in curbing the violence in black townships during the 1960s to the 1980s by looking at the deaths in custody of 23 detainees between 1963 and March 1976. Between June 1976 and October 1977 more political detainees died in custody than in the preceding 13 years during which indefinite detention without trial had been in force.[88] Gann and Duignan stated that police brutalities were publicly investigated and commented upon in parliament, in the press and in academia.[89] Government appointed commissions of inquiry such as the so-called Theron Commission appointed in 1973 to investigate the condition of coloureds, which provided evidence of abuses at public expense. During the period after 1976 various commissions of enquiry also provided glimpses into the operational conduct of the Police Force at specific times, such as the Kannemeyer commission. Bennett and Devine are of the opinion that deliberate attempts at debunking the findings of research into abuses of police power as part of the 'revolutionary onslaught' were common.[90] Brewer went further by stating that commissions of inquiry rarely found fault with the Police Force and certainly never challenged their right to regulate and control the black population. Most acts of misconduct never came before the courts, and guilty policemen were often not dismissed from the Police Force when they were prosecuted.[91]

Policemen are equipped with weapons designed to inflict harm unlike most other public servants, but they are also empowered to cause harm, even unintentionally, and in certain circumstances, they may be under a statutory duty to do so, with specific reference to the Criminal Procedure Act of 1977.[92] Bennet and Devine stated that public trust in the police is of paramount importance; in order for it to be maintained,

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88 Brooks and Brickhill, pp. 264–265.
89 Gann and Duignan, p. 47.
90 Bennett and Devine, p. 290.
91 J.D. Brewer, *Black and blue, policing in South Africa*, p. 334.
92 *Statutes of the Republic of South Africa*, Act 51 of 1977, 6.5.1977, No. 5532.

the state should therefore be seen to be accountable to the private citizen whose rights have been unlawfully invaded by members of the Police Force.[93]

Through the 1960s a battery of security legislation was enacted conferring more and more powers of arrest and of detention for longer periods on the Police Force. From the sixties onwards public scrutiny of police conduct became much more difficult. As the notion of police accountability came to be drained of most practical meaning, the police increasingly operated above the law. Leonard expressed the opinion that specific political personalities had an extraordinary influence on the Police Force, namely B.J. Vorster as Minister of Justice, who was particularly instrumental in the process whereby wide powers were conferred on the police, and H.J. van den Bergh for reorganizing the Security Branch within the Police Force and turning it into a major centre of power.[94]

There was a growing acceptance among security force leaders on the SSC and senior National Party politicians that unlawful actions would be necessary to prevent a revolution. The government also accepted that the revolutionary onslaught could not be combated by lawful methods alone. They also knew that conventional methods of combating unrest and terrorism, such as arrest, prosecution, and conviction, were becoming less and less effective. Members of the SSC knew that the overwhelming majority of security policemen were committed supporters of the National Party who were implacably opposed to the liberation movements and what they represented. The government knew that the security force members saw it as their task to halt the revolution. Members of the security forces became increasingly militarized and were engaging in a range of illegal actions, including assassinations directed against members of the liberation movements.[95] On the other hand General Andrew Masondo, National Political Commissar of the ANC between 1971 and 1985, said: "People who were enemy agents were executed, and I would not make an apology. We were at war."[96]

Cock and Van der Vyver have come to consider the applicability of labelling South Africa a 'terrorist state'. The importance of such a conclusion of course lies in the

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93 Bennett and Devine, p. 42.
94 Leonard, p. 15.
95 Boraine, pp. 133-135.
96 *Ibid*., p. 142.

recognition that violence was not an unintended aberration of crisis policing but was a deliberate component of state strategy. In the eighties the emergence of surrogate police forces such as vigilantes and alleged death squads suggested an ever closer approximation to the authoritarian societies of Latin America. [97] The description of Cock and Van der Vyfer provided the so-called evidence to the National Party government of introducing more powers to the Police Force in curbing the terrorist actions inside the country.

Scattered reports of police brutality before the State of Emergency became a torrential outpouring during August and September 1985. Township residents, particularly from the Eastern Cape and Vaal Triangle areas, alleged in dozens of sworn affidavits that the security forces routinely engaged in indiscriminate shootings and unprovoked assaults on bystanders. In mid-September, researchers at the University of Cape Town issued a detailed report alleging that 83% of people detained suffered some form of torture while in police custody.[98]

Murray claimed that the Police Force as well as the Defence Force, who enjoyed immunity from prosecution under the emergency legislation, were quite unrestrained in their treatment of detainees.[99] The scale of detentions under South Africa's security legislation took its toll on the liberation organizations in the months following the emergency decree. The Detainees' Parents Support Committee (DPSC) stated that almost 5 000 activists had been detained at one time or another under the emergency provisions and that another 1 168 people had been arrested since January 1985 under separate security regulations allowing for indefinite detention without formal charges.[100] Few articles published during the states of emergency questioned the actions that had been undertaken by protestors and agitators against the government and the security forces. However, the criticism inflicted by the media and abroad on the abuse of power by the security forces and in particular the Police Force, referred almost indiscriminately about police brutality. J. Wagener is of the opinion that when "police

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97 Quoted in Bennett and Devine, p. 289.
98 Murray, p. 339.
99 *Ibid*., p. 340.
100 *The Star*, 23.9.1985, p. 10.

brutality can be described as the unlawful application of physical force, there are definitely instances where it can be justified."[101] The media as well as opposition parties and liberation movements criticized and attacked the security forces continuously for using excessive force in order to maintain law and order during the 1980s and especially during the states of emergency.

2.5 More advanced training and equipment for the South African Police Force, 1960s to 1990s

During the 1960s and especially the 1970s the South African Police Force was deployed internally as well as externally to South Africa. To counter the threats of expanding communism, guerilla warfare and terrorist acts, the Police Force realized that the type of equipment and training they used was inadequate to provide sufficient protection, firstly to the police officials, and secondly to the security of the state and its inhabitants. The internal threats of terrorism and communism had to be combated by means of a reaction force, that was called the Riot Control Units, to react to the unrest situations inside the country. The problem with shortages in manpower had to be overcome by establishing the Police Reserve Force and the Reserve Police Force.

Bunting stated that few countries in the world could afford, as South Africa did, to allocate more than one fifth of its total budgetary expenditure to national security.[102] Since Sharpeville the police budget was doubled, from R36 million in 1960 and 1961 to R72,1 million in 1968.[103] A reorganization scheme was introduced in 1960 with the primary objective to organize the South African Police Force more effectively and to train and prepare policemen for statutory duties and activities. For the first time, serving policemen were also trained in what would become known as anti-riot drill. Sixteen policemen received instruction at the Police College in Pretoria in the handling of Browning machine guns.[104]

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101 Jane Buys Collection: Transcribed interview with Mr J. Wagener, lawyer at Wagener Inc., Pretoria, 26.4.2007.
102 Bunting, p. 414.
103 *Ibid*., p. 411.
104 Dippenaar, p. 288.

Brewer claimed that the modernization of equipment and training was conditioned by the need to control the black population by force and to monitor the boundaries between the races. Thus the emphasis on militarism within the Police Force, the development of universal riot-control training, and the deployment of efficient armoured vehicles, was necessary given the police role of subjugating the majority of the population.[105] It is logical that the Police Force should be equipped with more advanced equipment in order to counter any attack by trained insurgency operatives. The type of armament that the Police Force used in order to curb the escalation of the armed struggle by liberation organizations had to be changed in order to be effective.

As from the 1970s all policemen were trained in the use of machine guns and were armed at all times. In the ordinary course of duty they carried only pistols, but police stations carried a supply of automatic rifles, shotguns and light machine guns.[106] The first training programme for counter-insurgency and riot control began in 1972, and it is from this date that the arming of Africans down to the level of constable was also instituted. In 1974 and 1975, black policemen began to be trained in the use of firearms, not only for rural counter-insurgency, but for normal policing duties.[107] After the Soweto Riots in 1976, the pistols, automatic rifles, shotguns and light machine guns seemed to have become standard equipment for police on duty in certain areas.[108] The Police Force was armed with every variety of modern weapons.[109] The high number of police officials attacked and killed during unrest situations prompted Police Management to look into more effective weapons in protecting members of the Police Force.

By June 1976, there were about two-and-a-half thousand black policemen trained for rural counter-insurgency and at least a further two thousand trained in the normal use of firearms. After Soweto special units were created in which black police constables and other ranks served, armed with a wide range of firearms. One example of such a unit was revealed at the inquest into the death of Lungile Tabalaza, a New Brighton student

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105 Brewer, *Black and blue*, p. 333.
106 Brooks and Brickhill, p. 244.
107 Cawthra, *Brutal force*, p. 9.
108 Brooks and Brickhill, p. 244.
109 Bunting, p. 411.

who died in detention in July 1978, when reference was made to a special Unrest Investigation Unit formed to combat demonstrations in Port Elizabeth and the surrounding townships. The unit claimed to have been responsible for 2 000 arrests since June 1976.[110]

Brooks and Brickhill claimed that the police arsenal was considerable, its range of equipment having many of the characteristics of a paramilitary force. Equipment utilized by the police included various batons and clubs; a range of pistols; automatic rifles, either the NATO designed FN or the South African-manufactured equivalent, the R1; light machine guns, including the British stun gun; hand machine carbines, principally the Israeli Uzi, and locally-manufactured equivalents; shotguns of various calibres; teargas, either in the form of grenades or the 'sneeze machine', a vehicle which sprays tear gas as it drives through crowds; a variety of vehicles which included several types of riot trucks, the most notorious of which is known as the 'Hippo'.[111]

Liebenberg stated that the British Saracen Armoured Personnel Carrier (APC) was initially used by the Police Force in urban counter-insurgency operations. Later on the Saracens and Hippos were deployed during the 1976 Soweto uprisings.[112] This latter vehicle was initially designed as a landmine-proof troop carrier and was thought to have been developed in Rhodesia. It soon became a prominent feature of urban riot control. The Police Force also had three Cessna communications aircraft but relied on the South African Air Force (SAAF) to provide helicopters, which were widely used during the unrest and riots.[113] Lieutenant Colonel W.A.A. van Wyk further elaborated that the Cessna and Bosbok airplanes and the Alouette III and Puma helicopters were utilized on a continuous basis for moving roadblocks and the trooping of police officials into unrest areas.[114] Backing up the police at times of crisis, as in 1976, the SADF provided a range of other equipment, including the British Ferret (light armoured car), the French

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110 Brooks and Brickhill, p. 245.
111 *Ibid*., p. 244.
112 Jane Buys Collection: Correspondence with Mr I. Liebenberg, Senior lecturer in Sociology at UNISA, Pretoria, 16.4.2007.
113 Brooks and Brickhill, p. 244.
114 Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

Panhard and a variety of other APCs.[115] The equipment available to the South African Police Force and those provided to them by the SADF stressed that the Police Force was very much military in their operations to preserve the public order and internal security of the country.

Counter-insurgency training within the Police Force became compulsory for recruits in the late 1970s. Senior Superintendent C.A. Prinsloo mentioned in this regard that counter-insurgency training, also known as the "bush" course that included the handling of hand grenades and anti-personnel mines, followed just after basic training and lasted for four weeks.[116] Dippenaar claimed that the Police Force were in all respects admirably qualified for the type of service they were to perform. Their specialized anti-terrorist training was preceded by six to twelve months of rigorous and comprehensive basic training, which police and military experts considered to be one of the toughest military orientated training courses in the world.[117]

Gann and Duignan go further by saying that for purposes of 'internal defence', South Africa placed considerable trust in its Police Force. The Police Force was a semi-military body, and was regarded as the "first line of defence in the event of internal unrest". Its members received a thorough training in infantry drill, infantry combat, and the more conventional police skills. Policemen were expected to undertake inquiries on behalf of government departments; in the more remote country areas they also acted as assistant clerks and court messengers, and as immigration officers, wardens, revenue and census officers, health inspectors, inspectors of vehicles, postal agents, meteorological observers, mortuary attendants, and more.[118] When considering the training, skills, knowledge and equipment of the Police Force they can be regarded as an army in disguise.

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115 Brooks and Brickhill, p. 244.

116 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander CIG, Crime Intelligence (CI), SAPS, Free State Province, Bloemfontein, 2.4.2007; Dippenaar, p. 372.

117 *Ibid*.

118 Gann and Duignan, pp. 45–46.

The South African Police Force Air Wing with its aerial law enforcement capacity to assist operational functions where the need existed, was established in 1985. Under control of the SAPS Air Wing Headquarters in 1985, there were 12 units strategically situated throughout the country. The SAPS Air Wing Headquarters, together with the National Heliport, is based at the Police College grounds in Pretoria. The SAPS Air Wing fulfilled crime prevention and investigation operations; supplied rapid response to crime call-outs; rapid deployment of personnel; anti-narcotics operations; aerial photographs and videos; monitoring of public gathering and big events; border patrols and communication flights. Their secondary functions consisted of pilot and crewman training; maintenance and aviation safety; liaison with other airborne law enforcement agencies; maintaining of an operational centre for airborne operations and search and rescue flights. The SAPS Air Wing was divided into two divisions, namely the fixed wing division and the helicopters.[119] The majority of pilots originated from the SAAF.

2.6 The establishment of the Riot Control Units also called the Unrest and Crowd Control Units (UCCUs), 1965 to the 1990s

In September 1965 the Commissioner of Police, General J.M. Keevy, announced that several new mobile police units, specially trained in guerilla warfare, had been set up in various parts of South Africa, "ready to go to any part of the country at short notice in time of disturbances to maintain or restore order".[120] The Commissioner said that the units had their own weapons, equipment, two-way radios, transport and supplies, and had been trained in the use of tear-gas, water hoses and other methods of handling riots with as little loss of life as possible. In peacetime they would be able to quell any disturbance in any part of the country.[121] These units were the predecessors of the Riot Control Units, later to be known as the ISUs.

The problem that the government faced was that rural anti-guerilla operations were absorbing substantial numbers of regular policemen, and while their normal police functions could be maintained by the reservists, this left a weakness on the urban anti-insurgency front, namely in riot control and the combating of terrorism in the cities.

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119 *Servamus*, 31.8.2001, pp. 40-41.
120 Bunting, p. 411.
121 *Ibid*.

Part-timers, reservists and army national service trainees who received training in riot control, helped the Police Force in the maintenance of law and order. However, incidents occurred where they lacked some sort of professionalism and the necessary degree of 'cool' and co-ordination under pressure that could only be instilled through constant and intensive training. These incidents spurred Police Management on to the formation of the Riot Squad.[122]

Described as a "fast striking urban police anti-terrorism squad", the new Riot Control Units, which the Police Force admitted had been conceived as a result of the Fox Street experience on 28 April 1975,[123] was to study overseas methods of riot-control and apply them to local conditions. Teachers were not hard to find. In July 1975 General Moir Armit, former head of Israeli Intelligence, issued a statement in Johannesburg detailing increasing co-operation between South Africa and Israel. One item singled out was the provision of Israeli know-how in anti-insurgent and modern urban warfare techniques to the South African Police Force and SADF. The South African Police Force also visited the United States of America to study riot control.[124] An article in *The Cape Times* reported that in September 1976 the Divisional Commissioner in charge of riot control, Major General D.J. Kriel, confirmed that South African riot police had visited Europe to study riot control. They had also visited Argentina and were planning further visits. In 1977 the police chief of Soweto, Brigadier Jan Visser, visited London with the intention of studying anti-insurgency methods in Northern Ireland and pursuing contacts with Scotland Yard.[125] Skilled overseas advice, knowledge and advanced training were provided to the Police Force whereby valuable knowledge were gained as to promote the specialization of the Police Force and in particular the Riot Squad further.

Initially, information about the Riot Squad was scarce, apart from the fact that the men would be handpicked and highly trained. The scheme was due to go into operation early in 1976. By June 1976 Riot Squads had been established, trained and equipped in 18 centres across the country.[126] By June 1976, the police had created the nucleus of

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122 Brooks and Brickhill, p. 247.
123 *Rapport*, 19.6.1994, p. 5; *Beeld*, 26.1.1980, p. 5.
124 Brooks and Brickhill, p. 248.
125 *Ibid.*
126 Brooks and Brickhill, p. 248.

their 'anti-riot' forces, although there had been only a few months in which to do this. The Riot Squad was issued with non-lethal means of crowd control other than tear gas[127] and truncheons, such as water cannons and rubber bullets, because these two were regarded as ineffective.[128] These units were highly mobile and could effectively be dispatched on short notice to any part of the country. They were organized in divisions and provided with modern equipment including plastic shields, safety helmets, rubber batons and gas masks. Their primary objective was to combat rioting with a minimum of violence where circumstances allowed. Members of these units received intensive and on-going training, with special emphasis placed on riot control techniques.[129]

In 1977 the Minister of Police revealed that members of the Riot Squad were trained for between two and six weeks either locally in each division, or at Maleoskop, near Groblersdal. Maleoskop, located on a 6 000 morgen farm, was the main police training centre for counter-insurgency and 'riot control'. Amongst the subjects taught at the camp training centre were crowd psychology, legal aspects of crowd control, investigation, civil unrest, riot prevention and control, the use of aids such as tear gas and strike control. All new police recruits and some veterans were sent to Maleoskop, in addition to 500 national servicemen volunteers each year. After their training at Maleoskop most men returned to normal police duties throughout the country, but were available for Riot Squad duty when required. Others were posted directly to the Riot Squad. In the year ended June 1976, 1 114 men were trained at Maleoskop. In Cape Town the Riot Squad totaled 216 men in six platoons.[130] The Minister of Police revealed in 1977: "While the Police Force served in Rhodesia, the regional Riot Control Unit practically ceased to exist due to depleted manpower. When the Police Force were withdrawn from Rhodesia, these units had to be built up again from scratch."[131] The Riot Control Units consisted mostly of policemen who performed visible policing duties at stations. Only when the need arised, such as unrest situations, these policemen were called-up from the stations to report for unrest duties as part of the Riot Control squads.

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127 Also known as the 'sneeze machine'. Dippenaar, p. 529.
128 Brooks and Brickhill, pp. 249-250.
129 Dippenaar, p. 529.
130 *SAP: Annual report of the Commissioner*: 1975/1976, p. 4; Brooks and Brickhill, p. 248.
131 Brooks and Brickhill, p. 247.

With the Rhodesian war, the majority of the Riot Control Units members served there, which implied that a very small contingent of trained Riot Squad members existed internally in the country.

Former Senior Superintendent Barnard[132] mentioned the Riot Control Unit or also named the Reaction Units had numbers to identify them, namely the unit in Welkom was Unit 9 and that in Bloemfontein was Unit 17. These units resorted under the control of the 'Counter-Insurgency' component at Head Office. Close co-operation existed with the Security Branch and with the SADF. Due to the escalation of the unrest, these units expanded and at one given point in time there were more than 40 units in the country. The police officials at all the stations received training in crowd control. The whole Riot Control Unit in the country was very small, so the assistance and support from police members at stations had to be utilized in order to curb unrest situations.[133]

Former Senior Superintendent Barnard further stated that in the 1980s the Riot Control Units were increased and became known as the UCCU and they became very professional, the training was very good and also the discipline. A section of eight police officials, dressed in camouflage, could handle a crowd of nearly 1000 people. At Head Office an operational room existed to which every incident that occurred in the country was directly reported, not from the District office but directly from the Riot Control Units. Nineteen district offices existed at that stage together with Walvis Bay.[134] Senior Superintendent Barnard further mentioned that the UCCUs and counter-insurgency units resorted under Tin Head Office.[135] Due to the fact that these units wore camouflage, they were more readily identified as being part of the Security Forces, and specifically the SADF, than as of the Police Force.

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132 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

133 *Ibid.*

134 *Ibid*. Walvis Bay was not part of the mandate of South West Africa and was therefore under the management of the South African government. A garrison of soldiers and police officials was situated there. That is why Walvis Bay had a Riot Control Unit of the South African Police Force stationed there.

135 *Ibid*.

An article in *Rand Daily Mail* reported that between July 1976 and June 1977 the number of riot trucks of various kinds increased by 55%, from 850 to 1 324.[136] Former Senior Superintendent Barnard mentioned that except for visible policing at police stations, the Riot Control Units had been the most visible units in the Police Force.[137] More black people had come into contact with the Riot Squad than any other component or unit within the Police Force. The conduct and operations of this Unit had therefore always been considered as portraying the image of the Police Force. During political unrest, this unit came mostly under physical attacks by protestors and agitators. He further elaborated that when "You look at the dynamics involved in crowd management, then at the start of the control of a crowd you initially had only six members who must control a crowd of over 3000 members, whilst in the meantime reinforcements were on their way. To ensure effective crowd control or management you need to have sufficient resources to handle a situation."[138] There is a difference between crowd control and crowd management. Crowd Control was utilized within the Police Force with the emphasis of control by the Police Force, and did not imply management of crowds.[139]

The Riot Control Units, later the UCCUs, operated under extreme difficult situations. Police members were continuously awake, sometimes for 72 hours, in the black townships where there was high density due to the smoke and burning of tyres, and where many necklace murders took place. Some of the UCCU commanders lived in their offices: they had stretchers there on which they slept and they only went home occasionally. The UCCU Units were dispatched on very short notice all over the country. They were usually transported by the Air Force on the 'Flossie' or Hercules[140]

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136 *Rand Daily Mail*, 1.4.1978, p. 9.

137 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

138 *Ibid*.

139 *Ibid*.

140 The best remembered transport aircraft of the war was probably the C130 Hercules, also known to thousands of soldiers as the 'Flossie', so called because it brought the relief unit ("aflos") when it was time to go home. H.R. Heitman, "Equipment of the Border War" in *Journal for Contemporary History*, 31(3), December 2006, "Border War, 1966-1989,"p. 105.

to far destinations like Cape Town.[141] It was a given fact that these police officials were seldom home to be with their families and they had to sacrifice a lot.

Former Senior Superintendent Barnard mentioned that in the early 1980s the composition of the UCCUs were predominantly white. This gradually started to change and at the beginning of the 1990s whole platoons of black police officials were sent to control unrest situations. He further mentioned that all the operational work that were needed to be done by the Security Branch, such as house penetration, was done by the Reaction Unit. Except for the formal training courses that existed, continuous in-service training was done by members of the Unrest and Crowd Control Units.[142]

It is quite clear that the training of the Riot Control Units and later on the UCCUs was quite extensive and the emphasis was still placed on in-service training, shooting practices and drills. Members were very disciplined. However, despite the strict discipline and extensive training, many unrest situations went wrong so that people were killed. When taking into consideration the long hours these police officials worked to contain specific unrest areas, the deprivation of sleep, the shortages of manpower, meaning that eight police officials had to control a crowd of nearly 3000, not to speak about the insults and bad behaviour of some of the crowd, this could be an ideal recipe for disaster in some instances. When looking at publicity and media coverage, not one single word of sympathy or praise has ever been uttered for the police officials of the Riot Control Units or UCCU Units. They were always crucified for their brutal actions against the black population in containing the unrest and riots.

The era wherein the Riot Control Units or also called the UCCUs operated could be classified as very volatile. Members of these units received as part of basic training, training in counter-insurgency and riot control. They received further specialized training to be part of these units from which the Reaction Unit and later the Task Force resulted. When taking their training and the equipment they used into consideration it can be stated that they were well-trained, disciplined and militaristic of nature. Within

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141 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

142 *Ibid.*

their external and internal deployment they came into contact with people from the African population on a daily basis. These were not just contact and conflict situations but in most instances confrontations to curb public order and violence. Harsh measures and methods were introduced to curb the escalation of unrest situations, that was incited by the liberation organization such as the ANC and the PAC. Given the history of the period, the police members had to curb the unrest with 'force', partly because they were trained to do so. The perception under the African population was that the force used was excessive and not justified.

3. The South African Police Force as protector of the international borders and participator in cross border wars, the Zimbabwean, Angolan and Namibian examples

Apart from their internal role and functions, the Police Force was also utilized in the external environment during the 1960s and 1970s. This meant that members of the Police Force were sent to participate in the Rhodesian and South West African wars. In these instances they became participators in border wars. However, the protection of the South African borders were also performed by the Police Force in the 1960s until it was taken over by the SADF in the 1980s.

3.1 The protection of the South African borders by the South African Police Force, 1964 to the end of the 1980s

The task of setting up border posts commenced in 1964 and in that year 35 border posts were established. Policemen at these border posts were responsible for crime prevention and state security.[143] The government took steps to seal off all the borders, especially those common to the former protectorates of Lesotho, Botswana and Swaziland. Between 50 and a 100 police control posts were erected to prevent the illegal entry of Africans into the Republic and the flight of refugees into the outside world.[144] Strachan mentioned that a sophisticated border defence system had been established to protect the white heartland of apartheid.[145]

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143 Dippenaar, p. 344.
144 Bunting, p. 424.
145 Strachan, p. 73.

The Police Force's presence on the borders effectively halted subversive elements from crossing into the Republic. This gave rise to the idea that the Police Force should establish permanent bases at various points along the borders with Botswana and Swaziland as well as introduce regular police patrols. This practice was implemented early in 1977. The introduction of regular patrols along the Mozambique border followed.[146] Lieutenant Colonel van Wyk mentioned that the Air Force was also involved in border patrolling with the Alouette III and the Cessna 185, especially on the Mozambican border near the National Kruger Park.[147] The South African government announced that police members were being assigned to three-month tours on patrol along the South African borders.[148]

Since 1980, the border area was subjected to a large-scale military build-up. Heavily armed soldiers were stationed on most farms which themselves came to resemble mini-fortresses. Farmhouses were surrounded by security fences and were linked via radio communication to local military headquarters.[149] Another method used to make more policemen available for normal police service had been decided on earlier in 1985 by the State President, P.W. Botha, when he announced that the SADF would, with effect from 12 September 1985, take over the border bases of the Police Force on the eastern border of Mozambique. The eastern border bases were situated in the southern part of the Kruger National Park and included the bases Kostini, Nwadedzi, Krokodilsdrif, Pafure and Makhadzi.[150] General Heinze mentioned that it is the role of the military to protect the borders. The Police Force is however responsible for the border posts per se (because there is much criminality at these border posts) but not the protection of the borders itself.[151] The escalating military presence on the borders was instituted to counter the sabotage, hand grenade and landmine attacks by the liberation organizations as well as the insurgency of terrorists into South Africa.

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146 Dippenaar, p. 535; Leonard, p. 119.

147 Jane Buys collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

148 Leonard, p. 119.

149 Murray, pp. 398–399.

150 *Servamus*, 30.11.1985, p. 8.

151 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.

3.2 The South African Police Force and the Zimbabwean (former Rhodesian) war, 1967 to 1975

Within weeks of the opening of the guerilla attack by forces of the ANC and the Zimbabwe African People's Union (ZAPU) in August 1967,[152] South African police units were sent to Rhodesia to assist the Smith government. [153] Almost half of the roughly 80 terrorist who infiltrated Rhodesia via the Zambian border were citizens affiliated to the ANC in South Africa. Justifying his action, the South African Premier, John Vorster, said that the police units would remain in Rhodesia for as long as they were permitted to do so and for so long as it was necessary for them to be there.[154] Mr Vorster emphasized that the policemen had been sent to assist Rhodesian Security Forces in their action against infiltrators, some of whom had originally come from South Africa and were on their way back to the Republic to commit acts of violence.[155] He also stressed that South Africa's law officers, and not the SADF, were being sent to Rhodesia and that this move had no bearing on the situation brought about by the latter country's Unilateral Declaration of Independence. The first policemen arrived in Rhodesia on 1 September 1967.[156] With this move, the government created the opportunity for utilizing the Police Force externally in protecting the borders. This further enhanced the paramilitary character of the Police Force.

Stiff mentioned that initially the policemen who were sent to Rhodesia were ill prepared and were trained by the Rhodesian Light Infantry conducting counter-insurgency operations. Police instructors presented the counter-insurgency training.[157] The police instructors received this type of training from the Rhodesian counter-insurgency unit. As a consequence it was decided that the necessary training would be conducted in South Africa before the deployment of contingents. A counter-insurgency training school was established at Phelindaba outside Pretoria in 1968, but shortly afterwards the police bought Maleoskop farm close to Groblersdal in the old Transvaal. Counter-

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152 R.M. Price and C.G. Rotberg, *The apartheid regime, political power and racial domination*, p. 80.
153 Bunting, p. 472.
154 *Ibid*.
155 M. Morris, *Terrorism, a first full account in detail of terrorism and insurgency in Southern Africa told and analyzed by Michael Morris*, p. 42.
156 Dippenaar, pp. 371-372.
157 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

insurgency training was initially extended only to men going on deployment to Rhodesia and South West Africa, but later to every policeman in the force.[158]

Morris claimed that the policemen who served in Rhodesia were thoroughly schooled in the handling and knowledge of a variety of weapons. This included the two-inch mortar, light machine guns, the sub-machine calibre, heavy calibre automatic and semi-automatic rifles, shotguns, hand grenades, explosives and booby traps, as well as the use and characteristics of known insurgent weapons. They were also trained in radio communication, compass and map-reading and navigation, the use and maintenance of vehicles, first-aid and precautions against tropical diseases. Their operational training included guerilla strategy, bush survival, patrol formations, ambushes, basic formation and intelligence gathering.[159] One commentator observed: "The argument as to whether they are police or army is quite academic. In Rhodesia, they have exactly the same function as the Rhodesian army."[160] The policemen in Rhodesia were very thoroughly trained to conduct counter-insurgency operations and also to become more militaristic in their approach and actions.

According to Oliver Tambo the basic purpose for the move the South African government made was to protect the 'buffer' from collapsing and to keep guerilla onslaught as far as possible from the borders of South Africa.[161] The South African government stoutly maintained that the police were in Rhodesia only to deal with the terrorists and that no military units were involved. But there was a mass of evidence to contradict this. Communiqués issued by ANC/ZAPU estimated that by the end of 1967 a total of just under 1 700 SADF troops were supporting Rhodesia's security forces, and that South Africans comprised two fifths of Rhodesia's fighting strength.[162] A survey by a news team of the *London Times* reported that South African military units were involved, not only in Rhodesia, but also in Angola and Mozambique.[163] In this regard Lieutenant Colonel van Wyk mentioned that the SAAF was also deployed to Rhodesia

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158 P. Stiff, *Covert War, Koevoet operations, Namibia, 1979-1989*, p.47.
159 Morris, p. 125.
160 K. Maxey, *The fight for Zimbabwe*, p. 41.
161 A. Tambo, *Preparing for power, Oliver Tambo speaks, foreword by Nelson Mandela*, p. 85.
162 Bunting, p. 469.
163 *Ibid*.

and worked together with the British South Africa Police on the Alouette III and the Cessna 185.[164]

Police Force policy was to ensure that its counter-insurgency units deployed to prevent terrorist infiltration, should be better and more effectively equipped than other police units in every aspect. This naturally meant that Police Force border units were not only given intensive and specialized counter-insurgency training but also had to be spiritually strong in order to perform a task and conduct operations that would break any normal person.[165] Dippenaar mentioned that initial press reports on the Police Force involvement in Rhodesia was clearly designed to promote a spirit of patriotism in South Africa.[166] In this regard Morris stated that the counter-insurgency forces fought for a cause every one of them clearly understood and accepted wholeheartedly and unreservedly.[167] The perception therefore existed that Police Force members who were sent to Rhodesia were very dedicated and committed in their fighting of the terrorist cause.

The South African Police nevertheless found itself close to the turning point that would terminate its presence in Rhodesia. Various developments followed in quick succession and on 11 December 1974 the Prime Minister of Rhodesia issued a statement to the effect that an agreement had been reached with the terrorist leaders, violence on Rhodesia's borders would cease and all political detainees would be freed. Following this statement, B.J. Vorster announced that the South African Police Force would be withdrawn from Rhodesia as soon as the cease-fire was officially affected. The withdrawal of the Police Force from Rhodesia was a gradual process that was only completed by August 1975.[168] By 1975 this commitment represented some 3000 Police Force troops in active front line duty and an equivalent number engaged in training, re-

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164 Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.
165 Dippenaar, p. 402.
166 *Ibid*., p. 372
167 Morris, p. 127.
168 *Pretoria News*, 4.8.1975, p. 2.

supply and rehabilitation at any one time. A considerable number of South African Police Force members served in Rhodesia and gained valuable combat experience.[169]

The internal situation in the country with the escalation of sabotage and unrest also prompted the National Party government to withdraw the Police Force from active border duty to be reallocated internally in the country to address the internal threat. The Police Force was for eight years involved in the Rhodesian war. This also contributed to much more military discipline. It also implied much more, namely that the Police Force members became more like soldiers operating within strict military orders, in a military milieu, thus they had to obey orders in order to survive. The fact that they operated in a war situation where violence could be answered with violence and that "all is fair in love and war", had a tremendous influence on how they changed from being soldier to policeman again. That some of them could not adapt and changed to become more police-orientated than military-orientated, was also true.

3.3 The involvement of the South African Police Force in the Namibian war (former South West Africa), 1967 to the end of the 1980s

Bunting claimed that the South African government emphasized the danger of "communist infiltration" and proclaimed itself as the only reliable bastion of Western civilization in Africa.[170] The fight against terrorism was not limited to action within the country, but involved action on the borders of the Republic and also on the borders of South West Africa, where raids were being carried out by trained Soviet terrorists. The first group of trained terrorists, the South West African People's Organization (SWAPO)[171] terrorists, arrived in South West Africa in September 1965 armed with Soviet and Red Chinese automatic weapons and immediately commenced to train the local population in the vicinity of Ongulumbashe in Ovamboland.[172]

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169 Brooks and Brickhill, p. 246.
170 Bunting, p. 472.
171 SWAPO was initially created for the Ovambo people in South West Africa. R.I. Rotberg, *Suffer the future, policy choices in Southern Africa*, p. 203; H.R. Heitman, *South African war machine*, p. 138.
172 Rotberg, p. 209.

In February 1966, SWAPO fighters attacked two Portuguese trading stores in southern Angola and killed five people. At that time, SWAPO had about 30 trained insurgents who were spreading the message to fight. On 26 August 1966, nine members of 1 Parachute Battalion and 121 policemen under the command of Commandant Jan Breytenbach lauched an attack on the SWAPO base at Ongulumbashe in Ovambo. Thirty five Alouette III helicopters assisted them by destroying the only fixed base SWAPO ever had in South West Africa over a period of 23 years of war. Two insurgents were killed and nine taken prisoner.[173] These actions officially started the South West African/Angolan war.[174] Due to the fact that the South African government was unwilling to acknowledge that SWAPO was a real threat for the South African management of South West Africa, the government decided to allocate the counter-insurgency to the Police Force and not the SADF.[175] The South African government was at that stage responsible for the internal stability and security of the people of South West Africa. They thought that this function had to be performed by the Police Force, thus they decided to send them to the border area of South West Africa.

Rotberg mentioned that SWAPO had initially been assisted by Algeria and the Soviet-Union and later also by Cuba.[176] The Police Force had been drawn increasingly and extensively into rural counter-insurgency operations, starting with the need to counter the launching of the armed struggle by SWAPO in South West Africa in 1966.[177] Under article 119 of the Treaty of Versailles, South Africa was made the Mandatory of South West Africa: "To have full power to administer and legislate over the territory….and to apply the laws of the Union of South Africa to the territory subject to such local modifications as circumstances may require".[178] Article 4 of the Mandate

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173 L. Scholtz, "The Namibian border war: An appraisal of the South African strategy" in *Scientia Militaria* 34(1), 2006, p. 27.

174 I. Liebenberg and R. Ferreira, "The impact of war on Angola and South Africa: Two Southern African case studies" in *Journal for Contemporary History* 31(3) December 2006, "Border War, 1966-1989", p. 45.

175 L. Scholtz, "Die ontwikkeling van die SA Leër in die grensoorlog, 1966-1989" in *Journal for Contemporary History* 31(3), December 2006, "Border War, 1966-1989", p. 113.

176 Rotberg, p. 209.

177 Brooks and Brickhill, p. 246.

178 Rotberg, p. 177.

prohibited the South African government to create military bases there. Morris stated that to apply the laws the task was then clearly that of the South African Police Force.[179]

Since the late 1960s, when the escalating South West African conflict drew attention to deficiencies in police training in combating guerilla tactics, greater stress was placed on the formation of special counter-insurgency units.[180] Policemen were armed, trained and equipped with automatic and semi-automatic weapons since 1972.[181] In this regard Liebenberg mentioned that as substitute for the .303 Lee Enfield weapon that the Union Defence Force (UDF) had used in the Second World War, the Belgium 7.62mm FN automatic infantry weapon was imported. These weapons were both issued to the Police Force and the SADF; however, the FN was a standard weapon for the infantry. The Police Force members who performed border duty in the 1960s in the Caprivi, the former South West Africa and Rhodesia were all issued with FN's. During the 1970s the FN was replaced with the R1 that was manufactured on the FN patent in South Africa.[182] Lieutenant Colonel van Wyk mentioned that the Air Force assisted the Police Force in the Caprivi where they utilized Harvards, Alouette III's, Super Freelons, Cessna 185's and Djakotas. The Puma helicopter only arrived in South Africa at the end of 1969 and was operationally utilized in 1972 in the former South West African border war.[183]

An American, D.T. Brigham, published an article in *Hoofstad* on 14 July 1970. Brigham spent six weeks visiting terrorist fronts in Mozambique, Malawi, Rhodesia, Botswana and the Caprivi Strip. He subsequently questioned hundreds of officials, as well as 181 captured terrorists in order to gain first-hand information on the situation. He established that the terrorists had at their disposal between 38 000 and 42 000 fully trained and fully armed men. These reserve forces were stationed in 23 camps in Zambia and another 13 camps in Tanzania. The reserve force was augmented at a rate

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179 Morris, p. 176; Rotberg, p. 177.
180 Grundy, p. 138.
181 Heitman, *South African war machine*, p. 111; Grundy, p. 145.
182 Jane Buys Collection: Correspondence with Mr. I. Liebenberg, Senior lecturer in Sociology at UNISA, Pretoria, 16.4.2007.
183 Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

of approximately 2 500 men per month, drawn from a pool of roughly 28 000 men still due to receive eight to ten months basic training. Basic training camps were situated in China, Siberia, Algeria, Ethiopia and Cuba. The terrorists, armed to the teeth, were ordered to shoot to kill and to avoid capturing at all costs.[184] This report indicated to the South African government that they had to prepare for a full-scale conventional war and that they needed to mobilize the SADF to protect the borders from infiltration by the terrorists.

During 1972 indications were that the situation along the country's extensive borders would continue indeterminately and would make increasing demands on the manpower of the Police Force. In addition, a decision by the Organization for African Unity (OAU) to increase material assistance for terrorist activities by 50%, made the possibility of large-scale infiltration into the Republic by trained terrorists appear all the more real. On 8 February 1972 the Police Force commenced training non-white members of the Force in anti-terrorist activities and border duty. On 30 March 1972 the first group of non-white policemen were sent to join their white colleagues in South West Africa.[185] This meant that all the Police Force members, irrespective of race, had to partake in the preservation of the internal security of the country and to protect the inhabitants against terrorist aggression.

From 1971 to 1973 the continuation of landmine incidents in the Caprivi[186] made it necessary for the South African Police Force to call in the assistance of two researchers of the Council for Scientific and Industrial Research (CSIR), doctors Vernon Joynt and Jean-Pierre de Villiers, to design a vehicle that would be mine-resistant or could at least protect the lives and safety of policemen on border duty. During 1972 the first mine-resistant vehicle saw the light. The Police Force used Bedford trucks and the CSIR accordingly switched its attention to the Bedford and came up with the Hippo. The Hippo carried a driver plus ten men. The first order for the Hippo was placed in June 1974.[187] In due course the two researchers also designed freight and other types of

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184 Dippenaar, pp. 411-413.
185 *Ibid*. pp. 442-443.
186 Stiff, *Covert war*, p. 74.
187 *Ibid*., pp. 76-77.

mine-resistant vehicles for the Police Force, and built the prototypes for, amongst others, the 'Zebra' and 'Ribbok'.[188]

The situation in the Caprivi was bordering on full-scale war that called for the presence of the SADF.[189] The government decided to withdraw the South African Police Force from the Caprivi as of mid-1973 and replace them with the SADF.[190] Other reasons why the government decided to withdraw the Police Force from the Caprivi was that policemen were not necessarily good soldiers. Countrywide strikes broke out in 1972 in South West Africa and the police found it impossible to cope internally as well as performing insurgency duties alongside the border. General Heinze mentioned that "Police Force officials were not trained to become involved in a conventional war. The SADF work pro-actively and it was their policy to prevent that the SWAPO insurgents cross the borders. The South West African war escalated to a full-scale unconventional war and therefore the army needed to become involved."[191] The SADF, with its greater manpower would be more able to cover a larger geographical area into the Caprivi. Other practical considerations in the Republic necessitated the withdrawal of the Police Force from the borders. One of these was the fact that between 1971 and 1973 the number of extra-departmental duties that policemen had to perform had increased by 336 521 man hours, creating an untenable situation for the available policemen and naturally resulting in the neglect of their primary duties.[192]

Oliver Tambo mentioned that the independence of Angola and Mozambique from Portugal in 1975 had an enormous psychological impact inside South Africa. It inspired strikes by students in black schools and universities. It also created the opportunity for effectively infiltrating armed fighters through these countries into South Africa.[193] During the Cold War many Third World states were able to exploit superpower rivalry to secure foreign aid and other benefits. The superpowers also exploited regional Third

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188 *Servamus*, 31.3.1981, p. 24.
189 Grundy, p. 140; Malan, p. 111.
190 Frankel *et al.*, p. 118; W. Steenkamp, *South Africa's border war, 1966-1989*, p. 23.; H.R. Heitman, *Die Suid-Afrikaanse krygsmag*, p. 140.
191 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.
192 Dippenaar, p. 454.
193 Tambo, p. 71.

World conflicts in order to gain advantage in the context of East-West rivalry.[194] The prospect of an MPLA-governed Angola was seen as furthering the communist encirclement of South Africa. Military destabilization was specifically aimed at securing South Africa's borders against incursions by Marxist guerillas. According to South African government strategists the Soviet-Cuban threat and the existence of ANC bases in the neighbouring Frontline states, threatened South African security and had to be countered. The South African government's reaction to 'total onslaught' was formulated in terms of a 'total strategy' that amounted to a policy of deterrence in Southern Africa. South Africa did not seek to overthrow neighbouring regimes, but wished to ensure that they constituted no threat to the survival of the white apartheid state.[195]

In 1977 the South African government issued a proclamation annexing Walvis Bay, South West Africa's only deep-water port, and maintained a military base there. Since 1978, the United Nations Security Council adopted Resolution 435 outlining a process for the transition to independence for South West Africa.[196] It needs to be mentioned that the South West African Police (SWAP) became independent from the South African Police Force in 1981. The duties and functions of the SWAP were the maintenance of the internal security within that area, the maintenance of law and order, the investigation of any crime or alleged crime and the prevention of crime.[197] Police Force members were given the choice to decide whether they wanted to enlist into the SWAP or return to the RSA. The South African Police Force was actively involved in counter-insurgency operations in South West Africa for nearly 14 years. When the activities of Koevoet are taken into consideration, it is even longer. Initially the Police Force was not equipped with skills and equipment to perform such a function, but eventually, with the necessary training and equipment, they were quite effective in countering terrorists to infiltrate into the RSA. The ordinary police official gained much experience in this regard. The Police Force in the years of the border wars also became

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194 L.J. Benjamin and E. Sidiropoulus, "The quest for security, Southern Africa at the crossroads" in *Journal for Contemporary History* 16(2), December 1991, p. 101; D. Albright, *Africa and International Communism*, p. 27.

195 Benjamin and Sidiropoulus, pp. 106-107.

196 P. Johnson and D. Martin, *Apartheid terrorism, the destabilization report*, p. 9.

197 *Windhoek Advertiser*, 16.11.1982, p. 3.

more militaristic and thought more like soldiers for survival than to perform policing tasks. For some it would have been difficult, when returning for policing duties, to adjust and try to be policemen again. Their mindset was more soldier-orientated than policeman- orientated and they had to adapt to become policemen again.

3.4 The role of Koevoet in the former South West African (Namibian) war, 1974 to 1989

In 1974, on the initiative of the Security Branch, various ways and means of gathering information from the enemy were being tested. In this regard Senior Superintendent Prinsloo mentioned that members of the Security Branch who did border protection, conducted information gathering in Ovamboland.[198] The Cobra[199] teams were actually the predecessors of the Koevoet teams.[200]

Several months after the withdrawal of the Police Force from the South West African borders in 1973, the area was infiltrated by two large groups of terrorists from Angola, whose intention it was to continue with their subversive activities. The SADF had in the meantime also been fully deployed along the border and was most successful in keeping the terrorists in Angola and Zambia.[201] The South African intervention in Angola by the SADF, also called Operation Savannah, started on 9 August 1975.[202] The primary aim of this initial 'covert' operation was to ensure that a Western orientated government would come to power in Angola, that would not allow any

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198 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 1.4.2007.

199 The Cobra teams consisted of five white policemen with a black special constable as an interpreter. The idea was to visit kraals and 'cuca' shops. The 'cuca' shops derived from 'cuca' beer and it was native-run eating houses or restaurants. Anything could be bought there from bread to cooked food to beer. The Cobra teams obtained information on SWAPO movements in South West Africa. They were airlifted by Puma helicopters to pre-designated locations and dropped off to gather information and a few days later were picked up again by the helicopters. Five Cobra teams, operating in the Ovamboland area, achieved reasonable success. There were also some Bushman trackers, who wore civilian clothes and were armed with .303 rifles. Their job was to patrol the border between Angola and South West Africa on foot from border post to border post seeking intruders. Stiff, *Covert war*, p. 48.

200 *Ibid*., p. 56.

201 *Ibid*., p. 53.

202 Steenkamp, p. 74; J. Geldenhuys, *Die wat wen, 'n generaal se storie uit 'n era van oorlog en vrede*, pp. 40-45; Malan, pp. 121-123.

SWAPO bases and communistic-orientated Cubans on Angolan soil. In this regard the South African government was secretly supported by the American government and with their knowledge they invaded Angola on 14 October 1975 with Task Force Zulu. It was the first time since the Second World War that the Defence Force was utilized on the terrain of conventional warfare, and within a period of 33 days they moved 3 200 km into Angola.[203] Operation Savannah marked the end of regional détente and the start of the South African cross border operations into Angola.[204]

By 1977, the situation had deteriorated to such an extent that it became imperative once again to dispatch police units to northern South West Africa because a specific need for information was needed on terrorists who had infiltrated across the border. The Police Force approached the task in a completely different manner and employed three different elements namely the ordinary counter-insurgency units, a guard unit and a very special unit known as Ops-K or Koevoet.[205] The counter-insurgency units were responsible for specific geographical sectors and consisted of policemen who served in the operational area for periods of up to four months on a rotational basis. The guard unit, on the other hand, was primarily responsible for guard services at vital key points and black villages and served as body guards for important Ovambo officials. The special unit represented an entirely new concept of permanent policemen in charge of a volunteer corps of special constables of Ovambos and other local black population groups, commanded by white police officers with its headquarters at Oshakathi.[206] The SADF focussed on conventional war that involved a lot of planning beforehand. They needed a counter-insurgency team that was highly mobile to track down the terrorists.

In mid-1978 Colonel Hans Dreyer[207] was sent for by the Commissioner of the Police Force, General Johan Coetzee to come to Pretoria where they had a conference with the

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203 G.J.J. Oosthuizen, "Regiment Moorivier, Potchefstroom: Grendsdienservarings van 'n Pantserburgermageenheid, 1975-1989" in *Journal for Contemporary History* 31(3), December 2006 "Border War, 1966-1989", pp. 188-189.

204 Steenkamp, p. 196; E. Jordaan, "The role of South African armour in South West Africa/Namibia and Angola: 1975-1989" in *Journal for Contemporary History* 31(3), December 2006, "Border War, 1966-1989", p. 161.

205 Stiff, *Covert war*, p. 53.

206 *Die Transvaler*, 17.1.1984, p. 6.

207 Colonel Dreyer served for many years as the Commander of the Police Force's Security Branch in Natal. Stiff, *Covert war*, p. 53.

Chief of the SADF, General Magnus Malan and the founding commanding general of the Reconnaissance Commandos Major General Fritz Loots. It was realized that something had to be done about the situation in Ovamboland where SWAPO had started to make deep inroads. They discussed a suggestion that the Recces and the Security Branch should get together and form a unit similar to the Selous Scouts of Rhodesia. Their primary task would be to operate as pseudoterrorists in a counter-insurgency role. The Security Branch would gather intelligence and the Recces would operate as the pseudoteams. Colonel Dreyer was nominated to command the Security Branch's Intelligence Unit. Dreyer was sent to Rhodesia for three months where he worked with Chief Superintendent Mac McCuinness of the British South Police. McGuinness was a highly experienced officer who had commanded the Special Branch team that supplied the know-how and intelligence to the Selous Scouts.[208]

During 1979 the Special Unit under the command of Brigadier Hans Dreyer became known as 'Koevoet' and started operating under that name.[209] The Koevoet unit was introduced as a mobile counter-insurgency unit and it owed its establishment to the need to act swiftly on information obtained by the Security Branch. Normally one Security Police official and perhaps one black interpreter were posted at each counter-insurgency base. Their duties included the tracking and eradication of terrorists infiltrating across the borders into South West Africa, and the protection of tribal chiefs, who were continually subjected to intimidation by SWAPO.[210] According to Heitman this concept proved to be one of the most effective and successful the South African Police Force had yet employed in practice against infiltrating terrorists and acts of terrorism.[211] Smaller Koevoet units were deployed in the Kaokoveld and the Kavango area of South West Africa and although they were controlled from Oshakati, they operated on an entirely autonomous and mobile basis in their allocated areas. Initially Koevoet operated only in Ovamboland in the northern areas of South West Africa and in the Kavango.[212] Later on Koevoet had several bases in the operational area namely at Opuwa, Oshakathi

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208 *Ibid*.
209 *Die Transvaler*, 17.1.1984, p. 6; Heitman, *South African war machine*, p. 110.
210 Dippenaar, p. 695.
211 Heitman, *South African war machine*, p. 139.
212 *Die Transvaler*, 17.1.1984, p. 6; Heitman, *South African war machine*, p. 110.

and Rundu.[213] The need for a counter-insurgency unit to address the specific threat when obtaining information regarding the movement of terrorists, became much more apparent.

Consequently, the training methods applicable to other black members of the Police Force had to be considerably adapted to the Unit's specific needs. The men serving in Koevoet, who had formerly mainly been SWAPO terrorists and even FAPLA troops, had generally undergone some form of prior military training. Applicants were subjected to strict selection, after which the successful ones received intensive training for six weeks, followed by periodic refresher courses.[214] The SAAF assisted Koevoet in their operations by utilizing the Bosbok for reconnaissance purposes, the Cessna 185, the Alouette III gunship and the Puma for trooping of the Koevoet members.[215]

When the 'Hippo' had seen many years of service, the two researchers of the CSIR, doctors Vernon Joynt and Jean-Pierre de Villiers, were approached in 1979 to design a modern mine-resistant vehicle for the Police Force. The goal was to produce a multipurpose vehicle to meet the specific requirements of the Police Force and within a year the first 'Casspir'[216] rolled off the production line. The Police Force placed a first order for 140 Casspirs in March 1980. The Casspir was suitable to be used by Koevoet in a cross-country role. The new vehicle surpassed all other types of mine-resistant vehicles and was regarded as indispensable for operational service.[217] The Koevoet groups comprised generally of four Casspirs, each carrying a selection of ten men, a Blesbok mine protected supply truck and a Duiker mine-protected fuel browser. The Casspirs were fitted with machine guns.[218] General Heinze mentioned that according to him Koevoet was there for counter-insurgency and they were lightly armed with Casspirs. They were extremely mobile, had a different mind-set and were a reaction

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213 Heitman, *South African war machine*, p. 111.

214 J. Hooper, *Koevoet, the inside story by American journalist*, p. 108.

215 Jane Buys Collection: Telephonic conversation with Lieutenant Colonel W.A.A. van Wyk, 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

216 Casspir is an anagram of the letters SAP and CSIR. Stiff, *Covert war*, p. 80, Dippenaar, p. 590.

217 In 1988 alone there were 29 instances of Koevoet Casspirs detonating landmines, the worst of which caused six slight injuries. Stiff, *Covert war*, pp. 81-82; *Diverse Publications*, "TFM, design strategies for the present and the future", 28.2.1995.

218 Heitman, *South African war machine*, p. 111; H. Heitman, "Equipment of the Border War" in *Journal for Contemporary History* 31(3), December 2006, "Border War, 1966-1989", p. 92.

force that could be mobilized very quickly and effectively.[219] Hooper stated that the unique moulding of experience, dedication, aggressiveness and cross-cultural partnership between white Africans and black Africans had made Koevoet a legend in the annals of counterinsurgency warfare.[220] Koevoet operated by means of unconventional methods and the members were very dedicated and therefore very effective.

An article in *Die Transvaler* reported that terrorist organizations concentrated mainly on four types of operations namely laying land mines; intimidation; ambushes and nocturnal attacks on security bases. Allegations were made that the South African Police Force had established Koevoet for the specific purpose of intimidating, torturing and even eradicating the local population.[221] That the majority of the local population supported Koevoet was clearly testified by the Unit's remarkably successful anti-terrorist actions that were also praised by Colonel Jan Breytenbach, commander of 32 Batalion.[222] Early in 1984 the Minister of Law and Order reported in Parliament that Koevoet had accounted that it had killed 1 626 insurgents in 721 contact situations since its inception in 1979; police casualties in those contact situations however remained low.[223] Allegations was made by the enemy (SWAPO) of Koevoet's brutality under the local population. This was done to bring Koevoet in discredit in the area in which they operated.

An article in *The Advertiser* reported that Lieutenant General Victor Verster of the South African Police Force said that three senior South African police officers had investigated allegations of torture against the local Ovambo population by Koevoet in the operational area and found that the allegations had been unsubstantiated and untrue.[224] However, Max du Preez of *Die Vrye Weekblad*, reported that a British ITV film regarding Koevoet's torture and ill treatment of the local population had been

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219 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.
220 Hooper, p. 108.
221 *Die Transvaler*, 17.1.1984, p. 6.
222 *Die Volksblad*, 13.10.1983, p. 19; J. Breytenbach, *The Buffalo soldiers, the story of South Africa's 32 batallion, 1975-1993*, p. 211.
223 Heitman, *South African war machine*, p. 111.
224 *Advertiser*, 17.1.1984, p. 5.

broadcast in Britain in October 1983.[225] Allegations of Koevoet torturing and killing the local population increased. Articles in 1983 in some newspapers like *Die Suidwester*, *Advertizer* and *Die Republikein* mentioned that members of Koevoet had been involved in serious and violent offences such as murder, rape and culpable homicide. These incidents occurred mainly when members visited kraals and some were also under the influence of alcohol.[226]

The operations of this unit were mostly secretive and atrocities committed were not always revealed. Hooper, an American journalist who worked with Koevoet in the war, stated the following about Koevoet atrocities: "The general belief among many people in South African and South West Africa was that Koevoet was manned exclusively by social misfits and psychopaths whose brutality toward the civilian population was reminiscent of SS death squads. I have not seen any evidence of physical intimidation. Koevoet's entire raison d'etre was killing terrorists, and their record on this was unmatched in the operational area. They reveled in their reputation as swift and efficient killers of terrorists."[227] That there remained contradicting statements about the operations of Koevoet is true. However, that some members of Koevoet was involved in atrocities is also true. The extent of how many atrocities Koevoet committed was not known.

On 1 May 1985 Koevoet and the Security Branch were taken over by the South West African authorities and were placed under the command of the Commissioner of the SWAP, Lieutenant General Dolf Gouws. Louis le Grange, Minister of Law and Order, General Johan Coetzee, Commissioner of the Police Force, Lieutenant General S.H. Schutte, Chief of the Security Branch as well as three members of Parliament visited South West Africa on 1 May 1985. It was decided then that the members of the Security Branch and Koevoet would be transferred to the SWAP if they wished and the remaining Police Force members would return to South Africa. Mr le Grange mentioned that Koevoet would be disbanded, but the unit's Namibian component would

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225 *Die Volksblad*, 13.10.1983, p. 19.

226 *Die Suidwester*, 30.9.1983, p. 1; *Die Republikein*, 3.11.1983, p. 3, *Die Republikein*, 6.12.1983, *Advertiser*, 3.10.1983, p. 1; J. Sanders, *Apartheid's friends: The rise and fall of South Africa's Secret Service*, p. 204.

227 Hooper, p. 92.

continue similar operations against SWAPO insurgents.[228] The South African Police Force members returned to the RSA on 14 June 1985, while some Police Force members were seconded to the SWAP to serve in the new unit.[229] Due to the fact that Koevoet had initially been created by Police Force members from South Africa and that they operated in that area, the Police Force members were given the choice to decide whether they would stay or return to South Africa.

In August 1988 South African forces withdrew from Angola and the end came for Koevoet who had played a vital role in protecting the borders against insurgency. The implementation of Resolution 435 began on 1 April 1989 with the United Nations Transition Assistance Group (UNTAG) assuming the responsibilities of the South African troops there.[230] On 21 July 1989 United Nations General Secretary Perez de Cuellar called for the expulsion of Koevoet that had been integrated into the SWAP. On 22 July 1989 the Secretary General also claimed that he had asked South Africa to consider dismissing more than 2 000 members of the South West African Police who had served in Koevoet. Pressure from UNTAG at the beginning of October 1989 ensured that all former members of Koevoet and the South West African counter-insurgency unit were official demobilized; it meant that 1 207 members at Oshakati, 290 at Rundu and 132 at Opuwo were disbanded.[231]

An article in *The Star* in January 1990 reported that General van der Merwe, Commissioner of the South African Police Force, mentioned that the Police Force and the South African government had a moral obligation towards former Koevoet members who had served the Police Force faithfully and that they would not allow a situation where their lives would be in danger. Promises had been made to the black members of Koevoet that they would be relocated to South Africa.[232] A further article in *Rapport* reported that the first group of old Koevoet members entered South Africa in February 1990 via Upington to be relocated at the farm Moordkop outside Rustenburg. Many of the former Koevoet members were taken up in the Police Force to assist with the tracing

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228 *Advertiser*, 2.5.1985, p. 1.
229 *The Citizen*, 22.8.1985, p. 1.
230 Benjamin and Sidiropoulus, pp. 114-115.
231 Stiff, *Covert war*, pp. 473, 478; *The Citizen*, 4.10.1989, p. 10; *The Citizen*, 2.11.1989, p. 12.
232 *The Star*, 4.1.1990, p. 6.

of stolen stock, munitions depots and dagga operations. It was indicated that 510 old members of Koevoet returned to the South African Police Force.[233] Articles in *Beeld* and *The Sunday Star* reported that from 1990 to 1992 many allegations in the media were made, especially from the side of the ANC, that Koevoet was active within South Africa.[234] The majority of Koevoet members that originated from South Africa returned home and was incorporated into certain components within the Police Force.

In September 1992 F.W. de Klerk issued a press release wherein he indicated that Koevoet had been officially disbanded and that members would be relocated within the Police Force.[235] However, in July 1993 a report by the President of the Transvaal Agricultural Union (TLU), Dries Bruwer in *Beeld* mentioned that ex-members of Koevoet and 32 Battalion were deployed on specific farms in the Transvaal region, with the co-operation of the SADF and Police Force. The skills of the ex-Koevoet members in tracking were successfully employed to curb stock theft and other crimes in the rural areas.[236] Allegations in the media about the involvement of ex-Koevoet in so-called Third Force activities, were increasingly made. The liberation organizations and specifically the ANC, called for the disbandment of Koevoet.

4. <u>The role of the media in the portrayal of the South African Police Force during the 1960s to 1980s</u>

The role of the Police Force as the protector of the internal security of the country and its inhabitants and the institution responsible for the maintenance of law and order and the investigation of crime, was always portrayed in the media and newspapers. Mostly the issues, stories and image portrayed of this institution were not positive and in the majority of instances rather negative. This in itself added very much to the overall perception that the public had of the Police Force. It is a fact that taking into account the magnitude of tasks and the number of police officials who were on a daily basis busy with the execution of their core functions, some of the police officials did not act according to the specific acts and standing orders binding them to be exemplary.

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233 *Rapport*, 6.10.1991, p. 11.
234 *Beeld*, 3.8.1992; p. 2; *The Sunday Star*, 6.5.1990, p. 9.
235 *Beeld*, 3.8.1992, p. 2.
236 *Beeld*, 6.7.1993, p. 4.

However, the restrictions that were placed on the freedom of the press, from the 1950s up to the end of the 1980s, already placed the South African Police Force in a very bad light concerning the press and media.

Reiner mentioned that mass media images of the police are of central importance in understanding the political significance and role of policing. It can be said that the mass media are the main source of creating perceptions and preferences about policing.[237] Sir Robert Mark, who encouraged a policy of unprecedented openness between the Metropolitan Police and the news media in Britain, described the relations between the police and journalists as "an enduring, if not ecstatically, happy marriage". Conflict frequently arose between police and journalists over specific issues, and many police officers have a genuine sense of the media as biased against them. The media, even while reproducing perspectives fundamentally legitimating the police role, nonetheless criticize and question many particular police actions and individual officers.[238] A study by Graber in 1980 found that between 22% to 28% of topics in newspapers were crime-related. British research similarly indicated that prominence was given to law and order news, especially by the more popular newspapers.[239] The liaison and co-operation between the police and the media are not restricted to South Africa but is a universal phenomenon of controversial viewpoints.

The media in the United States of America generally supported the police role and even the extension of police powers. Chibnall's study in 1979 of Fleet Street crime reporters found that they explicitly saw it as their responsibility to present the police in a favourable light.[240] The police see themselves as constantly denigrated and under attack in the news media. Criticism at the press are frequently made by police spokesmen, summed up by Sir Robert Mark's complaint: "Without doubt the most abused, the most unfairly criticized and the most silent minority in this country"[241] were the police. Reiner stated that part of the discontent between police views and media presentations lies in headline revelations about police malpractice, which often are generalizations

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237 R. Reiner, *The politics of the police*, pp. 137–138.
238 Quoted in Reiner, p. 139.
239 Quoted in Reiner, pp. 137–138.
240 Reiner, p. 141.
241 R. Mark, *Policing a perplexed society*, p. 58.

and bear out the 'one bad apple' theory.[242] Johnson and Misner reported that the police were also often under tremendous pressure, administratively and from the media.[243] The media has a unique role to play in portraying the necessity for government and its Police Force. Media reports should however not generalize in reflecting the image as that of the whole Police Force.

In South Africa drastic powers to interfere with Press freedom were incorporated in the Criminal Laws Amendment Act and the Public Safety Act of 1953. During the 1960 State of Emergency the newspapers "*New Age*" and "*Torch*" were temporarily banned under the emergency regulations. The liberal newspaper "*Contact*" was later convicted of 'subversion' as laid down in the emergency regulations and penalized with a heavy fine.[244] Opposition to apartheid by means of the press was tantamount to treason. The Minister of the Interior introduced a new act during the 1961 session of Parliament, called the Undesirable Publications Bill. It was put on the statute book as the Publications and Entertainments Act of 1963.[245] The Publications Control Board had the power to declare any "publication or object" undesirable. In terms of section 5 of the Act, it became an offence to "distribute, display, exhibit, or sell, or offer or keep for sale" any publication or object which had been declared to be undesirable by the Board.[246] Since the Board was instituted in November 1963, more than 11 000 books were banned.[247]

The trust fund that gave life to Afrikaanse Pers, later Perskor, contained a clause prohibiting the Afrikaans newspapers from attacking National Party policy or National Party leaders.[248] Rotberg mentioned that, hampered by legal restrictions that had been tested and confirmed in the courts, the press found it more and more difficult to maintain the vigour of its traditional role as critic and commentator. The Internal Security Act of 1976 authorized the Minister of Justice to ban or punish newspapers that

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242 Reiner, p. 143.
243 T.A Johnson *et al., The Police and society: an environment for collaboration and confrontation*, p. 27.
244 Bunting, p. 311.
245 *Ibid*., pp. 316-317.
246 *Ibid*., p. 317.
247 *Ibid*., p. 319.
248 *Ibid*., p. 225.

created hostility between the races and endangered the security of the state. The Police Amendment Act of 1979,[249] provided heavy penalties for anyone who published 'untruths' about the Police Force. Further Police Amendment Acts, Act no. 82 of 1980, Act no. 5 of 1985 and Act no. 23 of 1992, all prohibited the publication of certain statements and information as well as the making of sketches and the taking of photographs of certain persons and the publication thereof.[250] These laws forced newspapers to check their information with police spokespersons. In defending the Bill, the Minister of Justice said: "The work of the South African Police is too important to let any Tom, Dick or Harry write what he likes."[251]

The poor relationship between the Police and the press constituted, for almost 64 years, the single most important obstacle in the way of co-operation and reliable reportage. False, malicious and irresponsible reporting of which some journalists were at times guilty, gradually caused the Police to distrust the entire body of pressmen. Many a journalist in turn had to suffer disparaging and discourteous treatment from policemen even when making the most basic news inquiries. There was very little evidence of consultation and co-operation on the basis of mutual trust. Inaccurate, one-sided and biased press reportage on the Soweto Riots, particularly in English newspapers, made the Police Force realize that a more open approach towards journalists would have to be fostered; consequently the Commissioner of the South African Police Force, General G.L. Prinsloo, and Mr G.G.A. Uys, Chairman of the Press Union of South Africa, decided, after meeting on a few occasions, to come to an agreement. The agreement was concluded officially in writing on 21 August 1976.[252]

The South African Police Force realized that it was the duty of the press to inform the public of all newsworthy events fully, accurately and as quickly as possible. The press, in turn, realized that, in discharging its duty, the legal system should not be prejudiced and Police investigations hampered. This agreement between the Police Force and the press immediately served to establish a basis for trust and represented a positive step

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249 *The Star*, 31.5.1984, p. 10.
250 Price and Rotberg (ed.), p. 329; *Statutes of the Republic of South Africa*, 13.6.1979, No 6500; 25.6.1980, no. 7087; 25.1.-21.3.1985, Vol. 2, Col. 4464.
251 Rotberg, p. 27.
252 Dippenaar, pp. 529-530.

towards overcoming the breach in communication that had existed in the past.[253] Dr A. van Deventer mentioned that "There must be a stronger emphasis placed on publishing more positive stories. The negative is always in one's line of sight."[254] This means that everybody likes to read more negative than positive things and that is one of the reasons why more negative criticism is being published about the Police Force than positive stories. Negative stories usually sell a newspaper because it goes down as sensational.

In the beginning of the1980s public scrutiny and criticism of the activities of the security forces, particularly in relation to detainees, were severely hampered by various acts that restricted the publication of information. Publishing 'false' information about police conduct without supplying reasonable grounds, was a criminal offence pursuant to Section 27(b) of the Police Act. Section 4 of the Protection of Information Act prohibited the publication of any information prejudicial to state security under penalty of ten years' imprisonment or a fine of R10 000. [255] Director C.J. Swart stated that "The communication official or media official...was restricted by the Commissioner of the Police to release only certain stories to the media".[256] The South African Police Force was exposed to media investigations during 1982. The Directorate of Public Relations was upgraded to the Division of Public Relations in 1992. The purpose of the creation of this division was to promote and maintain the image of the Police Force and also to promote good co-operation with the mass media.[257]

During the states of emergency in the middle of the 1980s, additional regulations and orders were imposed to restrict media coverage of the unrest in

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253 *Ibid*., pp. 529, 530, 532.

254 Dr van Deventer joined the Police Force in 1991, worked in the Free State Province in the Communication Department and later became a Director at Head Office for Communication Policy in the Police Force. He resigned from the Police Service in 1997 and joined the University of the Free State as a lecturer in the Department of Communication. Jane Buys Collection: Transcribed interview with Dr A. van Deventer, Department of Communication, University of the Free State, Bloemfontein, 11.6.2003.

255 Lawyers Committee for Human Rights, p. 23.

256 Jane Buys Collection: Transcribed interview with Director C. Swart, Provincial Head: Management Services, SAPS, Free State Province, Bloemfontein, 12.5.2004.

257 Dippenaar, p. 632.

order to curb school boycotts and to restrict the holding of funerals. The broad powers granted to the security forces, coupled with their indemnity against legal proceedings and the sweeping restrictions introduced in November 1985 on the press reporting of their activities, granted them a license to act without sanction or restraint during the emergencies. This resulted in widespread allegations of security force abuses of detainees and township residents.[258] Some commentators noted that the media restrictions, having barred journalists from unrest areas and situations, actually forced many foreign reporters to do more in-depth analyses of the underlying causes of the unrest.[259] The media needed facts to publish, and publication without substantive information would only enhance the negative image of the Police Force. However, when Police Force members transgressed the laws, they needed to be identified, investigated and prosecuted.

Former National Commissioner, General J.V. van der Merwe, remarked when asked whether the media had critized the Police Force openly, that "Only on one terrain we clashed with the media, and that was on the political terrain, especially where we detained persons, or where we had to act according to the emergency regulations and where the media had certain restrictions. From a normal point of view concerning the prevention of crime, the media was satisfied with the sort of service that the Police Force rendered."[260]

Former Brigadier A. Oosthuizen mentioned that there was a distinction between different media, namely the general media and the alternative media. The general media was also divided into two groups namely the pro and anti-government media. The Security Branch was restrictedly criticized in the pro-government media. The anti-government media saw the Police Force and the Security Branch as an extension of the government and criticized it accordingly. The alternative media crucified the Police Force and especially the Security Branch on a continuous basis.[261] Senior

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258 Lawyers Committee for Human Rigths, p. 26.

259 Stemmet, p. 353.

260 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

261 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.

Superintendent Prinsloo stated that with the enunciations of the former Security Branch in the media a more negative image and perceptions were portrayed of this branch. The media were also very quick to criticize the Police Force but they did not make much of an effort to obtain information about the circumstances in which police officials had to operate.[262] Negative reporting on the work of the Police Force was on a continuous basis portrayed in the media. Were there only negative stories about how the Police Force operated in the period up to democratization, or did the media only try to obtain negative stories in order to sell their news?

Director P.D. de Kock is of the opinion that the Riot Control Units, later the ISUs, were very negatively portrayed in the media, due mostly to the states of emergency. He mentioned that those police officials had to enforce the law and they received very bad publicity in that regard.[263] Dirk Kok, news editor of *Die Volksblad* said that in the days of the Police Force they struggled to get information regarding crime due to the 'closeness' of liaison between the Police Force and the media. He further stated that concerning the Security Branch very little was known and reported in the media, except after the omissions at the TRC hearings. According to him there was no transparency concerning the workings of the Police Force.[264] According to Gert van der Westhuizen, sport editor of *Beeld,* the Police Force was very negatively portrayed in the media especially by the anti-government media.[265]

A good working relationship between the media and the Police Force did not exist before democratization. The most visible policing units were the Riot Control Units also called the Unrest and Crowd Control Units. The way in which they controlled and handled the crowds was on a continuous basis crucified in the media. The bad apple theory that one policeman's transgression makes all the others bad too, applied very much to the image of the Police Force. The nature of the ordinary average citizen is that

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262 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007.

263 Jane Buys Collection: Transcribed interview with Director D.P. de Kock, Provincial Head: Detective Service, SAPS, Free State Province, Bloemfontein, 5.4.2007.

264 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

265 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

he or she tends to remember the bad things and not the good things. The media plays a very important role in the building or defamation of character. They do not have to cover all the facts or all the truths, but just the hint of some information would make people accept that all of it is true. The restrictions that were placed on the media during the 1970s and 1980s actually resulted in poor liaison and co-operation and no bridge-building occurred between them and the Police Force. The secrecy under which the Police Force operated did not enhance this relationship, but clouded it further. Certain media journalists got the impression from this 'secrecy' that everything was not so kosher and started some sort of a witch-hunt against the Police Force. This resulted in much antagonism between the Police Force and the media. After the government had repealed the restrictive legislation on the media and the Police Force had established the Division Community Relations, the liaison between the two made progress.

5. Overall perceptions by the public of the South African Police Force before democratization

The maze of statutory offences created by the National Party government in the early fifties was to compromise the already tarnished image of the South African Police Force even further. Grundy points out that the primordial links between the Police Force and Afrikaner politicians have always been much stronger than those between the SADF and the political élite. To an important extent the lack of political distance between the Police Force and the National Party was a function of the far more deliberate and successful cultivation of Afrikaner political culture within the Police Force. In broad terms, the thrust toward an Afrikaner nationalist Police Force was unmistakable. After 1948 nation, state and Police Force were to merge almost effortlessly into one.[266]

An article in the *Sunday Times* in 1994 reflected what the general black population felt about the Police Force: "Policemen were the outcasts of society. They were seen as enemies of the people and could not even relax with their friends at their local shebeen."[267] In this regard Tokyo Sexwale, ANC chairperson of the Pretoria-

266 Bunting, p. 278.
267 *The Sunday Times*, 27.11.1994, p. 44.

Witwatersrand-Vereeniging (PWV) area, mentioned that "township residents experienced their 'protectors' in their uniforms and vehicles on the streets as the bringers of destruction and death".[268] Media reports, academic articles and authors from the opposition, published absolute negative comments on the Police Force especially during the 1980s. In this regard the comment from Bennett and Devine reflects this criticism: "As the primary enforcer of discriminatory measures the South African Police Force became the most immediate symbol of oppressive rule, especially seen by the Black population in South Africa."[269] The Police Force was seen by the black population merely as the mediator of social control over them.

Commissioner C.P. de Kock mentioned that there was a considerable part of the community that did not accept the Police Force as an impartial umpire and provider of security services. One of the reasons was that the Police Force was seen as the coercive arm of the apartheid state and as the enforcer of apartheid legislation.[270] The Lawyers Committee on Human Rights mentioned that a generation of children was growing up in South Africa knowing nothing but the daily violence of the white minority regime. They witnessed the deaths of relatives and school friends. Many came under brutal attack or were arrested and detained. Their education was seriously disrupted and their lives turned upside down. These children felt nothing but hatred, bitterness and fear towards the security forces.[271]

Former National Commissioner, General van der Merwe, is of the following opinion: "Before 1990 the whites were in a more privileged position. I cannot express myself concerning the black, Indian and coloured communities. There was less criticism in Parliament especially when the budget of the Police Force was discussed. From a white point of view there was strong confidence in the Police Force. It is so that before 1990 the serious and violent crimes were not nearly as much as after 1990. The normal black person was not involved in the political changes. The Police Force tried their best, as far as is possible, to protect them. What is true is that the black population generally

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268 *Pretoria News*, 2.8.1993, p 3.
269 Bennett and Devine, p. 277.
270 Rhoodie *et al*, p. 352.
271 Lawyers Committee for Human Rights, p. 5.

speaking, supported the ANC. Concerning crime, I think that the black communities were satisfied with the Police Force. However, when it concerns political activities, there was enormous resistance from the black population against the Police Force."[272] The perception existed that crime during the apartheid era did not get the necessary attention especially in the townships. General van der Merwe, as mentioned in the previous quote, stated that it was not the case and that the black population was overall satisfied with the way in which their crimes were investigated and handled by the Police Force.[273]

Brodgen mentioned that the black population viewed the Police Force as a source of insecurity in South Africa. Instead of promoting peace, the Police Force was a source of violence both directly and indirectly.[274] Brewer expressed his opinion that blacks traditionally experienced the South African Police Force as an authoritarian force par excellence, one that did not hesitate to use iron-fist methods to maintain strict control over the majority of the population. Deep resentment, fear and avoidance of the Police Force coloured relations.[275] However, in March 1990 the Human Science Research Council (HSRC) conducted a telephone survey of all population groups, including a sample of township residents, regarding the role of the Police Force. The results indicated that 59% of them regarded the Police Force as their friend, and 21% viewed the Police Force as their enemy.[276] Advocate A. du Toit stated that there was misuse of force in the Police Force and not everything went right. The police officials who worked in that Police Force were however excellent and outstanding and "some of them you could absolutely trust with your life".[277]

The overall perception that persisted among the black population in South Africa was that the Police Force forced upon them a system of apartheid, legislation and regulations

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272 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2003.
273 *Ibid*.
274 M. Brodgen and C. Shearing, *Policing for a new South Africa*, p. 23.
275 J.D. Brewer, *Restructuring South Africa*, pp. 72-73.
276 A.J. Jeffery, *Riot policing in perspective*, p. 67.
277 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

that restricted their movements and deprived them of basic human rights. It is logical that when speaking about children and especially primary school children, they do not know the distinction between politics such as the government and the state in contrast with the functioning of a state department such as the Police Force. They saw the Police Force as the government who was brutal in the enforcing of the apartheid system. For the black population who had no direct contact and liaison with the political spectrum in South Africa, the nearest that they came to feel that they did not have political rights was when they were arrested or charged by the Police Force for transgression of repressive legislation.

6. Evaluation

Although apartheid legislation affected mostly the African population in South Africa, coloured and Indian people to a lesser extent felt the effects of this legislation. Their actions, incited and agitated by liberation organizations such as the ANC/SACP/PAC, led them to protest against this legislation and to confrontation with the South African Police Force. The initial protest or unhappiness of the African population was against the apartheid legislation and the pass books they had to carry. This dissatisfaction developed, as the years moved on, into more political demands, such as more political presentation in government. Initially the unhappiness with government policy was shown in a moderate manner. An escalation of unhappiness, incited by the liberation organizations occurred and led to sabotage, terror attacks, bomb explosions, landmine attacks, labour strikes, school boycotts, people's courts and eventually insurgency by trained terrorists. These actions became more violent and more frequent.

In order to stop this, the Police Force, especially the Riot Control Units, were deployed to curb these actions and violence erupted. Heavy confrontations and clashes between the Riot Control Units, the later Unrest and Crowd Control Units, and agitators were the order of the day and these incidents were portrayed in the media. Jeffery mentioned that the South African Institute for Race Relations stated that from press reports analyzed, it became clear that out of approximately 9 500 illegal gatherings held in the RSA in 1990 and the first seven months of 1991, only some 50 resulted in death and/or injury by the

ISU.[278] In the majority of incidents the Police Force and especially the Riot Control Units were branded as using excessive force, and the term police brutality came to the fore. The violence and actions of the liberation organizations and movements inside and outside South Africa were seen by the opposition parties, groups and media as justifiable. The actions, operations and conduct of the Police Force, according to them, were totally unjustified and out of order. From the point of the Police Force, the actions of the Riot Control Units or UCCUs were justified. The Police Force had the function to maintain law and order and to protect the citizens of the country. When unrest and violence affected the lives of ordinary citizens by means of politically motivated actions by liberation organizations, the Police Force could not just stand and watch but had to perform their core functions. When looking at how many people died in unrest situations handled by these units, it could be stated that the actions of these units were not that brutal, and also justified given the circumstances at that stage in South Africa.

During the 1960s to the end of the 1970s the Police Force was also deployed to protect the international borders, firstly in Rhodesia and then in South West Africa. This act by the government distorted the primary role the Police Force had to play, namely to be utilized internally in the country and not to take over the role of the SADF in protecting the international borders. The Police Force was eventually replaced by the SADF during the middle of the 1970s and valuable knowledge and experience in combat situations were obtained by Police Force members regarding counter-insurgency operations. The close co-operation that existed between the Police Force and the SADF in protecting the international borders, the assistance of the Police Force later to the SADF in cross-border wars in Rhodesia and South West Africa, the internal co-operation in the states of emergency, unrest situations and crime prevention operations, clearly led to the confusion of what specific mandate, task, role and function these two state departments had respectively to fulfil. That the Police Force could operate across national borders and the SADF internally in the country, was actually in contrast to their original acts and mandate. However, the long tradition of assisting one another, the SADF assisting the Police Force to a larger extent because of their greater capabilities concerning manpower and equipment, could not be easily broken or destroyed.

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[278] Jeffery, pp. 56-57.

The Koevoet Police Counter-insurgency Unit became very notorious for the way they operated in South West Africa. Allegations and complaints of police brutality were the order of the day in the media. That some members of this unit were guilty of specific unconventional ways in which they operated to obtain information from insurgents or so-called terrorists, was a fact. When assessing this against the background of the threat of communism and terrorism and the mind-set of the members that they were fighting a war, then it is understandable, but not always justifiable that transgressions and atrocities took place. However, transgressions by Koevoet resulted in charging individual Koevoet members on specific counts of offences ranging from murder to rape. It showed that atrocities were not committed by the group of Koevoet members against the communities as such.

During the years when the armed struggle became very prominent, it also became clear that the South African Police Force was extensively trained in executing advanced actions and techniques in respect of terrorism, anti-insurgency, riot control, information gathering, interrogation, to name but a few. What was also very evident was the militaristic nature of the Police Force. The Police Force had very strict military discipline, a military rank structure, the members underwent military training and there were Standing Orders also called Force Orders that stipulated the conduct, behaviour and attitude of Police Force members. When comparing the SADF with the Police Force concerning the aforementioned aspects, no real difference existed between them. It should also be mentioned that the Police Force was since its inception a military force, whereby commanders at the training depots, later to be named colleges, were military officers, in fact soldiers that trained police officials. The strict military discipline was thus instilled into members of the Police Force.

During the bush war in the former Rhodesia and South West Africa, the Police Force also wore camouflage uniforms, the same that the SADF used. The Riot Control Units also wore camouflage uniforms that made them more militaristic in action than the ordinary members of the Police Force. Continuous co-operation with the SADF on the borders and during the states of emergency in the 1980s further enhanced the paramilitary character and conduct of the Police Force. The strict military discipline in

the Police Force such as the obeying of orders and the military culture of saluting and respect for officers, characterized this Force as a paramilitary force for decades to come. There was an 'esprit d'corps' in the South African Police Force, a factor binding all the police officials together as belonging to the same culture and one big family. The weapons that the Police Force used especially during the bush wars, were infantry weapons designed for and issued to the SADF, but also utilized by the Police Force. The militarization of South African society by means of the establishment of ARMSCOR and the SSC dramatically enhanced not only the SADF internally, but also played an enormous role in making the Police Force more military. The SSC executed strict command and control over every aspect of society in which they were very successful. This enhanced the perception of the Police Force management that this was the only way that effective command and control could be executed in the Police Force too. So, the SSC played a huge role in promoting the paramilitary character of the Police Force, in so far that the perception existed that the Police Force was more a military institution and an internal army than an agency that had to render a service to the communities. Professor D.P. Wessels is of the opinion that the Police agency could not distance or separate itself from having a militaristic element.[279]

The role that the media played is a controversial one. The media is supposed to be a watchdog and objective reportage of newsworthy incidents has to take place. The role and handling of the media by the security forces occurred throughout the world and was not unique to South Africa. However, restrictions that were imposed on the media during the apartheidsera and more so during the states of emergency, led to a situation where they could not be what they were supposed to be. This implied two things. The alternative media, such as opponents of the government and per se the Police Force, reported extensively on security issues by portraying the Police Force in a very bad light. That some atrocities and transgressions needed reporting was sure. The perception sometimes existed that they went a little bit too far. The more conservative media had either not known of certain things or refrained from reporting incriminating stories about the government and the Police Force. When looking at the era under

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279 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

discussion more negative images of the Police Force were portrayed in the media and hardly any stories of positive conduct of the Police Force took place. The coverage of the actions of the Riot Control Units, especially during the Soweto Riots, and later on during the states of emergency, all the boycotts, unrest, violence and school boycotts to a large extent portrayed the 'forceful manner' in which these units operated as not just and fair. The media created the perception, especially amongst the African population, that the actions of these units were not justified.

The political play ground drastically changed at the end of the 1980s and especially the beginning of the 1990s with the release of Nelson Mandela and the commencement of negotiations with liberation organizations such as the ANC in South Africa. South Africa was put on a political path to a democracy whereby all South Africans were to receive political and human rights entrenched in the constitution. The political power was transferred from the National Party government to the ANC in 1994. Transformation of the South African society, government and all the state departments took place and the South African Police Force was not left in the cold.

CHAPTER 3 - Negotiated Political changes in South Africa affecting the transformation of the South African Police Force: 1990 to 1998

1. Introduction

President J.F. Kennedy, President of the United States of America (USA) in the 1960s, once said: "Change is the law of life; those who look only to the past or present are certain to miss the future."[1] Wessels is of the opinion that resistance to change is a logical and natural phenomenon of human beings and any dramatic intervention such as the transformation process, has to be clinically assessed and declared by the initiators to the so-called 'mass human being', due to the fact that it is a process that abolish the right of existence of decades and huge adaptations in almost every facet of the socio-welfare of societies need to be made.[2] The political changes and transformation that took place in South Africa with the start of negotiations between the NP government and the major liberation organizations such as the African National Congress (ANC), is very much a description of what President Kennedy said. Also human beings, and in particular police officials, had to make huge adaptations to cope with the transformation process.

The state of the Police Force at the beginning of the 1990s, was a much-disputed debate in government circles and also in the Police Force. The release of Nelson Mandela by the NP government, the unbanning of the former liberation organizations such as the ANC and the Pan Africanist Congress (PAC) and the indication by F.W. de Klerk that negotiations between the former liberation organizations needed to take place for a democracy in South Africa to be realized, not only put the whole South African society in disarray, but also the Police Force. The ANC and other liberation organizations asked whether the Police Force could be trusted to ensure a smooth road to democracy. Would the Police Force, who was perceived as their enemy and opponent not jeopardize

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1 K.J. Peak and R.W. Glensor, *Community policing and problem solving, strategies and practices*, p. 405.

2 D.P. Wessels, "Die hervormingsinisiatief en transformasieproses in Suid-Afrika" in *Journal for Contemporary History* 17(1), June 1992, p. 187.

the whole negotiation process, by inciting more violence and political conflict in the country, so that democracy would remain just a faraway dream?

Another important reason why the emphasis during the negotiation process was placed on the Police Force, was to transform the Police Force into a more accountable, transparent, representative organization that protect all the communities in South Africa. The South African Police Force also needed to be non-political and to focus more specifically on their crime-combating role. The Police Force was part of the Public Service and the transformation of this organization had to be brought into line with the transformation and restructuring of the Public Service.

Various minutes and accords were negotiated between the NP government and especially the ANC that impacted on the role and tasks of the South African Police Force in ensuring the safety and security of all the negotiations, and eventually to ensure a free and fair election. The National Peace Accord was one of the documents that placed much emphasis on the conduct and behaviour of the Police Force.

The South African Police Force was at the heart of the reform process in South Africa. Indeed, few other state institutions came under as much pressure to reform and restructure. An article in South African Foundation stated: "(The) institution (SAP) bear the imprint of certain unacceptable past practices and policies, yet is required to operate under new rules and regulations. What was once required and indulged, is increasingly exposed, criticized and unprotected".[3] The South African Police Force was trapped in an irreversible process of transformation that necessitated internal changes. The need was stressed that the Police Force should within a few years reflect the population composition of the country.[4]

The transformation of the Police Force was meant to take place in three phases. Firstly, the rationalization of the existing structures and manpower within the Police Force into one new Police Service. The second phase constituted the amalgamation of the police

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[3] *South African Foundation*, 31.7.1992, p. 2.
[4] L. Vorster., *'n Literatuurstudie oor werktevredenheid in die Suid-Afrikaanse Polisiediens*, p. 3.

agencies of the former TBVC countries and self-governing states into one single Police institution. The last phase was the transformation of manpower, policies, procedures and prescriptions applicable to all police agencies. Transformation also meant restructuring quite a number of divisions in the Police Force as well as the creation of additional divisions and components to address the needs of a new Police Service in a democracy. Two committees that played an important role in the transformation of the Police Force were the Interim Advisory Team (IAT) as well as the Change Management Team of the South African Police Force.

At the beginning of the 1990s the Police Force already started with its own in house restructuring in an attempt to transform the Police Force to a more acceptable institution for all citizens. The emphasis was to move closer to communities and get them more involved in the issues of crime and prevention of crime. The transformation of the Police Service will therefore be shortly discussed as it occurred at the beginning of the 1990s until the end of the 1990s with specific reference to overall transformation and restructuring of this huge organization.

President Nelson Mandela, in his inaugural address as elected President of South Africa in 1994, paid special tribute to the good work done by the Police Force in helping to ensure the success of the general election. This message continued to be reinforced by Mandela and Sydney Mufamadi, the first Minister of Safety and Security, for a year after the election, continually reminding the Police Force of how valued they were by the new government.[5] Democracy in South African could only be achieved with the assistance and support of the Police Force, and all the parties in the transitional period and negotiation process realized that.

2. The repealing of Apartheid legislation by the NP government, 1980s to 1990s

The repealing of apartheid laws had already begun under the government of P.W. Botha during the early 1980s. During political reform under the Botha government, it became clear that some of the apartheid legislation was infringing on people's basic human rights, particularly the right of association and movement, and that the infringement was

[5] J. Rauch., *Police reform in South Africa, a synthesis of papers*, p. 1.

of a more social nature. The Botha government then started with the dismantling of specific laws.

Statutory wage discrimination was abolished in the Labour Relations Amendment Act of 1984. All sporting associations in South Africa were free to engage in multiracial sport. All race groups in the amended Black Communities Development Act of 1983 could use sports grounds and stadiums. The Separate Amenities Act was abolished and places of entertainment such as almost all South African theatres were fully integrated. Public transport and associated facilities such as waiting rooms, restaurants, hotels and toilets, were opened to all races.[6] A majority of local authorities opened libraries, museums, parks, swimming pools and beaches to all races. The most important act amended was the Prohibition of Mixed Marriages Act that was repealed by Act no. 72 of 1985. The Immorality Act of 1957 which prohibited interracial sex was replaced by Act no. 72 of 1985. Previously blacks were legally regarded as temporary residents in urban areas. Government policy had for some years recognized the black communities as permanent and legislated in favour of black urban freehold rights in the black communities as indicated in the Development Amendment Bill of 1986. Blacks-only passes were abolished and all population groups were issued with a common South African identity document as from 1 July 1986 with no reference to race or ethnic group in the Identification Bill of 1986.[7]

At the end of the 1980s the majority of social restrictions and laws impacting on movement and association of the black population had been repealed. It can be said that these reforms were introduced too late and that the political aspirations of the black population were not addressed at all. However, the social control that the Police Force had to execute over the black population was repealed. More time could be spent on their crime-combating role.

Freedom of movement for blacks wishing to enter urban areas was granted and blacks were able to move to other towns to follow employment opportunities in two acts,

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6 C. Alden, *Apartheid's last stand, the rise and fall of the South African security state*, pp. 245, 248.

7 E. Rhoodie, *P.W. Botha, the last betrayal*, pp. 165-168; H. Giliomee and L. Schlemmer (eds), *The bold experiment, South Africa's new democracy*, p. 83.

namely the White Paper on Urbanization Act of 1986 and the Abolition of Influx Control Act of 1986.[8] South African citizenship was restored, upon request, to citizens of the independent states of Transkei, Bophuthatswana, Venda and Ciskei according to the Restoration of South African Citizenship Bill of 1986.[9] Equal educational opportunities for all and the opening of tertiary educational institutions to all races were introduced on the basis of equal opportunities and equal standards. All previous white universities were opened to all races as amended in the Universities Amendment Act no. 83 of 1983 and the Advanced Technical Education Amendment Act no. 84 of 1983. Party political activities would henceforth be organized along multiracial lines according the Constitutional Affairs Amendment Act no. 104 of 1985.[10] The social reforms introduced by the NP government had a reverse impact on the stability in the country. In spite of curbing the unrest and political violence, the violence and unrest escalated and placed a tremendous burden on the Police Force and especially the Unrest and Crowd Control Units (UCCUs), later the Internal Stability Unit (ISU), to curb it.

When F.W. de Klerk took over in 1989 and started with negotiations with the liberation organizations such as the ANC and the PAC, the remaining apartheid legislation was abolished. After De Klerk's speech in February 1990 the government proceeded to cancel and remove all discriminatory legislation from the statute book. The most prominent was the repealing of the Group Areas Act in 1990.[11] The first effects of this step become visible in local government. The town council of Kimberley became the first multi racial town council in South Africa. The Act on the Population Register was removed from the statute book in February 1991.[12] The ban during the 1970s and 1980s on political articles and books with a communistic touch such as that of Nelson Mandela, Karl Marx, Mao Zedong en Leon Trotsky, was withdrawn in 1990. The regulations that restricted the media and regulations that prevented the media to carry

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8 D. O'Meara, *Forty lost years, the apartheid state and the politics of the National Party, 1948-1994*, p. 376.

9 R. Schrire (ed.), *Critical choices for South Africa, an agenda for the 1990s*, p. 380.

10 Rhoodie, pp. 165-168.

11 R. Lee and L. Schlemmer, *Transition to democracy, policy perspectives 1991*, p. 141; J. Dugard *et al*., *The last years of apartheid: civil liberties in South Africa*, p. 172; J.K. Kane-Berman (ed.), *Beating apartheid and building the future*, p. 13.

12 D. Breytenbach, "'n Historiese perspektief op F.W. de Klerk se toespraak van 2 Februarie 1990" in *Jounal for Contemporary History*, 20(1) June 2001, p. 110.

out its watchdog function were cancelled.[13] As a result of pressure, many lesser apartheid laws such as those banning interracial marriage and segregating facilities were repealed or fell into disuse by 1990. In 1991 F.W. de Klerk repealed the remaining apartheid laws and called for the drafting of a new constitution.[14] The system of racial segregation peculiar to the Republic of South Africa was thus largely repealed in 1991 and 1992.[15] More than a hundred discriminatory laws and regulations including the Separate Amenities Act, were abolished during 1990 and 1991.[16] These initiatives of F.W. de Klerk resulted in South Africa being re-admitted into the international community after years of isolation and seclusion. Boycotts and sanctions against the country were lifted by the international community.

In 1991 the Minister of Justice, Kobie Coetzee, mentioned that it was necessary for interrogative detention to remain because "terrorism and subversion" were still threats. He also announced that the Intimidation Act would be amended to take into account more subtle forms of intimidation and would make provision for better sentences. The 'initial period' of detention was to be shortened to 14 days. After that, when police detained a suspect they would have to go to the Supreme Court for a decision on how much longer detention was justified. He also announced that the banning of people, preventative detention and the consolidated list of names would be scrapped.[17]

The repealing of apartheid legislation took a huge burden away from the Police Force. The Police Force was no more responsible for the social control of the African population and could therefore give more attention to their other functions such as to ensure the maintenance of law in order in the transitional period. With the depoliticization of South African society by the unbaning of former liberation organizations the focus of the Police Force shifted to their crime-fighting role. The repealing of only part of the Internal Security Act indicated that terrorism and subversion were still considered by the government as a threat to the stability of the

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13 *Ibid*., pp. 110-111.
14 Giliomee and Schlemmer, (eds), p. 83.
15 "What was apartheid and its consequences" in "*Soweto and South African history*", <http://www.soweto.co.za>, s.a.
16 S.C. Saxena, *South Africa: walking the last mile*, pp. 9, 11-14.
17 *Business Day*, 7.5.1991, p. 1.

country. Terrorism was not only a problem within South Africa, but a worldwide phenomenon as discussed in Chapter 1. The possibility that South Africa would also be targeted by terrorist groups, was always there. During the transitional period of negotiations for a democracy, subversion could also not be condoned. Some groups or parties might have felt that their existence was threatened and they might have resorted to subversive actions against the government. That is why these functions remained the mandate of the Police Force and in particular that of the Security Branch.

3. The start of negotiations for a democratic South Africa

Even before Nelson Mandela was released from prison and the NP government uplifted the ban on the liberation organizations in order to start negotiating for a democratic South Africa, the Dakar negotiations had taken place between a group of politicians, academics and business men and the ANC mission in exile. Fifty two prominent South Africans, under which South African businessmen, writers and academics, under the leadership of Dr van Zyl Slabbert and Dr Alex Boraine, met a propaganda team of the ANC in Dakar, Senegal on 8 July 1987.[18] The academics consisted mostly of known liberalists and the politicians were former members of the Progressive Federal Party (PFP). The aim of the meeting was to involve as many possible persons who opposed the South African government, as well as representatives of the business community. Oliver Tambo and the top leadership of the ANC were not present during the negotiations.[19]

After the negotiations, Professor André du Toit of the University of Cape Town, voiced his opinion regarding the ANC: "…the ANC is committed to violence, it commits acts of terrorism that kill…innocent people, it refuses to condemn necklacings carried out by 'comrades', it refuses to abandon violence in order to negotiate the future, and it insists on a handover of power to the masses".[20] Dr Boraine, a former member of the PFP in

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18 F. van Zyl Slabbert, *Duskant die geskiedenis, 'n persoonlike terugblik op die politieke oorgang in Suid-Afrika*, p. 58; Alden, p. 267.

19 J.A. Coetzer, "Die Dakar-byeenkoms" in *Journal for Contemporary History* 12(3), December 1987, pp. 104-106.

20 *Ibid*., p. 108.

the House of Assembly, in a later statement declared the ANC to be a "guerilla organization".[21]

The significance of the Dakar negotiations was that it showed that the ANC as the main liberation organization in South Africa, and politicians, however not associated with the government, could come together and discuss some issues around a table. However, the ANC continued with its campaign of political violence and terror that brought them into direct confrontation with the Police Force.

3.1 The release of Nelson Mandela

Nelson Mandela served 27 years at Robben Island prison for the commitment of high treason with the aim of furthering communism by means of terrorism. He became a martyr for liberation, not only in South Africa, but all over the world. Since the late 1980s, foreign governments, international organizations, the ANC and other political opponents of the South African government requested the release of Mandela, before the ANC would commit itself to negotiations. In secret negotiations before the release of Nelson Mandela, the ANC and the NP government had agreed to refrain from violence and work for a peaceful transition and a new constitution. The process of rapprochement was slow in the beginning, particularly because the differences and power struggles between the Xhosa-dominated ANC and the Zulu-led Inkatha Freedom Party (IFP), resulted in violence in the townships.[22]

F.W. de Klerk delivered his historic speech on 2 February 1990 wherein he mentioned that he would release Nelson Mandela from prison. Mandela was released on 11 February 1990.[23] According to Breytenbach specific reasons existed that made it possible for F.W. de Klerk to deliver this speech. He mentioned that the role of external factors, of which international sanctions against South Africa, the reaching of a settlement in Namibia and the collapse of Communism in Eastern Europe, that was

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21 *Ibid*., p. 112.

22 "*The new democratic South Africa*" <http//south-africa-on-line-travel-guide.com.za>.s.a.

23 A.H. Marais, "Negotiations for a democratic South Africa: 1985-1992" in *Journal for Contemporary History* 19(2), September 1994, p. 4; N. Mandela, *Long walk to freedom, the autobiography of Nelson Mandela*, pp. 551-555; A. Guelke, *South Africa in transition, the misunderstood miracle*, p. 23.

preceded by an unsuccessful coup d'état in the Soviet-Union, were the most prominent.[24] According to Pretorius the collapse of Communism in Eastern Europe introduced a phase which he named 'relaxed politics' in South Africa. Further, the collapse of Communism in Eastern Europe would probably result in a weakened power base for the ANC/SACP alliance in South Africa.[25] The NP government perceived that the so-called foreign communist threat through liberation organizations in South Africa against the government of the day, was not that significant any more.

Breytenbach indicated that the most prominent aspects of F.W. de Klerk's speech, were the upliftment of the ban on the ANC, the PAC, the Communist Party of South African (SACP) and a number of subordinate organizations; the release of Nelson Mandela and those who were in jail because they were members of any banned organization, the cancellation of the media and education emergency regulations, the upliftment of restrictions on 33 organizations in accordance with the emergency regulations,[26] and also a six month's limit on detention without charge under the emergency regulations.[27]

The release of Nelson Mandela created the impetus for the transition to a democratic South Africa. This event created enormous media coverage not only in South Africa, but also throughout the world. The NP government showed with this step that they were serious to start negotiations with liberation organizations that might lead to political concessions be made from either side. The question was whether the South African Police Force could be relied on in ensuring stability and order in the country during this uncertain era of negotiations with previous liberation organizations.

3.2 The Groote Schuur and Pretoria Minutes and the DF Malan Accord

Nelson Mandela was elected Deputy President of the ANC early in March 1990 on a visit to Lusaka. A meeting between the ANC delegation under the leadership of Mandela and the NP government took place from 2 to 4 May 1990 in the historic Groote

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24 Breytenbach, p. 108.
25 Quoted in P.B. Rich (ed.), *The dynamics of change in Southern Africa*, p. 116.
26 *Ibid*., p. 109.
27 M. Hough and A. du Plessis, "Selected documents and commentaries on negotiations and constitutional development in the RSA: 1989-1994" in *Institute for Strategic Studies*, ad hoc publication no. 31, July 1994, p. 5.

Schuur, for many years the mansion of South Africa's head of state. The two parties committed themselves to peaceful negotiations and agreed to work on specific issues.[28]

A working group was established that made recommendations on the release of political prisoners.[29] Secondly, provisional indemnity was given to ANC members who returned from exile. Thirdly, the government amended security legislation so as to normalize political activities within South Africa. Fourthly, the state of emergency was lifted[30] and avenues of communication between the NP government and the ANC were created to combat violence. These agreements were listed in a document known as the Groote Schuur minute.[31] According to Hough and Du Plessis the aim of this meeting was the eradication of stumbling blocks that stood in the way of peaceful negotiations for the writing of a new constitution in South Africa.[32] Naidoo mentioned that the reason why the South African government considered negotiations with the ANC was pressure from the USA, Western Europe and Japan as well as from multinational corporations and foreign bankers. He further mentioned that the reasons why the ANC accepted to negotiate were recognition of its own inability to win a military victory in armed confrontation, as well as the weaknesses of the South African government to crush internal opposition also due to Western pressures, and lastly its recognition of its own moral strength as leader of the black community.[33] The significance of the Groote Schuur Minute for the Police Force lay in the amendment of security legislation with regard to the functioning of the Security Branch, and the more prominent role the Police Force had to play in the combating of escalating violence in the country.

The NP government and the ANC combined efforts and set up a quick reaction network that consisted of 96 police officers and 29 ANC 'contact men' to deal with community

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28 G. Naidoo, *Reform and revolution, South Africa in the nineties*, p. 25.

29 S. Friedman and D. Atkinson (eds), *South African review 7, the small miracle, South Africa's negotiated settlement*, p. 9.

30 The state of emergency was lifted with the exception of Natal. Hough and Du Plessis, p. 7.

31 Marais, pp. 4-5.

32 T. Coetzee and D.P. Wessels, "Van stelselonstabiliteit na stelselstabiliteit – 'n transformasie-perspektief" in *Journal for Contemporary History* 29(1), June 2004, p. 71.

33 Naidoo, pp. 25-26; S. Friedman, *Options for the future, government reform strategy and prospects for structural change*, pp. 46-47.

and political emergencies, according to police spokesperson of the network, Colonel Steve van Rooyen. He said the Police also had similar contact with Inkatha. The ANC liaison network arose out of the Groote Schuur Minute and was used to prevent friction before it could happen in the crime and political spheres. It put the Police Force in touch with people on the ground.[34] In June 1990 the government released 48 political prisoners and a further 15 in August 1990, in what it described as a 'gesture of sincerity'. In June 1990 the state of emergency that had been in operation in all the provinces for five years, was also lifted.[35]

On 6 August 1990 a second round of talks between the NP government and the ANC took place in the Presidency in Pretoria. This resulted in the Pretoria Minute.[36] The document provided for the expediting of the release of political prisoners. The agreement further focussed on the phased release of political prisoners, an agreement on the return of political exiles, an undertaking by the government to consider the lifting of the state of emergency in Natal and the repealing of certain provisions of the Internal Security Act, 1982.[37] The ANC announced that "it was now suspending all armed action with immediate effect" in the interest of moving as speedily as possible towards a negotiated peaceful political settlement.[38] The ANC's interpretation was that 'suspension' did not mean complete abandoning of the armed struggle. According to Hough and Du Plessis these negotiations could be seen as the real beginning of negotiations in South Africa, "since it paved the way for and raised expectations of full-scale negotiation on a new power-sharing constitution".[39]

To clear up the difference of opinion, a working group reached an agreement that was signed on 12 February 1991 as the D.F. Malan Accord.[40] According to the Accord it

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34 *Die Patriot*, 17.4.1990, p. 9.
35 Marais, p. 5; Saxena, p. 14; 19-23.
36 S. Friedman (ed.), *The long journey, South Africa's quest for a negotiated settlement*, p. 4; P. Waldmeir, *Anatomy of a miracle, the end of apartheid and the birth of the new South Africa*, pp. 165-166.
37 Hough and Du Plessis, p. 7.
38 Marais, pp. 5-6.
39 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 71.
40 Guelke, p. 60.

was agreed that by 'suspension of armed action' it was understood that the ANC would refrain from attacks by means of armaments, firearms, explosive or incendiary devices; infiltration of men or material, creation of underground structures; statements inciting violence, threats of armed action, and training inside South Africa. The ANC, however, refused to disband its military wing or to give up the arms in its possession.[41] It is understandable, given the history of the armed struggle, that the ANC would not easily give up its armed wing. Another reason was that the ANC who was used to instituting violence against the government would have to adopt a new mind set in order to change its strategy from the top to the bottom of its members.

Another point of dispute between the NP government and the ANC, was the ongoing violence, mainly between Inkatha and the ANC. The ANC put the blame on the NP government, and in April 1991 in an open letter threatened to suspend all negotiations if a number of demands were not met before 9 May 1991. These demands were the dismissal of the Minister of Defence, General Magnus Malan, the Minister of Law and Order, Adriaan Vlok; the public dismantling of special counter-insurgency units; the suspension of some police officers; the outlawing of traditional weapons; the appointment of an independent inquiry to probe into complaints of misconduct by the security forces, and the phasing out of hostels and other labour compounds. De Klerk refused to dismiss the two ministers and instead called for a multiparty conference on violence on 24 and 25 May 1991.[42] The ANC's demands focussed on the so-called involvement of the Police Force and the Security Forces in misconduct.

At this peace summit in Pretoria, the list of 153 Inkatha members who had been assassinated from 1985, was submitted. Professor Lawrence Schlemmer of the Centre for Political Study at the University of the Witwatersrand mentioned that in a given period 3 200 people were killed in unrest situations; in that same period 28 000 murders occurred in South Africa. Dr Anthea Jeffery of the South African Institute for Race Relations warned that the ANC had saddled up a dangerous horse with their mass action

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41 Marais, p. 6.
42 *Ibid*., p. 7.

campaign, namely consumer boycotts, rent boycotts, stay-aways, protest marches and attempts to disintegrate the local government structures. The question was, did the ANC have enough control over its members to stop when it was necessary?[43] That some segments of the Police Force, in their manner of operations and conduct, could contribute to violence, was sure. The overall impression that the Police Force was to be blamed for the political violence was not watertight. The political violence was a long process that had already started at the end of the 1980s and had escalated into the 1990s.

3.3 The National Peace Accord and the South African Police Force

With the start of negotiations between the NP government and former liberation organizations, whereby the ANC was the main party, the first official document between these role players that referred to the need to transform the Police Force, was the National Peace Accord. It is therefore necessary to assess this Accord and the provisions that were applied in the transformation of the Police Force. When it became clear that political violence in the country was on the increase, especially between the ANC and Inkatha, De Klerk requested that a conference be held to discuss this problem. The conference was attended by nearly 200 people representing political parties, churches and trade unions. The ANC, PAC, the Azanian People's Organization (AZAPO), the Congress of South African Trade Unions (COSATU) and the South African Council of Churches declined the invitation.[44] It was decided that the security forces and all political parties and organizations should accept a code of conduct. A prohibition on the carrying of dangerous weapons would be considered and the Police Force would be reconstructed. A second conference was held at Sandton in June 1991. This led to the signing of the National Peace Accord on 14 September 1991.[45]

The National Peace Accord laid down codes of behaviour for the Police Force and political parties. Chapter 4 of the Accord contained a code of conduct for Police Force members and all members of the South African Police Force committed themselves to it.[46] Chapter 3 of the National Peace Accord stipulated that the police should protect the

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43 *Beeld*, 29.5.1991, p. 15.
44 *Oosterlig*, 21.12.1990, p. 6.
45 M. Brodgen and C. Shearing, *Policing for a new South Africa*, p. 109.
46 N. Melville, *The taming of the blue: regulating police misconduct in South Africa*, p. 18.

people of South Africa from all criminal acts and acts of political violence. The police should endeavour to prevent crimes and should attempt to arrest and investigate all those suspected of having committed crimes. The police should also be guided to realize that they were accountable to society. The police should maintain a higher standard of conduct than other people. They should exercise restraint in the pursuance of their duties and should use the minimum of force that was appropriate in the circumstances.[47]

The Accord provided for the formation of a National Peace Committee, a National Peace Secretariat and a permanent Commission of Inquiry regarding the Prevention of Public Violence and Intimidation, later to be known as the Goldstone Commission,[48] the setting up of special criminal courts and general provisions regarding the Security Forces. Chapter 3 provided for the setting up of a Police Board consisting of members of the public and representatives of the police in equal numbers. This board would make recommendations to the Minister of Law and Order regarding the training and efficient functioning of the Police Force.[49] The significance of the Peace Accord lay in the fact that the NP government and the ANC agreed in principle that they had to transform the Police Force; and when doing that they would also have an impact on the problem of violence in the country.

The National Peace Accord further provided for procedures to be followed in the event of allegations of misconduct by the South African Police Force, if that alleged misconduct was of such a serious nature that it might detrimentally affect police and community relations. The National Peace Accord provided for a general in the South African Police Force to be appointed as General of the South African Police Designate for the purposes of the agreement. Major General H.V. Haynes was the first Designated General appointed in the South African Police to perform this function.[50] The National Peace Accord also stipulated that Police Reporting Officers (PROs) needed to be appointed in all the provinces to whom alleged serious misconduct of police members

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47 Hough and Du Plessis, pp. 67-74.
48 Marais, p. 8.
49 *The Cape Times*, 16.9.1991, p. 6.
50 2/26/4 (1/18): *"National Peace Accord: Policy and Procedures: Clause 3.2.4, 1991"* SAPS Provincial office, Bloemfontein, s.a.

should be reported. The first appointed PROs were all lawyers in private practice.[51] The PROs were also empowered to make recommendations regarding the suspension or transfer of police members under investigation pending the outcome thereof. The PROs were not expressly granted the power to demand access to official police documentation, including investigative dockets. Particularly in the Witwatersrand area, access to police dockets were denied to them by Police Force commanders.[52]

To further enhance investigations against alleged police misconduct and violence, an agreement between the Ministers of Law and Order of the Republic of South Africa and the self-governing territories was reached on 24 September 1991. The agreement made provision for Complaints Investigation Units (CIUs) of the South African Police Force to handle investigations concerning alleged misconduct by members of the police forces of the self-governing territories. A member of the relevant police forces should be co-opted into the CIUs whose responsibility it was to assist in investigations in their area of jurisdiction.[53] Investigations in the Police Force had always been investigated by police investigators who were continuously attacked by the media, liberation organizations, independent lawyers, as being partial and subjective in their investigations. The CIUs pathed the way for the later Independent Complaints Directorate (ICD) whereby non-members of the Police Force investigated alleged misconduct against police members.

It should be kept in mind that the Human Resources Division of the South African Police Force had a component whose responsibility it was to investigate disciplinary offences or misconduct on the part of any employee of the South African Police Force. It existed at the offices of the Regional Commissioners, District Commissioners, Station, Branch, or Unit commanders. In some areas 'Internal Investigation Units' existed whose task it was to investigate statutory and criminal offences allegedly committed by members of the Police Force. In other areas, Units of the Crime Investigation Division (CID) investigated cases against Police Force members. [54] It can

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51 2/26/4 (1/18): "*National Peace Accord: Policy and Procedures: Clause 3.2.4: 1991"*, SAPS Provincial office, Bloemfontein, s.a.; Melville, p. 18.

52 Melville, pp. 19, 30.

53 2/26/4 (1/18): "*National Peace Accord: Policy and Procedures: Clause 3.2.4: 1991"*, SAPS Provincial office, Bloemfontein, s.a.

54 *Ibid*.

be said that the focus of the NP government and the ANC regarding the National Peace Accord was to ensure investigations against serious police misconduct and violence and to make the Police Force more accountable for their actions.

Minnaar mentioned that the National Peace Accord stipulated that Local Peace Committees (LPC) should facilitate ”agreement upon rules and conditions relating to marches, rallies and gatherings” and should “liaise with local police and local magistrates on matters concerning the prevention of violence and the holding of rallies, marches and gatherings”.[55] The police was represented on the LPCs but the form of police representation was also open to criticism. Since the establishment of the Police Force’s Division Community Relations (DCR), the Police Force tended to send the same representatives to a number of the LPCs. Parties of the conflict resolution meetings remained suspicious that members of the department were ex-members of the Security Branch. It should however be remembered that LPCs were political bodies composed of political actors with political agendas, and that the Police Force was not receiving as much co-operation from the local communities as they would want because of mistrust against them by these communities.[56] The focus of the LPCs were to put members of the ANC into protest marches, rallies and gatherings as a monitoring function for possible police misconduct as well as to oversee the conduct of marchers in these actions.

Midgley is of the opinion that the emphasis of the Peace Accord was to make peace and to reduce the levels of violence in the country, but the Peace Accord also played a valuable role in changing behaviour patterns, for peace committees became forums where community leaders could safely discuss issues with the Police Force. First there was a familiarization process, whereby representatives from a variety of institutions came into contact with the Police Force. According to him, these were the first forms of joint participation between the Police Force and black communities in maintaining

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55 Quoted in A. Minnaar, I. Liebenberg, C. Schutte, *The hidden hand: covert operations in South Africa*, pp. 393-395, 396.

56 *Ibid.*

order. Peace committees addressed only one of the issues, namely the way in which parties communicated their differences to each other.[57]

In October 1991, the Minister of Law and Order, H.J. Kriel delivered a message regarding the National Peace Accord for the South African Police Force. He mentioned that the South African Police Force "is the centre around which the maintenance of law and order derived and it is therefore absolutely necessary that the Police Force should always be an exemplar of impartiality and service delivery to the communities. The high ethical code that the Police Force prescribed for themselves and their endeavour to protect all the inhabitants of this country with respect, is included in the Code of Conduct that will be distributed countrywide."[58] Another focus of the Peace Accord was to ensure that the Police Force operated under a code of conduct. This was however not the first Code of Conduct for the Police Force. Director H.A. Paneras mentioned that in 1988 a Code of Conduct for the Police Force was introduced and when compared to the one in 1991, was exactly the same.[59] The Code of Conduct was distributed to all police members, from national to station level, and all members had to sign that their behaviour would be according to the stipulations in the Code of Conduct.

Midgley indicated that during 1992 the government undertook measures to improve the Police Force's image and service nation-wide. As agreed to in the National Peace Accord, a Police Board was established to examine police training and existing policing practices. A number of community liaison forums were established throughout the country. On 25 January 1993 it was announced that the police command would be

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57 J.R. Midgley, *Community policing: tentative steps towards true reconciliation*, pp. 10–11.

58 30/1/2/7: *"Nasionale Vredesooreenkoms en gedragskode vir die Suid-Afrikaanse Polisie"*, 13.10.1991, SAPS Provincial Office, Bloemfontein.

59 Director Paneras joined the Police Force in 1978. She worked in Visible Policing, worked as a media liaison official for six years, worked within the Detective Branch and performed administrative duties. In 1995 she was promoted to Senior Superintendent as the Head of Equity in the Free State Province. In 2000 she was promoted to Director as Provincial Head of Inspectorate in the Free State Province and in 2002 was transferred to become the Provincial Head of Crime Prevention in the province. In 2006 she was re-deployed to become the Station Commissioner of Parkweg Police station. In 2007 she was again re-deployed to become the Head of Crime Prevention at Bloemspruit Police station. Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

restructured, with the focus of the service being redirected to "community supported policing".[60]

A Community Service Centre, where members of the community could 'phone in' complaints concerning unsatisfactory service rendered by the South African Police Force was brought into operation on 27 April 1993. The purpose of the centre was to ensure that complaints of unsatisfactory service in cases where existing structures failed to satisfy a member of the community would receive immediate attention. The centre rendered a 24-hour service and was manned by complaint councillors. The centre was situated at the Head Office of the South African Police Force in Pretoria.[61] The Police Force tried to promote their image and service delivery to the communities and called for greater supervision by the communities of alleged police misconduct that had to be reported for investigation.

Minnaar is of the opinion that the greatest failure of the National Peace Accord was perceived to be its so-called 'lack of teeth' and its seemingly inability to prosecute and act against those offenders who had broken its provisions.[62] The National Peace Accord focussed emphatically on the conduct of the South African Police Force and not necessarily on any political party, group or organization. The behaviour of the Police Force came under attack and the government agreed to a code of conduct for Police Force members. The appointment of lawyers as PROs in the process of instituting investigations against police misconduct posed the idea that the Police Management had always protected its members against prosecution because of their bias and unobjectivity concerning police investigations, which was not always the case. De Kock mentioned that serious shortcomings of the Accord were that not all the political interest groups had signed the accord and therefore were not bound by it; and the lack of commitment from the high profile leaders of the National Peace Accord.[63]

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60 Midgley, p. 13.

61 2/26/4 (1/18): "*National Peace Accord: Policy and Procedures: Clause 3.2.4: 1991"*, SAPS Provincial Office, Bloemfontein, s.a.

62 Quoted in Minnaar *et al*., p. 413.

63 N. Rhoodie *et al*., *Democratic nation building in South Africa*, p. 349; S. Mallaby, *After apartheid, the future of South Africa*, p. 26.

The South African Institute of Race Relations submitted a report indicating that from January to July 1991 409 attacks on Police members and black councillors had taken place. All of the six human rights organizations that had been approached by the Institute only kept record of the atrocities being committed by the Police Force and not of how many police officials or black councillors had become victims of violence. Statistics revealed that the number of deaths resulting from political violence increased towards a figure of 3 000 per year. It seemed as if the National Peace Accord was unable to achieve its aim of reducing violence in the country.[64] Le Roux stated that between January and October 1993, 3 750 attacks on the Police Force occurred, resulting in 217 deaths, indicating the extent to which members of the Police Force were also victims of violence.[65] What became clear here was that the Police Force, like some political organizations, was also the victims of violence in South Africa. The claim from especially the ANC that the Police Force had incited the political conflict and violence, was absolutely not true because the Police Force would not institute attacks against itself. The statistics on the violence revealed that police members were prone to be attacked and killed in the violence. The question remained as to why and how the police members became victims of violence. Was it deliberate attempts instituted against them or were they attacked and killed in the line of duty?

The Peace Accord gave the impression that only the Police Force needed change and that only the Police Force could provide peace and stability within the country. It was a given fact that the Police Force needed transformation and restructuring, but the Police Force was but one of the agents that needed to change so that the whole South African society could move forward to stability, peace and democracy. The need for change and transformation lay at the heart of the whole South African society. In the transitional period the impression was created under the general public and by the former liberation organizations, that the transformation of government departments such as the Police Service and the Defence Force as part of the security forces, would meet the problems in South Africa halfway. It was a wrong perception, because all the people had to adapt

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64 *South African Institute of Race Relations (SAIRR), Annual Survey of Race Relations in South Africa* 1992/1993, p. 27.

65 J.H. le Roux, "Violence and intimidation during the election campaign – a review" in *Journal for Contemporary history* 19(2), September 1994, p. 91.

to new rules, guidelines, prescriptions and regulations that structured the so-called new South African society. It had to become a mind change as well as a heart change for all of those who had fought the liberation struggle as well, and not only members of the Police Force.

4. The CODESA negotiations and how it affected the South African Police Force, 1991 to 1993

Wessels is of the opinion that CODESA, the Convention for a Democratic South Africa, as a negotiating forum, placed South African irreversibly on the road to the creation of a constitutionally structured social order. It was the result of an initiative of the State President, F.W. de Klerk, as voiced in his opening speech in Parliament on 1 February 1991. His referral to a multiparty conference indicated that the government was of the opinion that negotiations regarding a new constitution should be the responsibility of all the representatives of all the political parties with proven support. All these parties should be committed to seek a solution that could be peacefully negotiated.[66] The first CODESA was held on 20 December 1991 in Johannesburg.[67] The establishment of CODESA could therefore be seen as a watershed in the South African political arena, that brought all the political parties and organizations together to negotiate the transition to a democracy.

CODESA, also known as CODESA I, set up five working committees that started working on 6 February 1992 to produce agreements to be presented at the second plenary session of CODESA during May 1992.[68] Working Group 1 made certain recommendations about the application of the National Peace Accord. It agreed that all security forces should be placed under the control of a transitional government,[69] but an agreement was not reached on the composition of the security forces.[70] According to Wessels, CODESA I, was a negotiating process to provide transitional structures and

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66 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 71; J. Rantete, *The African National Congress and the negotiated settlement in South Africa*, pp. 173-174.

67 Saxena, p. 311; Waldmeier, pp. 191-193.

68 J.C. Mubangizi, *The protection of human rights in South Africa, a legal and practical guide*, p. 52; *Mayibuye*, 31.5.1992, p. 7; *Die Transvaler*, 12.5.1992, p. 7.

69 *The Star*, 13.5.1992, p. 1.

70 Marais, pp. 11-16; *Business Day*, 13.5.1992, p. 1.

CODESA II put mechanisms in place for the acceptance of a new transitional constitution and election act.[71]

At its national conference in May 1992, the ANC adopted policy guidelines aimed at transforming the Police Force into an organization suited to a fully democratic society. These guidelines stipulated that the Police Force should respect the ideals of democracy such as non-racialism, non-sexism, national unity and reconciliation and act in a non-discriminatory fashion. Secondly, the Police Force should be non-partisan and no member of the Force should hold office in any political party. Thirdly, policing should be based on community support and participation. The Police Force should be accountable to society and the community it serve through its democratically elected institutions. Fourthly, there should be a professional police code governing standards and suitability of membership to the Force, and a code of conduct to which the police would adhere. Fifthly, policing priorities should be determined in consultation with the communities they served. The sixth point stated that the Police Force should be structured as a non-militarized service function, and that the Police Force should carry outs its work primarily through non-violent means. The seventh point mentioned that the Police Force should be subjected to public scrutiny and open debate. Allegations of police misconduct should be dealt with by an independent complaints and investigation mechanism. Regarding point eight, members of the Police Force should be entitled to form and join employee organizations of their choice, representing their interests. And lastly, the Police Force should strive for high performance of standards.[72] The focus of this document was on the demilitarization of the Police Force, the participation of communities in policing, the accountability of the Police Force that was lacking and the establishment of trade unions for the Police Force.

A deadlock in Working Group 2 regarding general constitutional principles and a constitution making process, occurred on 15 May 1992 when CODESA II was to open.[73] The ANC and its allies withdrew on 2 June 1992, and CODESA ceased

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71 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 71.
72 Midgley, pp. 12-13.
73 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 72; *Weekly Mail*, 15-21.5.1992, p. 27; *The Argus*, 15.5.1992, p. 1; *The Star*, 15.5.1992, p. 1.

functioning.[74] Increasing internal violence and international pressure on the ANC and the NP government to proceed with negotiations led to the 'Record of Understanding' that was signed on 26 September 1992.[75] Of crucial importance was the agreement that an interim government of national unity should function within an interim constitution that would provide for national and regional government during the transition.[76] In terms of the Record of Understanding more than 150 political prisoners were released in September 1992. The Further Indemnity Act was passed in October 1992 that provided for the release of prisoners who had committed politically motivated offences and whose release could promote reconciliation and peace. A National Council on Indemnity was set up to consider each individual application for indemnity on merit. Between February 1992 and May 1993 a total of 1 477 prisoners who were deemed to have committed political offences were released.[77]

Multiparty negotiations resumed on 1 April 1993 when, for the first time, the Multiparty Negotiating Forum met at the World Trade Centre in Kempton Park.[78] Eight technical committees were established by the Negotiating Council to develop documentation on specific topics for submission to the Council. Continued township violence and interparty violence involving the ANC and IFP supporters also posed a major threat to negotiations. Allegations of "Third Force" involvement in violence from within police ranks continued to cause tension between the three major political actors, the government, the ANC and the IFP. Matters were further complicated by sporadic Azanian People's Liberation Army (APLA) attacks on soft targets. In April 1993, the general secretary of the SACP, Chris Hani, was assassinated.[79] His death lead to violent demonstrations and a massive national stay-away and negotiations were delayed for one

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74 Marais, p. 22.

75 J.D. Brewer, *Restructuring South Africa*, p. 141; A. Seegers, *The military in the making of mordern South Africa*, p. 276.

76 Giliomee and Schlemmer (eds), p. 93.

77 J.A. du Pisani, "Negotiating a democratic South Africa" in *Journal for Contemporary History* 12(2) September 1994, p. 38.

78 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 72.

79 The initial assumption was that the assassination could be linked to security force involvement. Janus Waluz, a South African citizen of Polish descent was however arrested and convicted for the murder of Hani. *The Citizen*, 14.4.1993, p. 3.

week.[80] In reaction to Hani's death some ANC leaders proposed that negotiations should be suspended but the official view of the ANC/SACP/COSATU alliance was that such a step would be a betrayal of that for which Hani stood.[81] The political violence and its escalation already placed a tremendous burden on the Police Force to maintain law and order and stability in the country.

The composition and control of the security forces remained some of the most controversial issues in the negotiating process. Multiparty control of the security forces and the incorporation of Umkhonto we Sizwe (MK) into the army and police were proposed by the ANC. This was rejected by Buthelezi who wanted a regional security force in KwaZulu-Natal. During August and September 1993 a package of four draft bills for the transitional period was approved by the Negotiating Council. They were the Independent Media Commission (IMC) Bill, the Independent Electoral Commission (IEC) Bill, the Independent Broadcasting Authority (IBA) Bill and the Transitional Executive Council (TEC) Bill. These Bills were aimed at giving statutory effect to power-sharing in the interim period before the elections in April 1994.[82]

After three years of negotiations a transitional constitution was finalized in December 1993 and approved by Parliament as the Transitional Constitution of the Republic of South Africa, Act 200 of 1993.[83] After the general elections in April 1994, the Transitional Constitution was put into operation. This Constitution stipulated clear norms and aims for transformation. It created the political framework wherein fundamental changes by the Government of National Unity could be created.[84] The Government of National Unity (GNU) through the Transitional Constitution, Act 200 of 1993[85] placed South Africa on a long road to the creation of an extensive political, economic and social integrated democratization compensation. The vision of the GNU was that they were "committed to continually improve the lives of the people of South Africa by a transformed public service which is representative, coherent, transparent,

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80 Du Pisani, pp. 45-47.
81 *The Citizen*, 14.4.1993, p. 17.
82 Du Pisani, pp. 52, 57; Waldmeier, pp. 227-228.
83 *Ibid*., pp. 70.
84 Coetzee and Wessels, "Van stelselonstabiliteit na stelselstabiliteit…", p. 72.
85 Hough and Du Plessis, pp.147-148.

efficient, effective, accountable and responsive to the needs of all".[86] The mission of the GNU was "the creation of a people centered and people driven public service which is characterized by equity, quality, timeousness and a strong code of ethics".[87] The Police Force as part of the public service needed transformation en route to a new South Africa. The emphasis on transformation was that the Police Force should become more effective, accountable and transparent to the communities it served and also more representatives of those communities.

5. The Transitional Executive Council (TEC) and the South African Police Force

On 26 November 1993 F.W. de Klerk signed a proclamation that established the TEC, Act 151 of 1993.[88] The TEC's first meeting was held on 6 December 1993 and was attended by 16 delegates. The PAC, the Afrikaner Volksfront (AV) and the Freedom Alliance (FA) did not participate.[89] The aims of the TEC were to facilitate and promote, in conjunction with all legislative and executive structures at all levels, a government in South Africa and the preparation for and transition to a democratic order in South Africa by creating and promoting a climate for free political participation. A further aim of the TEC was to eliminate any form of intimidation that had a bearing on the said transition.[90] In these processes the South African Police Force had to play a central role to ensure and promote a political climate that should be free from intimidation.

Subcouncils under the control and supervision of the TEC were established, namely the subcouncil on Regional and Local Government and Traditional Authorities; subcouncil on Law and Order, Stability and Security; subcouncil on Defence; subcouncil on Finance; subcouncil on Foreign Affairs; subcouncil on the Status of Women; and subcouncil on Intelligence.[91] The two subcouncils that affected the South African Police Force were the subcouncil on Law and Order, Stability and Security and the

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86 D.P. Wessels, "Die struktuur en dinamika van die Suid-Afrikaanse politieke omgewing: Post apartheidsperspektief" in *Journal for Contemporary History* 24(2), December 1999, pp. 128-129.

87 *Ibid*.

88 Hough and Du Plessis, p. 84; T.R.H. Davenport, *The birth of a new South Africa, the 1995 Joanne Goodlam lectures*, p. 53.

89 Du Pisani, pp. 67-68.

90 *Ibid*., p. 57

91 *Statutes of the Republic of South Africa*, Act 162 of 1993, 15.12.1993, No 15340.

subcouncil on Intelligence. The subcouncil on Law and Order, Stability and Security established a national inspectorate that comprised of members of policing agencies that investigated and monitored the policing agencies. The National Inspectorate should have access to all documents and facilities of any policing agency. A further aim of the subcouncil was to establish a National Independent Complaints Mechanism (ICM) under the control of a civilian, that was responsible for the receipt and investigation of complaints lodged by members of the public concerning alleged police misconduct.[92] The ICM was to investigate criminal offences, complaints of non-criminal conduct and contravention of the TEC Act of 1993, the code of conduct issued by the subcouncil and of the National Peace Accord and its own code of conduct. The ICM ceased functioning shortly after the election results were announced without any investigators having been appointed.[93] The subcouncil on Law and Order, Stability and Security focussed primarily on the civilian oversight of the Police Force, and the question of accountability and transparency through the establishment of an Independent Complaints Mechanism.

The subcouncil on Law and Order, Stability and Security established a committee that comprised of local experts or of local and foreign experts, to evaluate or monitor any police action, conduct or reform which related to the objects of the Council. The subcouncil evaluated the impact of any steps taken by any policing agency to prevent political violence, including steps taken in terms of the National Peace Accord and relevant legislation.[94] Proposals were made to improve the effectiveness of and community co-operation with the policing agencies. This subcouncil requested the Police Board to conduct enquiries and to make recommendations in relation to any policing policy. It was further stipulated that the aims of the subcouncil on Law and Order, Stability and Security was to formulate a statement of values and objects for the promotion of law, order, peace, stability and security for policing agencies. A code of conduct was introduced which should be binding on all policing agencies. Lastly the subcouncil needed to receive all proposed regulations and directives governing the

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92 Rhoodie *et al*., pp. 435-436.
93 Melville, pp. 24-25.
94 *Statutes of the Republic of South Africa*, Act 162 of 1993, 15.12.1993, No 15340.

activities of the National Peacekeeping Force and make recommendations in that regard.[95]

The subcouncil on Intelligence established a Joint Co-ordinating Intelligence Committee that adopted a set of basic principles on intelligence, which served as a basis for the creation of a national intelligence capability in a new democratic dispensation. The subcouncil formulated a code of conduct binding all members of all intelligence services during the period of transition. The subcouncil on Intelligence made proposals regarding suitable legislation relating to intelligence in a new political dispensation, including suitable mechanisms of accountability and political supervision. Lastly the subcouncil facilitated the transition to a future intelligence dispensation by commissioning research and formulating proposals.[96] The subcouncil on Intelligence recognized that the day to day management of every intelligence service remained the responsibility of the relevant Minister, and that all services during the period of transition had to continue to fulfill their duties to their respective principals.[97] The subcouncil established a committee to be known as the Access to Information Committee. The Committee consisted of four members. The Committee designated members as a subcommittee to deal with requests in terms of any information or document compiled by or in the possession of any military force, policing agency or intelligence service.[98]

The aim of the subcouncil on Law and Order, Safety and Security was to ensure that the Police Force would become more accountable and transparent. An oversight body needed to be established to oversee this function. The second argument for more accountability was that an independent complaints mechanism should be established to investigate police misconduct independently from the Police Force. However, the establishment of this mechanism did not result before the election in 1994. The significance of the subcouncil on intelligence was to make proposals regarding the change of existing security legislation and the gathering of intelligence, also making it

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95 Hough and Du Plessis, pp. 119, 125-126.
96 *Statutes of the Republic of South Africa*, Act 162 of 1993, 15.12.1993, No 15340.
97 Hough and Du Plessis, pp. 119, 125-126.
98 *Statutes of the Republic of South Africa*, Act 162 of 1993, 15.12.1993, No 15340.

more accountable and transparent and more accessible in terms of information needs. The problem with security agencies is that their work is normally of a secret nature and based on the need-to-know-principle, that makes accessibility and accountability to the government and to the communities a big problem.

6. The Public Service Act and the South African Police Force, 1991 to 1996

Ranney's analogue about government stipulates that every government has a big influence on everybody's lives: "There is no escaping its influencing every sphere of human life. Governments play a major role in the lives of just about everyone…. Most of us are born…. in government-regulated hospitals and are delivered by government licensed physicians. Government protects us against abuse by our parents (by means of the police agency and social workers). Government makes us to go to school whether we like it or not until we reach the age of 16. We marry and divorce according to rules made by government. We take and leave jobs, set up businesses or go bankrupt, engage in professions, buy and sell property, and retire according to rules and regulations lay down by government. Every year we pay a sizeable part of the money we earn to government in taxes. We may be ordered by government to serve in the armed forces and even to kill or die at the orders of government officials known as military officers. And when we filled out our last government forms and paid our last tax bills, we are buried in government-licensed cemeteries, and our savings and property – minus portions siphoned off by government's inheritances taxes – are handed on to our heirs by probate courts with the participation of government licensed lawyers."[99]

The role that every government plays in everybody's life could not be better described by anyone else. That the Police Force is controlled by government policy, procedures and regulations is also a given fact. Before democracy the Police Force operated as a government department quite autonomously from other government departments as part of the public service. The transformation of the Police Force in fact meant that it should become more a part of the Public Service as in the past and adhere to the prescriptions and guidelines of the Public Service. It is therefore important to take cognizance of the transformation of the Public Service as well as applicable legislation that impacted on

[99] Wessels, "Die hervormingsinisiatief en transformasieproses in Suid-Afrika", p. 189.

the transformation of the Public Service that would also affect the transformation of the Police Force.

In 1991 a group of public administration academics and practitioners adopted the so-called Mount Grace Resolution. It called for a break with the public administration of the apartheid period and a move towards a new public administration. What was proposed, was that discretion or influence "was best safeguarded in the hands of suitably qualified personnel who possessed both proven expertise and an appropriate code of professional ethics".[100] Professor A. Wessels mentioned that transformation meant "the apparent aim of the transformation process was to transform the apartheid Police Force to a more user-friendly police service, but I am afraid there lies also other motives behind. Transformation of the Police Force and that of the Army, Air Force, name it, are only parts of a much bigger transformation namely that of the South African society that needs total transformation."[101]

The Public Service, including the Police Force, plays a vital role in the government's aim of reconstruction and development of the country. In the past, the manner in which the Public Service rendered its services was not in line with the values, principles and requirements of the Constitution. To remedy this situation in the Public Service, a new management framework was developed.[102] In order to create a new management framework, the regulatory framework that existed had to be revised to create "a diverse, happy, supportive environment, giving outstanding service to the public".[103] The following legislation were incorporated in the new Management Framework, namely the Constitution; the Public Service Act, Act no. 103 of 1994; the Labour Relations Act, Act no. 66 of 1995; Basic conditions of employment Act, Act no. 75 of 1997; the Occupational Health and Safety Act, Act no. 85 of 1993; Skills Development Act, Act no. 97 of 1998 and the Employment Equity Act, Act no. 55 of 1998.[104] All these acts had an impact on the transformation of the SAPS because it pertained to specific

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100 S.L. Robins, *Limits to liberation after apartheid, citizenship, governance and culture*, p. 139.
101 Jane Buys Collection: Transcribed interview with Professor A. Wessels, acting Head of the Department of History, University of the Free State, Bloemfontein, 15.4.2004.
102 *Servamus*, no. 93, issue 10, p. 48.
103 *Ibid*., pp. 48-49.
104 *Ibid*.

regulations that needed to be instituted by the Police Force as part of the bigger Public Service.

Section 195(1) of the Constitution of the Republic of South Africa, 1996 (Act no. 108 of 1996) stipulated that "public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation".[105] The Act stipulated that the National Intelligence Services (NIS) would include the Permanent Force of the National Defence Force; the South African Police Service (SAPS), and the Department of Correctional Services. In the making of any appointment or the filling of any post in the Public Service, two stipulations must be adhered to. The first, that all persons who qualify for the appointment, transfer or promotion concerned should be considered. Secondly, the evaluation of persons should be based on training, skills, competence, knowledge and the need to redress the imbalances of the past to achieve a public service broadly representative of the South African people, including representation according to race, gender and disability.[106] The appointment, recruitment, promotions and filling of posts in the SAPS should be done according to the prescriptions of the Public Service indicated above.

The White Paper on the Transformation of the Public Service, published on 24 November 1995, set out eight transformation priorities, amongst which transformation of the Public Service would be judged by one criterion above all, namely its effectiveness in delivering services which meet the basic needs of all South African citizens. Public services are not a privilege in a civilized and democratic society, they are a legitimate expectation. That is why meeting the basic needs of all citizens is one of the five key programmes of the Government's Reconstruction and Development Programme (RDP). Under the directions of the RDP Ministry, a 'Technical Team Outsourcing' was established to investigate the feasibility of outsourcing supporting functions performed by the SAPS. The members on this Technical Team were personnel from the Performance Audit Component at Head Office. It was however

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105 *Statutes of the Republic of South Africa*, Act 39 of 1994, 2.12.1994, No. 16128.
106 *Ibid*.

stipulated that when a specific function or unit was investigated, it did not imply that it was going to be phased out. Such investigation was aimed at optimizing the functions that were retained. A decision to phase out a function should be economically viable and should take into consideration the impact that such a decision could have on the service rendering of the organization.[107]

Two very important government initiatives had a tremendous impact on the transformation and the restructuring of the Police Force. They were the RDP and affirmative action, also referred to as the Equity and Representative programme within the Public Service. It is therefore of the utmost importance to look at how these two programmes affected the transformation of the Police Force to that of a Police Service.

6.1 The RDP and the South African Police Force

The RDP elicited expectations for a better life in many quarters of the population. Many citizens identified with the RDP as a symbol of a new beginning away from the remnants of the apartheid past. The new government was focussed on the RDP to create a prosperous rainbow nation with opportunities for all without any discrimination. The RDP also affected the functioning of the Police Force in so far that specific projects had to be instituted in line with the principles and guidelines of the RDP.

In 1994, the GNU committed itself to the implementation of the RDP.[108] The RDP was initially prepared by COSATU, and its adoption by the ANC as an election manifesto was an expression of the 'accord' between the ANC and its trade union ally in which COSATU support during an election would be conditional on the ANC accepting worker-friendly policy commitments.[109] The RDP progressed through five drafts before its final version in which some of the more radical economic prescriptions were toned down. Its language became increasingly ambiguous during the drafting procedure, but even so in its official adopted version the clauses on economic reconstruction allowed

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107 2/1/1: "Re-organization: Outsoucing (optimizing) of functions in the South African Police Service", 15.5.1995, SAPS Provincial office, Bloemfontein.

108 A. Bernstein and S. Johnson (eds), *The next decade, perspectives on growth and development*, p. 14.

109 D. McKinley, "Democracy and social movements in South Africa" in "*Development Decade*", p. 415, < http//www.hsrcpress.ac.za,>, s.a

COSATU analysts to interpret the programme as a prescription for an increasingly regulated economy in which the public sector would play a key role in alleviating inequality and promoting 'structural transformation'.[110] During its first two years, the GNU was quite seriously committed to its goal of eliciting public participation in development projects.[111]

The closure of the RDP offices in March 1996 was widely perceived as linked to the government's announcement in June 1996 of the Growth, Employment and Redistribution (GEAR) Programme.[112] The Reconstruction and Development Programme was a policy document which, according to the then Deputy President, Mbeki was "the policy anchor on which all government programmes have been and will continue to be based".[113] As policy document, the RDP focussed on the political, social and economic transformation of the South African society and it must be viewed as 'an integrated, coherent socio-economic policy framework'.[114] All government projects had to be aligned with the principles of the RDP namely that of developing the country's human resources.

All departments in the public sector were the primary role players in transforming society towards the principles of the RDP, namely that of integration and sustainability; to be people driven; to nation building; meeting the basic needs of society and building the infrastructure; democratization, assessment and accountability.[115] Jesse Duarte, Member of the Executive Council (MEC) for Safety and Security in Gauteng, said that "reform of the Police Force was consistent with the objectives of the ANC's Reconstruction and Development Programme".[116]

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110 D.P. Wessels, "*Democracy, the Reconstruction and Development Programme and Service delivery*", p. 2, 27.8.2007.

111 McKinley, p. 415.

112 *Ibid*.

113 Wessels, "*Democracy, the Reconstruction and Development Programme and Service delivery*", p. 2, 27.8.2007.

114 Wessels, "Die struktuur en dinamika van die Suid-Afrikaanse Politieke omgewing…", p. 132.

115 2/1/1: "*RDP Programme Management: Guidelines and principles for projects"*, 4.4.1995, SAPS Provincial office, Bloemfontein; T. Lodge, *Politics in South Africa, from Mandela to Mbeki*, p. 54.

116 *Business Day*, 24.5.1994, p. 2.

A letter from the office of the National Commissioner on 4 April 1995 indicated that the SAPS was in the dawn of the implementation phase of a transformation process of which the primary objective was to improve the quality of service and to satisfy the needs of the communities. This included issues such as the re-allocation of physical and human resources to emphasize primary functions, affirmative action, demilitarization, the streamlining of administrative functions, outsourcing and even phasing out functions that do not add value to the service that is rendered. Networking and subcontracting with other government departments and community structures would be enhanced.[117] The SAPS had to be associated with the principles of the RDP to develop and focus on the needs of employees as well as those of the communities they had to serve.

A letter from the office of the National Commissioner on 13 June 1995 indicated that a RDP technical team was appointed to consult with relevant technical teams to ensure alignment with RDP principles and guidelines. A business plan that encompassed all five key programmes of the RDP had been formulated. An interim "National Co-ordinating Office" was established to facilitate the implementation of the RDP in the Police Service.[118] Contact persons and co-ordinators were appointed in each division and province to promote and facilitate the principles of the RDP, encourage members on all levels to integrate normal line functions with RDP principles, programmes and projects, and co-ordinate all RDP programmes and projects on provincial, divisional and national level.[119]

In a letter from the office of the National Commissioner on 4 April 1995 it was mentioned that Departments would negotiate with the RDP office for funding of programmes and projects. Government departments would re-deploy personnel to meet the staffing requirements because no additional posts had been granted. RDP projects and programmes also focussed on SAPS initiated programmes. A National Commissioner's RDP project was announced on 20 February 1995 which entailed the

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117 2/1/1: "*RDP Programme Management: Guidelines and principles for projects"*, 4.4.1995, SAPS Provincial office, Bloemfontein; McKinley, p. 415.

118 2/1/10: *"Transformation of the South African Police Service: Progress report: June 1995"*, 13.6.1995, SAPS Provincial office, Bloemfontein.

119 2/1/1: "*RDP Programme Management Guidelines and principles for projects"*, 4.4.1995, SAPS Provincial office, Bloemfontein.

selection of 40 police stations in the country as a pilot project for implementing the new style and approach of policing. Various other projects like the contribution to Adult Basic Training and Development projects, development of women in the SAPS and in townships, were initiated. Business plans had to be submitted on registration of RDP programmes to the SAPS National RDP co-ordinating office. The RDP National office and the SAPS National co-ordinating office, in consultation with the provinces, established a working relationship on feedback, assessment and evaluation of projects and programmes.[120]

Human Resource Development (HRM) in the SAPS was in line with the guidelines set out in the RDP framework. The focus of education, training and development was internal as well as external. Internally, training and developing of members focussed on delivering service excellence and to be able to manage the service effectively and efficiently. This included retraining, re-orientation to change management, budgeting and programmes regarding affirmative action and lateral entries.[121]

In essence the RDP principles were noble principles and all the necessary funds were available for the development projects in the SAPS. The national and provincial offices utilized these projects mostly in training initiatives. However, these projects constituted a lot of paper work to be completed that was felt as an additional burden on specific components. The average police official in the SAPS, when asked about the RDP projects, will not know about them.

6.2 The Green Paper on affirmative action in the Public Service affecting the South African Police

The policy of affirmative action as adopted in the Public Service had a huge impact on the composition of the Police Force in terms of its transformation. The basis, guidelines, stipulations and prescriptions regarding the implementation of affirmative

120 *Ibid*.
121 *Ibid*.

action in the Public Service had to be implemented in all the government departments of which the SAPS was also one.

Hugo stated that the concept of affirmative action has a variety of connotations. It refers to a variety of programmes and measures, characterized by attempts to redress historical gender and racial inequalities. In the context of the civil service, affirmative action would involve the disadvantaged, such as blacks and females, receiving preferential admission to certain positions.[122] The Department of Public Service and Administration in December 1997 published the Third Draft White Paper on Affirmative Action in the Public Service. The purpose of this paper was to expedite affirmative action in the public service. The beneficiaries of such affirmative action were blacks, women and disabled persons.[123]

The Constitution of 1996 instructed the equal treatment of all and hence the application of equal employment and management practices on all based on the criteria of ability, objectivity and fairness. The White Paper argued that women and blacks were under-represented at decision-making levels and that the organizational culture of the public service was whitemale-centric.[124] Adams stated that the transformation of the Public Service was, for obvious reasons, the most important condition for black advancement. Senior public service officials were responsible for implementing government policies and for managing the delivery of services.[125] The imbalances of the past concerning specific groups of people in top management positions in the SAPS had to be addressed through the affirmative action process.

Through its demand for educational qualifications the Personnel Administration Standards (PAS) effectively served to function in favour of the formally qualified, particularly the tertiary qualified and reinforced a hiring bias in this direction. The

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122 P. Hugo (ed.), *Redistribution and affirmative action working on the South African political economy*, p. 72.

123 G.E. Devenish, K. Govender, D.H. Hulme, (eds), *Administrative law and justice in South Africa*, pp. 490-491.

124 2/1/1: *"Green paper on a conceptual framework for affirmative action and the management of diversity in the public service"*, 31.5.1997, SAPS Provincial office, Bloemfontein.

125 C. Adams, *Affirmative action in a democratic South Africa*, p. 17.

reliance on standard formulae provided by the PAS provided little guarantee that persons appointed have the necessary skills to perform the tasks required. What was needed instead was an assessment of the skills of applicants and hence a move towards the testing of competencies. The Public Service Staff Code (hereafter named the PSSC) prescribed training courses as courses prescribed by the Public Service Commission in the PAS, or elsewhere. These courses were deemed essential throughout the public service for appointment or promotion to particular post grades. To overcome such limitations the Green paper on Public Service Training and Education envisaged a shift from the prescription of training courses, to that of competencies in order to promote flexibility.[126] The criteria for promoting police officials were changed. Where the focus in the past was on more formal training initiatives such as courses, diplomas, degrees, the focus changed to mere competencies, and only the potential of competency should be available in people to qualify for appointments and promotions.

Without effective human resource management, affirmative action employment strategies would surely flounder, but worst, they would render the public service increasingly dysfunctional. From a historical point of view, transitions from authoritarian to democratic government have been accompanied by great public expectation for recruitment into the public service. The public service was expected to trim down while simultaneously meeting the expectation of the disadvantaged of greater recruitment into it. There was a popular tendency in South Africa to equate affirmative action with recruitment and hiring of the disadvantaged. More often than not affirmative action appointees were seen as underperformers with candidates having been affirmed above their levels of competence and comfort. The main pillars of recruitment into the public service and therefore into the Police Service were mentioned as qualifications, level of training, merit, efficiency and suitability of candidates. Selection panels should be constituted on the principles of representiveness and should reflect expertise on affirmative action issues of race, gender and disability.[127] However, the issue of qualifications were negated as well as the level of training, and the only focus was on the suitability or the ability of candidates to perform or to progress into a

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126 2/1/1: *"Green paper on a conceptual framework for affirmative action and the management of diversity in the public service"*, 31.5.1997, SAPS Provincial office, Bloemfontein.

127 *Ibid*.

higher post. This determined the appointment of formerly disadvantaged persons into higher posts. The framework for appointment, recruitment and promotion within the Public Service was stipulated. In the next chapter the issue of representativity and affirmative actions as it manifested within the SAPS will be discussed.

7. The Transformation of the South African Police, 1990 to 1998

The NP government already started in 1990 with its reform initiatives to transform the public service and therefore the Police Force to become more acceptable to the general public it had to serve. The Police Force is a big organization and transformation of such a big institution takes time. A few reform initiatives will be described that placed the South African Police Force irreversibly on a road to transformation and restructuring. The word transformation as described in the Oxford Concise Dictionary means "change from one figure or expression or function to another of same magnitude or value".[128] Huntington refers to reform as "a change in the direction of greater social, economic or political equality, a broadening of participation in society and polity".[129] In essence transformation thus meant to transform the Police Force to deliver a service of greater value than before to all inhabitants in South Africa. Pertinent questions need to be asked, such as whether the motive behind transformation was in effect to change the Police Force into an effective service delivery agency, or to become more representative of the communities it served, or to become more accountable for its actions.

Former Chief Justice Earl Warren of the USA observed that "the only thing we learn from history is that we do not learn". This statement describes what has been termed "a melancholy truth about police reform".[130] Many bold and exciting experiments regarding police reform have ended in quiet failure. As the twenty first century approached, police leaders should have prepared their organization for continued change, rapid technological advancements, and increasingly complex social environments. Unfortunately, there is no road map or single prescription for police leaders to follow that would guarantee the success of their new theoretical approaches.

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128 J.B. Sykes (ed.), *The Concise Oxford Dictionary of current English, based on the Oxford English dictionary and its supplements* (6th edition), p. 1232.

129 Wessels, *"Democracy: the Reconstruction and Development Programme and Service Delivery"*, p. 1, 27.8.2007.

130 Peak and Glensor, pp. 383-384.

Fluid organizational structures and flexible management practices should have become the norm if they were to be successful. Police reform meant finding a new source of police, and police control was a matter of having the right sort of people in control. Reform of police meant increasing the efficiency of police personnel.[131] Bent is of the opinion that to abuse the police is to invite anarchy, to reform the police is to seek the public interest.[132]

The transitional period from 1990 to the general elections in 1994, marked an era wherein the Police Force management, already under the leadership of General J.V. van der Merwe, embarked on the transformation of the Police Force. In this regard structural changes of two components that were in the firing line, namely the Internal Stability Unit and the Security Branch, took place. Central issues regarding the transformation of the Police Force was the issue regarding the militaristic characteristics of the Force, the political role that the Police Force played, the issue about more representation of population demography and the partnership role with the communities.

On a Conference on Policing in South Africa in June 1991, the ANC, Inkatha and PAC were given a forum to air their views and especially members' perceptions of the Police Force. The ANC's Penduell Meduna said that ordinary people did not perceive the Police Force as their friend following the legacy of oppression wherein the Police Force had been involved. He suggested that the Police Force should take responsibility for their transformation and should change the race ratio of the command structure. The PAC's Ernest Moseneke emphasized that the Police Force's primary function was not to protect state security, but the people and democracy. The IFP's Dr Gavin Woods supported moves made by the Police Force to fully integrate training facilities for recruits and disallow police membership of political parties.[133] It seems that diverse focus areas for transformation of the Police Force were needed when assessing the inputs from some political organizations.

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131 *Ibid*.
132 A.E. Bent, *The politics of law enforcement, conflict and power in urban communities*, pp. 169-170.
133 *The Star*, 6.6.1991, p. 17.

Mark Philips of *The Daily Mail* mentioned in July 1990 already that despite salary increases, planned recruitment drives, a partial depoliticization of its role and a new emphasis on training and differentiation within its ranks, the Police Force was a long way from being up to the peace-keeping role which the government had accorded it in the transition period. It remained partisan, unprofessional, understaffed, short of legitimacy, racially and politically fragmented and a largely paramilitary force.[134] Midgley is of the opinion that internal briefing documents of the South African Police Force noted other aspects of transformation. The focus was on improved partnership relations between the community and the police; depoliticizing of the Police Force; internal structural developments in line with the Constitution; moving from a semimilitaristic organization to a service-rendering organization; cost-effective management of resources on sound economic principles; and the maintenance of standards.[135] According to policing advisers, experts and politicians the aim to transform the Police Force was not placed on one single factor, but a multiplicity of factors that contributed to the image that the Police Force had.

In an article in the *Financial Mail*, Hernus Kriel, the Minister of Law and Order, stated that even under an ANC unitary political system the Police Force should move towards maximum decentralization. This would be impossible as long as the Police Force was perceived as playing a political role. He further mentioned that the South African Police Force should reform and a few focus areas should be transformed. The first was that stricter discipline should be exercised. The second aim was to introduce public accountability mechanisms. The third focus area was that emphasis should be placed on ordinary crime prevention, with special units on United Kingdom (UK) and USA lines. An enormous expansion of manpower should take place. The fifth aim was to demilitarize and disarm the police. The sixth focus area was extensive training and the democratization of command structures to reflect the societies it served.[136] The emphasis on transformation of the Police Force should be on no political affiliation, the improvement of community relations and the change from a paramilitary or

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134 *The Daily Mail*, 3.7.1990, p. 7.
135 Midgley, pp. 14-15.
136 *Finanial Mail*, 25.9.1992, p. 40.

semimilitaristic force to a service-rendering agency, with the emphasis on demilitarization and disarming of police officials.

Various media reports in the transition era indicated that the Police Force had a credibility problem. Matthews Phosa, head of the ANC's Legal Department, said: "You cannot leave the present management of the South African Police Force in control. They must be retired so this country's past cannot be repeated. White male Afrikaans conservatives characterize the present command structure. Can they be trusted to protect a new constitution and proposed Bill of Rights?"[137] Captain Graig Kotze, media spokesperson for the Police Force asked the same question in *Servamus*: "(Is) the South African Police Force ready, willing or indeed able to adapt to meet the policing needs of all the citizens of South Africa? The answer must surely be a yes. Much pioneering work has already been done to make the South African Police Force a professional, apolitical and impartial organization which will enjoy the trust of the entire population."[138] The Minister of Law and Order, Hernus Kriel, admitted that the Police Force had a credibility problem, especially as black policemen had been the victims of 'a policy of discrimination'.[139] Wilfred Scharf, director of the Cape Town Institute of Criminology, told a conference in Cape Town that the level of distrust of the South African Police Force was so deep in black communities who had suffered the brunt of police abuse, that an outside agency was needed to transform the Police Force: "It would be difficult for the Police who had been trained to regard the ANC as the enemy to change and suddenly find them acceptable."[140] The abovementioned statements reflect the level of distrust that the black communities had in the Police Force. The question that was asked is whether the Police Force could be trusted to protect the people's human rights. Another central focus area was to make the Police Force more respresentative of the communities it served.

Dr Peter Waddington of Reading University in England, who assisted the Goldstone Commission, said fundamental change took time. Trust was of primary importance:

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137 *Sunday Times*, 20.6.1993, p. 4.
138 *Servamus*, 31.7.1991, p. 13.
139 *Financial Mail*, 4.9.1992, p. 33.
140 *Evening Post*, 10.5.1991, p. 12.

"The problem is that the South African Police Force does not have time. It must transform itself in the inevitable turmoil which accompanies democratization."[141] Brodgen and Shearing stated that the policing talents and skills of members of all communities should be tapped, so that the Police Force, from top to bottom, would become as culturally dappled and humanly diverse as the society from which it was drawn. While deracialising the Police Force, upgrading its efficiency, improving its morale, and altering its internal culture were all necessary, they were far from being enough.[142] The Commissioner of Police Force, General Johan van der Merwe made it clear that "strong emphasis will be placed on the following key aspects of policing, namely total impartiality; absolute professionalism; no discrimination on grounds of race, creed and so on; courtesy towards the public; policemen are not above the law; the use of minimum force; and the Police Force must serve and be accountable to the public."[143] The Police Force needed to be transformed into an organization that could be trusted as impartial and that could become accountable to the public it served. Another issue that needed transformation was the use of minimum force by the Police members.

A discussion document from the ANC's Department of Information and Publicity stated that a new South African Police Force could only be established on the basis of a few principles. The Police Force should be an impartial, well-trained and competent professional service. The Police Force should be non-racial and non-sexist in practice and in structure. The Police Force should respect human dignity and uphold and protect human rights. The Police Force should be established on the ethics of the public service and not view itself as the 'masters' of the public. It should be demilitarized, and its decision making should be transparent. Policing resources should be fairly distributed to all communities particularly those which have been neglected under apartheid. The Police Force should be subject to an independent complaints and investigation body to ensure that there is no corruption or biasness. The Police force should be representative of the community drawing on those talented individuals who have not enrolled in the

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141 *Financial Mail*, 25.9.1992, p. 40.
142 Brodgen and Shearing, p. x.
143 *Financial Mail*, 4.9.1992, p. 33.

Police Force because of its stigma and historical role. A Police Force would be a necessary and important social institution meeting clear and urgent, societal needs. During the transition and after, South Africans would demand safety from violence and protection from crime. The failure to deliver these conditions would destabilize the country and demoralize its citizens.[144]

President Nelson Mandela attended a three-hour long meeting with Police generals at the South African Police Mobilization Centre outside Pretoria on 10 November 1994. He said that talks had been very candid and frank: "One of the things that emerged clearly from remarks made by all the Police commissioners was that they were fully behind the President and the Government of National Unity".[145] Commissioner Johan van der Merwe and all the regional commissioners of the South African Police Force attended the meeting. Safety and Security Minister Sydney Mafumadi also attended. Mandela said the meeting handled "very sensitive matters in a spirit of mutual respect".[146]

Rauch mentioned that the ANC had recognized the importance of transforming the Police Force before the national election in 1994, and because of its concern about the possibility of the Police Force becoming an anti-democratic force, they embarked on a confidence-building campaign with the security forces during the pre-election negotiations period. This entailed building the confidence of the police in the ANC as the likely future leaders of the country, and also building the confidence of the populace in the hitherto-alienated Police Force. After his appointment as Minister of Safety and Security, Sydney Mafumadi embarked on a nation-wide series of mass meetings with Police Force personnel. There were two main reasons for this. Firstly to reassure Police Force members about the ANC's intentions to reform the police gradually, rather than radically. The second was that although the ANC would not tolerate abuses of human rights, it would not victimize perpetrators of such abuses committed in the past, if the perpetrators abided by new government doctrine.[147] Before and after the general

144 J. Rauch, *Police reform in South Africa, a synthesis of papers*, p.1.
145 *Sowetan*, 11.11.1994, p. 4.
146 *Ibid.*
147 Rauch, p. 1.

elections of 1994, the ANC was well aware that they needed the then command structure of the Police Force as well as the police members behind them to ensure a smooth transfer to democracy. Without the support and work of the Police Force this could not be achieved.

The Minister of Safety and Security, Sydney Mafumadi, drew up a statement and distributed it internally to all the members of the South African Police Force. In this he said that the Government of National Unity as a whole, has great respect for the Police Force, and for the leadership of the various police agencies, who have assisted in managing the transition period so smoothly. The year 1994 was undoubtedly one of the most difficult years for the police agencies, both of the external demands placed on them by the elections, and in terms of heightened uncertainty and anxiety amongst members regarding transformation.[148]

The Police Force ensured that democracy in South Africa would be achieved; that the elections in 1994 could take place without too much intimidation, and that the elections could be overall free and fair. The South African Police Force assured that a new democratically elected ANC government would come to power in South Africa. The South African Police Force could be trusted to ensure that an interim constitution would be protected and that every person in South African could use his or her right to vote. For the ANC and other political organizations the South African Police Force had a credibility problem and could not be trusted to ensure an effective transfer of power. What the successful transfer of democracy showed about the Police Force, with its command structures 90 percent the same and not yet transformed, was a very important thing that many people do not understand. That is that the majority of police members were dedicated and committed police officials who did not serve a particular government, but the state and society overall. Irrespective of which government takes power, the majority of police officials have a moral obligation to serve society and the state.

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148 2/26/22/2: *"Internal Communication to all members: Ministry of Safety and Security, Pretoria: Senior Appointments Process for SAPS"*, 26.1.1995, SAPS Provincial office, Bloemfontein.

7.1 The appointment of the Interim Advice Team (IAT) on transformation of the South African Police Force

The Ministry of Safety and Security appointed an IAT during May 1994, soon after the 1994 elections. The task of the IAT was to complete a plan to amalgamate, rationalize and transform the Police Service. Until the appointment of the first commissioner of the SAPS in February 1995, the National Minister for Safety and Security was in effect the Chief Executive Officer of the SAPS and the IAT was responsible for advising him on the process.[149] The IAT composed of eleven people. They were Ettiene Marais from the University of the Witwatersrand, Azhar Cachalia, who was a human rights lawyer, Tim Williams from the ANC's Police Policy Group, Peter Gastrow, former chairperson of the subcouncil on Law and Order and former deputy-chairperson of the Police Board, Janine Rauch, a Criminologist of the Rand Afrikaans University, Sandra Sefularo of Minute Security, Lieutenant General André Pruis of the Police Force; Major General F.G. Fivaz of the Police Force, Major General Gelese of the Transkei Police, Major General Mogowane of the Lebowa Police and Brigadier Frank Alton.[150] Commissioner Fivaz stated: "The process of transformation is a huge one. It requires not simply the shifting of a few desks, but the creation of an entirely new police organization with totally new structures and a new culture."[151]

The process of transformation complemented the envisaged process prescribed in the White Paper on Transformation of the Public Service. The transformation process took place in three phases. The first phase was the rationalization of an effective administration at national and provincial levels of government as prescribed by the Constitution. The second phase was the amalgamation of the various policing agencies and the standardization of policies and procedures. The third phase was to transform the Police Force into a professional, representative, efficient, effective, impartial, transparent and accountable service that upholds and protects the fundamental rights of all people and carries out its mission in consultation and co-operation with the needs of

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149 *Servamus*, 30.6.1995, p. 2.
150 *Servamus*, 31.7.1994, p. 14.
151 2/26/22: "M*edia Statement: National Commissioner George Fivaz: Inauguration: Pretoria"*, 30.1.1995, SAPS Provincial office, Bloemfontein.

the community.[152] When assessing the three phases of transformation it became clear that the complete process would not take only a few months to complete. It was a gradual process whereby much "behind the scenes" work had to be completed in order to ensure the smooth integration of structures, manpower and policies.

The IAT had no executive powers and could only make recommendations to the Minister for consideration. This team was of an interim nature and functioned until the amalgamation process was completed. Quite a number of technical committees were appointed under the auspices of the IAT. The most important aspects for which technical teams were appointed will be mentioned. A technical committee investigated the change of the symbols of the military rank structure and terminology used to a rank structure with the same status but that was more user-friendly. A second technical committee produced the draft Police Act. A third technical committee investigated the civilianization of certain police functions that were executed by trained police officials. A fourth technical committee was appointed to conduct a comprehensive national audit of physical and human resources to address the issue of the re-allocation of resources. A fifth technical committee investigated the diminution of Head Office through decentralization of the huge amount of senior officers and experts so that their knowledge and experience could be used on provincial and station level. A sixth technical committee investigated the adjustment and standardization of salaries, subsidies, allowances and fringe benefits of police members. A seventh technical committee developed guidelines for the establishment of Community Police Forum structures and components at provincial level. All in all, 40 technical teams were appointed to investigate specific structures, personnel, logistical and policy guidelines and procedures pertaining to the transformation and amalgamation of the various police agencies.[153] An Amalgamation Management Team was also established to deal with the short-term tasks involved in the amalgamation and rationalization of the eleven police agencies of the TBVC countries and the self-governing states with the Police Service.[154]

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152 2/1/10: "*Transformation of the South African Police Service, Progress report, June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.

153 *Servamus*, 31.7.1994, p. 14.

154 2/26/22: "*Media Statement: National Commissioner George Fivaz: Inauguration: Pretoria*", 30 .1.1995, SAPS Provincial office, Bloemfontein.

Dr Erik Schmikl, who played a major role in helping the Police Force to structure its strategic plan, and Major General Fivaz acknowledged that the transformation process would not be completed overnight, but it could take between two and six years to fully transform the South African Police Force.[155] It became quite clear that the demand for transformation and amalgamation of the Police Force into that of a service was a monumental process that entailed much planning, timely responses and extra working hours for team members.

7.2 The appointment of the Change Management Team in the South African Police Force

Prior to the elections in 1994, bilateral negotiations started between the then leadership of the South African Police Force and the ANC in the form of its Police Policy Group. These negotiations and discussions focussed on two aspects. One was the establishment of a process to start work on the new Police Act. The other was to focus on the new organizational structure of the Police Force. It resulted in the establishment of the Change Management Team.[156] This team consisted of civilians as well as police personnel. The task of the Change Management Team was to plan and facilitate the process of change.[157] When Sydney Mafumadi was appointed as Minister of Safety and Security, Major General George Fivaz was appointed as one of his advisors. He became seriously involved in the transformation of the Police Service. At that stage Commissioner Fivaz was commander of Efficiency Service and also became part of the Change Management Team.[158]

To change the South African Police Force, focus was placed on three different but related aspects. Two of these aspects, namely amalgamation of the different agencies and the accompanying rationalization were prescribed in the Constitution. Because of the immense scale and political urgency of amalgamation and rationalization, these processes dominated the change agenda. The apparent technical process of establishing

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155 Dr Erich Schmikl was a management consultant. *The Sunday Times*, 24.10.1993, p. 7.
156 *Servamus*, 31.6.1995, p. 2.
157 *Servamus*, 30.7.1994. p. 14.
158 Jane Buys Collection, Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

new structures and rationalizing policies and procedures was critical to change. These two processes were integrated into one process called change.[159] Commissioner Louis Eloff, later appointed as the Commissioner responsible for Change Management, stated that the rationalization process would ensure effective administration at national and provincial levels of government. The first process took place by the phasing out of the old leadership in a natural manner in that a large number of senior officers left the Police Force voluntarily.[160] Commissioner Fivaz stated in his inaugural speech on 31 January 1995 that the Change Management Team had been tasked to develop proposals around key issues such as affirmative action, demilitarization, civilianisation, out-sourcing, prioritization and the implementation of the RDP within the Police Service.[161] Phase two consisted of the amalgamation of the various existing policing agencies and the standardization of policies and procedures. The design and development of standardized new policies included a new approach to personnel and labour relations, issues such as recruitment, appointments, promotions, grievance procedures and discipline. It also included a new approach to the use of force or arms by members of the SAPS, a new uniform, symbols and insignia.[162] The second phase focussed on the change in behaviour of the Police Service in terms of community policing and the way policemen or women thought. The focus was to make them "democratized police officials" with a specific regard for human rights.[163] The last phase was the transformation of the Police Service into a representative, efficient, impartial, transparent and accountable service which upholds and protects the fundamental rights of all people, and which carries out its mission in consultation and co-operation with the needs of the community.[164] The third process of transformation focussed on enhancing the efficiency of the Police Service so that it could be measured in terms of international standards of efficiency.[165] The transformation of the Police Force was therefore conducted in three stages. The first stage of rationalization and the appointment of top

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159 *Servamus*, 30.6.1995, p. 2.
160 *The Star*, 21.4.1995, p. 5.
161 2/26/22: "*Media Statement: National Commissioner George Fivaz: Inauguration: Pretoria*", 30.1.1995, SAPS Provincial office, Bloemfontein.
162 *The Star*, 21.4.1995, p. 5.
163 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.
164 *The Star*, 21.5.1995, p. 5.
165 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

management had to be completed first, before the amalgamation and further transformation could take place.

There were seven priority areas for the Change Management Team to focus on. The first priority area entailed the evaluation and selection of applicants for senior posts and a new leadership in the Police Service was appointed. The second priority area was the establishment of new structures at national and provincial level. The third priority area was the integration of strategic planning and budgeting processes. The fourth priority area was the focus on human resources policies, in particular affirmative action, the rank and salary structures, promotion, performance evaluation, empowerment and training. The Change Management Team specifically focussed on a Leadership Development Programme for the new leadership with the emphasis on vision building. The fifth priority was the operationalising of the vision in relation to community policing so that ordinary police members would have a clear idea of what the change meant at ground level. The sixth priority area was to develop a new approach to public order policing issues and the seventh priority was to develop workable strategies to deal with most important 'serious crime' problems with the focus on community policing.[166] The question that needs to be asked is whether the Change Management Team was successful in achieving the majority of their goals for making the SAPS most effective in delivering a service to the communities. According to the abovementioned priorities, the Change Management Team did not put demilitarization as one of them.

The transformation of the Police Force was assessed by means of three progress reports drafted and distributed by Change Management. The first progress report was tabled in August 1995 and the last one in March 1996. The content of these reports was mentioned throughout the document pertaining to specific fields of interest.[167] In a progress report compiled by Change Management the transformation of the Police Force was aimed at five focus areas: firstly, to meet the requirements of the Constitution; secondly, to meet the policies of the GNU; thirdly, to meet the policy vision of the Minister of Safety and Security; fourthly, to satisfy the needs of the

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166 *Servamus*, 30.6.1995, p. 2.

167 2/1/1:"*Evaluation of the Transformation of the South African Police Service*", 18.10.1996, SAPS Provincial office, Bloemfontein.

community, and lastly to obtain a reduction in the levels of crime and violence in the country.[168] When comparing the five focus areas with the ones mentioned earlier, it becomes clear that the scope of operations for the Change Management Team was too big and much confusion was created as to what the specific priorities for transformation of the Police Force should really be.

The Change Management Team encountered a few problems. Firstly, there was too much internal focus, namely a tendency to prioritize organizational structures rather than the issue of service delivery. Secondly, there were too few persons with a developed understanding of a shared vision. Thirdly, insufficient work on developing a shared vision, especially amongst senior officers, was neglected. Fourthly, it was perceived that inadequate communication, largely the result of the ineffectiveness and instability of the communication structures, was hampering the change process. Fifthly, there was a failure to develop a clear approach to deal with the fears and concerns of specific interest groups within the Police Service. Sixthly, there was also a lack of a clear management strategy in relation to labour relations in the Police Service. This meant that crisis management in relation to labour relations threatened to overwhelm a planned change process. The seventh problem was that there was a general inability on the part of police leadership to develop clear strategies to address the abovementioned challenges.[169] The eighth problem was that the process of transformation was hampered by financial constraints. The process was managed by utilizing foreign aid and RDP funds.[170] That there was a lack of leadership in the top management is apparent. The inability to supply sufficient clear-cut strategies, no real understanding regarding a vision for a new Police Service and inadequate communication channels to the lower levels, were all factors that contributed to a sense of total frustration, insecurity and anxiety amongst the lower levels of policing. Commissioner Fivaz mentioned that the

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168 2/1/10: "*Transformation of the South African Police Service, Progress report, June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.

169 *Servamus*, 30.6.1995, p. 2.

170 2/1/1(2/16): "*Progress: Transformation: South African Police Service: August 1995"*, 6.9.1995, SAPS Provincial office, Bloemfontein.

transition of South Africa and the establishment of a new SAPS had led to uncertainty and understandable frustration amongst all police members.[171]

Less than two years after the general election of 1994, some politicians felt that the transformation of the SAPS was well under way. In a speech to the top management of the Police Service in late 1995, Sydney Mufamadi acknowledged that, despite the huge pressures they faced, the police leadership had achieved a great deal: "Less than two years previously, the Police Service was regarded as a department which could pose a threat to democracy. Today, the relative credibility and legitimacy enjoyed widely by the Police Service is one of the more clear indicators of the successful transition to democracy which our country had made."[172] Rauch concluded: "Even though the protracted period of peace-making after 1990 has seen some improvement in police-community relations, the government elected in April 1994 still faced an awesome task in reconstructing its inherited police forces into a law enforcement agency acceptable to all South Africans."[173] Transformation and change in the SAPS cannot be separated from the democratic transformation of South Africa. A safe and secure environment influences investor confidence, stability and socio-economic growth of the country.[174]

7.3. The Restructuring of the South African Police Force, 1991 to 1996

According to the Concise Oxford Dictionary restructure means "to rebuild or rearrange".[175] In the words of Lieutenant Colonel van Rooyen, "restructuring means in practice only that there will be a reorganization of tasks or responsibilities".[176] On the eve of the first general election in 1994, the South African Police Force consisted of more than 120 000 police members, without mentioning those police forces of the former TBVC and self-governing states. The Act regulating the functions of the South African Police Force was promulgated in 1958. Over three decades, the South African

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171 2/26/22: "*Media Statement: National Commissioner George Fivaz: Inauguration: Pretoria*", 30.1.1995, SAPS Provincial office, Bloemfontein.

172 Rauch, p. 5.

173 *Ibid*., p. 1.

174 2/10/2: "*Policing transformation: Implementation of strategic themes in the South African Police Service*", 25.6.1996, SAPS Provincial office, Bloemfontein.

175 Sykes, (6th edition), p. 959.

176 2/1: "*Herstrukturering in die Suid-Afrikaanse Polisie*", 8.10.1992, SAPS Provincial office, Bloemfontein.

Police Force had expanded and was continuously restructured to adapt to the changing environment within South Africa. Through these three decades new components and structures were created and old ones restructured to address the internal climate and crime situation within South Africa. The transitional era before democracy and democratization itself did not mean that it was the first time that the Police Force had been restructured. As the needs of the communities and the government changed, new legislation was introduced to curb crime in general and adaptations were made to the organizational structure and manpower in order to address those needs.

The extent of the restructuring of the Police Force with its hundreds of components and subcomponents could not be incorporated into the study. Some comments on the restructuring of the Police Force internally and externally will be mentioned as well as the chronological process of restructuring. Focus will be placed on those components or divisions that had become a stumbling block for many parties in South Africa on the road to democracy, namely that of the Internal Stability Unit and that of the Security Branch.

On 1 August 1991, the Commissioner of the South African Police Force, General Johan van der Merwe, announced the restructuring of the Riot Control Units to become the Internal Stability Division (ISD), also called Internal Stability Unit (ISU). He also announced the restructuring of the Security Branch into the Crime Intelligence Service (CIS) under the command and control of the Crime Combating and Investigation Division (CCI).[177] On 27 August 1992 a further restructuring of the Police Force followed. The DCR was established to improve the relationships between the Police Force, the media and the community. The aim of these initiatives was to restore the credibility of the South African Police Force, to heighten its effectiveness and to improve the relations between the community and the police.[178] The internal communication system that became available via the main-frame system of the Police Force was established in 1994 by the component Internal Liaison at Head Office. The communication system was introduced only on head office and regional levels. This

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177 *Ibid*.

178 8/1/1: "*Introduction of the Division Community Relations (DCR)*", 23.12.1992, SAPS Provincial office, Bloemfontein.

system was known as the Internal Computer Communication System. Important information regarding policy decisions was distributed to Police Force members via this system. Information was then brought under the attention of all members within 24 hours.[179] Comprehensive proposals on the structures, strategies and functions relating to communication and liaison were developed. A technical team was appointed to communicate extensively on the content and process of transformation with all the agencies and structures within the Police Force.[180]

In March 1992 Hernus Kriel, Minister of Law and Order, announced that R52,5 million had been allocated for 80 additional satellite police stations, 400 'contact points' and 50 mobile charge offices. New equipment included 10 000 bicycles by means of which suitably equipped policemen would patrol in pairs; 2 000 patrol motorcycles; 1 000 new patrol vehicles (and the prospects of an additional 4 000 that would be provided for in the budget); the expansion of the helicopter and fixed-wing aircraft fleet; additional video cameras, cameras, binoculars, night-sight apparatus, rifles, pistols, bullet-proof jackets and armoured vehicles for use at the scene of crimes and in preventing crime.[181]

In March 1995 a letter from Head Office indicated that approved provincial structures had been developed in consultation with the Minister and MEC's, Divisional Heads and Provincial Commissioners on the basis of the constitutional requirements and the proposals of various technical teams. Provision was made at Head Office for four Deputy National Commissioners. The five divisions established were National Standards and Management Services, Support Services, Human Resource Management, National Crime Investigation Services and Safety Services. National Standards and Management Services included Policy and Strategy, Corporate Development and Service Evaluations. Support Services consisted of Finances; Logistics and Auxiliary Services. Human Resources Management consisted of Personnel; Labour relations; In-service training; Management training and Basic training. National Crime Investigation Services was composed of the components Organized Crime; Commercial Crime;

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179 *Servamus*, 30.9.1994, p. 66.

180 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.

181 *Financial Mail*, 13.3.1992, p. 47.

Internal Security; Priority crimes; Investigation Support Services and Crime Information Management Centre. Safety Services includes Border Policing; Public Order Policing; Protection Services and Emergency Services.[182] What this meant is that the Internal Stability Unit was restructured and placed under the command and control of Safety Services as Public Order Policing, and CIS was restructured to become Internal Security and placed under the National Crime Investigation Services (NCIS) Division.

The technical team on structures in all the provinces facilitated a consultation process. The team responsible for the facilitation process was: H.J. van Rooyen from Head Office, E. van Vuuren from Management Services; A. Coetzee from Support Services; T.C. Moss from Human Resource Management; J. Bothma from NCIS; and G.E. Moorcroft from Safety Services in the Free State Province.[183] Enabling structures were approved and job descriptions and post levels were determined. The post structures for the levels of brigadier and some of colonel were approved and was advertised during July 1995.[184]

The ideal structure of the SAPS would include a flat decentralized structure, flexibility, external-orientation, delegation of authority to the lowest possible level, minimized levels of authority, elimination of over-specialization and duplication, optimizing of functions and focus on community policing. The process of restructuring of the SAPS was managed in phases. Lack of funds, infrastructure, expertise and knowledge at certain levels of policing required that the ideal structures would have to be developed and implemented in a well-planned manner over a period of up to five years.[185]

A new component, Service Evaluation, was established. The deployment of police officials into a new component such as the Very Important Persons (VIP) component to guard political leaders prior to the election, had largely been finalized. A memorandum

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182 2/1/1: "*Structure: South African Police Service*", 30.3.1995, SAPS Provincial office, Bloemfontein.

183 *Ibid*.

184 2/1/1: "*Structuring of, and appointments in South African Police Service*", 15.6.1995, SAPS Provincial office, Bloemfontein.

185 *Ibid*.

of understanding by the intelligence community with regard to the protection of VIP's, locally and abroad, was approved.[186]

The main objective of the Human Resource division was to provide the SAPS with competent and motivated personnel. The components of the Human Resources division were Personnel Services, Spiritual Services and Behavioural Sciences Services. The training and development of skills of personnel were also provided for. The Human Resources Division identified five areas for the achievement of an effective, efficient and disciplined service corps. Firstly, the implementation of a service evaluation programme that was linked to a performance appraisal process. Secondly, the enhancement of the operational effectiveness of the Police Service through the development, education and training of personnel. Thirdly, more pro-active measures to reduce stress levels amongst police members. The establishment of the Organizational Health and Safety component within the Human Resource division was the first step towards the creation of a physically and mentally healthier personnel corps. The fourth area was greater representation on all management levels of the Police Service. The last area was to ensure the equitable distribution of resources by means of the en-masse programme. This programme dealt essentially with the correct placement and allocation of personnel in accordance with the approved structures within the Police Service. The execution of this programme was the final step in the amalgamation of the SAPS.[187] A team responsible for resource auditing and re-allocation was at work gathering information to allow top management to make the necessary decisions on the re-allocation of resources.[188]

The transformation of the Police Force to a Police Service, as mentioned above, could not be assessed in isolation. The following five chapters will try to document the transformation process that only started here. The transformation process started with

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186 2/1/1(2/16): "*Progress: Transformation: South African Police Service: August 1995*", 6.9.1995, SAPS Provincial office, Bloemfontein.

187 2/26/22: "*Media Statement: Divisional Head: Human Resource Management, Neels Steenkamp, Pretoria: Role of the Division Human Resource Management on the Police Plan"*, 3.7.1996, SAPS Provincial office, Bloemfontein.

188 2/26/22: "*Media Statement: National Commissioner George Fivaz: Inauguration: Pretoria*", 30.1.1995, SAPS Provincial office, Bloemfontein.

the appointment of the IAT and Change Management Teams and, as indicated, could take up to five years to be completed. Just ten technical teams with their focus areas were mentioned, but the other teams also had to contribute meaningful strategies, policies, structures, and logistical and financial inputs for transformation and restructuring. This showed how enormous the process was to transform and restructure the Police Force. The restructuring of components and divisions mentioned in this chapter only reflects the tip of the iceberg.

8. The composition of the South African Police in terms of racial representivity, 1960s to late 1998

The composition of the Police Force reflected the representivity in terms of number, race and gender of the different population groups in the Police Force. It further gave an indication of the extent of representivity, equity and affirmative action with regard to specific race groups. With the coming of democracy a huge emphasis was placed on the representation of racial groups not only in the Police Force but also throughout the Public Service. The history of the composition of the Police Force as from the 1960s to the 1990s will shortly be described.

Gann and Duignan mentioned that the black population in South Africa was actually underpoliced; 15 000 black policemen were too few to enforce the law among a population of some nineteen million black people in an area larger than Western Europe in 1968.[189] Cawthra stated that the South African Police Force in 1969, who was constantly referred to as "our first line of defence", was a paramilitary force of 31 770 men, of whom 16 755 were white, 600 Indian, 1 371 coloured and 13 044 African. [190] When reflecting on the composition of the Police Force during the 1960s and 1970s, racial inequalities regarding representation existed although not that much as was originally thought meaning that nearly half of the police force composed of whites and Africans.

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189 L.H. Gann and P. Duignan, *South Africa: War? Revolution? Peace*? p. 47.
190 B. Bunting, *The rise of the South African Reich*, p. 411.

It was not until 1972 that the Police Force commenced with the deliberate recruitment of women. At that stage women were not recruited into the SADF and therefore also not into the Police Force. The perception existed that only men could perform military and paramilitary duties. The first white women were only recruited in 1972. In the early 1980s women from other ethnic groups were also recruited into the Police Force. The first 102 white females were recruited as permanent members of the Police Force during March 1972 and received basic training at the Police College in Pretoria. In 1981 the first coloured females were recruited for training at Bishop Lavis in the Western Cape and in 1980 the first Indian females received training at Chatsworth College near Durban. The composition of the Police Force started to change dramatically with the incorporation of female police officials. Colonel Devine Botha was the first female in the Police Force to be promoted to the rank of full colonel and later brigadier. The first African females received training at Hammanskraal, near Pretoria in 1983.[191] Women police were used in all contexts of policing apart from riot control and counter-insurgency during the 1980s and 1990s. Contrary to the prevailing stereotype, South Africa was not a 'police state' in the sense that the streets were full of policemen on the beat. The total number of policemen per 1 000 people stood at 1,42 in 1912; 63 years later, in 1975, the figure was 1,48. The proportion of policemen to civilians in South Africa is smaller than it is in the USA. [192]

In the beginning of the 1990s, Cawthra stated that of the 4 615 officers in the Police Force, only 82 were classified as black (1,77%), while Indians made up 2,27%, coloureds 1,56% and Whites 94,4%. Adjusted according to population ratios, white representation in the officers' corps was 244 times that of Africans.[193] In 1992 there were approximately 114 000 members in the Police Force, while the homeland police agencies made up a further 19 000 police members.[194] In December 1992 the top management consisted only of a 22-policemen board, which included community

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191 *Servamus*, 31.8.2004, p. 10.
192 Gann and Duignan, p. 46.
193 *Weekly Mail*, 8-14.3.1991, p. 16.
194 "*Policing the transition: Transforming the police: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress*" < http//www.anc.co.za..> s.a.

representatives.[195] In December 1994 it was increased to a general staff of 51, of which 50 were whites and one black.[196] The representation in the officers' corps of the Police Force was a problem on the eve of democracy. The representivity of managers and top managers to reflect the population ratios was lacking far behind and was a huge concern that needed urgent transformation according to the new government.

Prior to Commissioner Fivaz's appointment in 1995, there were 320 'top management' posts from the rank of brigadier or director upwards in the Police Service. In 1997 that figure was 414, of which 154 were stationed at the Pretoria Head Office and the rest in the provinces. The increase could be attributed to the fact that "amalgamation with the former homeland police forces increased the size of the Police Service, and increased the management capacity required".[197] On the other hand, in the old Transkei there were ten generals. After amalgamation with the Eastern Cape Police Force there were four generals, also referred to as commissioners. Out of a total Police Service of 140 000 members, the management echelon, from the rank of captain up to the national commissioner, accounts for nine percent of the manpower. Another 14% were made up of civilians, leaving 77% of the Police Service being from the rank of inspector to constable as foot soldiers.[198]

In April 1997 the Secretary of Safety and Security, Azhar Cachalia, mentioned: "I believe that the service is top heavy due to an inherited and historical development. The management echelon is perhaps bigger and broader than it needs to be".[199] Figures supplied by the Police's Human Resources Division showed that while the former Police Forces' management cadre numbered around 5 000, the figure for the new Police Service was 10 720.[200] In 1997 the SAPS's total personnel numbered in excess of 125 000 or about 312 members for every 100 000 of the population. This was more than in the USA (300), Australia (275) or Canada (249). More than 18% of total police personnel were detectives, which was more than in Britain or the United States (15%),

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195 *Business Day*, 10.12.1992, p. 2.
196 *Sowetan*, 12.12.1994, p. 7.
197 *Sunday Times*, 20.4.1997, p. 4.
198 *Ibid*.
199 *Ibid.*
200 *Ibid*.

but less than in Japan (20%). These 22 000 detectives were responsible for processing the input of 2,5 million cases per year.[201] In May 1998 the Crime Index, co-ordinated by the Institute for Security Studies for Nedcor, found that "measured against population and compared to a number of other countries, South Africa is not under-policed", whilst indicating a national average of 321 civilians for every police official.[202] Cawthra agrees with this and stated that in the middle of the 1990s there were more police members than ever before but crime rates were rising inexorably.[203] An increase in Police officials was evident at the start of the 1990s in South Africa. The perception that the Police Force was underrepresented in comparison to other countries regarding the population ratio, was also wrong.

Dr Ian de Vries mentioned that a situation developed in the Police Service that 18 000 constables were being managed by 60 000 sergeants.[204] A report by the Institute for Security Studies in 2002, substantiated Dr de Vries's findings. It showed that the SAPS had five and a half times more police inspectors than constables and nearly four times as many sergeants as constables.[205] From 1997 to 1999, only 1 200 new constable posts were created and only half of those were filled. Meanwhile, five additional divisional commissioners posts were created and advertised. These would cost about R400 000 per post per year. "These additional expensive top-level posts have apparently been created only to promote affirmative action in the Police Service", Dr de Vries said. The manpower of the SAPS was reduced from 144 000 in 1994, when the various police agencies were amalgamated, to 128 000. The Police Service was on record that it intended to reduce this complement to 120 000.[206] Landman agrees by stating that from January 1997 to November 2000 the number of police officials decreased by 14 356, thus 10,5%.[207]

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201 G. Newman (ed.), *Global report on crime and justice*, p. 124.

202 *Financial Mail*, 15.5.1998, p. 44.

203 G. Cawthra, *Policing South Africa, the South African Police and the transition from apartheid*, p. 3.

204 Dr de Vries was director of research in the South African Police Service in Pretoria but resigned from the Police Service in 1998. *The Citizen*, 5.5.1999, p. 2.

205 "*Too many chiefs*", < http//www.capetimes,ac.za.> 14.3.2006.

206 *The Citizen*, 5.5.1999, p. 2.

207 K. Landman, "Crime, political transition and urban transformation in South Africa and Brazil" in *South African Institute for International Affairs (SAIIA)*, Report no. 36, 2003.

At the end of 1998, under the National Commissioner and three deputy national commissioners, eleven divisional commissioners were responsible for various divisions within the SAPS. The divisional commissioners were those of National Evaluation, Crime Prevention, Operational Response Service, Crime Intelligence, Detective Service, Logistics, Financial and Administrative Services, Training, Personnel Services, Career Management and Legal Services.[208] Director Paneras mentioned that in 1996 the Free State Province had over 12 000 police officials. Not even four years later there were 3 000 police officials less in the province, thus 25% less personnel.[209]

It seems that transformation, rationalization and amalgamation of all the Police agencies created the effect that the Police Service had less 'foot soldiers' and more managers. There were also fewer police members on grass roots level to perform the operational duties expected from the Police Service. More top management posts were created and filled in order to make the top management of the SAPS more representative of the communities it was suppose to serve. The lower levels did not reflect such a bad image of the representation of the population it had to serve. However, the more top heavy the SAPS became, the more representative it became and hopefully, the more effective it would become. The issue of service delivery will be discussed in another chapter.

9. Evaluation

It is difficult to analyze the overall transformation and restructuring discussed in this chapter. It will however be discussed in the following chapters as well. From the issues with regard to transformation discussed, an assessment of the whole process could be made. For now, it is important to notice that the transformation and restructuring of the Police Force had already started at the beginning of the 1990s under the command of General Johan van der Merwe. The Police Force became the SAPS under the new SAPS Act that will be discussed in Chapter 5, under the command of Commissioner George Fivaz. However, the transformation of the Police Force started with the appointment of the Interim Advisory Team and the Change Management Team. The

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208 J. Redpath, "Leaner and meaner? Restructuring the Detective Service" in *Institute for Security Studies*, Monograph series, No. 73, May 2002, pp. 3-4.

209 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

Change Management team with all the technical teams performed ground-breaking work to put the Police Force on a road to transformation. It was then already realized that transformation would not be achieved in one or two years, but it would be a longer process to incorporate and amalgamate all the various and different police agencies into one central policing agency for South Africa. Transformation of the Police Force was easier said than done and could not be achieved in one year.

The political transitional period with negotiations that started at the release of Nelson Mandela, through CODESA and eventually the Multiparty Conference, focussed much on the issue of policing, because this aspect cannot be separated from the governance of the state. In the transitional period the South African Police Force was an institution that was according to the ANC, not acceptable to the majority of the population within South Africa and needed transformation. The ANC and other former liberation organizations were indeed afraid that the Police Force with its culture of militarism and 'brutality' would jeopardize the transitional period to democracy, because they could not be trusted and was not credible. However, the Police Force proved them to be wrong. During the 1994 elections the management echelon of the Police Force was mostly that of the 'old' order as well as the police officials who worked at grass roots level. The old Police Force ensured that democracy would not remain just a dream for the majority of the population, but would become a reality.

The aim of the negotiations between the government and the former liberation organizations, such as the ANC and PAC, was to draft a constitution and to ensure free and fair elections for democracy. In order to realize this, the primary vehicle was the Police Force who had to ensure that the climate in South Africa would be conducive to free and fair elections. In all the minutes, agreements, understandings and undertakings, the Police Force remained one of the central issues that was discussed and that needed deliberation. The National Peace Accord focussed on the issue of peace wherein the Police Force had to play a central role. Not all the committees that were established to curb the escalating violence and conflict were very successful. The issue of political violence will be discussed in the following chapter with specific reference to the allegations of a 'Third Force' and the Goldstone Commission of Inquiry.

A very important aspect to remember is that the transformation of the Police Force should be aligned with the principles, prescriptions and guidelines of the Public Service. In the past, the Police Force was part of the public service only in name and operated more independently. With democratization and a new era in policing, the accountability of the Police Force was perceived as more in line with that of the overall public service. The idea was that more transparency and accountability would be forthcoming from the Police Force if it was managed as a part of the public service. Policy issues regarding human transformation in the Police Force had to become aligned with those of the overall public service. The reason for this was clear; the Police Force had to become more representative. However, when assessing the transformation of the whole Public Service, the issue of service delivery and effectiveness was quite central. Transformation had to take place, but also had to ensure that the government departments would become more effective in their service delivery to the communities. In the following two chapters the issue of transformation with specific reference to that of the public service will be discussed as well as that of effective service delivery.

CHAPTER 4 - The transformation and restructuring of the South Africa Police Force with specific reference to the transformation of the Internal Stability Division (ISD) and the Security Branch: 1990-1998

1. Introduction

Transforming and regulating the Police Force is one of the crucial issues in consolidating democracy. National Commissioner F.G. Fivaz stated in August 1995 that the South African Police Service (SAPS) had to be completely depoliticized and had to return to its classic task of crime prevention. Fundamental changes in the Service were aimed at meeting the requirements of the new government and creating a service that was accountable to the community.[1] The former National Commissioner, General J.V. van der Merwe, stated his point of view regarding the need for the transformation of the Police Force: "The ANC wanted as far as possible to create a new Police Service and to cast lose this Police Service from the past and the influences that played a role in the past. One thing that must be kept in mind is that the Police Force was very effective and that the ANC had reason to fear them. The fact that the Police Force succeeded through all the years to restrict the ANC, made it important to them to ensure that the Police Force changed and that the new Police Service must satisfy their requirements, their expectations and loyalty. They wanted to see a whole new sort of metamorphosis or transformation."[2] Professor D.P. Wessels concurred that the new government wanted to transform the SAPS into everything that the Police Force was not.[3]

The transformation of the South African Police Force did not start at democratization. It had already started in the transitional era, after the release

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1 G.E. Devenish (ed.), *A commentary on the South African Constitution*, pp. 282-283.

2 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

3 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

of Nelson Mandela and negotiations between the government and former liberation organizations, mainly the African National Congress (ANC) and the Pan Africanist Congress (PAC). During negotiations it became evident that the South African Police Force was in need of urgent transformation to become more acceptable to the majority of people within South Africa.

The extensiveness of the South African Police Force as an institution became problematic when investigating transformation and restructuring. This entailed that it was not feasible to cover all the hundreds of components and sub-components restructured within the transformation period. The focus of the research was therefore on the restructuring of the Internal Stability Division (ISD) and the Security Branch. Legislation that gave immense powers to the Police Force and especially the Security Branch and Riot Control Units to operate within a 'force' hierarchy had to change to make it more accountable, transparent and acceptable in a new dispensation.

Snibbe is of the opinion that it is one of the ironies of social existence that the greatest progress often occurs at times of greatest social unrest. Indeed, it is the threat of violence that is frequently the most powerful force to promote change in the institutions of society. History attests to the fact that the most dramatic technological advances in science and industry occurred during periods when nations were imperilled by war. He quoted: "There is little question that when 'under the gun' we are able to marshal our resources, we can reappraise our priorities, and we can alter our institutions to enhance survival as a social order. Today, threats of violence are legion, not so much from without but from within our society."[4] South Africa was experiencing a time of great social and political unrest that provided the impetus for the transformation of the whole society.

With the unbanning of the ANC and former liberation organizations and the start of negotiations, the popular belief from all sides of South African society and government officials were that stability in this country had eventually arrived. Just the opposite

[4] J.R. Snibbe and H.M.Snibbe, *The urban policeman in transition, a psychological and sociological review*, p. 407.

happened: South Africa experienced a tremendous increase in political conflict and violence, mainly between the ANC and Inkatha Freedom Party (IFP) or Inkatha supporters. The escalation in violence whereby thousands of people were killed, put a huge question mark behind negotiations. Would they indeed be successful and will the dream of democracy for South Africa eventually be achieved? In this regard, the Police Service was again compromised by allegations by the ANC, PAC and other liberal organizations and opponents of the government, that the Police Force was instrumental in the violence and that they operated as a so-called 'Third Force' especially in Natal. Because of this, the National Party government appointed the Goldstone Commission to investigate the political violence and conflict and the final report of this commission brought a lot of speculation to the front. Was the Goldstone Commission really impartial in its allegations implicating senior Police Force officers in the so-called 'Third Force'?

The Truth and Reconciliation Commission (TRC) also played a tremendous role in placing the Police Force, and especially the Security Branch, in a negative light due to the huge publicity it received. Commissioner Suiker Britz mentioned that it was necessary for the TRC to exist. On the question whether the TRC played a major role in reconciliation, he answered negatively.[5] The TRC evoked many diverse feelings in the Police Force and the public. The central question is whether the process of amnesty instituted by the government by means of the TRC was fair and did the TRC reach its aim of reconciliation with the past?

2. Violence between the ANC and Inkatha affect the restructuring of the South African Police Force

The violence that erupted especially between the ANC and Inkatha in the years after the unbanning of the liberation organizations in South Africa can be seen as political of nature in determining a power base of supporters for the future elections. In this regard

[5] Commissioner Britz joined the South African Police Force in 1961. He started at Visible Policing in Welkom and was transferred to the Detective Branch where he became well-known for his investigation skills. He became the National Head of Serious and Violent Crimes, the old Murder and Robbery Unit. He resigned from the Police Service in 1999 while being the head of this unit. Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National Head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.

Tupman is of the opinion that politics is basically a bargaining process and that violence is one of the means available to improve one's bargaining position within the process. Political violence indeed became an inextricable part of the political bargaining process.[6]

On 2 December 1974 Inkatha Yenkululko Yesizwe[7] was formally launched during a meeting held at KwaMagwaza near Malmoth.[8] This followed after negotiations between A.H. Zulu and Kaizer Mangosuthu Buthelezi to form a new united black movement in South Africa. Membership to Inkatha was not restricted to Zulus, but was extended to all South Africans. Inkatha distanced itself from the ANC with its methods of using violence to achieve specific political goals and also denunciated communism.[9] Inkatha was committed to achieve change, including the total eradication of apartheid, through non-violent means.[10] The final split between the ANC and Inkatha occurred in 1979 during high-level negotiations between an Inkatha delegation and ANC leaders in London. The negotiations were related to a refusal by Inkatha to be used as a front organization for the ANC's external wing and Inkatha's rejection of violence as a means to accomplish political change.[11] The ANC was not happy about Inkatha's rejection of violence to achieve political goals and thought that Inkatha could be persuaded to utilize force against the National Party government.

During the middle of the 1980s, the scale and intensity of township violence in the Durban area escalated. Clashes occurred between Inkatha and a combination of ANC and UDF supporters. During these clashes people were killed. The Police Force, later accompanied by the Defence Force, had to restore law and order and was involved in violent confrontations with supporters of the ANC/UDF and Inkatha.[12] "An

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6 A. de V. Minnaar *et al*., *Conflict and violence in Natal/KwaZulu, historical perceptions*, p. 55.

7 J.H. Theron, "The student conference of April 1985, The need for white/black liaison reaffirmed" in *Journal for Contemporary History* 10(2), August 1985, p. 68. 'Inkatha' refers to the coronet of twisted cloth that eases the burden and helps to balance a heavy load carried on the head. The name was first adopted in 1928 by King Solomon ka Dinuzulu for a Zulu cultural liberation organization.

8 P. Frankel *et al*., *State, resistance and change in South Africa*, p. 148.

9 N. Rhoodie and I. Liebenberg (eds), *Democratic nation building in South Africa*, p. 197; M.G. Buthelezi, *South Africa, my vision of the future*, p. 10.

10 F. Kendall and L. Louw, *After apartheid, the solution for South Africa*, p. 101.

11 S.T. Maphalala, "Die rol van Inkatha as nasionale en kulturele bevrydingsbeweging in Suid-Afrika" in *Journal for Contemporary History* 10(3), December 1983, pp. 62, 68.

12 Frankel *et al*., p. 166.

unprecedented wave of terror was sweeping the Durban townships of Umlazi and KwaMashu", one correspondent proclaimed. In KwaMashu armed mobs attacked protesting students and burnt homes of UDF supporters to the ground.[13]

During August 1984 the South African Council of Catholic Bishops (SACCB) alleged that policemen were randomly violent towards innocent demonstrators, damaged property, acted provocatively, used teargas recklessly and acted irregularly at funerals. They also made other unsupported allegations. According to Dippenaar, an attempt was made to leave the impression that the South African Police Force, especially young white policemen, was the main cause of the commotion.[14] The focus was on the police officials of the Riot Control Units or Internal Stability Unit who had to control the demonstrations.

Just after the release of the first ANC leaders at the end of 1989, the ANC started with a mass defiance campaign and the idea occurred to obtain peace by isolating Buthelezi. Inkatha claimed that it had the support of the majority of black people in Natal. Its support derived mainly from the rural areas. The ANC's support was more concentrated in the townships, but Linscott alleged that it was not absolutely certain that the ANC had the majority of support in the urban areas. The unbanning of the ANC, SACP and PAC on 2 February 1990 and the release of Nelson Mandela was a sign for the young ANC supporters that Inkatha would not be a factor in the political arena. In March 1990 the violence started and took on serious proportions with Inkatha attacks in Edenvale. The ANC's programme of mass mobilization only fuelled the existing tense situation. The violence did not only spread to the South Coast, but also to the East Rand.[15]

The violence at the East Rand started when Inkatha became a non-racial political party in July 1990 and launched a recruitment campaign in the hostels. Various ANC organizations, such as the South African Youth Congress (SAYCO), branded Inkatha as

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13 M. Murray, *South Africa, time of agony, time of destiny, the upsurge of popular protest*, 336.
14 M. de Witt Dippenaar, *The history of the South African Police, 1913-1988*, p. 724.
15 Quoted in Minnaar, p. 50.

the enemy. A campaign of political assassinations and petrol bomb attacks on the houses of Inkatha officials followed. Mandela visited the Frontline states and at a meeting in September 1990, he negated Inkatha and Buthelezi's role within the black politics of South Africa. It created the belief by Africans that Inkatha and its leader were not on par with black political processes in South Africa and should get all the blame for black-on-black violence.[16] This also caused ANC leaders in exile and in the country to try their utmost best to discredit Buthelezi under his followers and to undermine his position in the political arena.

In the months before and after the signing of the National Peace Accord, there was a sharp increase in the number of people killed in political violence. There were two main sources for the violence, namely the longstanding conflict in Natal, and the confrontation between residents and hostel-dwellers in the Alexandra township on the East Rand. Both involved conflict between the ANC and the IFP. The new wave of violence prompted disillusionment with the National Peace Accord. The Chairman of the National Peace Committee, John Hall, noted that "violence is fast becoming a way of life in many areas in South Africa and the structures of the Accord appear to be powerless to stem the tide of unrest".[17]

The Inkatha scandal which was revealed in July 1991, also called the 'funding controversy' indicated that the Security Branch had funded certain Inkatha gatherings.[18] The ANC accused the security forces of supporting Inkatha in faction violence against the ANC. The ANC issued a press release indicating that there was a nationwide trend of promoting violence against it, and the Police Force also failed to act against those who were using violence against them. The government 'acknowledged' that Inkatha and UWUSA received more or less R1,75 million over a period of four years, but that the money was not donated to promote their political objectives, but to assist Inkatha in its attempts to end the sanction campaign against South Africa.[19] These accusations were believed by many black ANC supporters and an escalation in the violence between

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16 A.C.P. Strauss, "Die rol van dr Mangosuthu Buthelezi en sy Inkatha Vryheidsparty in die Suid-Afrikaanse politiek" in *Journal for Contemporary History* 18(2), December 1993, pp. 54-55.
17 J.D Brewer, *Restructuring South Africa*, p. 135.
18 Strauss, "Die rol van dr Mangosuthu Buthelezi …", pp. 53, 54-56.
19 *Ibid*., p. 56.

them and Inkatha supporters occurred. Inkatha, on the other hand, accused the government of knowing about Umkhonto we Sizwe (MK) soldiers who had been trained in Africa and deployed in the Natal area to assassinate IFP leaders.[20] On 4 May 1994 a report of the Goldstone Commission was submitted concerning the murder of police officials. It was found that numerous individual members and supporters of the ANC and its military wing, MK, were responsible for the murder of police officials. It was however mentioned in the report that it was not official ANC policy.[21]

Buthelezi and Mandela met one another at a meeting on 23 June 1993 at the World Trade Centre in Kempton Park. An agreement was made to stop the violence between the ANC and Inkatha.[22] The violence between these two political organizations did not stop immediately and the Police Force tried to maintain law and order, but just the opposite happened, namely that the violence escalated tremendously in so far that on 23 March 1994 the Congress of South African Trade Unions (COSATU's) Campaign Conference issued a press release indicating that Natal was spiralling out of control. They also asked for adequate members of the Defence Force and the National Peacekeeping troops in Natal to deal with the violence.[23] The violence in Natal that occurred between the ANC and Inkatha was primarily a power struggle. The ANC wanted to extend and increase its power bases under the Zulu population where Inkatha historically had a stronghold.

Mandela claimed at a meeting in Umlazi, Natal that those responsible for the deaths of 13 000 supporters in political violence since 1984 were members of Inkatha, the KwaZulu-Natal Police and certain elements of the Defence Force's Military Intelligence and the South African Police Force.[24] Shaw stated that people tend to provide three explanations for the ongoing and escalated violence in the country. Some suggested that violence was the result of poverty. A second view claimed that it was due to a

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20 *Ibid*., pp. 56, 59.
21 A.C.P. Strauss, "Die Goldstone kommissie" in *Journal for Contemporary History* 20(2), December 1995, p. 175.
22 Strauss, "Die rol van dr Mangosuthu Buthelezi …", pp. 56, 59.
23 *The Citizen*, 29.3.1994, p. 10.
24 *The Natal Mercury*, 13.4.1993, p. 3.

conspiracy. The third view blamed political rivalry between opposing groups. He saw violence as a product of the transition period.[25]

The Human Rights Commission (HRC) reporting in 1992 on the escalating violence from 1990 to 1992, alleged that 8% of the killings in massacres[26] could be attributed to the Police Force. The report stated that more than 1 200 people died in 49 massacres. The HRC put 69% of the blame on members, supporters and elements of the IFP. The IFP responded to the report by saying that it was flawed, unreliable, biased and accused the HRC of deliberately leaving out the massacres in which IFP supporters were killed.[27] The violence in Natal escalated till the end of the 1990s. The Police Force was in a difficult situation because they could not stop the violence, and on the other hand were continuously accused by the ANC of inciting the violence in Natal. The allegations of a so-called 'third force' in the media and the ANC's allegations of the Police Force involvement, contributed to an already bad image of the Police Force.

2.1 The operations of the so-called 'Third Force' implicating the South African Police Force, 1989 to 1994

During the 1980s an unprecedented militarization of the state and of society occurred. Allegations were made in the media that a so-called 'Third Force', comprising of security force personnel and especially Police Force members, were executint attacks on ANC members. An article in *The Daily Mail* mentioned that there were suspicions that hit squads in South Africa were retained.[28] In 1989 the US State Department released its annual world human rights survey. The survey raised the possibility that death squads associated with the right-wing Wit Wolwe were "operating within the Government".[29] The survey further mentioned that there were no incidents of

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[25] S. Friedman and D. Atkinson (ed.), *South African review 7, the small miracle, South Africa's negotiated settlement*, pp. 183-184.

[26] Massacres recorded included only those incidents where more than ten people were killed in a single attack. *Sowetan*, 31.7.1992, p. 44.

[27] *Ibid*.

[28] *The Daily Mail*, 3.7.1990, p. 7.

[29] Die 'Wit Wolwe' is 'n regse groepering soos die Orde Boerevolk en die Suid-Afrikaanse Bond vir Voormalige Soldate. *Beeld*, 29.1.2003, p. 7; *The Citizen*, 7.12.2002, p. 1.

necklacing reported in 1989 and no one died as a result of an ANC attack.[30] A political writer of *The Star*, Patrick Lawrence, wrote a book entitled "Death squads – Apartheid's secret weapon", which was published in Johannesburg on 31 October 1990. The book alleged that murders were chronicled and clues uncovered which pointed to the existence of such death squads operating with the connivance of powerful patrons in the upper echelons of government.[31] An HRC report claimed that between July 1990 and June 1991, the Security Forces were responsible for 238 deaths and that the Security Forces were involved in unrest areas.[32] The violence in Natal, mainly between the ANC and Inkatha, took on such proportions that there were allegations that a 'Third Force' had to be involved in the random killing of people.

Toch stated that men who make rules for the Police, such as commissioners and boards, are not present where the rules are applied. They cannot assess the "need" for concrete reactions to individual situations. This point holds for the instrumental use of violence. The occasion for violence and the results of violence are generally only obvious to the user of violence, to his victim, and to immediate spectators. Toch further stressed that teachers, hospital attendants, policemen and prison guards are empowered to use force to prevent or interrupt injury or disruption to themselves, to clients, and to outsiders.[33] Wilkinson mentioned that force means the legitimate and legally authorized coercive power of the state. Violence is defined as the illegitimate use or threatened use of coercion resulting, or intended to result in, the death, injury, restraint or intimidation of persons or the destruction or seizure of property.[34] A violent incident becomes visible mostly where there is public concern, internal conflict, or support for a victim. The organization could be labelled 'brutal' or 'bloodthirsty' and the incident could show that police officials beat victims as a standard practice or policy.[35] Many negative reports were published on Police Force reaction, behaviour and conduct in their line of duty in the media and gave the impression that it was standard practice to be brutal.

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30 *The Sunday Times*, 25.2.1990, p. 8.
31 *The Star*, 1.11.1990, p. 2.
32 *Business Day*, 25.9.1991, p. 2.
33 H. Toch, *Peacekeeping: Police, prisons, and violence*, pp. 1-2.
34 P. Wilkinson, *Terrorism and the liberal state*, pp. 19, 23.
35 Toch, p. 3.

The existence of Vlakplaas became known for the first time because of the utterances of a former Police Captain, Dirk Coetzee.[36] According to him, Vlakplaas was the base from where the Police Force's 'assassination squads' operated to commit political assassinations. The planning for bomb explosions abroad was planned there as well as the poisoning of ANC suspects.[37] Letter bombs were also sent from this venue to targets. When the allegations were made in November 1989, the Police Force said that the 'aim' of the farm was to accommodate rehabilitated terrorists and to protect them against attacks from the ANC. Former members of the ANC, named the Askaris were trained and utilized at Vlakplaas in a support unit of the Police Force. The Askaris were disbanded on 30 April 1993.[38] The utterances of Dirk Coetzee reflected a very bad picture of the Security Branch in the media. That certain bad elements of the Security Branch were involved in dirty tricks, was true. In this regard former Brigadier A. Oosthuizen mentioned that some members of the Security Branch were involved in internal operations whereby certain targets were eliminated with the full knowledge and in the majority of instances with the authority of government.[39] There is no debate that bad elements operated within the Security Branch and also the Police Force, but it did not make the whole Police Force or the Security Branch overall bad.

For the police, violence is an occupational risk, and force is an occupational tool. Sometimes publicized police violence is not only dramatic, but also unusually brutal, and is apt to inspire calls for action. Men who start their working day or night sensitized to the possibility, however remote, of death or serious injury must face the management of their fear, and suspects who view the Police as a source of serious victimization are apt to be apprehensive of encounters with police officers.[40] Westley showed however that there were relatively few police officers who were inclined to excessive and repeated use of violence, and that these were men who had problems of respect and self-esteem.[41] Commissioner M.J. Gaobepe mentioned that the type of

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36 A. Boraine, *A country unmasked, inside South Africa's Truth and Reconciliation Commission*, p. 124.
37 J. Sanders, *Apartheid's friends: The rise and fall of South Africa's Secret Service*, pp. 205-207; J. Dugard *et al.*, *The last years of apartheid: civil liberties in South Africa*, p. 86.
38 *Rapport*, 6.6.1993, p. 1.
39 Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.
40 Wilkinson, p. 11.
41 *Ibid*., p. 18.

force the Police Force utilized under the apartheid era was in more instances unnecessary and uncalled for.[42]

In 1991, F.W. de Klerk mentioned that the Police Force was exposed to tremendous stress and demands. They made mistakes, and as in other occupations, the bad elements were there. There was not doubt in his mind that generally speaking the Defence Force and Police Force had been acting correctly.[43] An article in *The Daily News* also mentioned that shrill accusations against the police were out of place. "The Police Force and the army were acting as holders of the peace in the Transvaal townships, and this was generally recognized by the local communities. It is therefore highly unlikely that the Police Force were responsible for 'savage and unprovoked murder' as alleged by the ANC. The ANC's outburst suggests a failure to adjust to the new realities in South Africa, a knee-jerk reversion of the rhetoric of 'the struggle' where things go wrong."[44] The strategy of the ANC was to discredit the Police Force on a continuous basis, and by doing so any blame would be taken away from them and placed on the shoulders of the Police Force.

2.2 Commission of Inquiry into the so-called 'Third Force', the Goldstone Commission, 1990 to 1994

The Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation was appointed as part of the National Peace Accord in September 1991 to investigate the violence in the country. The commission was also used to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.[45] Strauss mentioned that the reason for the appointment of the Goldstone Commission occurred against the background of political unrest and violence, and mistrust against the security forces of a white government without

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42 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

43 *Die Burger*, 3.5.1991, p. 10.

44 *The Daily News*, 27.3.1991, p. 20.

45 M. Hough and A. du Plessis, "Selected Documents and commentaries on negotiations and constitutional development in the RSA" *in Institute for Security Studies*, ad hoc publication no. 31, July 1994, p. 85.

legitimacy. It was an era of political reform, negotiations for a democratic order, strive for political power and huge uncertainty.[46]

On 18 April 1990 F.W. de Klerk referred in Parliament to the events at Sebokeng on 26 March 1990 whereby a number of people died and 281 were injured. He commanded the Minister of Law and Order and the Commissioner of the Police Force to appoint a commission of inquiry into these events. Judge Richard E. Goldstone was appointed to head the Commission.[47] The Lawyers Committee for Human Rights stated that the South African government strongly defended its security forces and protested that they acted "within civilized norms". They were of the opinion that the government was making every effort to protect the police and army from legal investigations and public scrutiny.[48] The first report of the Goldstone Commission was released on 27 June 1990 wherein the Police Force was directly blamed for the shooting at Sebokeng due to a lack of communication and discipline.[49] The Police Force was at fault and criminal prosecutions were instituted against the police members who did not act according to procedures.

The Boipatong massacre took place on 17 June 1991 wherein 45 people, inclusive of women and children, died. It was alleged in the media that the incident was a revenge attack after an Inkatha member had been murdered. Allegations were also made that police officers had been involved.[50] Dr Peter Waddington from Reading University in England and two British officers were asked by the Police Force to join the Goldstone Commission in their investigation into the massacre.[51] Waddington reported that the police methods of investigation and the way they handled the crowd were partly to be blamed.[52]

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46 Strauss, "Die Goldstone-kommissie", p. 156.
47 *The Argus*, 4.9.1990, p. 13.
48 Lawyers Committee for Human Rights, *The war against children, South Africa's youngest victims*, p. 133.
49 Strauss, "Die Goldstone-kommissie", pp. 157-158.
50 *Ibid*., p. 166.
51 S. Mabitsela, *The public debate on the Boipatong massacre, 1992-1994*, p. 32.
52 *Weekend Argus*, 8.8.1992, p. 10.

Violence in black townships continued ceaselessly and political parties blamed one another for it. The bloodletting was exploited for political gain and from leftist circles it was alleged that the government, or the so-called 'Third Force' was responsible for the violence. F.W. de Klerk announced on 24 October 1991 that the Goldstone Commission would become a standing commission to investigate the involvement of the Police Force in the violence. The Commission was then founded in terms of Act 139 of 1991 as the Commission for the Prevention of Public Violence and Intimidation.[53]

The independent Goldstone Commission, after a thorough investigation in July 1992, declared that the political struggle between Inkatha and the ANC was the main cause for the violence in the former Transvaal and Natal and that there was no evidence to substantiate the involvement of a so-called 'Third Force' in the violence.[54] This was the first report of the Commission wherein it stated that no connection could be found between a so-called 'Third Force' and members of the Police Force.

Judge Goldstone stated in a press release on 12 November 1993, that the Goldstone Commission had been appointed to investigate whether political and other organizations were providing military training to their members in various parts of South Africa. The Commission had received evidence and it appeared from media reports that there were individuals and communities in South Africa who feared, whether objectively justifiably or not, that the State security forces were unable or unprepared to give them adequate protection from violence and intimidation.[55]

On 18 March 1994 Judge Goldstone revealed the existence of so-called murder gangs in the South African Police Force.[56] This allegation received extensive media coverage in local as well as overseas newspapers. Lieutenant General Basie Smit, senior deputy commissioner of the Police Force, Lieutenant General Johan le Roux and Major General

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53 Strauss, "Die Goldstone kommissie", p. 160.
54 Strauss, "Die rol van dr Mangosuthu Buthelezi …", p. 55.
55 2/6/2(83): "*Press release by Mr Justice R J Goldstone, Chairman of the commission of inquiry regarding the prevention of public violence and intimidation"*, Pretoria, 12.11.1993, SAPS Provincial Office, Bloemfontein.
56 *The Star,* 10.8.1994, pp. 12; 3.

Krappies Engelbrecht of the South African Defence Force,[57] as well as two attorneys general, namely Advocate Tim McNally of Natal and Advocate Frank Kahn, previously from the Western-Cape, were implicated by the Goldstone Commission of being involved in train and hostel violence as well as in the manufacturing and smuggling of firearms.[58] Due to these allegations and on request of the State President, a special investigating team was established under the personal leadership of Dr JA d'Oliveira, the Attorney General of Transvaal, to investigate these allegations.[59] An international team of investigators under Dr d'Oliveira was also appointed to investigate the involvement of police in criminal political violence in KwaZulu-Natal, except for political rivalry between the ANC and IFP. The information set out in the report of 18 March 1994 led to several criminal prosecutions, including that against Eugene Alexander de Kock.[60] The Police Force was of the opinion, that if the allegations were true, why had there never been criminal prosecutions instituted against the implicated generals?

In its final report, the Commission stated that it was satisfied that, having examined a large proportion of the total of 140 cases, it could not find evidence to support the allegation of a systematic policy by the ANC and MK to murder leaders of the IFP.[61] The Commission stated in its final report that any further investigation of the past history of alleged violence through acts of commission or omission by members of the South African Police Force, would fall more naturally and appropriately within the purview of the proposed Commission for Truth and Reconciliation.[62] What became evident in the Goldstone reports was that not in one of them the ANC was remotely responsible for the violence in Natal, but always other elements such as the IFP and the Police Force. This led to speculations that the Goldstone Commission was indeed biased and impaired in their final report.

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57 *The Financial Mail*, 1.4.1994, p. 51.
58 Strauss, "Die Goldstone Kommissie" p. 172.
59 2/6/2/32: "*Bewering deur die Goldstone Kommissie : Moordbendes in the Suid-Afrikaanse Polisie"*, 13.9.1994, SAPS Provincial Office, Bloemfontein; *Weekly Mail and Guardian*, 6-12.5.1994, p. 3.
60 2/6/2(56): "*Goldstone Kommissie van ondersoek: Final report of the Goldstone Commission"*, 27.10.1994, SAPS Provincial Office, Bloemfontein.
61 *Ibid*., 3.6.1 to 3.6.3.
62 *Ibid*., par 3.2.3.

Strauss stated that the report and attitude of the Goldstone Commission and the government put forward many doubts. It was said that untested evidence, originating from one secret witness who had been paid by the Commission, formed the basis of the final report. It became clear later on that the Commission relied heavily on hearsay evidence. Of the 20 investigations against the Police Force, especially those of the generals, it was found that in at least 14 instances that the commission's allegations could not be substantiated.[63] Minnaar is of the opinion that the Commission served as an independent arbiter, who needed to determine the causes of the violence that could be exploited, identify the culprits and make recommendations regarding them. It was not the task of the Commission to institute prosecution.[64] Untested evidence was thus used to inseminate mistrust against the top echelon of the SAP and South African Defence Force (SADF).

Schutte stated that the Goldstone Commission was unable to make express findings of guilt regarding 'Third Force' activity by such organizations as 32 Battalion, the Civil Co-operation Bureau (CCB), 'hit squads' and the Police Force, that were "identifiable groups and organizations".[65] An article in *The Pretoria News* reported that General van der Merwe had mentioned that "untested evidence presented during preliminary hearings of the Goldstone Commission, where no cross-examination was allowed, was presented as facts by certain newspapers. He emphasized that the police investigation had produced no evidence indicating the involvement of former Koevoet members in the Boipatong incident. The press reports can only be described as a hate campaign against the Police Force."[66] According to Director P.D. de Kock, the revelations of the Goldstone Commission must be regarded against Goldstone's background as pro-ANC. He further stressed that the allegations in the Goldstone report that members of the Police Force were involved in the so-called hit squads, were all fabricated lies.[67] In this regard General van der Merwe cited that he would resign if the Goldstone Commission's 'Third Force' charges against Generals Smith and Le Roux proved to be

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63 Strauss, "Die Goldstone kommissie", p. 175.
64 *Ibid*., p. 181.
65 Minnaar *et al*., pp. 55, 57.
66 *The Pretoria News*, 27.6.1990, p. 1.
67 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Service, SAPS, Free State Province, Bloemfontein, 4.4.2007.

correct. He worked with them for a long time and deplored the way they had been denied legal representation before appearing before the Commission. General Leon Mellet, retiring police media liaison officer, believed that F.W. de Klerk had suspended the three generals to "try and gain black support".[68] Judge J.M.C. Smit of Pretoria stated that there should seriously reflected on the way the investigations and behaviour of the Goldstone Commission's inquiries were conducted.[69] General H. Heinze mentioned that there was no evidence to connect the generals with the so-called Third Force activities. It was a political exchange; they were scapegoats and were sacrificed to smooth the new political road to negotiations.[70] The National Party government did not comment on the Goldstone report for a number of reasons. Firstly they appointed the commission and it would not be acceptable to act against their own commission. Secondly some political advantage was obtained namely to bring the ANC and the National Party more closely together. Thirdly some people in the top positions of the Police Force and the Defence Force had to be sacrificed to indicate a break with the past. The perception exists that Generals Smit and Le Roux, who had been both former Heads of the Security Branch, were not acceptable in a new SAPS.

3. The restructuring of the Internal Stability Division (ISD), 1980s to 1998

The transitional period in South Africa created the belief amongst the ordinary citizen that things would become more peaceful in the run-up to the general elections in 1994. However, the opposite occurred in that an unprecedented scale of political violence erupted in a few flashpoint areas in South Africa, namely in KwaZulu, the Vaal Triangle area and the Western Cape. The Police Force was in the unfortunate position that whilst busy transforming and restructuring to become more effective and representative of the communities, they had to curb the escalating violence in some communities that brought them into conflict with people from those communities.

The Riot Squad, also referred to as the Riot Control Unit, was the unit that was the most visible manifestation of the Police Force. As discussed in Chapter 1 and 2, the Riot

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68 *The Cape Times*, 22.3.1994, p. 2.
69 *Insig*, 31.5.1994, p. 16.
70 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, South African National Defence Force (SANDF), Bloemfontein, 31.5.2007.

Control Units on a daily basis came into contact with labour and school unrests, boycotts, strikes, protest marches and demonstrations during the states of emergency in the 1980s, led by the former liberation organizations and dissatisfied citizens. They thus on a daily basis came into contact and conflict with unsatisfied people. This also led to an increasing demand for Riot Control Units to curb these actions and to restore internal peace and stability, especially in the black townships. The communities in the flashpoint areas became increasingly hostile towards the Riot Control Units and asked for their withdrawal from the townships. The perception was created that the Riot Control Units instigated the violence in the townships and also contributed to it in the manner in which they controlled crowds.

It should however be remembered that at the eve of transition in South Africa, the Riot Control Units consisted of policemen who were deployed at stations all over South Africa and they needed to be called upon when emergency situations occurred. The name changes were indicative of the transformation and restructuring of this well-known unit in the South African Police Force and later the SAPS. It was first called the Mobile Unit and then the Riot Squad or Riot Control Unit in the 1970s. In the 1980s it was called the Unrest and Crowd Control Unit (UCCU). Then it was called the Internal Stability Unit in 1993, and in 1995 its name was changed again to the Public Order Policing Unit (POPS). During 2002 the name changed again to the Area Crime Combating Unit (ACCU).[71]

3.1. The restructuring of the Riot Control Unit to the ISD, 1990 to 1994

Opinions held by the ANC, the media and members of the public that the Riot Control Units were repressive and abused their powers, led to the appointment of the former South African Police Force Commissioner, Johan Coetzee, to examine the establishment of a new paramilitary force in November 1990. The idea was to form a new anti-riot force that would have the confidence of the South African public, unlike to that which the South African Police Force had at the time of transition. The idea was that "the new

[71] *Saturday Star*, 8.6.2002, p. 2.

force would have to incorporate in its command structure members of all ethnic groups and representatives of all political opinions".[72]

The Minister of Law and Order, Hernus Kriel, announced on 5 March 1992 that the Riot Squad's name would be changed to the ISD, also referred to as the Internal Stability Unit. The formation of the ISD, under former Soweto Police chief Johan Swart, was specifically aimed at ending township and rural violence. The division comprised of 5 600 members compared to the Riot Squad's 4 000 members, but it could be increased to 17 500 members when necessary. Only 25% of the former Riot Squad members were included into the ISD. The members were retrained in new methods, including conflict resolution through negotiations. The ISD had its own distinctive camouflage uniform and was the only Police Force unit entitled to wear it. Insignia and the vehicles were painted in different colours to those used by other Police Force units. This unit was highly mobile and aeroplanes transported them on short notice to any part of the country.[73] The camouflage uniform that the ISD wore, was also that of the SADF. The only distinction between the ISD and the SADF was the type of transport they used. The ISD used the well-known Casspirs and Nyala vehicles.

Senior Superintendent S.S. Barnard mentioned that at the time of restructuring, there were two choices open for top management of the Police Force. The first option was to create a new Riot Control Unit that was not connected to the Police Force. The second option was to create a Riot Control Unit as a separate component or division within the Police Force. The aim of the new ISD was to have police officials who solely worked in unrest situations, whereas no police official from a station would be utilized to perform that function any more. This was also done to give the visible police official at a station sufficient time to focus on crime and problems affecting his/her station area. However, it did not work like that because the ISD had to attend to complaints within the black townships.[74] To prove this point, an article in *Beeld* reported that Lt Gen

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72 *Daily Despatch*, 22.11.1990. p. 12.
73 *Die Burger*, 6.3.1992, p. 9; *Financial Mail*, 13.6.1992, p. 47.
74 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

Johan Swart, divisional head of the ISD, said that when ISU members were not combating unrest they performed normal police functions. In the period 1 January to 30 June 1992 these units arrested 2 086 people in connection with various offences ranging from murder, robbery, rape and assault to arson and intimidation. ISU units also held 15 564 roadblocks during which 111 922 vehicles and 335 357 people were searched.[75] The perception was created in the public's mind that the ISD was only responsible to control unrest and crowds. This was however not the case. The ISD performed the worked of ordinary visible police members who in times of extreme unrest and violence, could not enter the townships to attend to the complaints. The ISD had to attend on their behalf.

The escalation of political violence, especially on the East Rand area, led to a situation where requests were continuously lodged to remove the ISD from the townships. The ANC also called for the withdrawal of the ISD from the townships.[76] On the other hand continued requests were made for additional ISD members to curb the escalating violence in this area. An article in *The Star* mentioned that the Witwatersrand and Vaal Triangle would soon receive 385 extra policemen in an effort to combat crime and political unrest. It was decided to increase the Police Force to create stability in this area.[77] The Waddington report stated that members of the Police Force's ISU were ill-spread throughout the Vaal Triangle area. The report asked that human resource levels in this area should be revised.[78] A difficult situation existed on the East Rand: residents in the townships called for the withdrawal of the ISD and foreign observers called for additional ISD members to curb the ongoing violence. This put Police management in a difficult position.

KwaZulu was one of the homelands that had its own Police Force, the KwaZulu Police. The ISD was a national division under the command and control of the South African Police Force. However, the escalation in violence in the KwaZulu area led to the

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75 *Beeld*, 24.7.1992, p. 13.
76 *The Cape Times*, 17.12.1993, p. 2.
77 *The Star*, 22.9.1992, p. 2.
78 *Beeld*, 24.7.1993, p. 4.

increasing demands for the deployment of the ISD there. An article in the *New Nation* reported that for years, residents, unrest monitors and human rights lawyers in Natal had depended on the emergency assistance of the Police Force's Riot Control Units to provide protection at night vigils, funerals, marches, or personal escorts for people fleeing from political violence. From 1 July 1992 the ISU decided not to assist residents in KwaZulu areas unless specifically requested by the local District Commissioner of the KwaZulu Police. Democratic Party unrest monitor Roy Ainsile repeatedly stressed the importance of the Police Force's Riot Control Units or the ISU to help people in KwaZulu areas quickly and professionally in the light of the "pro-Inkatha bias of the KwaZulu Police".[79] Senior Superintendent B.D. Mdeuka[80] mentioned that the use of maximum violence was always the last resort. The intention of the ISU was always to apprehend persons who caused the unrest and never to kill them. He also mentioned that it was necessary for the ISU to try and determine the causes of the riots. He mentioned that he had worked as part of Unit 51 at Mooi River in the KwaZulu area and that the ANC aligned people never accepted the ISU in that areas but alleged that there were ISU members who supplied Inkatha with guns.[81] The perception in some newspapers existed that the KwaZulu Police was not serving the interests of all the members of the communities. On the other hand, Senior Superintendent Mdeuka mentioned that the ISD was not accepted by the ANC aligned communities in the Natal areas.

The Commissioner of the Police Force, General Johan van der Merwe, stated that the Police Force had become 'contaminated' by their role in defusing violence: "One day police are expected to act against people who perpetrate violence, and the next they are

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79 *New Nation*, 10-16.7.1992, p. 5.

80 Senior Superintendent Mdeuka joined the Police Force in December 1987. He worked in Newcastle in the Uniform branch. In 1990 he was transferred from Crime Prevention to ISD. In 1993 he joined the Detective Services, in 1998 he was transferred to the Crime Information Analysis Centre (CIAC) and in 2000 to the Crime Intelligence Provincial office. In 2003 he became the Area Commander of CIG and in 2006 he was promoted to Senior Superintendent as the Provincial commander of the CIAC in the Free State Province. Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 24.8.2007.

81 *Ibid*.

expected to be a friend of the community."[82] General van der Merwe ordered his generals to urgently investigate the further deployment of the ISD in areas where their withdrawal was demanded. He was not prepared to allow the ISD to be used as a political football. He said that members of the division were daily exposed to attacks with AK47 rifles and other weapons. Since January to the end of November 1993, 230 policemen had been murdered, the highest figure in South African history.[83] What is very significant is that the first bullet-proof vests for the ISD were introduced during 1993.[84] General van der Merwe mentioned that there were 14 institutions that monitored the ISD, and claims of unlawful behaviour were thoroughly investigated by the South African Police Force, Police Reporting Officers in terms of the National Peace Accord and by judicial inquests and other monitoring institutions.[85] The daily activities and actions of ISD members were closely monitored for transgressions and abuse of powers. Sufficient structures existed to investigate police abuse of powers. The question that needs to be asked is whether these abuses were reported to the applicable investigating institutions.

The Internal Stability Unit together with the Special Task Force and the Air Wing accounted to approximately 7 000 police officials in 1995.[86] Crowd and unrest control techniques, operational rooms and phyrotechnical aids were studied in France, England, Italy and Germany to ensure that the South African Police Force were on par with the newest developments to control and manage crowds.[87] Members of the ISD were not just deployed to handle crowds and unrest. The training that they received was according to the international standards of crowd control and unrest.

In 1993 the Transitional Executive Council's subcouncil for Law and Order, Safety and Security looked at proposals in respect of the future of the Internal Stability Division in

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82 *Sunday Times*, 30.8.1992, p. 6.

83 *The Citizen*, 4.12.1993, p. 4; *Beeld*, 4.12.1993, p. 2. (This contributed to the high number of police murders; members performed duties without the necessary protection.)

84 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

85 *The Citizen*, 4.12.1993, p. 4; *Beeld*, 4.12.1993, p. 2.

86 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

87 2/5/27: "*Misdaadvoorkoming: Tienpuntplan*", 24.3.1993, SAPS Provincial office, Bloemfontein.

townships around the country. Police proposals submitted to the TEC were geared towards changing perceptions of this division. They included a change in methods of approach, command structures and uniform, but not in the controversial presence of Casspirs, Nyalas and automatic weapons.[88] The Minister of Law and Order, Hernus Kriel, told the TEC that he refused to withdraw the ISD from the townships but instead agreed to substantially restructure it.[89] He further suggested the change of name to the POPS and a change of uniform from camouflage to blue field dress. Other proposals were made to ensure a better gender and racial mix of officers; using 'softer' weapons and vehicles; placing command of the units in the hands of district commissioners and improving community consultation.[90] The transformation of the ISD into a new POPS unit was more on appearances than on organizational structure. The uniform had to be replaced, the composition of the units had to be revised to make it more representative of the population and community relations had to be improved.

Chief Superintendent Peter Stevens of the Commonwealth Observer Mission to South Africa and of Scotland Yard's community relations department mentioned that "most countries have their equivalent of the ISD which is utilised when a situation becomes difficult to police in the normal way".[91] He suggested that ISD policemen should be trained as regular police officers with additional skills for riot situations, and should perform normal policing duties rather than just being specialists in riot situations. The ISD should have two uniforms like in Britain, and only use the more military type when necessary. ISD policemen should not be based permanently in the unit to "avoid a culture of constantly being on standby for trouble".[92] Further, ISD members should be answerable to station commanders, who were sensitive to their community's policing needs. He further mentioned that armoured vehicles should not be removed from the ISD because that would place policemen's lives in danger: "More policemen are murdered in South Africa than just about any other country in the world." [93] These suggestions to transform the ISD meant going back to the former Riot Control Units

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88 *The Cape Times*, 16.12.1993, p. 2.
89 *The Cape Times*, 17.12.1993, p. 2.
90 *Business Day*, 15.12.1993, p. 1.
91 *The Cape Times*, 17.12.1993, p. 2.
92 *Ibid*.
93 *The Cape Times*, 17.12.1993, p. 2.

where policemen of the stations were trained in crowd control and unrest and were only called upon when necessary.

An article in the *Tribute* reported that to certain sections of the communities of Kathlehong and Tokoza ISD members were villians who had no respect for black lives. However, the men themselves were misunderstood and unappreciated and pawns on a political chessboard. [94] In this regard Gert van der Westhuizen of *Beeld* is of the opinion that the Internal Stability Units were very negatively portrayed in the media and did not have a good image. They did the work that was expected from them; however the pre-era for democratization in which they operated was very difficult.[95] The Police Force was adamant that the ISU should remain in black townships to maintain law and order. Certain political leaders spoke of joint township patrols between the South African Police Force and members of MK, the Azanian People's Liberation Army (APLA) and the IFP without the ISU. The ISU was the only Police Force unit capable of handling demonstrations and marches.[96] Senior Superintendent Mdeuka stated that ISU was highly trained, as they received thorough training to handle unrest situations.[97] Meanwhile the men, around whom the storm brewed, carried on with their police business. They put in hundreds of hours of overtime monthly, performed heroic deeds and seized killer weapons, but nobody outside the Police Force expressed appreciation. Beyond the controversial image and paramilitary appearance were thousands of young policemen who would give their lives to serve and protect their country and the communities.[98] The focus on the ISD in the media and from the public was more on the forceful role they performed in suppressing the unrest situations, and in some instances as a result of this an abuse of police powers took place. However, the general public, media and police managers forgot the sacrifices these policemen had to make in order to control crowds and unrests.

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94 *Tribute*, 31.1.1994, p. 43.

95 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

96 *Tribute*, 31.1.1994, p. 43.

97 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 24.8.2007.

98 *Tribute*, 31.1.1994, p. 43.

The SADF replaced ISU on the East Rand in the beginning of February 1994. Since their replacement two attacks on Defence Force members occurred, whilst in November 1993, 240 attacks occurred on Police Force members.[99] However, in July 1994, four months down the line, an article in *Business Day* reported that the ISU could be called upon to patrol East Rand townships again. A meeting took place between representatives of the ANC, Inkatha, the Police Force, the Defence Force and the Peace Secretariat. It was decided that the Police Force and in particular the ISD and the Defence Force should start with 24-hour patrols at flashpoints in Thokoza and Kathlehong in order to curb the escalating violence in the area.[100]

The ANC continuously called for the incorporation of its Self-Defence Units (SDUs) and Self-Protection Units (SPUs) into the Police Force. The reason for this was that because members from these units were from the violence-torn communities, the perception existed that they would be more acceptable to the communities and therefore more effective in curbing the escalating violence. However, an article in *The Star* reported that the integration of ANC-aligned SDUs and hostel based SPUs into the Police Force turned sour only days after the men had been deployed on the East Rand. Fifty-five members of the two former rival groups were sent into the field as reservists after completing a four-week training course in Groblersdal. But residents reacted with extreme hostility to the reservists because they were wearing the new police uniform. The new recruits were intimidated and threatened by members of the community whilst on foot patrols in Vosloorus.[101] It needs to be mentioned that these reservists were the only people who were paid for their services and incorporated into the South African Police Force at that time.[102]

The actions to replace the ISD with the SADF and former SDUs and SPUs in the violent areas on the East Rand did not have the impact the requesters initially hoped for. However, increasing demands by the black communities, political organizations such as the ANC and PAC, as well as the media for the restructuring of the Internal Stability

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99 *Beeld*, 12.2.1994, p. 12.
100 *Busness Day*, 11.7.1994, p. 2.
101 *The Star*, 21.9.1994, p. 3.
102 2/27/1: "*Inkorporering van selfverdedigings- en selfbeskermingseenhede in die Suid-Afrikaanse Polisie Katorus-gebied*", 15.11.1994, SAPS Provincial office, Bloemfontein.

Unit or Division had the effect that the Police Force management had to look seriously into the establishment of a new unrest and crowd control unit that would be more acceptable and legitimate to the broader communities it had to serve.

3.2 The restructuring of the ISD to POPS, 1994 to 1995

With the coming of democracy, many things changed for the South African Police Force. In a democracy the Constitution guaranteed basic human rights and freedom of association, expression and gathering for all people living in South Africa. The emphasis for the new Police Service would be on the protection of human rights. It thus became a right for people to gather and express their feelings. The new SAPS Act stipulated the name change from the South African Police Force to that of the SAPS. The focus of the new SAPS shifted from being a force that handled and controlled crowd gatherings forcefully to be service orientated towards that same people. Increasing demands for the restructuring and transformation of the Internal Stability Unit led Police management to investigate a new structure to handle the gathering of crowds in unrest situations and effectively restore law and order.

The ANC's Department of Information and Publicity suggested in a discussion paper on policing that two options were open for consideration in transforming the Internal Stability Units. The first was to vest the local and regional police with this responsibility, thereby ensuring that local police would be accountable for the social consequences of robust or reckless conduct in the policing of demonstrations. The second was to hive this responsibility off to a specialized unit separate from the Police Force. Either way local commanders should have overall control of any POPS Unit brought into his or her area. It might be that the need to 'rehabilitate' the Police Force would suggest the creation of a third security force, the National Peacekeeping Force.[103]

In February 1995, the newly appointed Commissioner of the South African Police Force, Commissioner George Fivaz, said that the ISD would be replaced by a new POPS Unit to restore public order: "It will be more professional and will respect basic

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103 "*Policing the transition: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress*", <http//www.anc.co.za> s.a.

fundamental human rights."[104] He was aware that the ISD was not popular, and did not have legitimacy in the community. There was a need to "create a totally new situation as far as public order policing is concerned".[105] The options for restructuring the ISD into POPS Units were contained in a discussion document prepared by the Technical Team on POPS, established in February 1995 and consisted of police representatives and civilians. The technical team proposed that members of POPS be retrained in line with the provisions of the Interim Constitution and the Regulations of the Gatherings Act and that a new training curriculum be compiled.[106] Top management declared that ISD was not professional and did not have any respect for human rights. The reason for this lay in the training the members received that needed urgent attention. The emphasis was already more on the protection of human rights.

National and Provincial POPS Units were established and were put under the command and control of the Divisional Head of the National Safety Services of the SAPS in November 1995. A project team was appointed to investigate the selection criteria and the training curricula for future members to ensure that public order was established on a substantive and sound basis.[107] The primary function of the POPS was crowd management.[108] The focus shifted from crowd control by the ISD to crowd management by POPS.[109] Secondary functions included support to Border Control and Policing, VIP Protection and Crime Investigation Services to combat National and Provincial Priority crimes in a project-driven fashion.[110] Senior Superintendent Barnard agreed that the primary function of POPS was the maintenance of public order and the secondary function was crime prevention.[111]

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104 *City Press*, 25.2.1995, p. 1.
105 *City Press*, 25.2.1995, p. 1; *New Nation*, 16.2.1995, p. 6.
106 *The Citizen*, 6.5.1995, p. 2.
107 2/26/44/1: "*Structuring: South African Police Service: Public Order Policing (POP)*", 30.11.1995, SAPS Provincial office, Bloemfontein.
108 2/26/44: "*Werwing: Lede van Openbare Orde Polisiëring*", 10.6.1996, SAPS Provincial office, Bloemfontein.
109 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.
110 2/26/44: "*Werwing: Lede van Openbare Orde Polisiering*", 10.6.1996, SAPS Provincial office, Bloemfontein.
111 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007

The Division National Safety Services comprised of four components, namely National POPS; Border Control and Policing; National Protection Services and National High Risk Services. The National High Risk Services consisted of the Special Task Force, the Airwing, the Diving School, the Crisis Negotiator and the Disaster Management components.[112] When an unrest situation developed, the police officials from the station took charge at the scene of the unrest until the members from POPS arrived, where control was handed over to members of POPS.[113] The primary function of POPS was crowd management. However, in its supportive secondary functions it had to perform a number functions. The perception created with the establishment of the secondary functions of POPS, was that Police management was of the opinion that less crowd management actions would have to be performed by POPS because of democratization and that the African population would be less inclined to protest actions because of their newly acquired political freedom and rights.

Senior Superintendent Barnard mentioned that when he started as Provincial Commander of the POPS Unit in the Free State in 1995, a non-official screening process was followed at the Unit by means of interviews: "You first started in the operational room and when there were sufficient recruits they were sent on an informal three week course. If you do not pass the course, then you were sent back to you initial unit or station."[114] Fifteen members of POPS were trained by the Task Force as a Reaction Unit for purposes of house penetration. A training co-ordinator was appointed at all the POPS units and every member had a training file in which all the training and in-service training was stipulated. The training of the POPS members was of a very high standard. The formal training courses for POPS were not decentralized to the provinces. All the formal courses were presented at Verdrag near Pretoria.[115]

An information note sent by Head Office on 10 June 1996 asked for police officials who were interested in joining the POPS, inclusive of non-commissioned officers and

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112 2/26/44: "*Werwing: Lede van Openbare Orde Polisiëring*", 10.6.1996, SAPS Provincial office, Bloemfontein.

113 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007

114 *Ibid*.

115 *Ibid*. This institution was previously reserved for the Special Task Force.

officers with the rank of superintendent and lower. All accepted members had to undergo a training programme. Permanent appointment as a member of POPS would only take place on successful completion of the training programme.[116] The POPS units were created to have their own information gathering component. Senior Superintendent Barnard mentioned that this stemmed from the Internal Security component that had closed some of their desks that focussed on the day-to-day unrest information such as those on taxi violence. The aim of the POPS information gathering side was to gather information on protest marches and unrest situations. For the handling of protest marches, legislation only came into effect during December 1997. Before that there was no legislation whereby protest marches could be handled, unless under the common law legislation stipulating the disturbance of public order. Funds were received from Belgium to enable POPS members to promote their skills regarding the international standard of crowd management.[117] It became clear that POPS was a highly trained component to handle the unrest and crowd management functions it had to perform.

The Regulations of Gatherings Act was published in the Government Gazette on 15 November 1996. South Africa was effectively without legislation governing public gatherings since the Interim Constitution had been adopted in 1993 and local authorities and the Police Force were uncertain as how to deal with them. In terms of the regulations, march organizers have to give at least seven days notice for a march, and had to liase with the relevant local government official and the Police Service about the logistics and conditions governing the march. March organizers would also be held responsible for any damage to property resulting from such a gathering. The responsible officer in local government was entitled to prohibit a gathering "where circumstances indicate that damage to property or injury to persons are likely to occur".[118] The Police Service would be empowered to act and use force if they felt a march would threaten the public order.

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116 2/26/44: "*Werwing: Lede van Openbare Orde Polisiëring*", 10.6.1996, SAPS Provincial office, Bloemfontein.

117 *Ibid*.

118 *Cape Argus*, 14.11.1996, p. 3.

The Minister for Safety and Security, Sydney Mufamadi, said that the new regulations shifted the emphasis from police control to "joint management of marches by the organizers, the local authority and the Police Service".[119] The Act emanated from recommendations by the Goldstone Commission in 1993 on the proper regulation and management of marches and gatherings. Mufamadi said that the act "gives expression to free speech and assembly as guaranteed by the Constitution but it also places responsibilities on the role players to ensure that this happens within the law and without detrimentally affecting the rights of others".[120] Advocate A. du Toit mentioned: "In a lot of instances POPS members must act instinctively and it is very easy to criticize them on the actions they took. If police officers who are in command of POPS contingents have effective control over their members, then the situations for errors would be minimised."[121] Effective control and command over POPS members was at the centre of crowd management. However, the fact that legislation was introduced that made it easier to control and manage marches and gathering for POPS members, also introduced a shared responsibility when it got out of order.

The restructuring and transformation of the much needed and heralded Riot Control Units to Internal Stability Units and then to POPS Units over a period of four years, did not actually end there. The ACCU was formed in 2002 to replace POPS because there was a drop in the number of public protest events.[122] When assessing the issue of transformation and restructuring of these units, it becomes clear that it will never end. The question that needs to be asked is why there is a continuous need for restructuring the unit responsible for crowd management and unrest in the country. Where does the problems lie? Is it a problem of ineffective management, ineffective control and command, insufficient knowledge of top management about what such a unit should do, lack of sufficient training, or could the problems lie in the communities it served who were not satisfied with the services they got from these units? When assessing the history of the Riot Control Unit to Unrest and Crowd Control Units to that of Internal Stability Unit to POPS Unit, it becomes clear that a few reasons exist why this unit had

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119 *Ibid*.
120 *Ibid*.
121 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.
122 *Business Day*, 1.2.2007, p. 4.

to be restructured time and time again. The use of force and violence by the first unit became a problem in the suppression of unrest and crowd control instigated by the former liberal movements. Another reason was that in the 1990s the composition of these units did not reflect that of the communities, so it had to become more representative. Another reason for transforming this unit was that they operated more militaristic. When looking at the manner in which they operated, their uniforms, the Casspirs they used, the type of people they recruited, the training they received, this unit had to demilitarize in a new democratic dispensation. The last reason was that the mindset of the police officials of those units had to change in order to become more human rights sensitive and not to transgress the people's basic right of free gathering and association.

4. The restructuring of the Security Branch to the Crime Intelligence Division (CI), 1990 to 1998

The operations of the former Security Branch were guided by stringent and extensive legislation by the former government. During the transitional period, all the legislation that had given birth to the Security Branch and had guided its operations, were systematically repealed. When discussing the transformation of the Security Branch, it becomes therefore important to look at legislation and prescriptions that guided the new component in the gathering of information. The emphasis should be placed on the gathering of information within a democracy. Two types of legislation needs discussion, namely the White Paper on Intelligence and the National Strategic Intelligence Act.[123]

4.1 The White Paper on Intelligence, October 1994

The transformation of the Police Force cannot be effectively discussed if the issue concerning intelligence is not properly addressed. The legitimacy of the intelligence services, especially those who operated under extended legislation and powers, such as the Security Branch, needed to be seriously changed to prevent any abuses of human rights. The White Paper on Intelligence was therefore written to look into the "creation of an effective, integrated and responsive intelligence machinery that could serve the

[123] Devenish (ed.), p. 238.

Constitution and the government of the day, through the timely provision of relevant, credible and reliable intelligence".[124] The White Paper needs to be referred to in so far that although it did not affect the Police Service and the former Security Branch as such, it was concerned with the National Intelligence Service and a foreign intelligence service. Devenish cited that "it was essential that the Constitution and the law in general ensured that the security forces act in accordance with a code of conduct, and therefore did not become a law unto themselves as occurred during the apartheid era".[125]

The White Paper on Intelligence stipulated "that the mission of the intelligence community is to provide evaluated information on certain priorities, namely the safeguarding of the Constitution, the upholding of the individual's rights enunciated in the chapter on Fundamental Rights, the promotion of the interrelated elements of security, stability, co-operation and development, both within South Africa and in relation to Southern Africa, the achievement of national prosperity whilst making an active contribution to global peace, and the promotion of South Africa's ability to face foreign threats".[126] In recent years, there was a shift away from a narrow and almost exclusive military-strategic approach to security. Security and therefore national security encompassed the basic principles and core values associated with a better quality of life, freedom, social justice, prosperity and development.[127] The Reconstruction and Development Programme (RDP), as an organized and collective effort of society led by the Government of National Unity, formed the core of the national security doctrine."[128]

The White Paper on Intelligence made mention of two intelligence services, namely one focussing on domestic intelligence and retaining the name National Intelligence Agency (NIA) and a service focussing on foreign intelligence to be named the South African Secret Service (SASS). The mission of the domestic intelligence service (NIA) would be to conduct security intelligence within the borders of the Republic of South Africa in

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124 "*White Paper on Intelligence*", WP(H) October 1994, WP 12/1994, p. 1.
125 Devenish (ed.), p. 238.
126 "*White Paper on Intelligence*", WP(H) October 1994, WP 12/1994, p. 5.
127 *Ibid*., p. 7.
128 *Ibid*., p. 8.

order to protect the Constitution. The overall aim should be to ensure the security and stability of the State and the safety and well-being of its citizens. The mission of the foreign intelligence service, SASS would be to conduct intelligence in relation to external threats, opportunities and other issues that might affect the Republic of South Africa, with the aim of promoting the national security and the interests of the country and its citizens.[129] It was thus imperative that issues that could affect the social security and national security of the country, needed to be addressed. In the previous dispensation the NIA had also operated externally, but had to focus primarily on domestic issues. Domestic issues were a broad term that could mean many things, but the focus according to the White Paper on Intelligence was on issues concerning national security.

4.2 The National Strategic Intelligence Act, Act No. 39 of 1994

Following the White Paper on Intelligence, the National Strategic Intelligence Act, Act no. 39 of 1994 was promulgated in Parliament on 23 November 1994 and became effective on 1 January 1995. This Act mentioned the existence of an intelligence capability within the Police Force. The Act defined that the National Intelligence structures within the Republic of South Africa consisted of the National Intelligence Co-ordinating Committee (NICOC),[130] the Intelligence Division of the South African National Defence Force (SANDF), the National Investigation Service (NIS) of the SAPS, the NIA and the SASS. The Act stipulates that it is the function of the SAPS to gather, correlate, evaluate and use crime intelligence in support of the functions of the SAPS as mentioned in the Constitution in section 215. It is also the function of the SAPS to institute counter-intelligence measures within the SAPS.

NICOC consists of the Co-ordinator for Intelligence appointed by the President; the Director-General of NIA; the Chief of the Intelligence Division of the SANDF; the Head of the NIS of the SAPS; and the Director-General of SASS.[131] The NIS of the SAPS comprises of the Internal Security component, the Organised Crime component and the Detectives Services. All three of these components have the responsibility to

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129 *Ibid*., p. 12.
130 *Ibid*., p. 14.

supply crime information.[132] The gathering of crime information or intelligence is not only restricted to the Internal Security or CIS component within the Police Force. The other components that form part of the National Detective Service are also mandated to supply crime information or intelligence.

The Act further stipulates that it is the function of NICOC to co-ordinate the intelligence supplied by the members of the National Intelligence structures to NICOC for submission to Cabinet. The second function of NICOC is to co-ordinate and prioritize intelligence activities within the intelligence structures. The third function is to prepare and interpret a National Intelligence Estimate (NIE) for Cabinet. The fourth function is to produce and disseminate current intelligence that may have an influence on state policy. The fifth function of NICOC is to co-ordinate the flow of national security intelligence between the Intelligence structures and lastly to make recommendations to Cabinet on intelligence priorities.[133] NICOC also has to report to the Cabinet Committee on Security and Intelligence (CCSI) and to the parliamentary Joint Standing Committee on Intelligence.[134] This Act specifically specifies that the intelligence agency of the SAPS shall be responsible for the gathering of crime intelligence. The focus of the former Security Branch was on the gathering of political intelligence, hence the shift to crime intelligence.

4.3 The restructuring of the Security Branch to Crime Intelligence Services (CIS), 1990 to 1991

The reason for the transformation of the Security Branch, according to Commissioner Fivaz, was from the negative perceptions that surrounded this Branch. When the new South Africa came, the first priority was to close the Security Branch. The old Security Branch was very effective and had a set of rules wherein they operated; whether controlled or not, it was their business to know things. Senior Superintendent C.A. Prinsloo mentioned that there was much antagonism against the Security Branch within the Police Force. The reason for this was that the Security Branch was benefited in

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131 *Hansard*, Part II, October 1994, Col. 4364; *Statutes of the Republic of South Africa*, Act 39 of 1994, 2.12.1994, No. 16128.
132 *Hansard*, Part II, October 1994, Col. 4364.
133 *Ibid*.
134 "*White Paper on Intelligence*", WP(H) October 1994, WP 12/1994, p. 15.

terms of logistical and technical equipment. There was also much ignorance of management on how the Security Branch operated. The enunciation of the Third Force and the brutality of the Security Force caused the new government and also top management to decide that they did not want such a structure any more. They broke this structure down and now they are trying to build it up again. Many Security Branch members were put forward by the government as the culprits of the apartheid era.[135] Senior Superintendent J.P.P. Erasmus mentioned that there existed a perception by politicians of the new government that the Security Branch existed out of racists that would not be able to accept a black government in South Africa, but that was not true. [136]

On 2 February 1990 the political face of South Africa underwent a radical change with the epoch-making statement of the former State President in Parliament when he rescinded the banning of organizations on which the Security Branch had focussed in its endeavour to gather information. This statement resulted in the Security Branch undertaking an in-depth investigation into its future role. This investigation led to the transformation of the Security Branch into the CIS.[137] On 1 April 1991 the country's Security Police merged with the Detective Branch into a new section called Crime Combating and Investigation (CCI).[138] It brought together 4 000 security policemen with 12 000 criminal detectives, and was headed by the chief of the Security Police, Lieutenant General Basie Smit.[139] CIS Head Office set a goal to orientate itself and its members to move away from an ideological or political approach to a criminal approach. During formal and informal discussion with members on all levels, seminars and courses for handlers of informers, the accent was placed on this approach. [140]

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135 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.

136 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

137 30/1/1: "*Request by the National Commissioner: Proposed re-structuring of the Crime Intelligence Service (CIS) and its functions*", 23.3.1995, SAPS Provincial office, Bloemfontein.

138 J. Pauw, *In the heart of the whore*, p. 256.

139 *The Citizen*, 1.3.1991, p. 1.

140 30/1/1*: "Request by the National Commissioner: Proposed re-structuring of the Crime Intelligence Service (CIS) and its functions*", 23.3.1995, SAPS Provincial office, Bloemfontein.

Director de Kock agreed that the focus of the CIS was placed on the gathering of information regarding serious and violent crimes in South Africa.[141]

"The merging of the Detective and Security Branch would ensure that some scarce sources of the Police Force would be combined to ensure a more effective service to the public", said Minister of Law and Order, Adriaan Vlok.[142] The much heralded disbandment of the Special Branch, in reality saw the former personnel of this unit simply re-congregate in the less accountable, less visible Criminal Intelligence Service.[143] According to Commissioner Suiker Britz, the structure of the CCI was created to accommodate the former Security Branch personnel, to get rid of certain of them and to phase in other people such as MK and APLA cadres later on.[144] The perception existed that members of the former Security Branch were only restructured or re-deployed to a structure specifically created for them. The Security Branch was prior to the restructuring a national division and centralized. This branch was restructured under the command and control of their arch-rivals so that the detectives could execute effective control over them. The third reason was that a threat to transition or a democracy could be coming from members of the former Security Branch.

To ensure more effectiveness, the Police Force was divided into four divisions that became operational on 1 August 1991, namely the Division Visible Policing, the Division CCI, the Division Human Resource Management (HRM) and the Division Support Services. Each Division had a Lieutenant General in command.[145] Visible policing existed out of two components namely a pro-active and a reactive service delivery component. Pro-active service delivery was the prevention of crime and physical service delivery whilst practical service delivery focussed on crowd control. The CCI existed of three components, namely the CIS, also referred to as the Security Branch, Crime Investigation Service (CID) also referred to as the Detective Service and

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141 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Bloemfontein, Provincial Head: Detective Services, SAPS, Free State Province, 4.4.2007.

142 *Transvaler*, 1.3.1991, p. 11.

143 "*Policing the Transition: Transforming the police: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress,"* < http//www.anc.co.za >, s.a.

144 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.

the Criminal Record Centre (CRC).[146] The Security Branch underwent a name change to become the CIS and was incorporated as a component under the CCI.[147] Senior Superintendent Eramus mentioned that after the instruction had been issued for the destroying of the files at the beginning of the 1990s, there were no files to work on so the focus of the CIS or former Security Branch changed to that of crime. This also coincided with the unbanning of the former liberation organizations such as the ANC and PAC and the instruction was clear: "No political information to be gathered".[148] A new information gathering capacity had to be created and the focus on crime was also a very unknown terrain for the former Security Branch.[149]

4.4 The restructuring of CIS to Internal Security, 1991 to 1993

In less then two years after the first restructuring of the former Security Branch to the CIS, another restructuring took place. In a letter distributed during July 1993 by Head Office, it was indicated that the name of CIS had changed to that of Internal Security.[150] In a further letter regarding the restructuring of the CIS, it was mentioned that the restructuring of the South African Police Force during February 1992 was adjusted so that there would exist a definite boundary between the Division CCI and other divisions of the Police Force. The restructuring of the CCI was done with a view of it becoming an investigation bureau, similar to that of the Federal Bureau of Investigation (FBI). An in-depth investigation was conducted by Efficiency Services at Head Office. The Regional Head of the CIS in every province was directly responsible to the Deputy Regional Commissioner responsible for the CCI.[151] The command and control of the Detective Services over the Internal Security and CIS continued. The motive behind this could also be that closer co-operation between the Detectives, Internal Security and CIS were needed in order to focus more effectively on crime.

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145 *Die Transvaler*, 10.8.1992, p. 4.

146 *Die Volksblad*, 3.10.1991, p. 3.

147 H. van Vuuren, *Apartheid grand corrupion, assessing the scale of crimes of profit in South Africa from 1976 to 1994, a report prepared by civil society at the request of the Second National Anti-Corruption Summit, May 2006*, p. 14.

148 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

149 *Ibid*.

150 2/26/4: *"Herstrukturering: Misdaadinligtingsdiens: Nuwe benaming: Binnelandse Veiligheid"*, 19.7.1993, SAPS Provincial office, Bloemfontein.

151 2/1/1: *"Herstrukturering: Misdaadinligtingsdiens"*, 31.8.1993, SAPS Provincial office, Bloemfontein.

Negotiations took place between Internal Security and Commissioner Fivaz. Commissioner Fivaz explained that they tried to accommodate the members of the former Security Branch within the new SAPS, in order to focus on the gathering of crime intelligence. The question that remained, was how the expertise of the former Security Branch could be kept intact? Commissioner Fivaz remarked that "with democratization a lot of the former Security Branch members chose to leave the Police Service voluntarily, they were never asked by police management to leave."[152] Some of the intelligence operatives of the former Vlakplaas protected President Nelson Mandela, but at that specific time he did not know who they were.[153]

In a letter regarding the proposed restructuring of the CIS as from Brigadier TLA Steyn to Commissioner Fivaz, the first question asked was why dividing and reducing the functions of the CIS when putting a new structure in place? It was further mentioned that the Security Branch was burdened with the enforcement of 'apartheid legislation' and by doing so, safeguarded the policy of apartheid. Members of the CIS focussed on crime and succeeded in achieving to combat it. It was further mentioned that during the time of the run-up to the April 1994 general elections, the CIS had proved that it intended to help to transform the political situation in the country to a full democracy by contributing to the combating of criminal actions intended to disrupt and undermine this endeavour. Members of the CIS worked long hours and sometimes under difficult and dangerous circumstances to get information and to react on that information. Remarks made by international observers during and after the elections complimented the information management system and the commitment of CIS members for their professional conduct.[154]

It was further mentioned in the letter that the aim of the CIS was to uphold the new Constitution and to ensure the safety of the South African public at large. Regarding the civilian oversight by means of the Inspector General, it was mentioned that there were

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152 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

153 *Ibid*.

154 30/1/1: "*Request by the National Commissioner: Proposed re-structuring of the Crime Intelligence Service (CIS) and its functions*", 23.3.1995, SAPS Provincial office, Bloemfontein.

mechanisms in place to monitor the actions of the CIS if they gathered information in an unacceptable and or unlawful manner. Lastly it was mentioned that it could not be accepted that the CIS was unwanted or that the functions which the CIS performed were not needed in the new democracy.[155] The letter was well drafted and reflected the sentiments of the remaining former Security Brance members in the CIS structure.

An article in The *New Nation* reported that if Commissioner Fivaz appointed police officers with a dubious human rights record to management positions in the Police Service simply because they have not been convicted of any crime, he would certainly find considerable opposition from the communities. This was aimed at the estimated 3 500 staff of the former Security Branch. Commissioner Fivaz's reply was that he could not kick them out of the Police Service because they were not tried by a court of law and convicted of specific offences.[156] Rauch stated that the component Internal Security as well as the CI component were both placed under the command of ANC appointees. However, the departure of most of the apartheid-era security police agents, who feared victimization or a lack of career prospects under ANC leadership, meant that the crime intelligence capacity of the SAPS was seriously denuded, with resultant negative impact on criminal investigations and prosecutions.[157] Former MK and APLA members were integrated into these two components in May and June 1995.[158] General Leonard Radu was appointed on 1 April 1995 as the head of the Internal Security component.[159] However, no mention was made of this integration in the progress report on transformation of the Police Service in June 1995. It was mentioned that the more pro-active approach and the establishment of a Crime Information Management Centre (CIMC) and Organised Crime and Border Control Units would enhance the capabilities of the Police Service to combat crime.[160] The perception existed that with the transformation and restructuring of specifically the former Security Branch, those

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155 *Ibid*.
156 *New Nation*, 10-16.2.1995, p. 40.
157 J. Rauch, *Police reform in South Africa, a synthesis of papers*, p. 4.
158 24/4/2: "*Meeting*", 23.6.1995, SAPS Provincial office, Bloemfontein.
159 General Leonard Radu was an old intelligence operative of the Department of Intelligence (DIS) of the ANC. Jane Buys Collection: Correspondence with former Brigadier A. Oosthuizen, Head of Section D, former Security Branch Head Office, Pretoria, 1.6.2007.
160 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.

members were not welcome anymore in a future Police Service and had to leave the playing field.

In a letter, "Mandaat en werksaamhede van die Afdeling Binnelandse Veiligheid Interim Implimenteringsplan", which was distributed by Head Office to the provinces on 1 August 1995, it was indicated that the component Internal Security was responsible for the gathering of intelligence and the investigation of unlawful actions pertaining to the disruptions of the constitutional order and the security of the State. A further responsibility was to gather information to counter any intention to unlawfully change the constitutional order and overthrow the government. It was further responsible for counter-intelligence and related investigations. The category of crimes pertaining to state security was mentioned as high treason; sedition; the contravention of the Internal Security Act of 1982; the contravention of the Arms and Ammunitions Act of 1969; the contravention of the Explosives Act of 1956; any unlawful acts of persons which were of a serious nature and intended to disturb public order in a violent manner; any common law offence or statutory crimes within the context of internal security which were directed against the constitutional order of the Republic; and acts emanating from international terrorism which fell within the mandate of Internal Security.[161] The mandate of Internal Security was exactly the same as the focus area of the former Security Branch in so far that it investigated crimes against the State and the public order.

In a document aimed at the 'Functional rationalisation of Internal Security', the Free State Province through Senior Superintendent Robertshaw wrote a letter to the National Head of Internal Security. In this letter it was indicated that the National Management Services might reduce the number of superintendents as proposed in the document. What their concern was, was that the promoted officers did not possess the necessary experience in the field of internal security. Therefore, "Internal Security cannot afford to lose the expertise and experience of Superintendents at the Provincial office and at

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[161] 30/1/1: "*Mandaat en werksaamhede van die Afdeling Binnelandse Veiligheid (Interim Implimenteringsplan)*", 1.8.1995, SAPS Provincial office, Bloemfontein.

the Branch offices". It was already during 1996 clear that expertise and experience were becoming problematic within the component internal security.[162]

At a 'Bosberaad' held from 14-16 March 1996, various resolutions were taken concerning the restructuring of the Police Service. One of those was that the National Crime Investigation Service (NCIS) would have to be established effectively and speedily. Internal Security and Organised Crime offices resorted under the NCIS.[163] The Organised Crime component consisted of the merging of various specialist units such as the Diamond and Gold Branch, the Narcotics Bureau, Vehicle Theft Unit and the Unit for the Protection of Endangered Species. Together they formed the pillars of the Organised Crime structures. The merging meant that all these units could function as one unit, but they could also function independently. Over the years, each unit had created its own infrastructure, informer network and partnerships within the communities.[164] Not even two years after the last restructuring of the CIS to Internal Security, a further restructuring of the Detective Services and Internal Security took place.

On 30 May 1996 the Management Forum of the SAPS decided that urgent adjustments should be made to the structures of CI and the investigation capacity of the Police Service. The NCIS and Crime Investigation Services at provincial level were renamed the Detective Service. The Detective Services in the provinces were restructured under the operational command and control of the Provincial Commissioners. The Divisional Commissioner of the Detective Service at Head Office received executive powers over the Detective Service at all levels. Matters such as selection and training standards, appointment and placements, performance standards and evaluation were examples of matters relating to executive direction that remained the responsibility of the Divisional Commissioner of the Detective Service. The Management Forum was satisfied that this structure would promote a more effective investigation capacity. The new structures of

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162 2/26/4(2/21): "*Functional Rationalization of Internal Security: Free State province*", 7.2.1996, SAPS Provincial office, Bloemfontein.

163 2/1/1:"*Structuring of NCIS: The establishment of NCIS in the province"*, 19.3.1996, SAPS Provincial office, Bloemfontein.

164 2/26/51:"*Activities: Organized Crime: National Crime Investigation Service*", 24.5.1996, SAPS Provincial office, Bloemfontein.

the Detective Service came into operation on 7 July 1996. An implementation team was appointed under the leadership of Director H.J.N. van Rooyen. They visited the provinces and assisted with the implementation and operationalization of these new structures.[165]

4.5 The restructuring of the Internal Security to CI, 1994 to 1998

Commissioner Fivaz announced during a media statement on 2 April 1997 that the performance of the SAPS was uneven and had to be improved sharply to address public concerns about declining policing standards in certain service areas. He mentioned that national structures were adopted in two key areas, namely the National Detective Service (NDS) and the National Crime Prevention and Response Service divisions. CI and Internal Security components merged to boost overall crime intelligence gathering. Divisional Commissioner Manie Schoeman, former acting chief of the NDS, was appointed as the head of the NDS.[166] Components resorting under the NDS were CI and Internal Security, Organised Crime, Detective Services and Commercial Crime. Components resorting under the National Management Service Division were Efficiency Services, National Inspectorate, Interdepartmental projects and Liaison Services.[167] Each of these components had a major general as its head. The CI structure was again transformed to boost the capacity of the SAPS in that field. At this stage it has remained under the control and command of the Detective Services for the past six years already.

Concerning the NDS a new detective development component was established to reverse the backlog in basic detective training and to assist with the upgrading of NDS investigative standards in general. [168] A new detective academy, the South African Police Detective Academy, was opened in Pretoria in October 1997. It was envisaged as a Detective Academy 'for Africa'. Both the Southern African Development Community (SADC) and the Southern African Regional Police Chief Organisation

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165 2/1/1: "*Adjustments to enabling structures: Investigation and Crime Intelligence Components within the South African Police Service*", 5.6.1996, SAPS Provincial office, Bloemfontein.

166 2/26/22: "*Media statement by National Commissioner George Fivaz: Restructuring of the SAPS*", Pretoria, 2.4.1997, SAPS Provincial office, Bloemfontein.

167 *Ibid*.

168 *Ibid*.

(SARPCCO) were involved in its establishment. The training curricula were prepared with the help of the policing agencies of the United States, the United Kingdom, the Federal Republic of Germany and the Netherlands. The US FBI also made available lecturers and other means of support in its opening phases.[169] The Detective Academy was not only for Detectives but for all the components that resorted under the structure of the National Detective Services, such as CI and Internal Security. CI courses were presented at the Detective Academy for their members.

On 14 December 1998 Commissioner Fivaz announced a radical restructuring of the SAPS. Amongst the changes was the establishment of a specialised crime intelligence agency. This implied the separation of the component Internal Security and CI from the Detective Service.[170] In December 1998 announcements were made about a number of new divisions in the Police Service. One of these divisions was the CI Division. This step of creating a separate division for intelligence illustrated the commitment of the Police Service to develop its intelligence capacity to the full and to become operationally intelligence driven. An article in *Servamus*, Dr de Kock mentioned that CI would have the status which it deserved, as an important, separate function and not an "over and above" function. The division CI at Head Office consisted of seven components, namely Crime Intelligence Gathering (CIG), Technical Support Unit (TSU), Secret Services Account (SSA), CIMC, Crime Information Analysis Centre (CIAC), Interdepartmental Intelligence (IDI) and Information Security.[171] The last transformation of the CI structure took place just two years after the previous one. This time the CI structure became a division, separated from the Detective Service, but on the same national level as the Detective Service. The former Security Branch was a division on par with the Detective Branch. In 1991 the Security Branch was transformed and restructured under the Detective Branch. Eight years later, CI became a division again.

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169 J. Redpath, "Leaner and meaner? Restructuring the Detective Service" in *Institute for Security Studies*, Monograph series, No. 73, May 2002, pp. 30-31.

170 *The Natal Witness*, 15.12.1998, p. 2.

171 *Servamus*, 31.3.1999, p. 58.

From the middle to the late 1990s thousands of senior white officers left under the generous terms of the 'voluntary severance packages' introduced in the Police Service. These were financial incentives offered by the government in an effort to open up some gaps in the senior ranks of all public service institutions in order to facilitate the promotion of more junior, black employees and some party loyalists. Some who had left had done so because they could not stomach the idea of working for a black government. Others left because the terms of the offer were generous enough, or because they felt that they could do better in the private sector, or because they felt that their careers had reached a plateau. The brain drain out of the Police Service affected the paler Detective Service more profoundly than the rest of the organization.[172] It also effected the intelligence capacity within the SAPS enormously. Many of the most senior and also middle managers or commanders in the former Security Branch took up the offer of severance packages.

4.6. Opinions regarding the restructuring of the former Security Branch to CI

Bouza stated that an effective intelligence agency is a powerful instrument for the protection of society or for the private use of political office-holders and administrators. The protection of a democratic society requires the existence of effective intelligence agencies.[173] The existence of an effective intelligence agency would have a huge impact on the expertise, experience and knowledge in the gathering of information within the SAPS.

Although it has no moral mandate, an intelligence unit must avoid the possibility of allowing its intelligence to be used illegally, and congressional investigations of the CIA and the FBI helped to determine instances when illegal abuses of intelligence occurred.[174] The cataclysm of Watergate revealed once more the abusive use of intelligence.[175] A report compiled by Senator Frank Church implicated the CIA in a number of plots to assassinate foreign leaders. It also indicated that the FBI under J. Edgar Hoover had threatened and harassed Martin Luther King Jr during the last years

172 A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS*, p. 169.
173 A. Bouza, *Police intelligence, the operations of an investigative unit*, p. 19.
174 *Ibid*., p. 60.
175 *Ibid*., p. 160.

of his life.[176] All of these powerful intelligence agencies can be employed positively or negatively. The challenge to a democratic society is to make intelligence agencies effective representatives of the nation's laws and of the people.[177] According to Commissioner Suiker Britz the Security Branch did "extremely good work" and also did some bad things. He is however of the opinion that "you need an intelligence gathering component within the Police Service, but you need the right people for the job". [178]

Opinions held by middle to senior managers that had worked in the former Security Branch, and also when it was restructured, were noted. Senior Superintendent Prinsloo mentioned that there is not even a remote distinction between how the Security Branch operated and how the CI Division is operating. The Security Branch operated on structured working guidelines and focus areas. He went on saying that politicians every day asked how it was possible for the Security Branch to be informed and knowledgeable about the threats against the security of the state. His answer was quite simple: "We had the resources in terms of personnel, we knew our suspects and were tuned on to them. When taking Bloemfontein Branch with Botshabelo they had between them 14 to 16 handlers, whilst in the time of the Security Branch they had 70 handlers. The crime focus is much bigger than that of the so-called political threat of the past. The second reason is that the commanders of the Security Branch were well knowledgeable and experienced. There were sufficient equipment and vehicles for the Security Branch to operate with."[179] On the question how it was that the Security Branch had more personnel to do the job than the CI structure, Director de Kock elaborated by stating that there were not more police officials but surely they had more informers.[180]

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176 *Ibid*., p. 161.

177 *Ibid*., p. 19.

178 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

179 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.

180 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

Senior Superintendent Prinsloo mentioned that with democracy came decentralization of the Police Service into provinces and later on areas. Quite a number of commanders and levels of control were implemented that affected the functioning of the CI division tremendously, because commanders and levels were not supposed to be skipped and not consulted with. An example of this is that the Area Head for CI had to apply to the office of the Area Commissioner for logistical and technical equipment. If the Area Commissioner felt that it was not necessary, then it was not granted. These things influenced the efficiency of the CI division tremendously.[181] Director de Kock mentioned that Crime Intelligence is actually a national asset. This division should have remained national - the more levels of command were introduced, the worst the efficiency was becoming. He further stated that there is better control and management in a centralized hierarchy.[182]

Senior Superintendent Eramsus mentioned that Detective and Uniform police officials were promoted and put in command of CI Branches. Some of them had no idea what the differences were between information and intelligence. The former Security Branch had an information gathering responsibility with regard to certain threats. Time and again they were successful in identifying the threats beforehand and to provide the necessary information to the government of the day. To ensure this, these members had to be dedicated.[183] Director de Kock further stated: "To ensure an effective and efficient informer network, you need dedication and not an eight to four hour job."[184] Commissioner Gaobepe agreed by saying that the problem within the CI Division was connected with the attitude and approach of the members towards the gathering of information.[185]

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181 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.

182 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

183 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

184 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Bloemfontein, Provincial Head: Detective Services, SAPS, Free State Province, 4.4.2007.

185 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J.Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

According to Commissioner C.P. de Kock, the difference between the former Security Branch and CI can be attributed to a few factors. Firstly, the Security Branch focussed on political crimes, whilst CI is focussing on crime in general. The Security Branch had specialized desks focussing on specific organizations such as the ANC, PAC, etc. Within these organizations there was activists and they attended meetings or gatherings where they discussed some strategies. Some people heard it and the information was intercepted. The CI Division focusses on crime and criminals do not always speak of what they intend to do. Secondly, the Security Branch was highly centralized, whilst CI is totally decentralized. Thirdly, the Security Branch personnel was committed to a specific cause, such as fighting the so-called 'communists' and they worked 48 to 72 hours without sleep and they did not worry about their salaries and their families. Today police members and also those of CI are not committed to their work as in the past. Fourthly, there is a problem about capacity and training. The training within the Police Service is not up to standard. There are managers that can manage administratively, but they do not have the knowledge to understand and manage crime.[186] When assessing the role and era in which the Security Branch operated it becomes clear that this Branch operated very effectively in addressing the information needs and the internal threats. That they were effective in curbing the political aspirations of the former liberation organizations who tried to take over the government was a given fact. However, with all the effectiveness also came a price, a price of inhuman actions committed in order to achieve their goal. All the members of the Security Branch and commanders are the first to admit this, although not all members were guilty of abuse of power. When taking the circumstances and the era into consideration, they can justify their actions.

What also become evident in the 1990s was that the ANC as the main negotiator feared the future existence of the Security Branch because of its effectiveness and the Police Force Management began to seriously restructure this Branch in 1991. A person would have thought that one restructuring would be enough, or maybe two to get rid of all the

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186 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, Crime Intelligence, SAPS, Pretoria, 5.12.2006.

bad elements. However, this branch was restructured in 1991, 1994, 1996 and in 1998 again. Every two years major restructuring took place and in this process many experienced skilled and knowledgeable operatives left for other pastures. What in effect occurred, was that the intelligence capability that was available, well structured and effective was restructured to almost nothing. At the end of the 1990s it had to be built up again.

5. The Truth and Reconciliation Commission (TRC) and the South African Police Force with specific reference to the Security Branch, 1995 to 1998

Mubangizi indicated that the protection of human rights in a transitional society is characterized by friction between securing human rights in the future and vindicating the violations of human rights in the past.[187] Commissions of inquiry were designed to provide as complete a picture as possible of the events of the past. The revelation of the truth was perceived as an essential precondition to reconciliation and closure on the past. Truth commissions were neither courts nor arbitrations. They attempted to establish a detailed and broad picture of what had happened to the people of the nation in the past.[188] From 1974 to 1994 19 similar commissions were appointed in 16 countries, for example in Chili, Argentina, Brazil, Bolivia, El-Salvador, Uganda, Chad, Ethiopia and Rwanda.[189] Minister Dullah Omar wrote on the establishment of the TRC: "I do not think that we should pretend that the Act makes provision for complete justice. We are not dealing only with the past, we are dealing with the future, because the way you deal with the past must impact upon the shape of that future."[190]

5.1 The establishment of the Truth and Reconciliation Commission (TRC)

The Truth and Reconciliation Commission (TRC) was a product of the Government of National Unity (GNU) in an attempt to reconcile the South African nation and to close the book on the past. According to Welamira the TRC was the product of the negotiated settlement. The TRC had three main focus areas namely the public hearings

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187 J.C. Mubangizi, *The protection of human rights in South Africa, a legal and practical guide*, p. 165.

188 Mubangizi, p. 173; M.R. Rwelamira and G. Werle (eds), *Confronting past injustices, approaches to amnesty, punishment, reparation and restitution in South Africa and Germany*, p. 5.

189 P. Meiring, *Kroniek van die Waarheidskommissie, op reis deur die verlede en die hede na die toekoms van Suid-Afrika*, p. 12.

190 Rwelamira and Werle (eds), pp. vii, ix.

concerning human rights violations, amnesty for violators of human rights and reparation for those victims who felt that they had been harmed in any way. Edelstein stated that the impetus for the creation of the TRC was not just the desire by the majority to unmask apartheid, but also to deal with the legacy of violence in the African National Congress's liberation struggle itself.[191]

Perhaps no country in history had so directly and thoroughly confronted its past in an effort to shape its future, as South Africa. Working from the explicit assumption that understanding the past would contribute to a more peaceful and democratic future, South Africa attempted to come to grips with its apartheid history through its truth and reconciliation process.[192] Rauch is of the opinion that discussions on police reform seldom dealt with the impact of processes of truth-telling or national reconciliation on police organizations, although these institutions were often the prime subjects of such processes; and truth-and-reconciliation processes were often intended to restore the rule of law and a culture of human rights.[193]

At the outset it was important to state that the TRC would focus on gross violations of human rights.[194] Gross violation of human rights meant the violation of human rights through the killing, abduction, torture or severe ill-treatment of any person; or any attempt, conspiracy, incitement, instigation, command or procurement to commit such a violation. These violations should emanate from conflicts of the past and have been committed during the period 1 March 1960 to the cut-off date of 5 December 1993 within or outside the Republic, and the commission of which had been advised, planned directed, commanded or ordered, by any person acting with a political motive.[195] This in actual fact meant that all the members of the Police Force assigned to the combating of communism and terrorism that had by means of detention and or interrogation

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191 J. Edelstein, *Truth and lies, stories from the Truth and Reconciliation Commission in South Africa*, p. 16.

192 "Does truth lead to reconciliation?" in "*Overcoming apartheid*", p. 1, <http//www.hsrcpress.ac.za>, s.a.

193 Rauch, p. 14.

194 *Truth and Reconciliation Commission of South Africa Report*, Vol. 5, October 1998, p. 1.

195 S2/26/22/2/(6/10): "*The position of the SAPS towards the Truth and Reconciliation Commission"*, 22.5.1996, pp. 3-4, SAPS Provincial Office, Bloemfontein; W. James, L. van de Vijver (eds), *After the TRC, reflections on Truth and Reconciliation in South Africa*, p. 13.

committed a transgression or human rights abuses, were implicated. It hold good for the other side as well: any members of the former liberation organizations like the ANC and PAC that had committed acts of sabotage such as bomb explosions, land mine attacks, hand-grenade attacks whereby innocent people had been harmed, were implicated.

On 19 May 1995 Nelson Mandela signed the Bill titled the "Promotion of National Unity and Reconciliation Act," Act no. 34 of 1995, and it came into force.[196] According to this Act the president appointed the TRC "in consultation with cabinet". Certain procedures stipulated by the President came into force to ensure that the broadest consultation possible would lead to the appointment of the Commission which would be worthy of the huge responsibility placed upon it.[197] Archbishop Desmond Tutu was appointed as chairperson of the Commission in November 1995 with Dr Alex Boraine as his deputy.[198] President Mandela insisted that his government was opposed to, and had no intention of, conducting a witch-hunt against the police as a result of activities that had arisen from orders given to the police by the apartheid government. He urged police officers not to dwell on possible investigations by the TRC, and instead to get on with the job of law enforcement and community policing.[199]

The TRC consisted of three committees, namely the Reparation and Rehabilitation Committee; the Human Rights Violations Committee; and the Amnesty Committee, and included a Witness Protection Programme and an Investigation Unit.[200] Any person who felt that they had suffered or had been harmed could apply for reparation, and reparations could take the form of pensions, medical aids, scholarships, loans or skills training. Members of the SAPS who believed that they might have been victims of gross violations of human rights could apply to this commission for redress. Concerning the Human Rights Violations committee, open hearings were held throughout the country to hear the stories of victims of alleged gross violations of

196 *Statutes of the Republic of South Africa*, Act 34 of 1995, 26.7.1995, No. 16579, Vol. 361; T. Lodge, *Politics in South Africa, from Mandela to Mbeki*, p. 176.
197 Pamphlet by Ministry of Justice: "*Justice in transition: Truth and Reconciliation Commission*", s.a.
198 Lodge, p. 177.
199 Rauch, p. 14.
200 Lodge, p. 179.

human rights, and anyone who had information could testify about their experiences.[201] The purpose of the TRC was not to institute prosecutions against offenders, but to reconcile the past with the future. The TRC saw itself in the tradition of 'restorative justice', thus foregoing punishment in favour of reconciliation.[202] Rauch stated that the police, the military and the intelligence agencies were obviously key role-players in the TRC process; the challenge was to secure their co-operation, and to ensure that the TRC process would not disrupt the process of police reform.[203]

In an internal communication letter that was sent by the office of the National Commissioner in 1996, the SAPS has committed itself to support the Truth and Reconciliation Commission and promised to conduct itself in such a way that it would support the objectives of the TRC. Members were encouraged to assist the TRC in achieving its objectives. This meant that SAPS members were encouraged to volunteer to give evidence to the TRC and to provide the TRC with all the relevant information at their disposal. Although it was common cause that members who had served in the former eleven police agencies, were accountable for their actions to their former governments and their police agencies, the Police Service would assist such members in matters relating to the TRC where appropriate.[204]

Mufamadi and Mandela made a series of calls encouraging the police to co-operate with the TRC, in the name of 'cleaning up' the image of the police and reconciling the nation. Rauch stated that it was probably the approach of the National Party, rather than the ANC, which facilitated police participation in the TRC. The National Party testified that it was ignorant of most of the gross violations committed by the apartheid security forces; that such violations had been committed by renegade individuals without official government sanction. This testimony by politicians caused outrage in particular in former security police circles. General Johan van der Merwe, retired Commissioner of the South African Police Force, therefore made disclosures to the TRC which

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201 S2/26/22/2(6/10): "*The position of the SAPS towards the Truth and Reconciliation Commission"*, pp. 3-6, 22.5.1996, SAPS Provincial office, Bloemfontein.

202 James and Van de Vijver (eds), p. 43.

203 Rauch, p. 14.

204 S2/26/22/2/(6/10):"*The position of the SAPS towards the Truth and Reconciliation Commission*", 22.5.1996, pp. 1-2.

demonstrated that the National Party government had, in fact, known about, and authorised, most of their activities. The Police Service's participation in the TRC, although very small in real terms, was qualitatively better than that of the military, which remained intransigent throughout. Rauch mentioned that a series of retrenchment packages offered by the government to senior public servants (as part of the effort to trim the public service) caused many of the 'old guard' police officers to leave the Police Force in the period after the election. There were thus not many perpetrators remaining in the SAPS by the time the TRC began its work.[205]

5.2 Moratorium on the destruction of archive material by the South African Police Force

On 29 November 1995 the Cabinet approved the National Archives of South Africa Bill to be tabled in Parliament during the first session in 1996 and placed a moratorium on the destruction of all public records until after the new National Archives Act had been passed. The legislation made provision for the appointment of a National Archives Commission, which would approve the National Archives appraisal policy.[206] Archives could assume a variety of forms, namely letters, files containing correspondence, registers, books, forms, dockets in which information was recorded, computer tapes, photographs, sound recordings, video recordings and films as well as plans. No documentation mentioned in the above was allowed to be destroyed.[207] This Act focussed primarily on the prohibition of the destruction of files that had been in the possession of intelligence agencies and the former Security Branch. Those agencies worked with many sensitive files and documentation which, when coming in the hands of non-sensitive people, would have disastrous consequences. However, all documents in the possession of the government should not be destroyed.

At a meeting with Archbishop Tutu and other members of the Truth and Reconciliation Commission (TRC) held on Friday 5 July 1996, the issue of access to police files at police stations was discussed. The Ministry of Safety and Security conveyed to Archbishop Tutu the problems which were being experienced by some station

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205 Rauch, p. 14.

206 2/20/4: "*Moratorium on the destruction of public records*", 17.12.1995, SAPS Provincial office, Bloemfontein.

207 2/20/4: "*Moratorium on the destruction of Archives: South African Police Ser*vice", 1.4.1997, SAPS Provincial office, Bloemfontein.

commissioners when TRC investigators arrived at police stations with a request to see all files, documents, etc. irrespective of their relevance to a particular investigation. After discussion it was agreed that investigators of the TRC should communicate their request for access to documents, files, etc. to police stations to Assistant Commissioner F. Alton at the Nodal Point or to one of his provincial co-ordinators in the provinces.[208] A small independent group of persons was appointed to investigate and report about the fate and whereabouts of numerous police files and records that had a bearing on the work of the Truth and Reconciliation Commission. Police files, documents and microfilms that related to the period 1 January 1960 to 6 December1993 and that could have a bearing on the work of the TRC, could not be found.[209]

The destruction of evidence took place as Terry Bell and Dumisa Ntsebeza pointed out in their book *Unfinished Business*: "Tons of files, microfilm, audio and computer tapes and disks were shredded, wiped and incinerated. In little more than six months in 1993…some 44 metric tons of records from the Headquarters of the National Intelligence Service alone were destroyed."[210] The destruction of documents took place on a massive scale considering that the Presidency, Department of Defence, State Security Council, Military Intelligence, South African Police Force, homeland states and front organisations for the security and intelligence sector disposed of documents. Bell and Ntsebeza went on to describe the extent of the destruction and the impact thereof: "There was so much material that the state incinerators could not cope; the furnaces of private companies such as ISCOR also had to be used. It was a paper Auschwitz".[211] At the time the then president, F.W. de Klerk, and later the NIA obtained a legal opinion stating that any documents marked 'secret' should not be archived".[212] In so doing, evidence that might have changed the course of post-apartheid politics and given closure to numerous victims of apartheid were destroyed. Lodge stated that most police records concerning security and political operations had been

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208 2/6/2/(31)(K): "*Access to police files: Truth and Reconciliation investigators"*, 10.7.1996, SAPS Provincial office, Bloemfontein.

209 2/6/2/(31)(K): "*Police files relevant to the Truth and Reconciliation Commission*", 30.1.1996, SAPS Provincial office, Bloemfontein.

210 Van Vuuren, p. 14.

211 *Ibid*.

212 *Ibid*.

destroyed in the pre-election period, in an attempt to protect the identities of police officials and informers involved in security work.[213]

Lodge further mentioned that the TRC researchers encountered formidable obstacles in their pursuit of corroborative archival evidence, much of which appeared to have been destroyed or hidden from the commission.[214] However, the police were cautious about participating in the TRC, fearing that they would implicate themselves and open up the possibility of prosecution or lastration.[215] All files and documentation under control of the former Security Branch in the Free State pertaining to individuals and organizations in the period 1 January 1960 to 12 December 1993 were destroyed upon instructions from Security Branch Headquarters, Pretoria. No written instructions were received but verbal instructions were given by ex-Brigadier André Oosthuizen stationed at Security Branch Head Quarters, Pretoria. No date could be given for the destruction but it took place during the latter part of 1992 and the beginning of 1993. Many documents and files of the former intelligence agencies were classified as secret and some top secret. When working with informer networks that supply information to the agencies, the 'need to know' principle applies and there are sufficient protection mechanisms to protect both parties from disclosure of information. The destroying of the files did not only protect the government, the Security Branch and Police Force personnel, but also the informers who were probably high up in the former liberation organization such as the ANC.[216]

5.3 The issue of amnesty for the members of the South African Police Force and in particular members of the Security Branch

In South Africa, the TRC was the product of the negotiated settlement. The TRC in South Africa was different from those in other countries because amnesty[217] would be granted to those who would fully disclose their involvement in gross violations of

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213 Lodge, p. 194.

214 *Ibid*.

215 Rauch, p. 14.

216 2/6/2: *"Availability of information: Truth and Reconciliation Commission"*, 31.7.1996, SAPS Provincial office, Bloemfontein.

217 There is no set definition for the term amnesty. Amnesty is frequently understood as an act of mercy. Rwelamira and Werle (eds), p. 33.

human rights as defined in the act.[218] Lodge is of the opinion that the South African amnesty arrangements were themselves unusual when compared to those made in other political transitions. In Chile, Argentina, El Salvador, Uruguay and Rwanda, the outgoing authority was protected by a general amnesty that was granted.[219]

During the transition, the leadership of the ANC made a bargain in order to secure majority rule in a democratic South Africa. The ANC traded amnesty for peace; the leaders of the apartheid government accepted freedom from prosecution for human rights abuses in exchange for power sharing. At one level, the bargain succeeded: the ANC acquired power through peaceful and legitimate elections, and few white South Africans were punished for the misdeeds of the apartheid system.[220] An epilogue to the Interim Constitution of 1993, headed "National Unity and Reconciliation", provided that amnesty would be granted in respect of acts, omissions or offences "associated with a political objective and committed in the course of the conflicts of the past".[221] The National Party government handed over the reigns of power voluntarily. Some people argued that the settlement between the government and the ANC would not have been possible without the amnesty issue.[222] However, the question regarding amnesty for certain groupings such as the former Security Branch personnel remained clouded.

Furthermore, it must be remembered that no criminal or civil proceedings may be instituted against individuals who were granted amnesty. Two factors that were very much disputed, was, firstly, that according to article 6(5) of Protocol II to the Geneva Conventions of 1977, the "broadest possible amnesty (should be provided) to participants in the former armed conflict at the end of hostilities".[223] The other dispute was that South African was not a party to the relevant human rights treaties and custom and that it had therefore no general duty to prosecute crimes under international law.[224] The initial idea was that general amnesty should be granted, in the words of De Klerk,

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218 S2/26/22/2/(6/10): "*The position of the SAPS towards the Truth and Reconciliation Commission"*, 22.5.1996, p.3, SAPS Provincial office, Bloemfontein.
219 Lodge, p. 202.
220 "Judging the fairness of Amnesty" in "*Overcoming apartheid*", p. 259, <http//hsrcpress.ac.za>, s.a.
221 Mubangizi, p. 187.
222 *Ibid*.
223 *Ibid*., p. 190.
224 *Ibid*., p. 192

"to clean the slate on the past properly".[225] He also said that all prisoners and offenders had to be treated the same, regardless of their political affiliation.[226] The National Party government created the perception under the general public and the Police Force that a general amnesty would be granted, which did not occur.

Before the general election of 1994 forms had been distributed to members of the former Security Branch to apply for amnesty. Senior Superintendent Prinsloo mentioned that persons applied, not because they had killed people, but because they had gathered information through which contra-illegal activities had been committed. The only people who received amnesty were those who testified before the TRC. He further stated that: "Politicians misused members of the Police Force if you look at how many of the members' marriages and families were broken up. No politicians came forward and said that they had misused the Security Branch members and asked on their behalf for amnesty".[227]

Mandela appointed three commissioners and two judges to the Amnesty Committee on 24 January 1996.[228] The Amnesty Committee undertook to review the 7 127 applications it had received up to a deadline on 30 September 1997, a date that had to be postponed three times.[229] Commissioners expressed disappointment at the reluctance of members of certain institutional groups to apply for amnesty. Not a single officer from National Intelligence came forward despite the implication of the intelligence service in much of the testimony about the 'dirty wars' of the 1990s.[230] Four senior military personnel presented their cases before the committee.[231] General Heinze mentioned that the Defence Force's mandate was never to act internally in the country. The Police Force, however, was always involved internally and atrocities could have and had

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225 *Sowetan*, 8.10.1992, p. 3.
226 *Ibid*.
227 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.
228 James and Van de Vijver (eds), p. 58; *TRC report*, pp. 108-109.
229 James and Van de Vijver (eds), p. 129; Meiring, p. 369; D. Woods, *Rainbow nation revisited, South Africa's decade of democracy*, p. 195.
230 Meiring, p. 381, *TRC report*, p. 202.
231 *The Citizen*, 10.5.1997, p. 1.

occurred.[232] Applications for amnesty from the Police Force, later Service, were much more forthcoming than from the spies or soldiers.[233] In December 2001 the amnesty committee announced the completion of its work. Out of a total of 7 127 applications, only 122 applicants received amnesty.[234] Of the amnesty applications, 54% was from the ANC, 20% from the security forces, 12% from PAC, 9% from the IFP and 5% from the far-rightwing groups.[235] ANC applications for amnesty constituted about half of the total, and these again represented only a small proportion of the people in the organization who would have committed what the TRC defined as human rights abuses.[236] However, the bulk of the ANC and PAC applications for amnesty were for actions during the post-1990 period in their so-called liberation war.[237]

The TRC report, released in October 1998, stated that it endorsed the international view that apartheid was a crime against humanity and the ANC and the PAC were internationally recognized liberation movements conducting a legitimate struggle. But it drew a distinction between 'just war' and 'just means' while fighting that war. In terms of international conventions, the ANC and its organs such as MK, the Revolutionary Council, the NEC, and the PAC with its armed formations such as APLA and Poqo, had committed human rights violations in the course of that political and armed struggle. For these, they were held morally and politically accountable. Deputy President Thabo Mbeki of the ANC expressed his dismay about the TRC report, saying that the TRC commissioners were "wrong and misguided".[238] The TRC report further stated that the state, in the form of the South African government, the civil service and its security forces was in the period 1960 to 1994 the primary benefactor of gross violations of human rights in South Africa. The report went further to state that in the period 1990 to 1994 the ANC was responsible for killings, assaults and attacks on

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232 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 31.5.2007.
233 Lodge, p. 185.
234 *Ibid*., p. 182.
235 Meiring, p. 382.
236 Lodge, p. 185.
237 *TRC report*, p. 203.
238 *Cape Argus*, 30.10.1998, p. 2.

political opponents including members of the IFP, Azanians People's Organization (AZAPO) and the Police Force.[239]

Lodge mentioned that the autonomous status of the Amnesty Committee and its chaotic organization were a source of frustration for the commission.[240] The committee was supposed to use what is known as the Norgaard principles[241] in its decisions over whether an offence was politically motivated.[242] It ignored these in granting a collective amnesty to 37 ANC leaders who disclosed neither individual motivation nor specific acts.[243] On 8 May 1998 this collective amnesty was withdrawn by the High Court that found that the TRC could not provide amnesty to top ANC members. A huge criticism of the TRC was that of the 17 members of the TRC none belonged to the former ruling National Party. The two Afrikaners on the TRC were members of rival parties and were isolated among the rest of the ANC-orientated staff. This skewed composition of the TRC, compromised the reception of its findings.[244]

Little work as yet has been done on the impact of the TRC on processes of police reform in South Africa, but already it is obvious that the TRC's extensive recommendations about police reform were not influential in shaping the Police Service's agenda in the post-TRC period. The rising crime rates became the primary driver of change. One interesting paradox resulted from the public radio and television screenings on TRC hearings during the 1990s, at the same time that the Police Service were engaged in serious reform efforts, and trying to rebuild their legitimacy among the formerly-oppressed black population. The population was daily hearing stories of police abuses and violations. The simultaneous effects of these two processes have yet to be fully understood, but surely cannot be separated.[245]

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239 *TRC report*, pp. 222, 243.
240 W. Orr, *From Biko to Basson: Wendy Orr's search for the soul of South Africa as a commissioner of the TRC*, p. 91.
241 Professor Carl Norgaard was President of the European Human Rights Commission. Boraine, p. 49.
242 *Sunday Times*, 2.4.1995, p. 24.
243 *Die Burger*, 14.1.1998, p. 2.
244 James and Van de Vijver (eds), p. 45.
245 Rauch, p. 14.

On the other hand, the even-handedness of the TRC's final report may well have strengthened perceptions of the government's impartiality among white citizens, especially in the light of the ANC's objections to the findings and Nelson Mandela's contrasting endorsement of the report.[246] The Commission recommended in its final report that those who had not applied for amnesty and who were strongly suspected of committing human rights violations, ought to be prosecuted. It also stated that attorneys-general must pay rigorous attention to the prosecution of members of the SAPS who were found to have assaulted, tortured and or killed persons in their care. The last whistle to blow was that, in order to avoid a culture of impunity and to entrench the rule of law, the granting of general amnesty in whatever guise should be resisted.[247] However, the final whistle on the closure of the official working of the TRC's Amnesty Committee is yet to blow.

National Commissioner, General van der Merwe stated in an interview his view on the amnesty issue: "The transitional constitution on which we worked very hard to formulate, stipulated that when an act of conflict was committed that can be connected to a political aim, then amnesty should be granted not to the person but to the act itself. This means, if it was proven once that an act can be connected to a political aim, then everybody that was involved in that act must be granted amnesty. But then the new government went and introduced legislation that clashed with these stipulations. Usually you got three members on an amnesty panel, two members were more ANC-orientated who refused amnesty, and the other person was more pro-former government-orientated who actually granted amnesty. Amnesty was refused to a lot of old Police Force members and that process is not yet finalised. One of two things must happen. Either we get one form of protection for these members, or they must be prosecuted. This process might take between two to four years to be finalised. There is a good indication from the side of the ANC, that there is a need that the issue regarding amnesty should now be finalised."[248]

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246 H. Kotze, "Evaluation of government" in "*The state of the people"*, <http//hsrcpress.ac.za>, s.a.

247 Boraine, pp. 298-299.

248 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

Senior Superintendent Erasmus mentioned that the issue regarding amnesty is a huge error on the part of the previous government, in so far that they did not sit around the table with the ANC and said that the Security Forces and the ANC operatives should get amnesty and that it is over and done with. Now, 13 years after democracy, there are people being targeted for prosecution although they are years out of service of the Police."[249] J. Wagener concluded by saying that he represented many individuals in the workings of the Amnesty Committee and also Human Rights Violators Committee, namely victims, implicated persons, persons who applied for amnesty and also people who had been summoned to testify before the Commission. What is however a concern is that alleged continuous prosecutions on old incidents that originated from a former political conflict, is not to the advantage of the country in the long term, and all the positive attitudes with regard to reconciliation and nation building will be destroyed if this process continues.[250]

Thirteen years after democratisation the process regarding amnesty is not yet finalised. This causes everybody to wonder what was actually the motive behind all this. Will this eventually result in something like the Nüremberg trials, as was the case in Germany after the Second World War? The belief amongst the former members of the Security Branch is that the previous government sold them out. When analysing all the details, it may not be far from the truth. The TRC in all three its committees tried to reveal the atrocities and gross human rights violations that occurred in the past in order to ensure reconciliation. The aim of the TRC to further nation building and reconcile opponents in the apartheid era should be investigated. It might be that with the verbal utterances and hearings many people became reconciled and left the past behind. The issue of a general amnesty however clouded the reconciliation process and prosecutions can still be instituted against former operatives of the Police Force.

6. Evaluation

The Truth and Reconciliation Commission had at its aim to reconcile the nation, namely

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249 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

250 Jane Buys Collection: Correspondence with Mr J. Wagener, lawyer at Wagener Inc., Pretoria, 26.4.2007.

the agents of the National Party government and the whole population that had always been privileged with their opponents, namely the liberation organizations such as the ANC and PAC as main role players, as well as the African population that had been oppressed by the National Party government. They wanted to reveal atrocities committed in the name of apartheid and the struggle against apartheid in public hearings, especially by people who felt the need to confess openly of gross human rights violations. The perception existed, when looking at the whole process of the TRC, the press releases and media statements; that the main role player who had committed atrocities, was the Police Force. The impression was left that only this organization, with the emphasis on the Security Branch and also the Riot Control Units (later the Unrest and Crowd Control Units and eventually Internal Stability Unit), had committed gross human rights violations. Only those members of the Police Force who confessed their part in violations publicly, received amnesty.

Why the whole issue concerning the application for amnesty was in the first place brought forward, remained a closely guarded secret. Members of the Security Branch were instructed to apply for amnesty, whether they did something wrong or not. However, the belief that they would get amnesty, did not materialize. When looking in retrospect, the perception is that the National Party government sacrificed these police officials for the sake of reconciliation with an ANC government that had also committed gross human rights violations. Altbeker described the role of the police as "the dirty work in any democracy",[251] in this case the dirty work of the National Party government. When they needed the Police Force to secure the existence of government and also the state against external and internal threats by the liberation organizations, the Police Force was good enough to do so. When they should have defended the same people who had guaranteed their existence, they did not have the integrity to stand up for it. It can thus be concluded that the process of amnesty was one-sidedly instituted and treatment in this regard was not fair. Hopefully, the ANC government will finally resolve the issue of amnesty in the apartheid era so that those members affected by it can go on with their lives.

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[251] Altbeker, p. 129.

What everybody fails to see, inclusive of the National Party government and the ANC and PAC as former liberation organizations, is that the majority of the members of the Police Force were committed to the job they did. For a huge number it was not just a job, but a calling. When you have the right person for the job, irrespective of who is in control, the job will continue. Many police officials were committed and dedicated to the cause of being police members, irrespective under which government they served. Senior superintendent Erasmus puts it clearly: "I joined the Police Force to serve the country, I served in the former Security Branch, did the job that was asked of me, I am still a police member committed to serve the country and the community."[252] General Heinze agrees with Erasmus in stating: "I am a soldier; irrespective of which government is in power, I still remain a soldier."[253] The Police Force could be trusted to ensure that South Africa would become a democracy after all by means of creating stability and peace during the general elections that took place in 1994.

The era after the 1990s saw the increase of political violence and conflict all over the country, but more focussed in Natal. The violence was the result of political rivalry between the ANC and Inkatha. Natal was the heart of the Zulu kingdom and many Zulus stayed there. With the unbanning of the ANC in the beginning of the 1990s the door for political organizations and party lobbying for support was suddenly wide open. The ANC saw Natal and the Zulus as a threat to a future majority government due to the fact that the Zulus were the most populated ethnic group in South Africa. Some of the ANC supporters also stayed in Natal and because of this power struggle, and presumably instructions from the higher echelons of the ANC, the political conflict started and increased. At the beginning of the 1990s up until the first democratic election in 1994, the political violence in Natal escalated tremendously. The Police Force was not in a position to address it due to their lack of sufficient manpower, and

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252 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 2007.

253 Jane Buys Collection: Transcribed interview with General H. Heinze, last officer commanding of the Free State Command, SANDF, Bloemfontein, 4.2007.

the assistance of the SADF was also called in. However, with the escalation of violence and also the involvement of the Police Force and the Defence Force, specifically the ANC started with allegations that the security forces, and in particular the Police Force, were instrumental in the political violence, not only in Natal, but also on the East Rand. The National Party government appointed a commission, the Goldstone Commission to investigate these allegations. The Goldstone Commission was also referred to as the Commission of Inquiry into the Prevention of Public Violence and Intimidation.

The reports of the Goldstone Commission received widespread comments and criticism within the media. The Goldstone Commission, in its first report, stated that it could not find any evidence of Police Force involvement in the so-called 'Third Force' in Natal, but then the second report implicated by name certain senior Police and Defence Force officers of being involved in the so-called 'Third Force'. The fact that these indications by Judge Goldstone were in fact unsubstantiated information from unreliable sources, contributed to the perception that someone was behind the investigation. If there were any significant evidence Dr D'Oliveira's investigation team would certainly have picked it up and that would have enabled them to institute criminal prosecutions against the alleged persons. The conduct of the Goldstone Commission and its report created the impression that someone wanted to get rid of certain people in the top structures of the Police and Defence Force and that it was the ideal opportunity to do so. The fact that both Generals Smit and Le Roux were former Heads of the Security Branch and that they were not acceptable to the new government in a new dispensation, cannot be totally ignored. The general belief under all the interviewees was that they were sacrificed by the National Party government to buy face with the ANC in the Government of National Unity.

The need for the restructuring of the 'dirty workers' started at the beginning of 1990, just after the transitional period. The main negotiators, such as the ANC, requested a restructuring of the UCCU to make it more representative and also to ensure that they adopted a different approach in the policing of riots and unrest. The focus was already put on a more tolerant approach towards the behaviour of rioters and protestors that would eventually become part of their human rights of free gathering and expression.

The Internal Stability Unit was formed in 1992. They were highly trained, had their own uniforms and own vehicles and operated extensively and intensively to curb the unrest and violence in the country. The pressure of the escalating violence and unrest had to be addressed and members of these units, such as Senior superintendent Mdeuka were deployed for three months and did not see their families during that time. They operated in extremely stressful and dangerous situations, and where Mdeuka was deployed, in one of the most violent parts of the country, in the KwaZulu area, nobody was killed by the ISU. The ISU had to restore law and order and protect the public safety. In doing so, they came into fierce conflict with some members of the black population, and were increasingly accused of the brutal manner in which they sustained these members of the communities.

The Police Force management decided to change the uniforms, vehicles and training methods of the ISD again. Just after democracy, the ISD was restructured to become the POPS. POPS were also highly trained and the manner of handling unrest changed. The ISD had to execute control over crowds and 'pushed' them into certain areas. With POPS the focus was on managing crowds, a more tolerant approach to the expression of people's human rights. POPS became more acceptable to the majority of citizens, and it also became more representative of the population. With the advent of democracy less protest marches occurred because of the contention of people. However, at the end of the 1990s this situation changed and the dissatisfaction of the communities was demonstrated by means of protest marches. The numerous restructurings of these units showed that they were the most visible expression of the Police Force.

The Security Branch was already discussed extremely. What is also interesting to note is that from 1991 to 1998, thus during a period of eight years, this notorious branch went through four restructuring processes. If this was not an indication that something sinister was behind this, then nothing else would be. Many reasons could exist why the new government in 1994 pressed for the restructuring of this branch, over and over again. The words of the previous commissioner, General Van der Merwe, make sense when saying that the ANC government had reason to fear the Security Branch. They did not want anything from the past to be associated with this branch, they were not

acceptable and also did not trust them. The Division CI was created in 1998. This meant that it did not fall under the Detective Service any longer. It should be noted that much negative criticism is being expressed within the Police Service by middle and senior management regarding the effective and efficient functioning of this division within the new SAPS. Many reasons can contribute to this. After all, the CI Division focusses on crime intelligence and not political intelligence as in the past. However, there is a serious lack of producing relevant and reliable information to satisfy the needs of clients. Capacity as well as logistical and technical constraints could also play a decisive role. Managers mentioned that the lack of performance can be ascribed to the fact that there is no skilled and experienced handlers and investigators, as well as managers. Affirmative action as well as insufficient formal and in-service training of junior members, play a huge role in the inadequacy of this division.

CHAPTER 5 – Transformation and amalgamation of the various police agencies into the South African Police Service (SAPS) with reference to the Constitution and the new SAPS Act: 1994-1998

1. Introduction

In 1964 Ben Whitaker's excellent and concise study of the police in the United Kingdom was published. Many of his observations about British policing also pertain to policing in the United States, and to South Africa: "We expect him (the policeman) to be human and yet inhuman. We employ him to administer the law, and yet ask him to waive it. We resent him when he enforces the law in our own case, yet demand his dismissal when he does not elsewhere. We offer him bribes, yet denounce his corruption. We expect him to be a member of society, yet not share its values. We admire violence, even against society itself, but condemn force by the police on our own behalf. We tell the police that they are entitled to information from the public, yet we ostracize informers. We ask for crime to be eradicated, but only by the use of 'sporting' methods. What…do we want the police for? Only by resolving the conflict and values between liberty and law enforcement can we determine the paradox of the policeman's position in our future society."[1]

Change brings with it unbelief, shock, uncertainty, anxiety about the future, apathy and depression. When the transformation process is not managed effectively, some individuals could rebel and sabotage the initiative. Some may feel that they are not comfortable with the new style and working procedures, and resign. Others may feel that they welcome these changes and make the transformation process work.[2]

When transforming the Police Force, the first thing that any government must do is to change existing legislation to fit the new proposed structure, composition and manner of operation with the necessary authority and sanction. The South African Police Force

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1 Quoted in T.A. Johnson *et al*., *The Police and society, an environment for collaboration and confrontation*, p. 15

2 P. Stevens and D.M. Yach, *Gemeenskapspolisiëring in aksie, 'n handleiding vir praktisyns*, p. 80.

operated under specific legislation that made them very effective, a 'force within a force', politicized and not transparent. The interim Constitution of 1993 and the Constitution of 1996 provided new mechanisms under which a future Police Service had to operate. The South African Police Act also changed to align the Police Force in a democratic South Africa. Much of the legislation was amended with democratization in South Africa; however, only the legislation that had an impact on transforming the Police Force to that of a demilitarized, community orientated, labour intensive, public servant, accountable and transparent, representative Policing agency for the whole South Africa is being discussed. A lot of diverse legislation impacted on the control, conduct and performance of the Police Service. The criminal laws and public service laws, standing orders, Constitution and Police Service Act are applicable to the Police Service. The SAPS Act is the main act that provides guidance of the new SAPS. The specific stipulations in the Act that changed the Police Force from that of a paramilitary organization to that of a service delivery agency will be discussed. Reference to the White Paper on Safety and Security will be made under the various headings on which it reflected.

Anthony Altbeker mentioned that no society, much less one in the midst of a transformation as profound as the South African one, emerges fully formed from the welter of paper that gives birth to it: "Were high-minded documents enough to create a well-ordered, graciously polite society, we would have one."[3] In the real world, it falls to men and women to breathe life into these promises and to turn the common decencies envisaged by our law into reality.[4] Transformation of the Police Force had to be designed firstly on paper, but that was just the beginning. The implementation of these procedures by police managers determined the way in which transformation was actually achieved. In this chapter the further transformation of the Police Force to a service agency is discussed. The types of transformation that will be focussed on will be human transformation, also named affirmative action, equity and representativeness. How it was introduced in the South African Police Force and in the era of the SAPS receives attention. The Representative and Equal Opportunity Programme (REOP) will

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3 A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS*, p. 8.
4 *Ibid*.

also be looked into. A new phenomenon that was born with democracy was the idea of lateral appointments in the Police Service. This issue together with the civilianization of the Police Service also influence the transformation of the Police Service. The second phase of transformation as mentioned in Chapter 3, namely the amalgamation of the former police forces of the TBVC countries and the self-governing states needed to take place before one central police agency in South Africa could become a reality. The SA Police Force was but one of eleven police agencies in South Africa.

The discussion of the transformation of the Police Force will not be complete without any mention of the amalgamation of former Umkhonto we Sizwe (MK) and Azanian People's Liberation Army (APLA) members into the organization. The incorporation of these units into the armed forces such as the Police Force and Defence Force had to take place in order to make the armed forces more acceptable and representative. Did the integrated MK/APLA members consist of sufficient experienced members to contribute to making the Police Force more effective and efficient? The transformation of the Police Service would be incomplete without reference to the way in which the training of police officials affected their service to the communities in a new political dispensation. There is a saying that a person can only be as good as the training that he or she received. Was the SAPS on road to become a more effective service delivery institution by providing the necessary skills and competencies to its members?

2. The Interim Constitution of 1993 and the Constitution of 1996 of the Republic of South Africa

The South African Police Force could never in their period of service infringe 'literally speaking' on people's human rights, because a Bill of Human Rights guaranteed by a Constitution was not tabled in South Africa before 1993. In the apartheid era nobody had basic human rights enshrined in a constitution, but some people were more equal than others, had more rights than others. The rights of the black citizenry concerning freedom of association, movement, expression and speech were more restricted than those of other population groups. So when the transitional period came, the first thing that the negotiators thought of was that it was of the utmost importance for a future Police Force to be guided by a constitution wherein a Bill of Human Rights would be

guaranteed. The interim constitution of 1993 laid down a 'small framework' for the transformation of the Police Force.

The Interim Constitution paved the way for the transformation of the Police Service by means of the SAPS Act. The stipulations of the Interim Constitution were taken up in the new SAPS Act of 1995 and put the restructuring and transformation of the SAPS as part of the broader public service on par. The Interim Constitution was accepted and endorsed by Parliament on 25 January 1994 and came into effect on 27 April 1994.[5] The Negotiating Council compiled the Transitional Constitution in order to pave the way forward to a democracy in South Africa. Wessels argues: "This constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy, peaceful coexistence and development opportunities for all South African's, irrespective of colour, race, class, belief or sex."[6]

The objective of the reform was to provide legitimacy to the South African Police Force and the methods they employed. The abovementioned views naturally formed the basis of the provisions of the new Constitution. An important constitutional principle was that the Constitution was supreme, and not Parliament. The duty of the Police Service, as stipulated in the Interim Constitution, was to protect human rights and the individual was to be protected against any form of State abuse. This was almost exactly the opposite to the position of not so long ago when the prime purpose of the Police Force was to protect the State against individuals.[7] The focus of the Interim Constitution was placed on the Bill of Human rights that safeguarded individuals abuse of power and not so much focus on the protection of the security of the State.

Chapter 14 of the Constitution of 1996 deals with the functions of the SAPS. The SAPS has five functions as stipulated in the Constitution. They are the prevention of crime; the investigation of crime; the preservation of the public order; the protection and

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5 J.A. du Pisani, "Negotiating a democratic South Africa: Bilateral and multiparty negotiations, June 1992 to December 1993" in *Journal for Contemporary History* 19(2), September 1994, p. 70.

6 D. P. Wessels, "Die struktuur en dinamika van die Suid-Afrikaanse politieke omgewing: post-apartheidsperspektief" in *Journal for Contemporary History* 24(2) December 1999, p. 129.

7 J.R. Midgley, *Community policing, tentative steps towards true reconciliation*, p. 16.

safeguarding of the inhabitants of the country; and to uphold the law and apply it. To obtain these objectives, three labour-intensive policing functions have to be executed successfully, namely the investigation of crime; the gathering of crime intelligence; and the prevention of crime.[8] Chapter 14 of the Constitution provides for the establishment and regulation by an Act of Parliament of a South African Police Service. The SAPS has to be structured at national, provincial and local levels,[9] also referred to as station level, and has to function under the direction of the national government as well as the various provincial governments.[10] The Constitution specifies three levels of command for the new SAPS, namely that of station level, provincial level and national level.[11] The Police Force has four levels of command namely national, regional, district and station level. The reason why the Constitution lessens the levels of command is to ensure speedy reporting through the levels, thus more effectiveness.[12] This clearly led to the decentralization of the Police Service with more executive powers to provinces in comparison with a centralized hierarchy in the past with more powers concentrated at the national level, also referred to as Head Office.

Section 237 of the Constitution stipulates that the national government exercises the responsibility for the rationalization of the SAPS in co-operation with the Committee of Ministers and the Board of Commissioners to be established in terms of the SAPS Act. The responsibilities of the national and provincial commissioners of the SAPS are set out in the Constitution.[13] Du Pisani claims that the Constitution was a product of a compromise between the two major parties. It was called a "negotiated revolution" and a "peace treaty between contending nationalisms". It signals the end of white minority domination and the beginning of a democratic political system and finally dismantles apartheid structures. Various checks and balances were built into the system; in short,

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8 W. Bezuidenhoudt, *Die geografie van gemeenskapspolisiëring, 'n geselekteerde internasionale, nasionale en plaaslike perspektief*, p. 80.

9 Du Pisani, p. 76.

10 C2/1/1: "*Structuring: South African Police Service: Chapter 14 of the Constitution of South Africa"*, 1.2.1994, SAPS Provincial office, Bloemfontein; D. Basson, *South Africa's Interim Constitution*, p. 261.

11 *The Constitution of the Republic of South Africa, 1996, Act 108 of 1996*, as adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly, p. 89.

12 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

13 Du Pisani, p. 70.

the new government was more accountable, more transparent and more representative than ever before.[14] The Constitution basically focusses on the civilian oversight of the Police Service to make it more accountable, the establishment of an investigating mechanism against police officials to make it more transparent and the decentralization of powers to lower levels of command.

Two sections of the Constitution that have a very significant bearing on the functioning of the SAPS are section 13(3) and section 13(3)(b). These two sections concerns the issue of human rights and the aspect of minimum force used by the Police Service. Section 13(3) requires police members to perform their official duties in a reasonable manner. This is not something completely new. Police Force members were, in terms of the common law, required to perform their duties in a reasonable manner. In view of the fact that the Constitution now protects the fundamental rights of every individual, this subsection requires police officials to perform their duties in a manner that will display their commitment to protect the fundamental rights of every person. Section 13(3)(b) requires a police member to use force only where it is authorized by law and where the use of force is authorized, to use only the minimum force that can be regarded as reasonable in the circumstances. This section does not effect a drastic amendment to the existing common law position but reiterates it. These provisions were included in the Constitution to make it absolutely clear that Police members are required to use only the minimum force necessary in the circumstances they operate in.[15]

Section 13(3) should also be read in conjuntion with Article 49 of the Criminal Procedure Act of 1977, that stipulated that a police member might execute the necessary force to arrest an offender that had committed a 'Section 1' offence. The necessary force could also mean death when the offender tries to escape. This section led to much uncertainty amongst the general public and the police members themselves. The perception was created that Police members were not even able to point a firearm at a criminal, let alone shoot one that endangers his or her life, but can only act when a

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14 *Ibid*.

15 31/1/5/3: "*South African Police Service Act, 1995 (Act No. 68 of 1995) Police Powers"*, 17.10.1995, SAPS Provincial office, Bloemfontein.

'Section 1' offender tries to escape. That perception is however wrong. Advocate A. du Toit states that any member of the public, inclusive of a police member, when his or her life is in danger, may use deadly force to defend him or herself.[16] The Constitution places a high premium on human rights. The right not to be tortured is absolute, thus not negotiable. This led to confusion amongst certain police members who believed that they were restricted in their crime fighting role to arrest criminals and bring them before a court of law. This is however not the case. When the Police member's live is threatened, deadly force against people may still be used. The Constitution of 1996 stipulated a few things that should be included in a new SAPS Act. Firstly, the issue of decentralization of powers to the provinces. The second was that a mechanism should be established to oversee the function of the Police Service and to make it more accountable. A further aspect was that the Police Service should be more representative of the population. The last issue was the most important one and that was the creation of a human rights culture in the Police Service.

3. The South African Police Service (SAPS) Act, Act No. 68 of 1995

The new SAPS Act stipulated that the name of the Ministry of Law and Order had to be changed to that of the Department of Safety and Security. The last minister of Law and Order was Hernus Kriel and the first Minister for Safety and Security was Sydney Mafumadi. Commissioner J.V. van der Merwe was the last commissioner of the South African Police Force during the period 1989 to 1994 and during the transition to a democracy. Commissioner F.G. Fivaz became the first national commissioner of the new SAPS on 1 April 1995.[17] According to the new SAPS Act, the State President appoints the Commissioner of the SAPS, whereas in the past the President in Council appointed him.[18]

The transformation and restructuring of the Police Force already started at the beginning of the 1990s with the unbanning of the liberation organizations and negotiations

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16 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

17 *Daily News*, 30.1.1995, p. 8.

18 Jane Buys Collection: Transcribed interview with Former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

between the National Party and those organizations. The Police Force was not acceptable to the African National Congress (ANC) and a future government; therefore the Police Force had to transform to adapt to a new political dispensation in South Africa. Previous opponents would later become the government and the mind-set of many police officials had to change in order to adapt to the new situation. Both parties, the ANC as main negotiator and the National Party government, involved specific role players to look into existing legislation on the police agency. The National Commissioner, General Johan van der Merwe, was also involved. A new act for the SAPS was then compiled and drafted by a task team chaired by lawyer Azhar Cachalia.[19] The new SAPS Act absolutely and finally made a break with the past, by changing the name from a Police Force to that of a Police Service.

According to Clift police work today is quite different from what it was 50 years ago. The concept of the job has greatly expanded, now embracing many fields of human activity. Today, a police official may be called upon to do anything related to public safety while, at the same time, bearing the sole responsibility for dealing with the criminal. A police official's duties are falling within five categories, namely preservation of the public peace; protection of life and property; prevention of crime; enforcement of the laws; and the arresting of offenders and recovery of property.[20] The South African Police Force from 1958 up to 1995 operated according to the South African Police Act. This act stated that the South African Police Force had four primary functions, namely the prevention of crime, the investigation of crime, the maintenance of law and order and the preservation of the internal security.[21] The SAPS Act, Act No. 68 of 1995, came into operation on 15 October 1995.[22] The functions of members of the SAPS are set out in section 215 of the Constitution and are still exactly the same as those set out in section 5 of the South African Police Act of 1958. The only additional

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19 Jane Buys Collection: Transcribed interview with former National Commissioner, General J.V. van der Merwe, South African Police Force, Pretoria, 16.5.2004.

20 R.E. Clift, *A guide to modern police thinking, a panoramic view of policing,* p. 17.

21 *Statutes of the Union of South Africa,* Act 7 of 1958, 14 February 1958, p. 12; *The Constitution of the Republic of South Africa, 1996, Act No. 108 of 1996*, as adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly, p. 89.

22 31/1/5/3: "*South African Police Service Act, 1995 (Act No. 68 of 1995) Police Powers"*, 17.10.1995, SAPS Provincial office, Bloemfontein.

function is the creation of the concept Community Policing and the establishment of Community Police Forums (CPFs).

The new SAPS Act, Act No. 68 of 1995, deals with the establishment of seven forums or so-called structures in which civilians are appointed or elected to serve. They are the Secretariat for Safety and Security, The Independent Complaints Directorate (ICD), the Board of Commissioners, the National Policy Foundation, the Community Police Forums and the Municipal and Metropolitan Police Services.[23] The Act makes further provision for a National Policy Foundation to be managed by a seven-person board, two of whom should be chosen by public nomination. This foundation undertakes research into all aspects of policing, evaluates efficiency, and advises on "the integration of concerns of development and social welfare with those of safety and security".[24] The Police Services Act also provides that a civilian may be appointed as national or provincial commissioner of police and that civilians may be appointed to the National Policy Training Board.[25] The new South African Police Act makes provision for the establishment of community police forums. The forums will promote "the accountability of the service to local communities and the co-operation of communities with the service".[26] They will also monitor police efficiency, evaluate the provision of services and advise the police as to "local policing priorities".[27] The forums and structures in which civilians are appointed to and serve were created to ensure more transparency in the Police Service in their future role in a democracy.

Civilian control of the Police Service is essential in order to ensure that it operates as a non-partisan instrument in monitoring law and order and does not become a tool of the governing party organs, its political opponents or to entrench its own interests.[28] The civilian oversight of the Police Service is the task of the Secretariat for Safety and Security. The final pillar of civilian involvement is the establishment of an Independent

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23 *Statutes of the Republic of South Africa*, Act No. 68 of 1995, May 1995, No. 16731; F. Nel and J. Bezuidenhoudt (eds), *Polisiëring en Menseregte*, p. 61.
24 *Weekend Star*, 10.7.1994, p. 2.
25 *The Star*, 11.7.1994, p. 11; *The Natal Witness*, 6.9.1994, p. 5.
26 *Weekend Star*, 10.7.1994, p. 2.
27 *Ibid.*
28 G.E. Devenish (ed.), *A commentary on the South African Constitution*, p. 285.

Complaints Mechanism. This body has investigative powers and powers to make recommendations. Human rights lawyers and others in the past criticized the Police Force for 'investigating themselves'.[29] The SAPS Act further stipulates the regulations for bargaining by means of the establishment of trade unions for police members.[30] The Act includes a chapter on labour relations, which makes it illegal for members of the Service to go on strike "under any circumstances". It entitles them to join "any employee organization of their choice" and established a Negotiation Forum that may resort to arbitration if disputes cannot be settled.[31] The establishment of the trade unions is a further contributing factor in regulating the conduct of police members and enhances the consultation process between employer and employees that is one of the principles of a democratic government.

Concerning in-house structures, the SAPS Act dealt with the devolution of powers to Provincial Commissioners. Three structures that needed to be established were the Organized Crime component, the restructuring of the Internal Stability Unit into Public Order Policing Units and the establishment of Crime Prevention. It further dealt with the prohibition of the publication of sketches and taking of photographs of certain persons as well as the unauthorized disclosure of information.[32] The restructuring of the Public Order Policing Units was already dealt with in the previous chapter. The Organized Crime Components also fall under the Detective Services that was discussed in the previous chapter but reference will also be made to it. The Crime Prevention focus will be discussed in a later chapter.

3.1 The five key functions of the SAPS

The five functions that the Police Service have to perform will be discussed in order to get a better understanding of the multiplicity of tasks and functions a police officer has to perform. The first function that the Police Service has to perform is the protection of life and property, namely home and industrial safety; building safety; street safety and vehicle traffic. This function goes hand in hand with the preservation of internal

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29 *Weekend Star*, 10.7.1994, p. 2.
30 *Statutes of the Republic of South Africa*, Act 68 of 1995, May 1995, No. 16731.
31 *Weekend Star*, 10.7.1994, p. 2.
32 *Statutes of the Republic of South Africa*, Act 68 of 1995, May 1995, No. 16731.

security and the protection of the inhabitants of the country.[33] If the many duties of the police official could be boiled down to one responsibility that would cover almost every aspect of his job, that one would be the protection of life and property.[34] The second function that the SAPS has to perform is the prevention of crime. Clift is of the opinion that this duty is inherent in all police work but the prevention techniques employed in many departments today are something new. The police frequently use other excellent methods to stop crime before it happens. One of these methods is to inform and educate the public in crime prevention.[35] The focus on the crime prevention role became much more emphasized in the new Police Service, not only in terms of what the Police Service has to perform, but also the contribution made by the communities.

The third function that the Police Service must perform as stipulated in the Police Act, is the enforcement of law. It is sometimes a most difficult and most thankless job. While trying to please his immediate superior, the conscientious police official often provokes the very public he is trying to serve. One of the difficulties in enforcing the law is the multiplicity of the law itself. There are literally hundreds of regulations the police are expected to enforce. The legislature frequently passes laws without a thought of the job that the police will have in enforcing them.[36] Enforcing the law is not an easy task. It is clear that before a police official can enforce the law equitably and intelligently, he must know the law. Every police official has to be kept informed of new laws and legal changes.[37] The fourth task allocated to the Police Service is the arresting of offenders. This task is seen as the glamorous phase of policing and is the one that has brought most credit to it. The world loves the 'cop' when he has brought a dangerous felon to justice. Some of the greatest strides in policing have been made in the fields of scientific detection and apprehension of criminals. Fingerprinting, for example, is unquestionably the outstanding development in detection. Photography has played an important role, and now lie detection is rapidly emerging as a science of the first order. Each of these has immeasurably enhanced the Police Service through

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33 Clift, p. 19.
34 T.W. Bennett and D.J. Devine, *Policing and the law*, pp. 110-111.
35 J.L. Sullivan, *Introduction to police science*, p. 112.
36 Clift, pp. 21,22.
37 Sullivan, pp. 112-113.

making it all but impossible for the criminal to get away with his nefarious operations.[38] In this regard Advocate du Toit mentioned that there is no bigger fear for any criminal than to be arrested by the Police Service, not even the fear of being sentenced to prison.[39] The enforcement role of the Police Service is very much evident in the new legislation. Whether the Police referred to themselves as a service or a force, they have to enforce the law.

The recovery of property is of equal importance to the arresting of an offender, at least in the eyes of the victim. The Police Service devote a great amount of time to this phase of their work, and here too science plays a key role. Modern identification processes enable the Police Service to recover thousands of rands worth of valuable property.[40] The victim often judges the effectiveness of the Police Service by the amount of property recovered. The fifth function the Police Service has to perform is to serve the community by means of community policing. Besides the crime control responsibilities, the Police Service provides many non-criminal services to the public and other subdivisions of government. It is common for police officials to be called upon to rescue cats and dogs, open locked doors for people, deliver babies in emergencies, act as escorts for visiting foreign dignitaries and serve as guards in large deliveries of money to banks. The public looks to the Police Service for all kinds of additional services, not only those that protect people from criminals, but also those that make the community a healthier, happier, and more convenient place in which to live. It appears that as long as the people are paying the bill, the Police Service will provide new public-assistance services along with traditional police services.[41] When evaluating the tasks that police officials have to perform it becomes clear that this is not a job for just any person - police officials should be dedicated and committed to be just who they are, serving the interests of the communities and the public. This is what the police are paid to do.

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38 Clift, pp. 22, 23.

39 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

40 Clift, p. 23.

41 Sullivan, p. 114.

The main focus area of the new Police Service Act was to establish civilian oversight of the Police Service in making it more transparent in a new democratic dispensation by means of the Secretariat for Safety and Security. The second focus area was to establish an effective investigation mechanism whereby misconduct by police officials could be investigated through the establishment of the Independent Complaints Mechanism. This was done to make the Police Service more accountable to the general public they were serving. The third focus area was the new function of crime prevention by means of community particpation through the establishment of the CPFs. The fourth focus area was the involvement of trade unions in participative management within the Police Service. The whole focus of the new SAPS Act was clearly to move away from the image of being a paramilitary force to that of a service delivery agency. The emphasis that was placed on the involvement of civilians in structures already showed that the characteristics of the Police had been changed. The essence of this was the involvement of the communities and the effective delivering of services to the communities.

3.2 Decentralization of the SAPS to provinces and areas, 1994 to 1998

Critics from all over the spectrum, from new politicians under an ANC government, experts on policing, criminologists and authors on policing, aired their misgivings in respect of a centralized hierarchial Police Force. They all favoured a decentralized structure to fit in with the concept of federalism that would also be more suited in a democracy. The centralized Police Force structure was associated with a more military style of command and control, without consultation and participative management from the lower levels upwards. The central structure of the Police Force was also associated with a more authoritarian style of control and would not be suitable in a democracy. With decentralization would also come demilitarization of the Police Force.

The Constitution of 1996 stipulated five functions that would be the responsibility of the provincial commissioners. The first one was to monitor police conduct; secondly to execute oversight of the effectiveness and efficiency of the Police Service. The third function was to promote good relations between the Police and the community. The fourth function was to assess the effectiveness of visible policing, and the last function was to liaise with the Cabinet members responsible for policing with respect to crime

and policing in the province.[42] The new ANC government's perception of decentralization was pronounced by the Minister of Safety and Security, Sydney Mafumadi. He said that the Police Service Act meant total decentralization and he pointed out that the pyramid-like command structure of the past had led to those in control losing touch with the grassroots, with the communities that they are supposed to serve. Total decentralization of the powers of command and control over the Police Service, inclusive of all structures, manpower and equipment were indicated in the SAPS Act. The only exception was that the National Commissioner has overall responsibility for the maintenance of the Police Service. He also deals with the preservation of 'internal security', the prevention and investigation of organized crime, international police liaison, and the training of Police Service members. The National Commissioner has control over a special task force for high-risk operations and a National Public Order Policing Unit (POPS).[43]

Provincial Commissioners have responsibility for crime prevention and investigation, developing community policing services, maintaining public order and other general aspects of visible policing. Provincial commissioners are in the invidious position of serving two masters, the National Commissioner and the Member of their Executive Council (MEC) for Safety and Security. Minister Mafumadi said that "the Act gives effect to government's vision of a democratic and community-orientated style of policing and represents a departure from the rigid military style which characterized the old South African Police Force".[44] Concerning decentralization, the SAPS Act derived from the Constitution that states that there should be decentralization of the Police Service. The Police Force is a centralized hierarchical structure implicating that the divisions, also referred to as branches, such as the Detectives and Security Branches, resort under central command. The decentralized structure of Provincial Commissioners implies a decentralization of powers to empower the provinces to a larger extent and not only the head office. The only reason why divisions such as the Detective Service has a national office is for the purpose of co-ordination and that all

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42 *The Constitution of the Republic of South Africa, 1996, Act 108 of 1996*, as adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly, p. 87.
43 *Business Day*, 13.7.1995, p. 1.
44 *Ibid*.

relevant information should also be liaised with the national office as well as with the office of the Provincial Commissioner. Otherwise, the day-to-day decisions regarding the effective functioning of the divisions are handled by the Provincial Commissioners in their respective provinces.

The Constitution only provides for three levels of command in the SAPS, namely those at national, provincial and station level. The SAPS Act makes provision for four levels of policing, namely on national, provincial, area and local (station or unit) level. The offices of the District Commissioners were phased out. The reason for this is that the majority of functions that were performed by the offices of the District Commissioners are now delegated to station level so that community policing can be implemented fully.[45] Some functions performed by the District Commissioners were control functions that were duplicated at station or unit level. Functions such as the management of the State Account, the Standing Advance and other financial services for which there was no expertise at station level, were performed at the office of an Area Commissioner or at a main station, also called an accounting station. Inspection services and the co-ordination of line function tasks were performed from the area level to the stations.[46]

During June 1995, 194 new appointments were announced by Commissioner Fivaz to improve the representativeness of the SAPS. Among the new appointees were 41 Area Commissioners.[47] On 14 December 1998, Commissioner Fivaz announced a radical restructuring of the Police Service. This implied the creation of 38 new Deputy Area

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45 Commissioner Motswenyane joined the Police Force in 1989 in Potchefstroom. She worked in Human Resource Management (HRM) and in 1996 she was promoted to an officer and transferred to KwaZulu-Natal. She was transferred in 1997 to Sasolburg police station and worked at HRM, and was transferred as Community Service Centre (CSC) commander to Bothaville police station in 1998. In 2000 she was promoted to a superintendent and transferred to Welkom CSC. In 2001 she became a director, the deputy Area Commissioner for operations in the Southern Free State. In 2002 she became the Area Commissioner for the Southern Free State. Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

46 2/26/22/2(2/5): "*Uitfasering Kantoor van die Distrikskommissaris"*, 21.9.1994, SAPS Provincial office, Bloemfontein.

47 *Business Day*, 2.6.1995, p. 2.

Commissioner posts to ensure that national priorities would be implemented at grassroots level.[48]

Director P.D. de Kock mentioned that the establishment of the Area Commissioner and area offices were unlawful and against the stipulations of the Constitution. The reason behind the creation of the area offices was to create posts to accommodate certain people. These offices did not contribute anything to policing in the country.[49] Director H.A. Paneras is of the opinion that the reason why the area offices were introduced was that the span of the provinces was too big and another level of control was needed. However, the area offices do not execute effective control and is in a sense just a post office for paper administration.[50] Commissioner Motswenyane stressed that when assessing the functions that the area offices preform, it is clear that they are the same as that of the old district commandants' offices, where all the functions were already preformed at station level. In effect, the area offices are only a post office and no effective control and management takes place.[51] When assessing their functions and how these offices operate the right conclusion would be that these offices were only created for addressing more representativeness and equity.

3.3 Civilian oversight of the SAPS, 1995 to 1998

Civilian oversight actually means to oversee the operations of the Police Service and to determine if they are in fact transparent and according to policy prescriptions and guidelines. When the Interim Constitution was drafted it had already become clear that there was a desperate need for more transparency and accountability for a future Police Service. The Police Force was accountable to the Minister of Law and Order, who was also accountable to Parliament. Allegations of police misconduct and abuse of powers usually led to the appointment of a commission of enquiry. Persons appointed as part of these commissions had to leave their normal work and continue with the investigations

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48 *The Natal Witness*, 15.12.1998, p. 2.

49 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detectives Services, SAPS, Free State Province, Bloemfontein, 4.2007.

50 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

51 Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

until it was completed. Some commissions took years to investigate cases and to compile reports. It was more acceptable and better for control purposes to establish a permanent structure, like the Secretariat for Safety and Security, to oversee the strategic planning and policy of the Police Service on a daily basis.

Three primary mechanisms of civilian oversight were instituted by the SAPS Act. They were the CPFs at local level, the Secretariat for Safety and Security at provincial and national level, and the ICD which also operated at provincial and national level. The legislative provisions relating to CPFs permit them to encourage members of the public to work with the Police Service to ensure improved relationships and trust between the Police Service and the community. The ICD was established as an independent body that would investigate cases of abuse or force and misconduct in relation to the public, and make policy recommendations. The role of the Secretariat for Safety and Security is more focussed on monitoring the SAPS and conducting oversight at policy and strategic levels.[52]

3.3.1 The Secretariat for Safety and Security, 1995 to 1998

The rationale behind establishing civilian oversight institutions is primarily to ensure that the Police Service will never again be a law unto themselves as they were prior to 1994. Oversight structures will hold the police accountable for their actions, and instill good practices in the service in general. As far as the Secretariat is concerned, civilian oversight centres on the appointment of civilians rather than people from the security apparatus.[53] Other than the Minister, the other important civilian structure at national level is the Secretariat for Safety and Security. The Secretariat was created in 1995 with the express purpose of providing civilian input into policing policy, and more specifically into the process of police reform. It has two critical mandates. The first is to design policy for the Police Service. Here the focus is not on operational issues, which remain the responsibility of police managers, but on the more strategic policy level. The debate as to what is operational and what is strategic policy is of course often not resolved, but there is a distinction drawn between them. The second key function of

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52 J. Kliplin, "Keeping the Police in check, assessing the secretariats for safety and security" in *SA Crime Quarterly*, *Institute for Security Studies*, No. 10, December 2004, pp. 7-8.

53 *Ibid*., p. 8.

the Secretariat is to monitor the performance of the Police Service against the policy goals.[54] This includes advising the Minister for Safety and Security in the exercise of his powers, and the promotion of democratic accountability and transparency in the Police Service. The Secretariats have to ensure police compliance with transformation, and to do this they need to overcome resistance from senior and lower ranking police members to change, and place transformation at the center of the Police Service.[55]

Sydney Mufamadi, Minister of Safety and Security, announced the appointment of the Secretary for Safety and Security, Mr Azhar Cachalia, on 20 October 1995. The Secretary was the head of the Secretariat for Safety and Security at national level.[56] From 1995 to 2000, the first five years of the National Secretariat's existence, it played a prominent role in formulating policy and overseeing the implementation thereof. The National Secretariat was well staffed, equally well resourced and politically supported. Regular meetings took place between the leadership, namely the Minister for Safety and Security, Sydney Mufamadi, the National Police Commissioner, George Fivaz and Azhar Cachalia, the Secretary for Safety and Security. It was during this period that important documents such as the National Crime Prevention Strategy (NCPS) and the White Paper on Safety and Security were developed and adopted. This state of affairs was dramatically overturned after the national elections in 1999 when a new Minister for Safety and Security, Steve Tshwete, was appointed. A few months later, Azhar Cachalia vacated his post and slowly but surely the capacity and influence of the National Secretariat diminished.[57] It seemed that for four years from 1995 to 1999 the Secretariat at national level had contributed to the role for which it was initially created, namely to oversee the policy of the Police Service on a strategic level.

Initially the Safety and Security Secretariat was headed by a civil servant with the same rank as the Police Commissioner, giving it weight but also ensuring that the system has a healthy level of tension built into it. As well as being symbolic of civilian oversight and control over policing in South Africa, the Secretariat initially acted in a key support

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54 J. Rauch, *Police reform in South Africa, a synthesis of papers*, p. 7.
55 Kliplin, p. 8.
56 2/26/22: "*Media statement by Minister of Safety and Security, Secretariat for Safety and Security*", Pretoria, 20.10.1995, SAPS Provincial office, Bloemfontein.
57 Kliplin, p. 9.

capacity to the Minister. However, as the change process progressed and a civilian commissioner was appointed from within the ranks of the ANC's party faithfuls, the role and functions of the Secretariat were downgraded. The idea of civil control and oversight of the police was, de facto, abandoned since a civilian was appointed as National Commissioner at the end of 1999, namely Jackie Selebi. Rauch stated that this was a potentially dangerous development in the process of police transformation in South Africa.[58] Shaw mentioned that while civilian oversight was seen as necessary and successful in the beginning, particularly when the police were not fully trusted, civilian oversight was increasingly seen as a hindrance rather than a help. When the new Police Commissioner was appointed, he stated in the press that no civilian oversight was needed as he himself was a civilian.[59]

A range of resource and skills difficulties was experienced concerning the functions of the Secretariat. The Secretariat could seldom match the paper output of the Police Service, which was massive in comparison. The Secretariat was limited by another important factor, namely it could not make its findings public for fear of embarrassing the Minister to whom it reported and who it supported. Without such a lever, the ability of the Secretariat to influence policy through an effective system of monitoring was strictly limited. Reports submitted on poor performance could simply be buried or not acted upon.[60] The oversight role that the Secretariat played in the first four years after democracy had its limitations. It was however not the intention to create a secretariat that would be a lapdog but that it should be impartial and objective in its oversight role.

Stevens and Yach asserted that transparency with regard to all aspects of police work is a necessity in a democratic society.[61] Gert van der Westhuizen mentioned that there was no transparency in the days of the Police Force, especially with regard to the media and the public. In the Police Service it is a little better than it was in the Police Force but it still lags far behind.[62] Commissioner M.J. Gaobepe mentioned that the Police

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58 Rauch, p. 7
59 M. Shaw, *Crime and policing in post-apartheid South Africa, transforming under fire*, p. 124.
60 *Ibid*.
61 Stevens and Yach, p. 7.
62 Jane Buys Collection: Transcribed Interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

Service is not overall as transparent these days as they would like it to be.[63] Commissioner C.P. de Kock is of the opinion that just after democracy the Police Service became more transparent and had a form of openness. However, as time passed, the Police Service started operating in secrecy again.[64] The oversight role of the Secretariat was not initially created to oversee things, meaning that when things went wrong it should be overseen, thus hidden. The oversight role for which it had been created was to oversee that the Police Service act according to the policy strategy, guidelines and prescriptions, thus within specific laid down boundaries. The problem with the secretariat was that they never questioned the strategies of the Police Service agency. The average police officer when asked what the secretariat did, would not be able to answer that because what they actually did and contributed was never known.

4. The process of appointments within the SAPS, 1995 to 1998

A new government, irrespective if it was a First or Third World country - in South Africa or in the United States of America or wherever - usually replaced the existing top positions in their government departments with appointees from their own political party. The Police Force's top managers were promoted and also appointed with the consent of the national Police Commissioner. He appointed loyal, dedicated, trustworthy and efficient leaders within his management echelon to support him and who would ensure the effective functioning of the Police Force as an organization. The era of the generals in the Police Force was replaced by the era of the commissioners in the Police Service. Certain old Police Force generals had to make way for commissioners. A new era in policing has thus arrived. Whether the new commissioners would be loyal, trustworthy, dedicated and effective, would have to be seen.

4.1 The appointment of senior and top management in the SAPS, 1995 to 1998

The Commissioner of the Police Force, General Johan van der Merwe, reported early in 1995 that he would be prepared to take early retirement to facilitate the full integration

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63 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

64 Jane Buys collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, Crime Intelligence, SAPS, Pretoria, 12.2006.

of the Police Force. The Minister of Safety and Security, Sydney Mufamadi, announced during January 1995 that high-ranking police officials would be replaced by people more representative of the South African population.[65] The top management team of the SAPS was appointed on 30 January 1995, consisting of the National Commissioner, George Fivaz, Zolisa Lavisa, Mike Bester, John Manuel and Morgan Chetty.[66] Commissioner Fivaz mentioned during his inaugural speech that the SAPS had to create a clean and definite break with the past: "Never again must the Police Service be used as an instrument to enforce a political policy in such a way that fundamental human rights are disrespected and violated. Never again must the Police Service fall prey to the abuse of an organ of government by a political party. Never again must the Police Service be utilised in such a way that mistrust creates a breakdown of confidence between communities and the Police Service. The Police Service must play a constructive role in forging the reconciliation that our country desperately needs."[67] Commissioner Fivaz further mentioned that 1995 would be the year of real change in the Police Service: "There will be enormous pressure on the new police leadership to deliver changes both to members of the Police Service in terms of how the organization functions internally, and to members of the public who are expecting continued improvements in the quality of service. I am convinced that the appointment of a new police leadership will provide a visible public symbol of the new, integrated Police Service, thus increasing public confidence in the Police Service."[68] The top management of the Police Service reflected the diversity of the country. The appointment of this team was a clear indication of what could be expected from the senior appointments to follow.

Some of the serving Police Force generals chose to take early retirement after the appointment of the new top management of the Police Service.[69] General Calitz, the Regional Commissioner in the Free State announced that he would not apply for the

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65 *The Star*, 10.1.1995, p. 3.

66 2/26/22/: "*Media Statement: National Commissioner George Fivaz: Inauguration"*, Pretoria: 30.1.1995, SAPS Provincial office, Bloemfontein.

67 *Ibid*.

68 2/26/22/2: "*Internal Communication to all members: Ministery of Safety and Security, Pretoria: Senior Appointments Process for SAPS"*, 26.1.1995, SAPS Provincial office, Bloemfontein.

69 *Ibid*.

post of Provincial Commissioner in the Free State. He indicated that he had applied to the National Commissioner to go on early retirement as from 1 April 1995.[70] Commissioner Fivaz stated in an internal communication document: "I am encouraging senior police officers in all agencies to stay in the service, to enrich the process of transformation with their experience and commitment."[71]

Many senior officers and managers were not accommodated in the new SAPS. The question was not whether they had the necessary skills, expertise, experience or knowledge but within which component they served in the Police Service. General J.H. le Roux, Divisional Head of the Crime Combating and Investigation Division (CCI) of the South African Police Force was dismissed as a result of the re-organization and rationalization of the SAPS. He claimed that he was fully prepared to serve in the new dispensation in the SAPS, and that he had made a decision to retire early on 3 March 1995. He mentioned: "For 28 years I performed my task in accordance with the policy of the South African Police Force as laid down by the government of the day. The mere fact that I was not considered for the post of Deputy Commissioner or Commissioner confirms my belief that my ties with the former Security Branch will be an obstacle as far as my future in the new SAPS is concerned. The policy of the National Commissioner to make a clean break with the past as reflected in the media is a clear indication that I would not be successful in any application."[72]

On 1 June 1995, 194 new appointments were made to improve the representativeness of the SAPS. Amongst the new appointees were 41 area commissioners.[73] For the first time in the history of the Police Force, independent panels were established to assess the senior appointments. These panels were made up of people with practical policing experience and consisted of civilians, international experts and MECs from various

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70 2/26/22: "*Media verklaring: Afrede Genl. Maj. U.T. Calitz, Streekkommissaris van die Vrystaat"*, 11.2.1995, SAPS Provincial office, Bloemfontein.

71 2/26/22/2: "*Internal Communication to all members: Ministery of Safety and Security, Pretoria: Senior Appointments Process for SAPS"*, 26.1.1995, SAPS Provincial office, Bloemfontein.

72 2/26/22: "*Media Statement: Lt genl J.H. le Roux, Divisional Head of the Crime Combatting and Investigation Division of the SAPS: Resignation"*, Pretoria, 9.2.1995, SAPS Provincial office, Bloemfontein.

73 *Business Day*, 2.6.1995, p. 2.

provinces.[74] The process and procedures for senior appointments were designed after which the National Commissioner, deputy commissioners, provincial commissioners, area commissioners, divisional national heads, and component heads were appointed.[75] Concerning these appointments Commissioner Fivaz stated: "Redressing historical imbalances may be deemed necessary, but what we need is the experience and expertise of officers who have been in the force for years."[76] The new appointment philosophy, especially in management positions, was focussed on the individual's skills and competencies rather than seniority. Whether this philosophy would prove that effective and efficient leaders had been appointed, was to be seen.

On 3 March 1996, Commissioner Fivaz announced another 746 new appointments in the SAPS that would "form the backbone of grass roots crime-fighting throughout South Africa".[77] The appointments were made on the level of Director, previously called Brigadier, and of Senior Superintendent, previously called Colonel. The crucial phase in the restructuring of the SAPS was thus completed, including the appointment of most station commissioners throughout the country. With these appointments Commissioner Fivaz stated that the challenge for the SAPS was to especially make the top management echelon as representative as possible, but without compromising efficiency or degenerating into tokenism or reverse racism. However, he said that the appointments "were not as representative as I would have liked".[78] In future, all promotions above the level of Superintendent would be advertized. All other levels would be dealt with in terms of a proposed promotions policy that was being formulated. Two years after the first democratic election took place the top management structure of the new Police Service was appointed and in place. The first top management positions had to be more representative, but it was clear from the start that there would not be that many top managers in the ranks of the former liberation

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74 *Sowetan*, 31.5.1995, p. 11.
75 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995"*, 13.6.1995, SAPS Provincial office, Bloemfontein.
76 *The Citizen*, 2.6.1995, p. 6.
77 2/26/22: "*Media Statement: National Commissioner George Fivaz: SAPS Appointments"*, Pretoria, 6.3.1996, SAPS Provincial office, Bloemfontein.
78 *Ibid*.

movements to be appointed in the almost new top management posts. So the first top managers in the police service lagged far behind in their representativeness. However, irrespective of from where the top managers were appointed they should have the expertise, knowledge, experience and competence to perform an effective service.

4.2 Severance packages for the SAPS

In a plan to cut back on the Civil Service, a moratorium was placed on police recruitment, and retrenchment packages were offered to members of the Police Force as in other government departments.[79] Funds for severance packages came from the Civil Service Pension Fund and not the SAPS. All civil servants, including members of the Police Force, could apply for these packages. However, it was stated by the Police Service management that the efficiency of the SAPS and not the availability of funds was the primary factor for approving applications for severance packages. The demand for such severance packages could lead to a police brain drain and seriously undermine the Police Service's crime-fighting and managerial capacity. Commissioner Fivaz therefore decided to restrict approval of applications for severance packages to the absolute minimum.[80]

Criteria and factors which heavily influenced the granting of severance packages, included that government policy required that when a severance package was granted to a person, other posts of equivalent monetary value had to be scrapped. This implied that if a director-general was granted a severance package, three senior superintendent posts had to be scrapped. Government policy further stipulated that secondary or logistical function posts within the Police Service should be available to compensate for the granting of severance packages to personnel whose posts had to be filled again. Commissioner Fivaz stated that the approval of individual severance packages was not a right and would always be subjected to whether the interests of the Police Service and the broader community would be compromised or not.[81] In the course of 1996/1997, 1 300 policemen took their payouts and left the Police Service. More than 50 generals

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79 L. Venter, *When Mandela goes, the coming of South Africa's second revolution*, pp. 219–220.

80 2/26/22: "*Media Statement: National Commissioner George Fivaz:'SAPS Severance packages'"*, Pretoria, 10.1.1997, SAPS Provincial office, Bloemfontein.

81 *Ibid*.

retired in 1995 and 1996.[82] Commissioner Fivaz said that the Police Service "has lost thousands of experienced policemen to the voluntary severance package deal".[83]

In April 1996, Commissioner Fivaz stated that the Police Service was experiencing a severe shortage of especially experienced management personnel as plans for the creation of new crime fighting units were being implemented countrywide.[84] An article in *Rapport* mentioned that almost 90% of the Police Force's expertise left in 1994 and 1995 due to various reasons. Some of these reasons were affirmative action, poor technology, poor resources, poor salaries, pathetic working conditions, overloading, the reduction of fringe benefits and overtime remuneration.[85]

Commissioner Fivaz also mentioned that the biggest mistake the government had ever made was to introduce the severance packages. These packages seriously injured the public sector and especially the Police Service. The Commission for State Administration started with an investigation to determine whether the public sector was too big or too small. They then concluded that the public sector was too big and that the government budget could only become more balanced if there were less government officials. They then negotiated with the trade unions, and both agreed that government officials could choose whether they wanted to stay or take a package. Some government officials felt that they could not associate themselves with the new government and Police Service and others were "dry wood" and needed to be taken out of the system. What in effect happened is that the majority of people who should have stayed, took packages, and the majority of people who should have taken packages, stayed within the Police Service. This enlarged the levels of inefficiency within the government departments and the Police Service itself. These packages had many negative effects. Firstly, it destroyed the REOP, all the white mentors left. Top

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82 Venter, pp. 219–220.
83 *Sunday Times*, 4.5.1997, p. 23.
84 2/26/22/2(21/14): *"Statement by National Commissioner: Misconceptions regarding streamlining of SAPS command structures"*, Pretoria, 9.4.1996, SAPS Provincial office, Bloemfontein.
85 *Rapport*, 17.4.2005, p. 8.

management tried to stop the packages, but they were taken on in court and lost in the majority of cases.[86]

4.3 Lateral appointments in the SAPS, 1995 to 1998

Lateral appointments in the Police Service became a 'new concept overnight'. Lateral appointments mean from outside the Police Service, from other government departments but usually from the private sector to be appointed on the same or higher monetary level. Laterally also meant having more competencies, skills and expertise than had already existed within the organization, otherwise it would be easier to promote police officers who had the necessary skills and competency. The management of the Police Force had appointed graduate people in managerial positions within the Police Force in the past; however it was more the exception than the rule. The norm in the Police Force was to recruit graduate people, but the prerequisite was that they also had to undergo basic training even if it was a shorter version. The issue of lateral appointment became very prominent when democratization took place, not just in the Civil Service but also in the Police Service.

In a discussion paper by the ANC's Department of Information and Publicity in 1993 it was argued that the preparation for lateral recruitment of new policemen especially into the senior ranks should take place.[87] A technical committee of the Interim Advice Team (IAT) investigated the appointment of persons from outside the Police Force so that the diversity of talents could be made available to policing. It was stated that these appointments would be made so that the Police Service could be made more representative of the population.[88] A small number of civilians were recruited into middle and senior posts in the Police Service during the senior appointments' process. These individuals, largely from legal, academic or non-governmental organization backgrounds, took up positions in the Legal Service and the Human Resources and Training components. Some of these lateral entrants were ANC supporters.

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86 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

87 "*Policing the transition: Transforming the police: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress,*" < http//www.anc.co.za>, s.a.

88 *Servamus*, 31.7.1994. p. 14.

Lateral entry was not fully exploited by the new government as an opportunity to change the composition of the Police Service in its senior ranks. This was partly due to the resistance of police managers to the notion of civilian lateral entry, and partly to the lack of policing expertise in South Africa outside the ranks of the apartheid police agencies. The relatively low salaries offered by the SAPS, and the unpleasant image of the police, meant that the first ANC government was unable to recruit high-calibre civilians into influential managerial positions in its new Police Service. [89] Commissioner Fivaz on 2 April 1997 announced the recruitment of graduates into senior managerial positions into the Police Service on the basis of 50-50 representivity.[90] President Mbeki said during a meeting at the Council of Provinces that they were busy to change the leadership of the Police Service on national, provincial and area level. It was necessary to promote the quality of leadership in the Police Service on all levels. This meant that 'highly skilled' people from outside the Police Service would be employed.[91] The issue of lateral appointments really started in the Police Service when President Mbeki appointed a civilian, Jackie Selebi, as the second National Commissioner of the Police Service.[92]

Commissioner de Kock who was also laterally appointed from outside the Police Service mentioned that he favours lateral appointments in the Police Service. The question remains what happened to those people who had been laterally appointed in the Police Service? In the majority of cases those people were ill-employed. There are many specialized components in the Police Service where graduates can be laterally appointed from outside the Police Service. However, their acceptance of the Police culture and organization plays a huge role in how long they are willing to serve in the Police Service. He is however of the opinion that operationally lateral appointments cannot be made in the investigation and the prevention of crime, as well as the attendance of complaints.[93] For these positions the necessary training is a prerequisite in order to become an effective police member and not just a mere graduate.

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89 Rauch, p. 5.
90 *Business Day*, 29.6.1999, p. 2.
91 *Beeld*, 29.10.1999, p. 2.
92 Rauch, p. 5.
93 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, Crime Intelligence, SAPS, Pretoria, 5.12.2006.

When looking at police agencies in other countries, they select the lateral appointees very strictly, especially in France, Norway, Sweden and Belgium. The persons going to the officers' academy, are exclusively lateral appointments such as jurists and advocates. The first requirement for lateral entrants in those countries is that they should not be associated with politics. The second one is that police management makes sure that the normal police official, who joined the police agency, also have the chance to reach the top and be promoted. Commissioner Fivaz stated in an interview: "The idea of lateral appointments should be handled carefully, especially if you have a Police Service that is struggling with competency. It does make sense to appoint a person laterally in the field of Human Resource Management, but not in the operational components."[94]

Commissioner Suiker Britz is of the opinion that no politicians and commissioners should be laterally appointed from outside the Police Service in top management positions, especially in the operational divisions. However, an advocate with 10 or 20 years of experience could be appointed as the head of Legal Services in the Police Service.[95] Commisioner Gaobepe said that before lateral appointees take up their posts in the Police Service, they must be trained. They need to be trained in the ethics of the Police Service, because some of them regard standing orders as an 'apartheid thing', but it is an organizational thing.[96] Director P.W. de Wet agrees with that. However, what happens is that lateral appointees do not stay in the support environment, they apply for promotions and get promoted to the operational line function where they do not have the necessary expertise and training to perform.[97]

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94 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

95 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

96 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

97 Director de Wet is 29 years in the South African Police Service. He worked at various divisions in the Police Service, namely at the uniform branch and for a long time at the detective branch. He worked at SANAB in KwaZulu-Natal and at the general detectives. He worked for 15 years at the training component, especially with officers training. In 1995 he became the Human Resource Manager in the Free State Province and was promoted to director in 1999. In 2006 he was transferred to the Mangaung Detectives. He has a honnours degree in Police Science and a M.A. degree in Law. Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

Van der Westhuizen mentioned that the people cannot be laterally appointed from outside the Police Service because they have a certain political opinion. They need to appoint persons from within the organization with the specific aim to promote the Police Service.[98] Professor D.P. Wessels agrees and says that he is totally against lateral appointments in the Police Service. Police management should promote their own personnel, whereby they will have sufficient expertise to promote.[99] Senior managers in the Police Service agree that lateral appointees could be successfully placed in the Police Service in the academic fields, such as legal services, human resourse management, logistics and management services, thus in the support divisions or components of the Police Service. They can however not be appointed in the specialized divisions or components such as detective services, intelligence, crime prevention and visible policing. It is also very important that lateral appointees in the Police Service should be thoroughly trained concerning the oaths, culture and orders of the Police Service. It needs to be mentioned that for lateral appointees a two week induction course is the only training that they need to become a member of the Police Service.

4.4 The appointment of Meyer Kahn as Chief Executive Officer (CEO) of the SAPS, 1997 to 1998

Deputy President Thabo Mbeki announced the reorganization of the leadership of the SAPS on 26 May 1997. The government asked Mr Meyer Kahn,[100] Group Chairman of the South African Breweries (SAB) Limited, to take up the position of Chief Executive of the SAPS. The SAB agreed to make Meyer Kahn available for a period of two years. He reported to the Minister for Safety and Security, Sydney Mufamadi and the Presidency. Kahn took up his position on 1 August 1997. This was done to direct and

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98 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006

99 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

100 Mr Kahn enjoys an international reputation for his successful leadership of one of South Africa's most dynamic and aggressive conglomerates. With 105 000 employees and diverse operations in beer, hotels, retail and manufacturing, the SAB group approaches the South African Police Service in size and scope. In his nearly 31 years at the SAB, Mr Kahn turned the beer company into one of the top four brewing companies in the world. 2/26/22: "*Media statement by Deputy President Thabo Mbeki, Appointment of Mr Meyer Kahn"*, Pretoria, 26.5.1997, SAPS Provincial office, Bloemfontein.

accelerate the conversion of the SAPS into an effective law enforcement and crime prevention agency. [101] Khan was in effect also a lateral appointment to the Police Service. He had specific skills as a manager to impact on the Police Service's delivery.

The appointment of Meyer Kahn was introduced so that Commissioner Fivaz would be freed of the administrative burdens in the SAPS. Commissioner Fivaz would then be able to concentrate all his energy on managing and controlling the policing operations of the Police Service. It is no secret that the government felt that additional management expertise was needed within the SAPS to enable it to provide an effective and efficient service to the citizens of the country. Commissioner Fivaz acknowledged the frustrations of managing an organization that had been created from eleven former police forces, including those of the former homelands, and which lacked the managerial sophistication needed for such a complex service.[102]

The restructuring of the Police Service leadership, and the inclusion of a private sector manager of Meyer Kahn's calibre, reflected the commitment of the government to embrace civilian as well as public service expertise to wage the war against crime. The appointment of Meyer Kahn as a civilian executive in the Police Service's administration was consistent with government's decision to add more civilian employees to the middle and lower ranks of the Police Service.[103] According to Commissioner Fivaz the appointment of Meyer Kahn was primarily to help with the integration of the Police Service's budget and logistics. The same business principles that apply in the Police Service also apply in other businesses.[104] Laufer stated that appointment of Kahn failed because it is easier to successfully sell and deliver beer than turning a giant organization around whose only product is the effectiveness of its personnel.[105] The appointment of Meyer Khan introduced a very important

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101 2/26/22: "*Media statement by Deputy President Thabo Mbeki, Appointment of Mr Meyer Kahn"*, Pretoria, 26.5.1997, SAPS Provincial office, Bloemfontein.

102 *Ibid.*

103 *Ibid*.

104 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

105 J. Steinberg (ed.), *Crime wave, the South African underworld and its foes*, p. 19.

transformation initiative as well. The fact is that he had been a CEO of a very well-known South African business company and well skilled in administrating. This contributed to the shift in the Police Service, namely that it should be managed as a business and not as a paramilitary organization as in the past. The business concept, administration and financial implications for top management created the impression that the Police Service managers should be in position to manage and be very knowledgeable on a variety of terrains and not just mere commanders who give orders to subordinates.

4.5 Civilianization in the SAPS, 1992 to 1998

The concept of civilianisation was partly discussed under the headings lateral appointments as well as that of the senior appointment process. However, a few points need to be elaborated upon. The civilianization of the Police Service is not a new phenomenon. As from 1992, the Police Force management acknowledged that they had to start with a process of civilianization to free well-trained police officials from administrative work so that they could be more effectively utilized in the operational line functions. It is cost intensive to train police officials and especially where they received specialist training, their expertise and experience should not be lost to the Police Force. The management of the Police Service also tried to civilianize the Police Service to make more trained police officials available for operational functions.

Another reform was the plan to release over a period of two years, about 13 000 desk-bound police members for proper police work by replacing them with civilians.[106] A letter sent by Head Office in September 1993 indicated that the civilianization of various functions in the Police Force had already been approved and it was the intention to make members of the Police Force who performed administrative tasks available for classical policing functions. Civilian personnel who were accommodated in specific occupational classes would perform these functions.[107] General Acker mentioned in

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106 *Financial Mail*, 4.9.1992, p. 33.

107 2/26/2*: "Civilianisation in the South African Police: Awarding of occupational classes for civilian personnel"*, 21.9.1993, SAPS Provincial office, Bloemfontein.

July 1993 that the major restructuring of the Police Force would include "shifting policemen out of desk jobs and putting more of them on the beat."[108]

A process of civilianization was developed as stipulated in the June 1995 progress report on transformation compiled by Change Management. It was stated that certain policing functions could be equally well performed by civilian personnel. On 1 June 1995 various personnel in a demilitarized rank structure were appointed to perform civilian functions.[109] However, a letter from the office of the National Commissioner in September 1996 indicated that trained police officials were still utilized at certain police stations to perform administrative work that could be done by civilians. A re-arrangement of functions needed to take place so that more operational members could be made available.[110]

The South Africa Police Service has an over-centralized police management structure. This meant that 9 000 police members were working at the Head Office components in Pretoria. A further proof of the wrong functioning of the Police Service was the number of police officials that performed administrative work. According to the Democratic Party the figure was 30 000, against the average which, according to Bayley, should be 9%. It implied that nearly 18 500 police officials were non-active in the fight against crime, because they performed administrative work. The planned increases of civilians into the Police Service should have been nearly 20 000 when looking at the international acceptable ratio for one civilian to every three police officials.[111] Civilian personnel in the Police Service were mostly employed in the appropriate environments. They were mostly used as data typists and clerks performing the administrative part of the work.

The Secretary for Safety and Security, Azhar Cachalia, said that he, Commissioner Fivaz and Minister Mufamadi agreed that certain administrative functions, even at the

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108 *The Argus*, 23.7.1993, p. 10.

109 2/1/10*: "Transformation of the South African Police Service: Progress report: June 1995"*, 13.6.1995, SAPS Provincial office, Bloemfontein.

110 2/1/6/1: "*Koste-effektiewe benutting van personeel: Suid-Afrikaanse Polisiediens"*, 20.9.1996, SAPS Provincial office, Bloemfontein.

111 Quoted in Bezuidenhoudt, p. 75.

most senior level, were not necessarily the best performed by trained policemen: "We have to find ways of freeing people from the burden of administration, and utilizing their special skills and years of experience in the field. Some of the most effective crime fighters are performing support services, and I would like to see them carrying out practical policing duties."[112] Meyer Kahn said that it was envisaged to replace trained police officers in "soft administration jobs" with civilian officials. In 1999 there were 28 000 civilians out of the 100 000 police officers in the Police Service.[113] When assessing the trend as in the term 1992 to 1999, in the seven years it seems that the civilian posts in the Police Service almost doubled. However, when looking at the total number of police officers, it more or less stayed the same. The calculations did not make sense. Civilianization meant that trained police officials were replaced with civilian personnel to perform administrative functions. When looking at the figures it indeed occurred, but if more police members were freed to perform operational duties, then the number of police members should have increased by more than 15 000, but it did not. So where did the problem lie? The moratorium on recruitment had an effect on the figures of police personnel. It will be discussed later on.

5. The amalgamation of the police agencies of the former TBVC states with the SAPS, 1995 to 1998

The amalgamation of the former TBVC and self-governing states with the South African Police Force had to take place before the Service would be completely transformed. It is therefore necessary to discuss the process that took place in order to amalgamate the eleven former police services. It is important that this amalgamation and the transformation of the South African Police Force to the SAPS took place without any complications. In order to achieve that, it was necessary that all the police forces had to be prepared for transformation to a new service, that concept strategies, procedures, legislation and structures had to be compiled with the existing expertise and that consensus should be achieved. For these purposes a Committee for the Amalgamation of the Southern African Police Forces (CASAP) was established during

112 *Sunday Times*, 20.4.1997, p. 4.
113 *Sowetan*, 22.2.1999, p. 2.

1993.[114] A subcommittee of CASAP was tasked to compile concept structures for the Police Service. This subcommittee was appointed out of representatives of Efficiency Services and Management Services and components of the Police Force and the policing agencies of the TBVC and self-governing states.[115]

A nodal point that monitored and co-ordinated all internal investigations and concept suggestions to change was also established in March 1994. The nodal point was composed of 13 subcommittees. These subcommittees investigated and analyzed aspects such as personnel, logistics and liaison with working groups in other divisions. These committees performed research and studied all legislation and departmental prescriptions with the aim to determine policy, and to dispose of practical transitional measures for the amalgamation process.[116]

Mr Mufamadi, Minister of Safety and Security and Mr Joe Matthews, Deputy Minister for Safety and Security, met 69 generals of the Police Force at the Police College in Pretoria on 19 May 1994. The main focus of the meeting was the amalgamation of the police forces of the former TBVC countries and self-governing states to form the new SAPS.[117] There were approximately 10 000 police officials in the South African Police Force in the Eastern Cape, about 7 000 in the Transkeian Police and approximately 2 000 in the Ciskeian Police. According to information there were one general in the Eastern Cape, in the former Transkei eight and in the Ciskei two. Allegations were made that promotions took place much quicker in the former independent states than in the Police Force. Other problems mentioned were that non-commissioned officers received subsidized vehicles and different standards for training existed in the former TBVC countries and self-governing states.[118] On the problem of training in the TBVC countries and self-governing states Director de Wet mentioned that they had been

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114 5/13/1*: "Interne kommunikasie: Transformasie: SAP na Nasionale Polisiediens"*, Pretoria, 26.4.1994, SAPS Provincial office, Bloemfontein.

115 2/1/1: "*Strukturering: Suid-Afrikaanse Polisie"*, 19.1.1994, SAPS Provincial office, Bloemfontein.

116 5/13/1: "*Interne kommunikasie: Transformasie: SAP na Nasionale Polisiediens"*, Pretoria, 26.4.1994, SAPS Provincial office.

117 *Die Burger*, 20.5.1994, p. 2.

118 *Die Burger*, 15.9.1994, p. 13.

responsible for their own training but that training initiatives of the SAP were not implemented in the Police Forces of these states. [119]

Commissioner Louis Eloff was appointed as Head of Change Management in 1994. In 1995 he was appointed to lead the Change Management Team responsible for the amalgamation of the eleven policing agencies and non-statutory forces in South Africa. Commissioner Eloff said: "The main change is that the SAPS must become the Police Service of all the people in South Africa."[120] Slow progress was made with the amalgamation of the eleven police forces. The main reason was that the amalgamation process could not be completed until Parliament had approved the new SAPS Act. The Constitution required that the eleven police forces had to be united in a process involving the provincial commissioners, but they could not be appointed until the new SAPS Act was in place. The South African Police Force Commissioner could not give instructions to any of the commissioners of the former homeland forces.[121] According to the Commissioner of the South African Police Force, General Johan van der Merwe, the amalgamation of the homeland forces into a single SAPS cost nearly R1,3 billion.[122]

The SAPS started to exist since the appointment of Commissioner Fivaz and his deputies on 27 January 1995, as well as the appointment of the various divisional heads and provincial commissioners. The National Commissioner of the Police Service had executive command over the Police Service, which included all the eleven police agencies, until their incorporation into the SAPS.[123] Consultation took place regarding the integration of the eleven police forces into one single structure. These structures were completed by July 1995.[124] The process of appointments was only finalized when all senior posts in the Police Service had been filled. Posts in the SAPS were created by means of schemes developed in terms of the SAPS Rationalization Proclamation by the

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119 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 21.8.2007.

120 *Servamus*, 31.8.2006, p. 55.

121 *Financial Mail*, 21.10.1994, p. 29.

122 *Business Day*, 10.8.1994, p. 6.

123 2/26/22: "*Press Statement: National Commissioner George Fivaz: Establishment of the South African Police Service"*, Pretoria, 4.4.1995, SAPS Provincial office, Bloemfontein.

124 2/1/1: "*Structuring of, and appointments in South African Police Service: Enabling structures means to ensure the smooth integration of the various agencies with minimum disruption to policing"*, 15.6.1995, SAPS Provincial office, Bloemfontein.

Minister of Safety and Security. After the majority of senior appointments had been made and the new SAPS Act had been promulgated, the remaining personnel in the various policing agencies would be appointed in the SAPS in totality.[125] All the personnel, irrespective of being officers or non-commisioned officers of all eleven police agencies, were integrated into one 'service state' or 'managing plan' for the Police Service. This meant that all personnel had to have a specific job description.

Commissioner Fivaz stated in his inaugural speech that there were a few challenges with regard to the amalgamation of the eleven police agencies into one Police Service. Firstly, it was the standardization of all policies and procedures; secondly, the issue with regard to the redistribution of resources; thirdly, the integration of all police members into one agency with a common identity.[126] Officers of the previous forces, except those of the South African Police Force, who had been commissioners or regional commissioners, were all accommodated in the new dispensation of provincial commissioners. All the registers, letter heads and forms of the eleven police forces were changed into uniform registers, letter heads and forms of the new SAPS. [127]

Sydney Mufamadi said: "It was very painful to some of us to discover that the police, especially from the former Bantustans, were poorly trained and adhered to very loose promotion policies often vulgarized by nepotism, corruption and tribalism. This resulted in too many senior officials receiving promotion."[128] Commissioner Fivaz stated that with the amalgamation of the former police agencies, Police Service top management tried to get all the police members on the same level of literacy: "At that stage we were not interested to recruit huge numbers of people into the Police Service, because we had to get the people already in the Police Service on the same level of

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125 *Ibid.*

126 2/26/22: *"Media statement: National Commissioner George Fivaz: Inauguration"*, Pretoria: 30.1.1995, SAPS Provincial office, Bloemfontein.

127 2/26/22/2(5/12): *"Afskaffing van Polisiemagte"*, 25.10.1995, SAPS Provincial office, Bloemfontein.

128 *New Nation*, 9.5.1997, p. 7.

literacy."[129] He further said that the Police Service "has to accommodate vast numbers of poorly trained and sometimes illiterate policemen from the former homelands".[130]

Amalgamation of the eleven police agencies into one Police Service meant that all the personnel had to be accommodated and accounted for. Amalgamation included many things such as resources in terms of personnel, logistical equipment, correspondence issues, uniforms, standardized procedures, recruitment, training, etc. The impression was that with amalgamation the effectiveness of the Police Service would be enhanced; that in the former homelands the police officials had known how to police in rural areas as well as under their own population groups and that an interaction and exchange of knowledge would take place. However, after amalgamation the top management of the Police service as well as the Ministry was 'dismayed' with the expertise, knowledge, level of training and literacy of the police forces of the former homelands. That they did not have any clear policies and guidelines on recruitment, promotions and training, was a given fact.

6. The integration of MK and APLA members into the SAPS, 1993 to 1996

In a discussion document of the ANC's Department of Information and Publicity in 1993 it was stated that, unlike the Defence Force, the South African Police Force could not be transformed by a simplistic strategy of amalgamating this force with the armed forces of the liberation movements. To believe that because both policemen and soldiers bear guns, their jobs were interchangeable would be a serious misunderstanding of the police function. It would compound the worst fallacies of the apartheid conception of policing in South Africa. In any event the relative imbalance in numbers would indicate that such a strategy would have only a limited impact.[131]

One of the agreements reached in the negotiations process was to incorporate members of the former liberation movements' armed forces into the new South African security

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129 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

130 *Sunday Times*, 4.5.1997, p. 23.

131 "*Policing the transition: Transforming the police: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress"*, < http://www.anc.co.za>, s.a.

forces. This was a key dimension of negotiations around the future of the military, but was far less significant in the negotiations about the Police Force, for a number of reasons. While the liberation movements did have trained soldiers and intelligence operatives, they had not trained any exile members in policework. There were some ANC operatives who had been deployed into the apartheid police forces, mainly for intelligence-gathering purposes, and some combatants had been captured and 'turned' by the Police Force; but it was deemed a bad strategy by the ANC to expose or promote these members in the immediate post-election period.[132] According to Commissioner Fivaz the integration of the MK/APLA forces into the Police Service and the South African National Defence Force (SANDF) came directly from the government: "A lot of the MK/APLA commanders and their fighters pressed for incorporation, in the sense of payback time. The ANC policy was that many MK confidants needed to be incorporated so that they could be in touch with what goes on inside the police organization." [133] It was clear from the start that trained MK/APLA members had to be integrated into the Police Service. It also become clear when given the training of these MK/APLA members, that no huge groups would be integrated into the Police Service due to the lack of policing knowledge.

The ANC and Pan Africanist Congress (PAC) had two groups of members who were considered for integration into the Police Force, namely bodyguards and intelligence agents. Most of these had been members of the liberation movements in exile, and had been working in domestic ANC security structures in the period since their return during the negotiation period of 1990 to 1993. A minority were 'underground' intelligence or military operatives who had been based inside the country, and bodyguards who had been recruited and utilized as protection for ANC leaders who returned to the country after 1990. The agreement between the ANC, PAC and the Police Force stipulated that approximately 200 bodyguards would be integrated into the Police Force, which was traditionally responsible for VIP protection. The liberation movement bodyguards were retrained in the VIP Protection Service, and not deployed into other aspects of police work, because distrust of the police meant that ANC

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132 Rauch, p. 4.

133 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoira, 5.12.2006.

politicians in the Government of National Unity preferred to be protected by "their own people". Also, the bodyguards did not have generic policing skills that would have allowed easy deployment into any other functional area of police work.[134] It became clear that most of the proposed integration of former MK/APLA members into the Police Service would be utilized in the VIP Protection Unit to guard their own ANC politicians.

In 1993, Mr Matthews Phosa said that "the ANC would like to see trained MK cadres form the core of the new Police Force".[135] An article in the *Pretoria News* mentioned that "the many rightwing supporters in the Police Force would make integration with ANC/MK elements difficult to implement".[136] In an article in the *South African Foundation* it was reported that many members of the ANC's armed wing, MK, had returned home unemployed.[137] A task team consisting of police officials, the ANC and Jesse Duarte, MEC for Safety and Security in the PWV region, was established during May 1994 with the aim of ensuring the merging between the Police Force, MK and APLA members. President Mandela issued a proclamation on the merging of MK/APLA members into the security establishment.[138]

Sydney Mufamadi said that a number of ANC members had enlisted in the Police Force and a number of PAC members were enlisting. It was however not known how many of the ANC members were former members of MK and how many of the PAC members were former members of APLA. He further said that 506 new police members had been trained on a two-week course in Basic Protection Services.[139] The process went ahead despite of a moratorium on recruitments announced in August 1994 because of limited funds. Colonel Joseph Ngobeni, spokesman for Police Service Commissioner Fivaz, confirmed that the new recruits had been taken into the Police Service Department of Intelligence Services. The men were given ranks from warrant-officer to colonel, despite the fact that they had no police training and had passed no recognized officers'

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134 Rauch, p. 4.
135 *Sunday Times*, 20.6.1993, p. 4.
136 *Pretoria News*, 5.3.1991, p. 10.
137 *South African Foundation*, 31.8.1992, p. 24.
138 *Business Day*, 24.5.1994, p. 2.
139 *The Cape Times*, 9.11.1994, p. 2.

courses. Incorporation in Gauteng amounted to 730 old MK and APLA members. Minister Mufamadi said that none of the new recruits would be accepted into the Police Service if they had a criminal record for common crimes. However, police sources said many of the men had warrants out for their arrest for serious crimes including murder and attacks on policemen.[140]

Commissioner Fivaz said that altogether 1 045 members of MK and old ANC intelligence units were approved for integration into the Police Service. Only 62 of these officers were appointed: one as brigadier, 12 as colonels; six as lieutenant colonels, eight as majors, two as captains and 33 as lieutenants. Only 40 of the officers were placed at the VIP Protection Services, the other at intelligence components.[141] PAC's secretary-general Maxwell Nemadzivhanani said that his organization had submitted names from its army and intelligence and security units to be integrated into the VIP protection and Crime Investigation Services units. Forty-five names for the VIP protection unit and over 300 names for the Crime Investigation Services unit were submitted for integration.[142]

Senior Superintendent C.A. Prinsloo mentioned that skilled MK and APLA members were integrated into the intelligence structures of the Police Service. However some of these integrated members did not have the necessary experience and skills.[143] A letter from the office of the MEC for Safety and Security indicated that eight people from the ANC's Department of Intelligence Service (DIS) had been integrated into the Police Service's Crime Intelligence Service (CIS) in the Free State Province in May 1995 and that they experienced some political and organizational problems in the Police Service that needed to be sorted out.[144] The overall figure of 1 045 APLA and MK members were incorporated into the SAPS. This was not a substantial number and only represented 0,6% of an overall police contingent of nearly 120 000. It also became clear that the number of MK/APLA members that was amalgamated could not really

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140 *Weekend Star*, 29-30.4.1995, p. 7.
141 *Die Burger*, 16.5.1995, p. 2.
142 *City Press*, 16.7.1995, p. 2.
143 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.
144 24/4/2: "*Meeting*", 23.6.1995, SAPS Provinicial office, Bloemfontein.

affect the service delivery of the Police Service as an organization. However, some of these integrated members were placed in middle to senior positions and there they had an influence on the management of the personnel under their command if they did not possess the necessary skills and competency. During negotiations integration of MK/APLA members into the Police Service was not disputed; the issue was how many were to be integrated, and whether they would be able to effectively contribute to policing.

7. Human transformation in terms of the affirmative action and representitivy policy in the SAPS, 1995 to 1998

Koopmans stated that the notion of equality before the law confirmed that an end had been made to privileged or underprivileged positions. The law should be the same to everyone, irrespective of status, race, religion or political conviction. Equality before the law seems to be closely akin to the idea of non-discrimination. In order to promote true equality in the social sense of the word, it may be necessary to give a privileged legal status to certain disfavoured groups. Its notion of non-discrimination has again to be reviewed.[145] Dlamini is of the opinion that a Bill of Rights, by its emphasis on equality, is supposed to create a dispensation of justice and fairness.[146]

The affirmative action clause, section 9(2) in the 1996 Constitution, has two important principles. Firstly, it expresses the principle of equality in including the equal enjoyment of all rights and freedoms. Secondly, it promotes the principle of substantive equality by providing for the adequate protection and advancement of persons disadvantaged by unfair discrimination. Affirmative action is by nature a contentious matter. There continues to be a heated debate surrounding it. Some argue that affirmative action is nothing but reverse discrimination that denies the principle of equality and non-discrimination. Others contend that the very purpose of affirmative action is to redress inequalities of the past and therefore it is justifiable by its outcomes. The question however remains: What is discrimination? The non-discrimination clause in the Constitution, section 9(3), does not prohibit discrimination per se. It prohibits unfair

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145 T. Koopmans, (ed.), *Constitutional protection of equality*, pp. 246-247.
146 C.R.M. Dlamini, *Human rights in Africa, which way South Africa?* p. 129.

discrimination. The Constitutional Court defined discrimination as "treating people differently in a way which impairs their fundamental dignity as human beings".[147]

The SAPS drafted a policy document on affirmative action in 1995. It was stated that the affirmative action policy of the SAPS was aimed at realizing the constitutional imperative of equality and the objective of a broadly representative Police Service in South Africa through the implementation of affirmative action as one measure to achieve these objectives. This document provided the framework for the development of an affirmative action programme. In this document it was stated that the SAPS was committed to the optimal development and utilization of all its members in accordance with the objective to provide an efficient and effective service to all the citizens. The SAPS acknowledged that it was imperative to correct the historical imbalances created through unfair and discriminatory legislation and employment practices.[148] In 1995, just after democratization, the top management of the Police Service, in accordance with the Constitution and the Police Service Act, realized that a policy should be implemented to address alternative action in the Police Service.

The document further stated that capacity building should be central to the affirmative action programme as a prerequisite for the successful implementation thereof. Capacity building included the providing of information, education and training, consultation with beneficiaries, facilitating the development of all members, and the development of the institutional capacity at the lowest level. Affirmative action should not be seen as a means to take revenge or for purpose of extortion or patronage. Affirmative action was about removing injustice and to ensure basic fairness. It was further stated in this documents that no section of the workforce should be alienated by the application of this strategy. The application of affirmative action should not compromise quality service delivery in a professional manner. Persons or groups or categories of persons who had been disadvantaged through unfair discriminatory employment practices, including recruitment, selection, appointment, promotion and deployment procedures of

147 J.C. Mubangizi, *The protection of human rights in South Africa, a legal and practical guide*, p. 74.

148 2/1/1: "*South African Police Service: Draft Policy on Affirmative Action,1995*",.SAPS Provincial office, Bloemfontein.

the past, were black people, women and other persons or groups or categories of person who had been discriminated against.[149]

The affirmative action programme was implemented on four levels. The first level was the internal development of employees identified as high potential candidates through accelerated development and promotion schemes. The second level was the external recruitment of suitable employees as lateral entrants. The third level was overall development programmes that focussed on education and skills enhancement of employees. The fourth level was the redeployment and rotation of tasks of members who were under-utilized and confined to specific jobs.[150] In this document it became clear that accelerated promotions would take place to make the Police Service more representative, and that lateral appointments from outside the Police Service would also lead to the restoration of historical imbalances.

7.1 The application of affirmative action in the SAPS, 1995 to 1998

An article in *Business Day* reported that early retirement initiatives for 18 senior officers were instituted in August 1992 in order to promote senior black officers to the general staff. General van der Merwe said:"The process of making the Police Force more representative of the people serving in it started from the top at the general staff."[151] Commissioner Fivaz mentioned in an interview that when Adriaan Vlok was Minister of Law and Order, the transformation of the Police Force had already started by appointing black generals into top management positions. This was systematically introduced and not done openly due to the National Party policy at that time. When Hernus Kriel became Minister of Law and Order, the National Party government started with transformation by letting some of the old generals go on pension and appointing new representative generals.[152]

Affirmative action in the Police Service is of a problematic nature. When looking at the operational side, also called the functional side, much experience, expertise, skills and

149 *Ibid*.
150 *Ibid*.
151 *Business Day*, 8.8.1992.
152 Jane Buys Collection, Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

capabilities were needed to appoint and promote people to render an effective and efficient service to everyone in South Africa. To just appoint previously disadvantaged persons in higher posts, will deliver one-sided satisfaction if it is not done with the utmost care and responsibility. At the time of the elections in 1994, the police agencies were pretty representative of the racial make-up of the South African population, namely that 64% of the personnel of the police organizations was black. Even the Police Force alone was not as dramatically unrepresentative as many observers had believed, 55% of its members were black. What did characterize the Police Force, was the dominance of white Afrikaner males in its senior ranks.[153] Definite affirmative action steps were required to make the officers' corps more representative of the country's population.[154] Representation of women in the Police Force was poor. At the time of the transition in 1994, 53% of South Africa's population were women. By contrast, women made up 18% of the total police strength, and only 11% of the officer ranks. In 1995 officers holding the rank of brigadier or director were 80% white, with only one female brigadier out of the 202 brigadier posts in the combined police forces.[155] Representation in the top management levels was of a problematic nature, because it was always dominated by white males.

The constitutional imperative to create a civil service more representative of the population, and the Minister's 1994 'policy vision' of a specific Police Service which would, at all levels be more representative of the community it served, placed significant pressure on police leaders to appoint more black and female candidates to the management ranks of the new Police Service.[156] The role that politics play is that through centuries the black people asked for the rightful place in South Africa and the government now had to show the voters that they were doing it through the implementation of affirmative action.[157]

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153 Rauch, p. 3.

154 2/26/22: "*Media Statement by Minister of Safety and Security, Mr Sydney Mufamadi: Promotions within the South African Police Service"*, Pretoria, 8.12.1994, SAPS Provincial office, Bloemfontein.

155 Rauch, p. 3.

156 *Ibid.*, p. 4.

157 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoira, 5.12.2006.

Females were more and more drawn into the ranks of the Police Force and initially performed administrative tasks at the police stations. It was only during 1994 that major changes were instituted to allow females to perform the same duties as their male counterparts. The first females were recruited into the Security Branch and specialized divisions of the Police Force at the beginning of the 1980s. It was only during the early 1990s that the first females were incorporated into the Internal Stability Unit, previously the Riot Squads for operational purposes. There was however a difference in service conditions and payments between male and female members of the Police Force. This only changed during the early 1990s when male and female police officials received the same salary and benefits.[158] Affirmative action and representativity had to be addressed when it concerned the promotion and appointment of females, and especially African females to the middle to top positions in the Police Service.

The SAPS was responsible to ensure that a specific policy with regard to equality and non-discrimination would be formulated, but that a supportive environment would be created which would sustain these principles and ensure consistent and dedicated application. It is for this purpose that equality and non-discrimination were prioritized in the 1996/1997 Police plan.[159] Director de Wet stated that equity meant that every person should be treated equally according to the law. Affirmative action meant that measures were instituted to promote the previously disadvantaged people.[160]

The Centre for the Study of Violence and Reconciliation, affiliated to Wits University, released a working paper on major challenges faced by government in realizing the constitutional vision of an accountable and transparent SAPS. "The new government will have to resist political pressure to be seen to be promoting black officers almost immediately. Rapid promotions without necessary training is an approach that is doomed to failure."[161] The promotion and appointment of previously disadvantaged

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158 *Servamus*, 31.8.2004, p. 10.

159 2/1/10: "*Fundamental equality and the South African Police Service"*, 20.8.1996, SAPS Provincial office, Bloemfontein.

160 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

161 Compiled by authors Janine Rauch, Nadia Levin, Melanie Lue and Kindize Ngubeni. *Business Day*, 27.7.1994, p. 12.

groups into middle to top management positions could not take place without the necessary training for that candidates.

In a letter on 'fundamental equality' it was stated that the SAPS had enshrined fundamental equality by recognizing the diversity of South African society and accentuating equality of opportunities. This meant that the filling of any post, whether by appointment, promotion or transfer, should be done in accordance with the provisions of the Constitution. The SAPS did not equate the ability, competence or potential of any individual in terms of his or her particular individuality. Any form of discrimination in the SAPS would be in contradiction to the ethical code of conduct and considered to constitute misconduct against duty and discipline.[162]

What will the ANC's obsession with transformation, thus the replacement of white faces with blacks, achieve? Many skilled senior government officials took severance packages under force to make room for people who were not qualified for the task.[163] Commissioner Louis Eloff mentioned that "in terms of representivity in the lower levels we (management) are satisfied, but at the higher levels we still have a problem and are not at all satisfied in top management".[164] It is interesting to note that consensus on affirmative action policy for the Police Service had been reached by the major parties in the National Negotiation Forum of the Police Service.[165] In November 1997 Meyer Kahn said that the people in the SAPS had not all been trained, literate, motivated and bound to the same principles "that we adhered to". This was an admission that people had been appointed to perform tasks for which they had not been equipped. They were appointed in the place of skilled and experienced people of whom 'they got rid at a large cost.'[166] Police Service management was not at all satisfied with the targets achieved in terms of representivity, it was too slow a process that had to be accelerated. The trade unions all agreed to the implementation of affirmative action in the Police Service.

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162 2/1/10: "*Fundamental equality and the South African Police Service"*, 20.8.1996, SAPS Provincial office, Bloemfontein.
163 *Die Burger*, 8.4.1997, p. 12.
164 *Pretoria News*, 7.6.1997, p. 5.
165 *The Citizen*, 1.7.1997, p. 5.
166 *Beeld*, 25.11.1997, p. 15. 'Ten duurste ontslae geraak moet word.'

Even though the issues of race and gender composition of the Police Service were not discussed during the political negotiations, the new Constitution, with its requirements for equality and affirmative action for 'previously disadvantaged' groups, had profound implications for the new Police Service. This was quantified with the subsequent implementation of employment equity provisions in the entire Public Service.[167]

7.2 Opinions from middle and senior managers in the SAPS and other experts on affirmative action

Senior Superintendent Prinsloo mentioned that due to the principles of equity and representivity, people with restricted knowledge were appointed to senior management positions.[168] Senior Superintendent J.P.P. Erasmus is of the opinion that police officials did not object against the fact that new commanders had been appointed, but because they did not have the necessary skills, knowledge and experience to introduce new workable procedures. New commanders sent out new ill-considered instructions just to show that they were in command.[169] Commissioner Gaobepe stated that the moral of police officials in the Police Service is very low. The main reason is that of uncertainty due to the transformation that took place; police members feel unsure, very insecure and the working class is not getting what they are supposed to get: "Taking all this equity, equity killed us in the SAPS. Make sure that when for example a woman is placed in a certain post, she is first trained and that she gets a mentor."[170] However, on the other hand Deputy Provincial Commissioner E.S. Mmamabolo and Assistant Commissioner B. Motswenyane are of the opinion that affirmative action should continue until the targets have been achieved, even if it means till 2014 or 2040.[171]

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167 Rauch, p. 3.

168 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial Commander: CIG, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 2.4.2007.

169 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 28.3.2007.

170 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

171 Commissioner Mmamabolo joined the Police Service on 1 April 1995 and worked in the Security Branch at provincial level. On 18 March 1996 he became the Area Head: Human Resource Management in the Area Northern Free State. In August 2000 he became a director and the Provincial Head: Support Services. In November 2000 he became the deputy Provincial Commissioner: Support Services in the Free State Province. Jane Buys Collection: Transcribed interview with Deputy Provincial Commissioner E.T. Mmamabolo, Support Services, SAPS, Free State Province, 10.9.2007.

Director Paneras said that equity was unfair to the Police Service as an organization and also to the individuals who were put under enormous pressure to perform and could not. She further stated that she is not against affirmative action in the Police Service, but the manner in which it is applied. Her view is representative of the majority of police officials' perception of this matter. The Police Service should have put some programmes into place such as putting affirmative action candidates through sufficient training, but it was never done.[172] In this regard Senior Superintendent B.D. Mdeuka agrees that people were not developed; they were promoted to positions and top management expected that they should perform, but they could not due to a lack of training. There should also be a time frame and a monitoring tool to assess how far transformation has been achieved.[173]

Professor A. Wessels of the Department of History at the University of the Free State mentioned that "transformation is supposed to heal something that is broken, to right a wrong, to cause growth, but in practice transformation is not necessarily that. A society can also transform from something positive to something negative. Transformation means different things to different people. For some people transformation means that you replace white people with black people point."[174] Mr L. Calitz, Head of the Criminology Department at the University of the Free State, mentioned that he personallly "assosiate transformation with the creation of opportunities for those who were oppressed in the past. It is not about merit. It is about getting oppressed people in senior posts as an extension of the present political power".[175] Advocate du Toit, acting Director for Public Prosecutions in the Free State Province, mentioned that "all of us know that transformation of the Police Force had to take place. However, the Police Service must make sure that the people they promote have the necessary expertise so that a service can still be delivered."[176] He elaborated further: "According to my

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172 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

173 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, Crime Intelligence, SAPS, Free State Province, Bloemfontein, 24.8.2007.

174 Jane Buys Collection: Transcribed interview with Professor A. Wessels, acting Head of the Department of History, University of the Free State (UFS), Bloemfontein, 15.4.2004.

175 Jane Buys Collection: Transcribed interview with Mr L. Calitz, Senior lecturer in Criminology, University of the Free State (UFS), Bloemfontein, 2005.

176 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

perception equity is not successful if you can indicate that the targets for representivity have been achieved. Equity can only be successful if you can deliver an effective service to the community; otherwise equity is a failure."[177] Johnny Steinberg, a local researcher elaborated on leadership: "Selecting people negatively, for what they have not done rather than for their proven ability, is unlikely to produce an inspiring leadership."[178]

The issues of affirmative action, representivity and equity became problematic in the Police Service. All interviewees and personnel in the Police Service, irrespective whether they are managers or subordinates agree in principle to the policy of affirmative action. That past discriminatory practices and policies should be redressed, is not under contention. However, the manner in which it is being done in the Police Service, border on discrimination, racism and unfair treatment. Affirmative action is not about individual unfair treatment and disadvantaged treatment in the past. It is about group rights, the rights of a specific group of people, whether male or female belonging to the African population who are now advantaged, at the cost of other groups of police officials. Police officials cannot continue working without any hope of future promotions. According to Maslow's theory of self-preservation,[179] all people, irrespective of who they are, work in order to get recognized and promoted. There are many police officials with more than ten years experience in one rank without the possible chance of promotion due to the affirmative action policy. As Director de Wet mentioned, it seems as if the targets have become quotas. The ANC government and Police Service management should look seriously into the issue of affirmative action, so that specific programmes can be put into place to promote or enhance not groups of people, but individuals, who had been negatively affected by affirmative action.

7.3 The Representative and Equal Opportunity Programme (REOP) in the SAPS

A letter from the office of the National Commissioner on 22 June 1995 indicated that it was totally unacceptable to rely on an evolutionary process to reach acceptable levels of

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177 *Ibid*.

178 E. Pelser, *"The Challenges of community policing in South Africa"* in *Institute for Security Studies*, Paper 42, November 1999, pp. 8-9.

179 Maslow was a psychologist that differnetiate between a persons basic and psychological needs. D. Krech *et al*., *Elements of Psychology*, (2nd edition), p. 498.

representivity. As one of the steps to ensure that previously deprived groups would be properly equipped for the challenges of the future, the National Commissioner announced the REOP. It was introduced into the SAPS during 1995. This programme formed part of a policy formulating process on equity that started on 27 March 1995 and was finalized before the end of June 1996. The main objectives were to institutionalize equality; ensure that equality was an integral part of the core mission of the SAPS and to make the SAPS representative of the community it served. The REOP vision statement was to create equity within the SAPS by demonstrating commitment, providing dynamic leadership and being responsive to the needs of personnel; being resilient in endeavours creating a supportive and protective environment and promoting professionalism in a human manner.[180] The REOP sounded like a very good programme to redress the imbalances of the past and to implement the equity principles on a sound basis in the Police Service.

The essence of REOP was that suitable candidates with the necessary attributes, but with a lack of experience or expertise, would be appointed as executive assistants to incumbents, who would be their mentors with the aim of equipping them for appointment to senior posts. A letter from the office of the National Commissioner on 22 June 1995 indicated that all candidates involved would beforehand be given the opportunity to indicate whether they would be willing to act either as mentor or executive assistant to a specific candidate. The predetermined timescale for this would differ from person to person, but would usually be a period of between 12 and 60 months. Individual development programmes were to be devised and agreed upon for each executive assistant, tailored to his or her individual needs. This whole process was co-ordinated and managed by a REOP manager.[181]

The Human Resource Management (HRM) component was responsible for the recruitment, screening and placing of candidates who had identified for REOP. Continuous progress reports were used as basis for equity to determine if an individual or candidate was suitable for a future position on a higher level. Twice a year a

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180 2/7/3/1: "*REOP: Representivity and Equal Opportunity Programme"*, 22.6.1995, SAPS Provincial office, Bloemfontein.

181 *Ibid*.

progress report was compiled on every candidate. The determining of additional REOP posts in terms of the establishment was executed by Management Services that was responsible for the formulation of Provincial Human Resource Plans.[182] The placing of REOP candidates to be trained and taught by mentors was in essence a very good idea. There were no problem areas, the members were willing to learn and the mentors were willing to teach if people were committed to the process of learning.

The objective of REOP was to promote the 'value for money' principle. The service delivery of the candidate would determine if he or she was capable to deliver the expected future functioning according to specified standards. It was made clear that the REOP was in no way a threat to any member of the Police Service. To the contrary, it opened up more opportunities by creating temporary additional posts to the fixed establishment to meet the demands of the Constitution. It was explained that ultimately merit would be the determining factor in management appointments after everyone has had the opportunity of equal development. Simultaneously it was an excellent contribution to the Reconstruction and Development Programme (RDP).[183] Internal communication from the office of the National Commissioner on 5 July 1996 indicated that 200 REOP candidates had been appointed to the REOP programme, and that the appointments would not necessarily result in the promotion of the candidates. Further developmental programmes, namely accelerated management development programmes were designed to enhance the capacity and calibre of managers. In this way representivity was linked to effective and efficient management.[184] The REOP candidates were appointed as superintendents and higher. The need was foremostly to address the huge problem with regard to representivity in the middle to higher occupational classes of the Police Service.

During a media statement on 31 May 1995 Commissioner Fivaz indicated that the REOP introduced the most far-reaching process of change in the history of policing in

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182 2/1/1: "*South African Police Service, draft policy on affirmative action, 1995"*, SAPS Provincial office, Bloemfontein.

183 2/7/3/1: "*REOP: Representivity and Equal Opportunity Programme"*, 22.6.1995, SAPS Provincial office, Bloemfontein.

184 2/26/22/2(2/1): *"Progress in terms of REOP programme: Internal communication"*, 5.7.1996, SAPS Provincial office, Bloemfontein.

South Africa and possibly the entire Civil Service. The REOP formed the cornerstone of the transformation process within the Police Service and would ultimately result in more efficient service to the people of South Africa. He said: "It would be remembered that when announcing the previous round of senior appointments, I stated that the level of representivity, both in terms of race and gender, was not yet satisfactory and that every effort would be made to address this with the latest round of appointments. Gender representivity remain and will be systematically addressed within the context of the REOP. The REOP programme was formulated to implement a visible and comprehensive process of change and transformation, without compromising efficiency, to ultimately arrive at a situation of equal opportunity where merit will be the only criteria of appointment in the SAPS."[185] Commissioner Fivaz indicated that the successful implementation of the REOP would in the shortest possible time address the issues of representivity and inequality, and thus remove major obstacles and unjust past legacies in order to improve the legitimacy, credibility and efficiency of the SAPS.

In an interview with Commissioner Fivaz in 2006 he indicated that the REOP did not work effectively. Too many mentors went out of their field of expertise and left the Police Service, so there were REOP candidates but no mentors. There was a total imbalance in the top management structure regarding representivity; therefore it had to become more representative. The trade unions saw the REOP as a racist programme, because it focussed on black people, and they claimed that the REOP candidates were competent enough to fulfil their tasks. Minister Sydney Mufamadi agreed with this. So the REOP candidates were all promoted in due course. When the severance packages were introduced, all the skilled and experienced commanders left.[186] Director Paneras who was the REOP manager in the Free State Province, mentioned that the REOP was a total fiasco: "There were no exact laid down criteria, there were people on the programme who could be developed and others who could not." Her opinion is that the

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185 2/26/22: "*Media statement by National Commissioner George Fivaz:'REOP Programme*", Pretoria: 31.5.1995, SAPS Provincial office, Bloemfontein.

185 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

186 *Ibid*.

people who were put on the programme were there because they were not outspoken and negative.[187]

In effect the REOP was the ideal manner through which effective representivity could be achieved. The programme had no clear and exact criteria, firstly for the identification of candidates, secondly for procedures and guidelines as to exactly how the programme should be implemented. Some REOP candidates like Commissioner Gaobepe claimed that he had not learnt a thing from a mentor, others like former Senior Superintendent S.S. Barnard mentioned that his REOP candidate did not want to have any training.[188] The system had flaws - the right mentors should have been placed with the right candidates, because some mentors have the ability to teach people, and others do not. Some candidates have the right attitude towards learning and others not. However, if the REOP could have been introduced correctly and was acceptable, it would increase the representivity and efficiency levels in the Police Service tremendously.

8. Training and Recruitment in the SAPS, 1992 to 1998

Snibe stated that there are no other two professionals in the helping system whose identities and responsibilities approximate each other so much, that of the physician and the police officer. The physician is an authority with the power of life and death in situations which involve physical disorder. The policeman, on the other hand, is an authority with the power of life and death in situations of social disorder. And yet, the average physician receives a minimum of 11 000 hours of training to prepare him for his role; the average policeman receives less than 200 hours of training to prepare him for his.[189]

Director de Wet mentioned that training usually occurs on three levels in the Police Service. The first is that the police official is responsible for his or her own self-

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187 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

188 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial Commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

189 J.R. Snibbe and H.M. Snibbe, *The urban policeman in transition, a psychological and sociological review*, p. 411.

development. The second level is that a commander has a certain responsibility to train subordinates by means of 'on the job training' or also referred to as in-service training. The third level of training is that the Police Service has to provide formal training courses for police members to equip them to perform specific tasks.[190]

The American Bar Association (ABA) recommended that the police had to be provided with effective means for accomplishing the variety of governmental responsibilities delegated to them: "If the police officer is to have a broad range of responsibilities, he ought to be provided with the methods by which his responsibilities can be effectively carried out. …An effort should be made to develop the ability of police officers, through education and training".[191] Brown stated that the police are suffering from the status frustrations of a subprofession. They are concerned with life and death matters but have low formal training and relatively low occupational status.[192] The evaluation and opinions of the abovementioned people and organizations describe a very distinct problem with regard to the effectiveness of police agencies, namely the type and amount of training they receive in the Police Force.

Director de Wet mentioned that he had been involved in 1992 in the management training component at Graaff-Reinet where they trained colonels and brigadiers in the Police Force. There were also middle management courses for captains to majors, and majors to lieutenant colonels. These courses usually took between two to three weeks but it was known as promotion courses. All officers in the Police Force who attended would only be promoted if successfully completing the course. These courses were also known as integrated courses, meaning that police officers from the former TBVC countries and self-governing states could also attend. However, the successful completion of these courses was not a prerequisite for promotion in the TBVC and self-governing states as it was in the South African Police Force. Up to 1995, in order to

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190 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

191 T.A. Johnson *et al*., *The police and the community, an environment for collaboration and confrontation*, p. 29.

192 J. Brown and G. Howes, *The police and the community*, p. 90.

become an officer in the Police Force police officials had to undergo a three-month officer's course in the Paarl.[193]

Changes in the philosophy and methodology of basic training started after the initial independent research by Janine Rauch in June 1992 and the appointment of the International Training Committee (ITC) by the Police Board. Their report was submitted in November 1993 whereafter the compilation of a new curriculum, with the assistance of international police experts, was implemented.[194] Soon after the 1994 election, the Minister of Safety and Security announced that the police would adopt a new approach to recruitment and basic training, and that the new approach would immediately be 'piloted' on a group of 2000 recruits. The Minister instructed that the recruits should be representative of the broad South African community, both in terms of race and gender. This resulted in far more women being recruited during the first intake, and training was delivered to mixed groups of male and female recruits for the first time in 1995. The training was extended from 6 months to 1 year. The emphasis of the training would be on community policing and human rights. More than half of the training would be of a practical nature. The basic training would commence at Hammanskraal and Pretoria on 12 January 1995.[195] One of the unanticipated consequences of this approach was a high number of pregnancies amongst female recruits during the basic training period. In the past, pregnancy out of wedlock had been an offence that led to dismissal. However, the new labour relations dispensation required that the new SAPS should find a new solution to the problem. The female recruits concerned were thus granted maternity benefits and asked to complete their basic training on their return to work. The recruitment and basic training pilot programmes were overseen by a "Multinational Implementation Team" made up of police officers from Zimbabwe, Britain, Sweden and the Netherlands. A team of South African officers drawn from all eleven police forces was responsible for the recruitment and training effort.[196]

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193 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Head Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

194 *Servamus*, 31.7.1995, p. 42.

195 2/26/22: "*Press statement: Ministry of Safety and Security:Police Recruitment"*, Pretoria, 7.12.1994, SAPS Provincial office, Bloemfontein.

196 Rauch, p. 5.

However, a moratorium was placed in August 1994 on the recruitment of policemen that year or even on filling vacancies. This decision was slammed by police unions who feared a further collapse of law and order. The decision was announced by the Minister of Safety and Security, Sydney Mufamadi, who said it had been taken due to a lack of funds.[197] The policy of the moratorium on recruitment was instituted for various reasons, namely to cut back on the personnel budget in the Police Service; the new policy of training members in community policing; the rationalization in the civil service; and the fact that the Police Service was not completely representative of the community it served. Traditionally the SAP recruited about 2 000 members every six months to stengthen the ranks of the existing members. This also compensated sufficiently for the number of members who had left the Police Service due to resignations, retirements and discharges.[198] The moratorium on recruitment was lifted in 1999. So for the period from 1996 to 1999 no recruitment in the Police Service took place.

The form of training already changed in 1995 and became more accountable and transparent. Students at Police Colleges were evaluated on transparency, accountability, democracy, professionalism, communication knowledge and procedure. For the first time, trainers and trainees represented all the police agencies in South Africa including the former TBVC countries as well as the self-governing states. The student's basic training was followed by a 26-weeks field-training period at police stations in Gauteng, KwaZulu-Natal, Western and Eastern Cape. The training was later extended to the other provinces as well. This training was under the supervision of a Field Training Officer (FTO), who guided the student to put into practice the theories dealt with during basic training. After the 26 weeks, a final assessment took place, after which they were transferred to their permanent stations as constables.[199]

Director de Wet mentioned that in 1995 a moratorium was also placed on the presenting of the officers' course in the Police Service. This was done to make it more dependent on international standards. All the middle and senior management courses were stopped

197 *The Daily News*, 12.5.1995, p. 1.
198 *Servamus*, 31.12.1997, p. 3.
199 *Servamus*, 31.7.1995, p. 42.

and did not take place until the beginning of 2000 when such courses started again. From 1996 a strategy was followed by the Police Service to train African detectives that had not been trained prior to this date. These courses were then decentralized to the provinces due to the huge backlog experienced.[200]

Strong opposition was voiced in Graaff-Reinet against the decision of the police to phase out the B.A. Pol. degree. The Commissioner appointed a task team to investigate the viability of the Academy and whether it was being utilized to its full potential. The phasing out of degree studies had to make room for the phasing in of the Adult Basic Education Training (ABET)[201] and Ubuntu projects. The latter was aimed at exposing approximately 126 000 police people to the new policing philosophy through the vision, mission and values of the new SAPS. Police persons who studied for the degree would however not be disadvantaged; they were in a position to continue with their studies through UNISA.[202]

Mr David Thursfield, a British visiting police expert and three British policemen compiled a report on policing in South African for the NCPS in 1997. The report focussed on training needs and it was stated that the training style of police colleges was out of date. It was stated in the report that policing was not so much a matter of numbers as having the available numbers properly prepared for the job they had to do. In May 1997 Commissioner Fivaz remarked that the Police Service was still largely undertrained and underskilled, some 25% of the 128 000 members of the Police Service was functionally illiterate.[203] About 30 000 policemen had not passed Grade 10: "We have superintendents (formerly majors and lieutenant colonels) who have never done basic training, detectives who have never trained as investigators and of whom 16 000 cannot even drive a car."[204] Director de Wet mentioned that it was not a prerequisite for recruitment in the Police Force that applicants should possess a driver's license. This

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200 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.
201 *The Natal Witness*, 23.7.1996, p. 5.
202 *Servamus*, 31.4.2002, pp. 47-49; *Servamus*, 31.3.2002, pp. 45-47.
203 Pelser, pp. 8-9.
204 *Sunday Times*, 4.5.1997, p. 23.

was only stated as a prerequisite in 1999.[205] In this regard Commissioner Fivaz mentioned that the biggest stumbling blocks for the Police Service were insufficient equipment and the fact that its members were not properly trained.[206]

The first Detective Academy was opened in Silverton in 1998 in Pretoria. One of the strategic objectives of the Academy was to provide specialized training for investigators in order for them to have the knowledge and skills that were required to undertake a specialist investigation. The Academy was therefore responsible for the design and development of all detective related courses on a national level. In partnership with the Division of Crime Intelligence (CI), the Academy was also involved in the design, development and presentation of crime intelligence courses. However, the Academy lacked proper facilities. It was therefore decided by police management that a suitable venue be identified which would have the potential of housing the Academy and where adequate facilities could be developed. The Hammanskraal Training College, north of Pretoria, was identified as a suitable venue and the Detective and Crime Intelligence Academy was relocated there. Traditionally the College had been utilized as a training college for black police officials, but it was not really utilized between 1996 and 1999.[207]

The training division in the Police Service was established in 1999, and this division employed more than 2 000 people stationed throughout the country. To accommodate the new recruitment drive of 11 000 new entry level constables, the Basic Training Learning Programme was presented at seven training provisioning institutions at Pretoria, Graaff-Reinet, Chatsworth (Durban), Oudsthoorn, Philippi (Cape Town), Bisho and Jakkalsdans (near Pretoria).[208] It was only in 1999 that the basic training started in the SAPS,[209] and the new Pilot Officer's course of the SAPS started in the new millenium at the Police College in the Paarl. This event marked the first officers'

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205 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

206 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

207 *Servamus*, 30.11.2002, pp. 56-57.

208 *Servamus*, 30.4.2005, pp. 44-45.

209 *The Cape Argus*, 23.11.1999, p. 5.

course to be presented in the Police Service after a period of five years.[210] The new officers' course for the Police Service was no more a prerequisite for promotion than in the old Police Force. The course was also shortened from three months to six weeks and thereafter to a month.

Commissioner Britz mentioned that in 2000 he wrote a letter to Minister Steve Tswetwe and indicated that he and other specialists such as Stef Grobler would like to offer their services free of charge to the Police Service to train the detectives in specialized skills. However, Tswetwe died a short while later and he never heard anything about it.[211] This gave the impression that the Police Service's top management does not perceive their training as inadequate and does not want to employ experts to train their members. Commissioner de Kock mentioned that many of the police courses needed to be adjusted. Analysts in the Belgium Gendarmerie are recruited to join the Police Service in Belgium and half of them are not successful. If recruited, a graduate student goes to the Police Academy to study law for a year, and thereafter follows an analysis course for three months. In the SAPS lateral graduate students only go for a three-week course, and do not attend the Police Academy for law courses – they do not exist.[212]

9. Evaluation

When assessing the period from 1995 to 1999 in the new Police Service it becomes clear that two very important processes impacted tremendously on the effectiveness of the Police Service. The first was the fact that since 1995 a moratorium was placed on recruitment into the Police Service. It was understandable at that stage since the Police Service was busy to amalgamate and consolidate all eleven police agencies into one single Police Service. They had to assure that all police members would be accounted for after amalgamation and that everyone had a meaningful job. This is also true of the integration of MK and APLA members into the Police Service. No new blood in terms of recruitment was employed in the Police Service during those four years. One of the reasons mentioned by the Ministry for Safety and Security was budgetary constraints.

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210 *Servamus*, 30.9.2000, p. 54.

211 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

212 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, Crime Intelligence, SAPS, Pretoria, 5.12.2006.

The second very important aspect that affected the Police Service negatively was the issue pertaining to the training of police members. The decentralization that was instituted under the new SAPS Act in fact decentralized the training to all the provinces, but no trainers or mentors were appointed to fulfill that task.

From 1995 to 1999 no decentralized training took place and centralized specialized training was also less provided for. The officers' course for the new SAPS only started in 2000. So in the period after amalgamation, transformation and democratization no officers were officially trained on a fully-fledged officers' course as well as for middle and senior management levels in the Police Service. The fact that a vacuum existed in the supply of formal training courses in the new SAPS just after democratization had a tremendous impact on the levels of efficiency in the Police Service. The Police management said tat the rationale behind the so-called moratorium on training was to adjust the training courses in line with international standards and to change the curricula to support a democracy. After the establishment of democracy formal courses were condoned as a prerequisite for promotion. A candidate's knowledge, skills and competencies that could be deducted from his or her work experience were used to promote that inidividual and formal training courses did not have an effect.

The elections of 1994 heralded a new era for policing in South Africa. Not only were eleven policing agencies rationalized and amalgamated into a unitary SAPS, but equality and service effectiveness became the essence of the new style of policing.[213] The new SAPS Act focussed on the decentralization of the Police Service to provinces, area and station level. This was done to make the Police Service more accountable to the communities they served. Another important focus area was the establishment of the Secretariat for Safety and Security, thus civilian oversight of the Police Service to make it more transparent. The third focus area was the establishment of an independent Complaints Mechanism to enhance the transparency of the Service. The fourth focus area was the establishment of Community Police Forums that will be discussed in

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213 2/10/2: *"Policing transformation: Implementation of Strategic themes in the South African Police Service"*, 25.6.1996, SAPS Provincial office, Bloemfontein.

another chapter. This implies more community involvement, assistance and co-operation from the communities in policing matters. In effect the Police Service Act focussed on more transparency and accountability. However, when assessing the period during which the Secretariat for Safety and Security operated, the perception exists that they did not contribute meaningfuly to the transparency of the Police Service. They almost ceased functioning in 2000 when Azhar Cachalia vacated his office. Some components in the Police Service need to work reservedly and independently, thus actually confidentially. Not every action undertaken by the Police Service should be open to public scrutiny and approval.

All the legislation that affected the transformation of the Police Force to that of a service was stated. The most influential legislation was that of the Public Service Act that determined that all the regulations and prescriptions applicable to the civil service needed to be applied in the Police Service. The transformation and restructuring of the Public Service had a direct impact on the transformation of the Police Service. The affirmative action policy and Equity Act compiled by the Public Service Commission were implemented in the Police Service. This policy had one focus area and that was representivity at all costs. The new government felt that South African society needed to be reflected in the composition of the Public Service and thus also the Police Service. There was nothing wrong with the idea, but the manner in which it was implimented, caused problems. The initial time frame of three years became eight years and the so-called targets were not yet met. No detailed plans for the implementation and integration of extensive training mechanisms and interventions and no mentorship in guiding affirmative action applicants were insituted for future candidates. The targets of specific race groups within the Police Service became quotas. The consequences of affirmative action will be discussed in detail in a next chapter.

What is however important to note is that the Police Service tried to rectify the imbalances of the past by the REOP. In essence the programme was a very good idea, however, no detailed and extensive training interventions and planning were done, the right candidates did not necessarily end up with the right mentors, and vice versa. Pressure from the government to accelerate affirmative action and the fact that many

mentors left the Police Service destroyed the programme. For this programme to work effectively the commitment of both parties were needed and that did not materialize.

The amalgamation of the former TBVC countries and self-governing states cost much money, time and energy as all the personnel had to be integrated into one police agency. The process took longer than intially anticipated. All the issues pertaining to human transformation in terms of recruitment, training and promotions were put on hold until amalgamation was completed. Amalgamation of the former TBVC countries and self-governing states put additional burden on the Police Service as that many of their police officials were not on the same level of training and literacy as their South African counterparts. Their literacy level was lower than that of the Police Force - Commissioner Fivaz indicated that between 20 000 and 30 000 of them were illiterate. This huge amount of illiterate police members posed a serious threat to service delivery in a new South Africa.

The integration of a few hundred MK and APLA members into the Police Service took place in 1995. It was thought that the figure would be much higher. When taking into account the number of these members who were incorporated, they did not really affect the service delivery, but the fact that some of them were appointed on middle and senior middle management levels, also had an influence on the effective service delivery of the specific components in which they were integrated such as CI.

CHAPTER 6 - The demilitarization of the South African Police Service (SAPS) with specific reference to the Bill of Human Rights, Police criminality, conduct and corruption: 1995-1998

1. Introduction

Unlike the policy makers and pundits who argue that the police should be understood in terms of the goals they claim to pursue namely the prevention of crime and the capture of criminals, Brittner insisted that a proper understanding of the police had to begin with the means they use. What is decisive in any situation or call-out is the right of the policeman to bring an unpleasant situation to a close with the measured use of legally sanctioned, but nonetheless coercive, force and to use the threat of this to impose a solution. That is also why, except in cases of self-defence, the right to use force legitimately is supposed to be enjoyed exclusively by the police. It is an exclusivity that is prized and which must be guarded jealously for, in its absence, society could revert to a war of all against all.[1] The use of force by the Police agency can be seen as an inherent right that can be used by the Police alone, but it should be executed with great responsibility, control and respect.

The issue of police brutality also referred to as police criminality or 'blue collar' crime as it manifested in the Police Service needs attention. This issue cannot be discussed without reference to a few things. The South African Police Force was accused of gross misconduct and brutality against members of the communities and that they favoured their own members in police investigations. This contributed to the call of an independent body to investigate gross police misconduct. The Independent Complaints Directorate (ICD) was then established to investigate the complaints against the Police Service. It needs to be determined if the ICD succeeded in investigating the members of the Police Service allegedly involved in serious misconduct or 'blue collar' crime. Could it also be established whether the Police Service was in fact accountable to the communities?

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[1] Quoted in A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS,* pp. 4-5.

One of the first requests by the African National Congress (ANC) and other role players concerning transformation in the negotiation period was that the new Police agency in South Africa should demilitarize. The military character, style, culture and methods that the Police Force used were not acceptable to a future democratic government. The impression was created that the bad image, conduct and attitude related to police misconduct and brutality were mostly associated with the paramilitary character of the Police Force. The Police Force as a 'forceful' organization was seen as commanding control over the population and in this regard also restricting their freedoms and rights. The Police Force had to be transformed into an organization that would not be militaristic of nature. With demilitarization came the change in rank structures, insignia and uniforms. However, when an organization such as the Police Force demilitarize, will the strict military style of discipline become less?

The Standing Orders that guided the Police Force in becoming an autocratic semi-military, centralized command and control organization had to be addressed. These Standing Orders guided police managers and police members as to how they should perform; how their conduct and behaviour should be and how to maintain discipline, and if they did not adhere to these orders, how disciplinary regulations should be instituted against them. Were the Standing Orders in the new Police Service still useful and did they guide managers and police officials in performing their daily tasks? In the transitional period a code of conduct for the Police Force was adapted so as to improve their conduct. The issue of corruption in the Police Service will be discussed. The escalation of police corruption became a serious contention point and police management had to look into the issue to decide how to address it. Was there a correlation between corruption and discipline?

The attacks on and murders of police officials escalated since democratization. Reasons why this phenomenon occurred should be investigated. The Bill of Human Rights and the process of demilitarization had a huge impact on the Police Service's operations. Could these two processes have an influence on the increase of attacks on and murders of police officials?

The last issue that needs reference is the establishment of the trade unions. The fact that every employee of the Police Service had to become a member of an official recognized trade union influenced many processes in the Police Service. Consultation had to take place between employer and employee and police misconduct and behaviour were addressed by means of trade union representatives. Did the trade unions impact on the discipline in the Police Service?

2. Demilitarization of the SAPS, 1990 to 1998

A perennial chestnut of debate about the role of the police is whether the police is best considered as a force, with the primary function of enforcing the criminal law, or as a service, providing balm for a sea of social troubles. The starting point for the debate is the empirical discovery that the police, contrary to popular mythology, do not mainly operate as crime-fighters or law-enforcers, but rather as providers of a range of services to members of the public, the variety of which beggars description. Banton, on the basis of an analysis of field diaries kept by a sample of Scottish policemen, observation and interviews both in Britain and the United States of America, concluded: "The policeman on patrol is primarily a peace officer rather than a law officer. Relatively little of his time is spent enforcing the law in the sense of arresting offenders, far more is spent on keeping the peace by supervising the beat and responding to requests for assistance."[2] The same debate occurred in South Africa at the beginning of the 1990s with the focus on the transformation of the Police Force so that it would be best suited for a new democratic dispensation. Should the Police be a force or should it be a service?

Demilitarization in effect meant changing a few things associated with a military approach, namely those things that were the most visible at first sight. That included the type of uniforms associated with a military image, the type and colour of police vehicles, the rank structure and the insignia that the policemen wore. The non-visible portrait of the paramilitary organization that needed to change was the hierarchical central control structure, the issue about civilianization, human rights, less use of excessive or brutal force, the change in police culture and the issue of discipline and

[2] Quoted in R. Reiner, *The politics of the Police*, pp. 111–112.

training. The corporate image of the Police had to change, from a force to that of a service delivery agency. Two questions needed to be asked concerning demilitarization. What was the effect that demilitarization had on the Police Service as a whole? The second question, did the Police Service really demilitarize when taking all the abovementioned facts associated with demilitarization into consideration?

Police experts in the United Kingdom and the United States of America mentioned that attempts to reform the traditional pyramid structure of police organizations and their inherent rank structure had been described as "attempts to bend granite". In the 1970s experts on police organization such as Egon Bitter were contending that the military-bureaucratic organization of the police was a serious handicap, creating obstacles to the development of a truly professional police system. Tony Jefferson also argued that paramilitarism could not be associated with maximum effectiveness and impartiality.[3] Paul Whisenand listed that there may be disenchantment with the traditional bureaucratic structure of police organizations, but that structure continues to prevail for many administrators; it is still the best structure when rapid leadership and division of labour are required at times of crises. Peak mentioned that most police organizations in the United States of America remain paramilitary, bureaucratic and unionized with some vestige of civil service protection.[4] All police forces and services have militaristic characteristics and are semi-military in nature. It has advantages that members are neat, energetic, helpful and well mannered. The debate about whether paramilitarism was the most effective way in which policing could be achieved, did not only take place in South Africa, but also in Britain, the United States of America and in Australia.

National Commissioner J.V. van der Merwe of the former Police Force is of the following opinion: "Before 1990 the morale of the Police Force was extremely high, and members were willing to work day and night. There were cases where discipline was not enforced, however it was restricted to the minimum. After 1990 everything that was associated with the previous policing milieu, was regarded as unholy. The ANC brought in persons from Wits University that was at that stage the arch-enemies of the

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3 T. Jefferson, *The case against paramilitary policing*, p.16.

4 Quoted in K.J. Peak and R.W. Glensor, *Community policing and problem solving, strategies and practices*, pp. 388, 398.

Police Force and also the previous government. Their viewpoint was to discard everything, because everything was unholy. Instead of viewing the whole situation and keeping what was good, they started changing just for the sake of changing, and that was when the decision was made to demilitarize. To them there was a military rank structure that caused all the unhappiness in the country, and they wanted to change to the British and Swedish systems without taking the unique circumstances in South Africa into consideration."[5]

The ANC's Department of Information and Publicity delivered a discussion paper on policing that focussed on the demilitarization of police structures, ranks, uniforms and equipment. The opinion that was publicized in the paper was that demilitarization would promote more creative, socially skilled policemen and women as well as ameliorate the perception that the Police Force was the army by another name. The demilitarization of the Police Force and the homeland police forces would then send a signal of real change. It would also assist in creating the other conditions necessary for community policing such as patrolling on foot, also known as 'the bobby on the beat'.[6] The impression created by the ANC and their advisors was that demilitarization would promote the conditions for community policing as well as the professionalism of the new Police Service.

In the beginning of the 1990s the debate about demilitarizing the Police Service started in the media when *The Financial Mail* asked in an article why the rank structure should not be demilitarized: "Instead of generals, colonels and majors, let us have assistant commissioners, superintendents and inspectors in the British style. This would immediately serve to place the Police Force symbolically closer to the communities it serves."[7] The key objective of demilitarization in the SAPS was to break away from the militaristic approach by the former South African Police Force in its contact with the community. This approach had often been marked by the excessive and unnecessary

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5 Jane Buys Collection: Transcribed interview with former National Commissioner J.V.van der Merwe, South African Police Force, Pretoria, 16.5.2004.

6 "*Policing the Transition: Transforming the police: Discussion paper on policing by Fink Haysom: Commission by the Department of Information and Publicity: African National Congress*", < http//www.anc.co.za>, s.a.

7 *Financial Mail*, 4.9.1992, p. 10.

use of force that was evident on a daily basis when treating complainants and suspects alike.[8] Major General Jac Buchner, Commissioner of the KwaZulu Police, said: "The SAP had become over-militarized and the image of the police officer as an aggressive, heavily armed representative of the state must change. To achieve credibility they have to break with their past role. For decades, blacks saw the Police Force as the enforcers of apartheid. The same goes for the Defence Force to an extent. The Army and the Police need to be transformed into neutral and credible vehicles for maintaining order and security in the process of transition."[9]

Mr Enoch Nelani, President of the Police and Prisons Civil Rights Union (POPCRU) said that civilian ranks would help the Police Service to move away from its image as a paramilitary force to that of an institution that would serve the community. It would also eliminate unnecessary bureaucracy and promote professionalism.[10] An article in the *Eastern Province Herald* reported that a shift away from "militarized heavily armed and aloof policing towards a lightly armed and friendly service like that in Britain is commendable and most welcome. Doing away with military style ranks is an excellent idea."[11] The draft policy document by the Minister of Safety and Security, Sydney Mufamadi, proposed a scrapping of the military culture within the Police Force which hampered the development of a truly professional service. A new non-military rank structure and a realistic code of conduct would be devised, as well as the design of a new national uniform.[12] The impression was created by the Ministry and outsiders that the concept of demilitarization was associated with more professionalism, effectiveness and community participation and that a military culture did not produce these things.

In 1995 F.G. Fivaz was appointed as the first National Commissioner of the new SAPS. He was Mandela's appointee and he emphasized the need to make the new SAPS legitimate and acceptable in the eyes of the majority of citizens, and for the Police Service to make a "clean and definite break with the past". This remained one of the

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8 *Servamus*, 28.2.1999, p. 12.
9 *The Cape Times*, 12.10.1992, p. 6.
10 *Beeld*, 22.6.1994, p. 13.
11 *Eastern Province Herald*, 8.7.1994, p. 13.
12 *Weekend Argus*, 15-16.10.1994, p. 1.

themes of his leadership.[13] When he took up his post in February 1995, he committed himself to transform the Police Service from a quasi-military force into a service-orientated institution that would work together with the community. In an interview with *Sowetan* on 3 February 1995 he said: "The police must be seen as responsible people who serve the public…We must break away from our image as a quasi-military force. We would like to see a service-orientated organization that works in close conjunction with the community. The existing break in confidence must be addressed and lost faith must be restored. Only if we do this will we be in a position to deal with challenges and our day-to-day tasks." What was in actual fact required, was the transformation from a military force to a culture that was committed to a service ethos.[14] Doctor E Schmikl believed that the Police Force should be a Police Service rather than a Police Force.[15] The impression was created by Police Management that a paramilitary organization cannot deliver effective services to the communities. So when demilitarization did take place, would service delivery be improved?

According to Rauch, a criminologist at the Rand Afrikaans University, "military style organisations are resistant to change, extremely hierarchical, secretive, and do not permit either creativity or criticism."[16] An article in the *Eastern Province Herald* in 1994 indicated that the appointment of civilians in key leadership positions in the police service could reinforce the demilitarized approach. In countries like Denmark, lawyers (never police officers) fill the most senior posts in the police organization.[17] Already in 1995 the process of demilitarization and civilianization were taking place. Civilians were employed in jobs that could be done by them to free more police officers for street patrol. Various civilians had already been appointed in a demilitarized rank structure.[18] This meant that rank structures were changed to that of occupational classes such as personnel practitioner and not necessary as captain or major.

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13 J. Rauch, *Police reform in South Africa; a synthesis of papers*, p. 2.
14 P. Stevens and D.A. Yach, *Gemeenskapspolisiëring in aksie, 'n handleiding vir praktisyns*, p. 79; *The Argus*, 6.2.1995, p. 14, *Sowetan*, 3.2.1995.
15 Schmikl was a consultant with parastatals like Telkom and SAA. *The Sunday Times*, 24.10.1993, p. 3.
16 Rauch, pp. 2-3.
17 *Eastern Province Herald*, 6.5.1994, p. 5.
18 *The Daily News*, 5.7.1995, p. 14; *The Citizen*, 2.6.1995, p. 6.

The new ANC government moved swiftly to change the name to the SAPS, to symbolize the shift "from a force to a service" which was a key component of the ANC's policy approach. This was an uncontroversial change, supported by the Police Force themselves, as well as by all the political parties in the Government of National Unity. A new police leadership was appointed, with the National Commissioner appointed directly by the President.[19] The Minister of Safety and Security announced on 8 May 1995 that Belgium had contributed R20 million towards improving the SAPS. The Belgium Gendarmerie also gave advice on the demilitarization of the SAPS.[20] The new SAPS Act of 1995 explicitly stated that "the existing military culture of the Police Service hampers the development of true professionalism which impacted on serving the community".[21]

Senior Superintendent C.A. Prinsloo mentioned that in the era of the Police Force the terminology used to refer to supervisors was that of commanders. This was also part of military doctrine and terminology referring "to command members under your command".[22] In the Police Service the terminology changed and the reference to supervisors were those of either managers or supervisors. He further said that as a Police Service "we drill at the opening of Parliament, what is this other as a form of militarism?"[23] Director H.A. Paneras mentioned that there existed three principles in police management, namely that it must be fair, friendly and firm. Her opinion was that "you can never take the firmness out of the Police Service otherwise the criminals will not have respect for the Police Service or the judiciary system. South Africa is also the first country in the world that called the Police a Service, in other countries the police agency is still being referred to as a force."[24]

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19 Rauch, pp. 2-3.
20 *The Citizen*, 9.5.1995, p. 8.
21 2/26/22: "*Media statement by Minister of Safety and Security, Sydney Mufamadi, Secretariat for Safety and Security"*, Pretoria, 20.10.1995, SAPS Provincial office, Bloemfontein.
22 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial commander: CIG, Crime Intelligence (CI), SAPS, Free State Province, 2.4.2007.
23 *Ibid.*
24 Jane Buys collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit Police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

Demilitarization cannot be fully assessed before investigating the changes that took place concerning uniforms, insignia, rank structure and disciplinary conduct of members. All these aspects were interrelated to one another and should be assessed as part of one family. The history of the Police Force with a strong paramilitary character had to make way for a new era of demilitarization also called a service era.

3. New rank structure, insignia and uniforms for the SAPS

For the new ANC government, politicians and the new Police Service management demilitarization meant changing the rank structure to a more civilian "form of address", and designing new uniforms and insignia for the new Police Service. The blue uniforms that characterized the Police Force for the majority of the black population resembled pain and despair whilst for other people they were a most welcome sight when assistance was needed. Already during October 1992 Police Force management reported that an investigation into rank structures in the Police Force had been completed. According to General Mellet, the Police Force media spokesperson, there was no indication that the rank structure would change.[25] However, when Commissioner Fivaz took over as the National Commissioner of the Police Service, the government indicated that the rank structure of the Police Service had to change. For them it went hand in hand with the demilitarization of the Police Service.[26]

3.1 The implementation of a new rank structure and insignia for the SAPS, 1995 to 1998

The rank structure for the line function was provided for in Regulation 8 of the South African Police Regulations,[27] also called the Standing Orders. The ranks, from the lowest to the highest, were those of constable, sergeant, warrant officer, lieutenant, captain, major, lieutenant colonel; colonel; brigadier, major general, lieutenant general and general. There were in effect twelve rank levels within the Police Force. All these ranks derived from being a military institution that reflected the paramilitary character

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25 *Beeld*, 20.10.1992, p. 12.

26 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

27 2/1/1: "*Demilitarization: A new South African Police Service"*, 30.5.1995, SAPS Provincial office, Bloemfontein.

of the Police Force as an organization. The South African Defence Force used exactly the same ranks as the SAPS.

Tokyo Sexwale, ANC PWV chairperson, said about demilitarization: "Good ties, dark uniforms of authority. And remove their military ranks…. Let's have inspectors, superintendents."[28] Professor Smit, head of the Department of Criminology and Police Science at the University of South Africa (UNISA), was of the opinion that the disposal of military ranks was a very important step in the civilianization process of the Police Service that would make the planning and internal communication much easier.[29] In a letter sent out by the office of the National Commissioner in May 1995 it was indicated that for the Police Service to be more amenable in meeting the needs of the community, the military rank structure and authoritarian organizational structure should make way for more informal and simpler structures, with fewer levels. Post levels should be limited to the minimum and the structure should be flatter.[30]

After months of intensive research, design and consultation, Commissioner Fivaz officially unveiled the new emblem and rank structure of the SAPS. He said that both represented a very important symbolic yet visible and practical break with the past. The new rank structure of the Police Service also differed completely from that of any of the former police agencies - both in the number of rank levels and in their designations. He further stated that the introduction of this new rank structure also heralded a highly visible and concrete break with the militaristic police culture of the past. The new rank structure was formally implemented on 1 October 1995.[31]

The number of ranks below the National Commissioner was reduced from twelve to eight for the new SAPS. The new ranks, from the highest to the lowest, were commissioner, director, senior superintendent, superintendent, captain, inspector, sergeant and constable. The warrant-officer rank changed to that of inspector, the major

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28 *Pretoria News*, 27.8.1993, p. 7.
29 *Beeld*, 22.6.1994, p. 13.
30 2/1/1: "*Demilitarization: A new South African Police Service"*, 30.5.1995, SAPS Provincial office, Bloemfontein.
31 2/26/22: "*Media Statement by National Commissioner of the SAPS George Fivaz: New SAPS Emblem and Rank structure"*, Pretoria, 6.9.1995, SAPS Provincial office, Bloemfontein.

and lieutenant colonel ranks changed to that of a superintendent and the colonel rank changed to that of senior superintendent. The major generals were referred to as assistant commissioners, and the lieutenant generals were mostly deputy commissioners.[32] Three ranks from the era of the Police Force were retained, that of constable, sergeant and captain; sergeants and captains remaining of a military nature.

The rank system was changed from the previous military ranks to a rank system based on the British model. This change did encounter some resistance from within the police organization, and to this day, informal use of the old ranks continues in many areas. However, members of the media and the public fairly easily adapted to the new system. New insignia was created for the Police Service to replace that of the eleven former police forces. The new badge consisted of the image of an aloe with nine spikes, to symbolise the nine provinces. The rank insignia worn on shoulders was changed from the previous military-style insignia embossed with a coat of arms, to new insignia embossed with the aloe.[33] The Police Service implemented new symbols, scrapped military ranks, uniforms, military terms and equipment but "we should be careful not to confuse the issue of demilitarization with discipline or to develop perceptions that anything with a militaristic connotation was bad".[34]

Senior Superintendent Prinsloo mentioned that the names of ranks changed but the insignia mostly stayed the same. Director P.D. de Kock mentioned that some of the military ranks were kept such as sergeant and captain. The perception existed amongst police officials that the new police management wanted to make all police officials equal, "but you always get that some are more equal than others".[35]

3.2 New uniforms for the SAPS

In the old dispensation, each of the eleven police forces had its own uniform and insignia. An internal communication letter sent by the communication section of Human Resources in June 1995, indicated that the creation of a new corporate image for the

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32 *The Cape Times*, 28.7.1995, p. 5.
33 Rauch, pp. 2-3.
34 *Servamus*, 28.2.1999, p. 12.
35 Jane Buys collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Service, SAPS, Free State Province, Bloemfontein, 4.2007.

SAPS was in turn part of the broader transformation, amalgamation and rationalisation process.[36] The technical team on Uniforms, Symbols and Insignia chaired by Colonel A.M. Crafford was responsible for the design of the new uniform for the Police Service. The team was of the opinion that there had been rivalries between some of the eleven police agencies in the past and many policemen and women were therefore sensitive about having to adopt one of the uniforms of the 'other' agency as the new uniform for the new SAPS. However, limited funds were available to design a new uniform for the new SAPS. The technical team recommended that the use of a head dress, cap and hat, should be terminated; the field dress cap should be maintained as an optional item; the eight point star of the South African Police with the Coat of Arms in the centre and the English wording, "South African Police Service", should be approved as the official insignia for the Police Service; and the use of the shoulder insignia worn by non-commissioned officers should be terminated.[37]

Approval was granted by the top management of the Police Service that the South African Police uniform could be utilized as an interim measure until a new uniform was designed, manufactured and distributed.[38] The South African Police uniform was supplied to all the agencies from available stock until the new SAPS uniform could be supplied to members after amalgamation.[39] Because of the cost factor, the new uniform was largely based on the former Police Force uniform, and this caused initial acceptance problems from the former homeland police agencies.[40] From 1995 to 1999 already R232 million was spent on the creating, designing, manufacturing and distribution of a new Police Force uniform, that took another two years before incorporation into the Police Service.[41] The new uniform for the Police Service was officially launched in 2001.[42] The new uniform was slightly less militaristic and formal and the new headgear for patrol work was a baseball cap.[43] The new uniform was a more lighter blue than the

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36 2/26/22/2(1/32): "*Own Uniforms*", 20.6.1995, SAPS Provincial office, Bloemfontein
37 *Servamus*, 31.3.1995, p. 16.
38 2/1/1(2/16): "*Progress report on Transformation: South African Police Service: August 1995*", 6.9.1995, SAPS Provincial office, Bloemfontein.
39 *The Citizen*, 18.7.1995, p. 9.
40 Rauch, pp. 2-3.
41 *Beeld*, 30.7.1998, p. 13.
42 *Servamus*, 31.4.2001, p. 24.
43 Rauch, pp. 2-3.

previous one of the Police Force. Initially it was thought that the colour of the uniform would be dramatically changed, but it stayed blue.

The colour of the SAPS vehicles changed, with all new vehicles being painted white with blue lettering, instead of the bright yellow which had become associated with fire-brigade style police in armoured vehicles. In some provinces, the names of police stations changed, where they had previously been named after apartheid-era politicians or police leaders. The most notable was the John Vorster Square police station, where numerous detainees had been tortured and killed by Security Police, which became the Johannesburg Central Police precinct. These symbolic changes, while superficial, did contribute to changing public perceptions of the Police Service. They also required a great deal of internal negotiation and had severe financial implications for the new Police Service.[44]

Director de Kock mentioned that the Police Service had demilitarized only in name in conveying a message to the public that the Police Service was now a demilitarized organisation. However many things associated with a military style of organization stayed the same. He further expressed the view that the uniform still remains military of nature.[45]

4. Discipline in the SAPS, 1995 to 1998

Sullivan stated that the public service aspects of law enforcement involved two considerations. The first involved the dedicated, disciplined approach which the work of law enforcement demands of the police, and the second the manner and method by which the law is enforced for the protection of life, property, health, safety, welfare and morals of the public. The first consideration involves the police themselves namely their attitude toward the work of law enforcement, and the individual and collective initiative, determination, courage, and self-discipline they bring to their work.[46] The motto: "No man is fit to discipline another that cannot discipline himself", might also apply to the police officer. How can a police officer effectively enforce the law in

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[44] *Ibid*.

[45] Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Service, SAPS, Free State Province, Bloemfontein, 4.2007.

[46] J.L. Sullivan, *Introduction to police science*, p. 193.

public if he cannot abide by the internal rules and regulations of his department? Thus, internal police discipline and external law enforcement are distinctly related in the work of the police officer. The word 'discipline' comes from the Latin word discipline, which means "instruction, teaching, training". It is also associated with the word 'disciple' which means 'a follower'. In a law enforcement agency, discipline means knowing and following the rules and regulations of the department. The positive aspect of discipline is the mental, physical, and moral training that helps an officer to accept regulations, supervisory control, and high standards of individual conduct for the welfare of his department. Positive discipline can develop into a habit pattern. To be constructive must be acquired willingly and with enthusiasm.[47]

The Police Force was characterized as a paramilitary organization with strict discipline, rules and regulations that should be adhered to. That some police officials in the days of the Police Force crossed the line with ill-discipline was a fact. To state this, in 1991 there was 201 police officials discharged from the Police Force due to misconduct.[48] However, they did not get away with it due to strict implementation of standing orders and discipline. The call for demilitarization of the Police Force raised the question whether discipline could only be associated with a paramilitary or military style of organization and whether discipline could also be effectively instilled in a service delivery agency.

During the apartheid era's policing in South Africa a high premium was placed on management and control, of which accurate organization, specific responsibilities, strict discipline, high standards and advanced training formed important criteria.[49] According to General Johan van der Merwe, "There was in the old days a pride at members of the Police Force that carried them above and through all the uncertainties and unstability."[50] The morale and integrity of the Police Service decreased. In the eighteen months up to mid-1996, civil claims against the police amounted to R278 million. An internal police probe found avoidable potential losses of more than R300 million that arose from

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47 *Ibid*., pp. 198-199.
48 *Die Volksblad*, 19.8.1992, p. 6.
49 L. Vorster, *'n Literatuurstudie oor werktevredenheid in die Suid-Afrikaanse Polisiediens*, p. 7.
50 *Beeld*, 1.2.1995, p. 5.

"indiscipline, negligence, bad training and corruption".[51] In 1996 an average of 50 policemen a month were fined in Soweto alone for wrongdoing. In 1998, the Gauteng attorney general investigated more than 8 300 cases of criminal offences by, or involving, police officers.

Ahern points out that where discipline is non-existent as in the case of the Cleveland Police, public accountability is zero and the department becomes a danger to, rather than a guardian of, public safety.[52] An article in *The Argus* in 1995 already stated that police were seen to be dedicated and should shed the perception that some elements were corrupt, self-serving and a law unto themselves. The country badly needed more competent law enforcement officers, and the Police Service would get the support it deserved if overall performance picked up. That would come through proper discipline and a firm commitment to public service.[53] An article *in The Financial Mail* in 1995 reported: "If the police cannot behave as police, crime will flourish, political violence will escalate, social upliftment will stall and what hope there is of attracting foreign investment will wither. The solution lies in a dual approach. Firstly, to restore discipline, self-respect and an 'esprit de corps' across racial or ethnic differences. Secondly, the issue about political leadership. If Fivaz is Mandela's commissioner, he must have the President's unqualified support."[54] The demilitarization process in the Police Service had already started when the ANC government came to power and the Ministry of Safety and Security was formed in 1994. The interim constitution with the emphasis on human rights and the proposed draft bill of the SAPS with the establishment of trade unions, all contributed to the process of demilitarization that was envisaged for the Police Service to become more effective and professional towards the communities.

Six months after Commissioner Fivaz's appointment in September 1995, his office sent out a letter in which the problems with regard to discipline were addressed. It was said

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51 L. Venter, *When Mandela goes, the coming of South Africa's second revolution* , p. 220.
52 J.F. Ahern, *Police in trouble, our frightening crisis in law enforcement*, p. 94.
53 *The Argus*, 6.2.1995, p. 14.
54 *Financial Mail*, 10.2.1995, p. 17.

that services could not be provided to the community unless there was good discipline. Discipline created a sense of confidence by the community in the Police Service and was therefore a crucial ingredient in community policing. It was further stated that ill-discipline could not be paraded under the colours of 'democracy' or 'freedom'.[55] Through years of experience, and as a result of a real sense of responsibility towards the communities, an efficient network of rules and regulations had been built up. These regulations were amended and changed to meet changing circumstances and were instituted as much for the protection of the employees of the Police Service as they had been to make the services rendered more effective and efficient. To neglect and disobey these rules would be self-destructive and commanders were requested to ensure that these prescriptions were strictly enforced.[56]

In April 1996 another letter from the office of the National Commissioner was sent out about the deteriorating discipline in the Police Service. It was stated in the letter that it was a misconception amongst members that demilitarization of the SAPS, and the process of civilianization within the ranks of the supporting services, was a process of transformation which allowed for a relaxed form of discipline, behaviour and conduct. Nothing could be further from the truth and every member should take cognisance that discipline in the Police Service should be maintained at the highest possible standard. The letter further elaborated saying that it was essential that all orders and instructions relating to the maintaining of discipline should be strictly complied with and any contravention by members should be viewed in a very serious light.[57]

Another letter, also in April 1996, from the office of the National Commissioner indicated that all members were duty bound to act professionally and even-handedly towards all the citizens of South Africa: "Never again should we allow the Police Service to be entangled in complaints related to indiscipline, non-transparency, unprofessionalism and discrimination."[58] In an interview with Commissioner Fivaz in

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55 2/12/1: "*Discipline in the South African Police Service"*, 27.9.1995, SAPS Provincial office, Bloemfontein.

56 *Ibid.*

57 2/12/1: "*Discipline: Wearing of headdress: Neatness of hair and beards"*, 16.4.1996, SAPS Provincial office, Bloemfontein.

58 2/12/1 over 2/12/3/1: "*Guidelines on behavior of SAPS members during visits by members of the public on police premises"*, 23.4.1996, SAPS Provincial office, Bloemfontein.

2006 he stated that in order for the SAPS to become a service, it was never meant that it should be ill disciplined and that police members should not listen to their superiors.[59] POPCRU said the lack of discipline was a symptom of apathy and deteriorating morale in the Police Service under the leadership of Commissioner Fivaz and a lack of commitment from the police management countrywide.[60] Since Commissioner Fivaz's appointment, together with the transformation from a Police Force to a Service, numerous letters were sent regarding the deteriorating discipline in the Police Service.

An article in *Servamus* in 1999 reported that a variety of inaccurate perceptions existed about discipline, respect and basic good manners and the demilitarization process in the Police Service. One example was the tradition of saluting an officer. Some saw that as a token of respect, whereas others condemned it as evidence of a militaristic approach which was not conducive to furthering the principles of community policing. The salute was meant to convey respect for the dignity vested in an officer and the authority placed in his or her hands by the President who granted a commission to that person. It was a mark of respect for the President whose commission the officer bears. It was further mentioned that discipline was nothing else than adhering to the Code of Conduct and the prescribed rules and regulations of the Police Service aimed at regulating conduct according to an acceptable standard and aimed at the achievement of organizational objectives. It also constituted good manners and respect. It was the culmination of behaviour according to what was commonly regarded as a dignified and respectful manner and should be inherent to a person.[61] Herbert Jenkins, chief of the Atlanta Police Department for 25 years, said the following about policemen: "Respect for the law is the policeman's Hippocratic oath. It is his guiding star of survival in a democratic society."[62] Discipline can therefore be associated with respect, dignity, good manners and high moral and ethical standards that ensured that police officials followed the rules and regulations of their department, thus the Standing Orders.

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[59] Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2007.
[60] *The Star*, 13.5.1997, p. 2.
[61] *Servamus*, 28.2.1999, p. 8.
[62] Quoted in Ahern, p. 92.

Deputy Commissioner André Pruis said that discipline in the Police Service was essential to ensure success.[63] Assistant Commissioner Chris Botha, Head of the Police Service Management and Leadership Development component mentioned that a disciplined police service was not necessarily a militarized Police Force, but "discipline is an active part of police work".[64] After Commissioner Fivaz, Commissioner Jacki Selebi was appointed in 1999 as the new Commissioner for the SAPS. In a letter from his office he indicated that there were problems related to rank, overall neatness, and that the majority of members was blatantly ignoring mutual respect, self-esteem and honour: "Any police organisation needs to adhere to and respect its Code of Conduct in order to earn the respect of the community it serves. It is interesting to note that the well-respected police services around the world are without exception those services that are extremely serious about their ethical standards and discipline."[65] He further said that attempts to demilitarize the Police Service had culminated in disciplinary problems in the organization. According to him, the trade unions could partly be blamed for this: "For some members democracy means that they can choose how and when they want to function."[66]

Opinions from middle and senior management in the Police Service regarding discipline in the Police Service were obtained. Commissioner C.P. de Kock mentioned that one factor that had an influence on bad discipline in the Police Service was that the commanders were afraid of the trade union representatives: "We are afraid to be branded racist when we reprimand a person over the colour bar."[67] He further stated that discipline is not maintained in the Police Service as it was in the Police Force.[68] According to Commissioner Suiker Britz, the decline of discipline in the Police Service could be attributed to the transformation process from a Police Force to a Police Service. The Police Force had a strong military character and insignia and the removal

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63 *Pretoria News*, 1.1.2000, p. 2.
64 *Servamus*, 30.9.2000, p. 54.
65 *Servamus*, 31.10.2000, p. 4.
66 *Die Burger*, 29.6.2000, p. 18.
67 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.
68 *Ibid*.

of these things contributed to the perception that the Police Service had no discipline.[69] Senior Superintendent S.S. Barnard mentioned that the reason why police officials did not hestitate to work overtime was partly due to the discipline that they had in the days of the Police Force.[70]

Senior Superintedent J.P.P. Erasmus stated that police officials are carrying firearms. With these firearms people can get killed, therefore strict military discipline, training as well as the conduct of police officials play a very important role in how they react to these extreme situations. In the new Police Service there seems to be a lack of all these things.[71] In this regard Director de Kock agrees that in the training of police officials there is a lack of military discipline: "The best police forces in the world are those who have more military discipline."[72] Director Paneras is of the opinion that people do not know the difference between discipline and militarism. Discipline was enforced in the Police Force and many police officials now do not have self-discipline. The perception is that with demilitarization, many police officials perceive the change as similar to that of no discipline.[73]

On the question whether discipline goes hand in hand with the paramilitary character of the Police Force, Gert van der Westhuizen, sports editor of *Beeld*, indicates that it does not necessarily do. People must be born to become police officers and want to be there in order to deliver a service to the communities.[74] Professor D.P. Wessels said that a paramilitary institution goes hand in hand with discipline. When such an organization demilitarize there is also less discipline. A paramilitary institution could be characterized by a uniform, the manner in which it operates that makes it military, the

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69 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

70 Jane Buys collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007

71 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 27.3.2007.

72 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial head: Detective Service, SAPS, Free State Province, Bloemfontein, 4.4.2007.

73 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

74 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

orientation and dedicated attitude of its members, and the last issue is that such an institution can only combat violence with a form of violence.[75]

Discipline is in the first instance good manners and reflects the upbringing of the police officer. In the days of the Police Force discipline was in the majority of cases enforced. However, police officers knew what the boundaries were when transgressing standing orders, regulations and instructions and they also knew what would happen to them. This gave them a sense of security, because every person needs to know in which boundaries to operate. The lucrative enforcing of discipline when democracy came in the Police Service, created an environment where everything was tolerated and managers were afraid of enforcing the standing orders, instructions and regulations because they also did not know what the boundaries in a democracy were suppose to be. However, it stayed the same; the standing orders and regulations did not change in a democracy and these things should have been enforced from the start to ensure a form of discipline. The misconception however, was created that discipline was associated with a paramilitary organization, that was not the case. Any police service should have discipline because they have enormous powers entrusted to them.

5. The issue of standing orders in the SAPS, 1995 to 1998

Constables in Britain are constitutionally free to exercise discretion. Their work is encumbered not only by a complex network of rules and restraints but also force orders, the discipline code, etc. [76] Commissioner Fivaz stated that "Standing Orders is actually part of legislation. You have the Police Service Act, and you have regulations, and regulations authorise you to create Standing Orders. If you cannot implement the operational "bible", which is the Act, the regulations and the Standing Orders, then people are going to take some chances. In the old Police Force, police officials took their chances, but they knew that if they got caught, then they would be in big trouble. Any policeman or woman needs to know where he or she is standing in relation to the structure and what is acceptable within the organisation."[77] Commissioner M.J.

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[75] Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

[76] D.A. Alexander *et al*., *Police stress at work*, pp. 159–160.

[77] Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

Gaobepe claimed that the Standing Orders are very much applicable in the past and at present in the Police Service: "The Standing Orders give you guidelines what should be done in policing incidents."[78]

Sullivan stated that practically, policy for police work is an agreed-upon course of action that helps achieve the objectives and purposes of law enforcement. It would appear to be a simple matter just to enforce the laws as they read. However, the human element intervenes when laws, like the Bible, are subject to different interpretations. Consequently, those in government responsible for the enforcement of the laws must establish policy or guidelines on how, when, and where the laws will be enforced. The chief of police has the responsibility of setting forth in writing the manner and method of enforcing the laws. This essentially is law enforcement policy.[79] Policy may be defined as a settled course of action, a procedure, or a method of handling a situation or problem. It is implemented by general orders, which cover long-range policies, and special orders, which apply to particular events.[80] This policy in short is what is known as the Standing Orders, the operational guidelines and procedures that regulate the conduct, behaviour, attitude and response of police members. In the days of the Police Force all 361 Standing Orders were compiled. These Standing Orders focussed on all aspects pertaining to policing, namely on the investigation of crime, financial administration, charge office work, inspection of all registers at stations, inspection of state vechiles, conduct of police officials, what to do when police members misbehave and noting the disciplinary regulations.

In this regard Inspector R. du Plessis mentioned that they provided very good guidelines and prescriptions for police members as well as commanders to perform their day-to-day operational tasks. The Standing Orders were all revised and are still being revised on a continuous basis. The consolidations of the changed Standing Orders are available on the Intranet, the Police Service's own internal communication system. Stations and

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78 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.
79 Sullivan, p. 202.
80 *Ibid*., p. 207.

units in the Police Service are supposed to have a copy of the Standing Orders or can also utilize the Intranet when they need to consult the Standing Orders.[81]

Director de Kock stated that the Standing Orders concerning the investigation of crime for the detectives stayed the same. There was no change in operational procedures and guidelines when the Police Force was transformed to a Police Service regarding the Standing Orders. A few Standing Orders changed such as replacing the name Police Force with Police Service. The Standings Orders has become problematic, in the sense that Police Management does not know the Standing Orders. This has the effect that police officials in the lower levels also think it is unnecessary to know and execute the Standing Orders.[82] Assistant Commissioner B. Motswenyane stated that the Standing Orders are still applicable in the Police Service, but some of them need revision.[83]

5.1 The establishment of the National Policy Forum (NPF) for the SAPS

During a 'Bosberaad' in December 1995, where the Minister for Safety and Security, members of the Secretariat for Safety and Security and members of the Police Force Management were present, it was agreed that a NPF had to be established to facilitate the development of policy in the Department of Safety and Security and to evaluate draft policy before the approval thereof. The transformation of the SAPS entailed the review of all policies and the development of new policies. It was imperative that policies should spell out the correct approaches, standards, management principles and mechanisms to ensure the rationalization of policing and transformation objectives.[84]

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[81] Inspector du Plessis joined the Police Force in 1990. After college training she worked in the Security Branch and was transferred to Dewetsdorp police station in 1992 where she did visible policing. In 1996 she was transferred to Koopmansfontein Police station whereby she performed administrative as well as visible policing functions. She was transferred to Delportshoop in 2002 where she does visible policing, is a Field Training Officer (FTO) and also responsible for the training of the reservists in the Northern Cape area. Jane Buys Collection: Telephonic conversation with Inspector R. du Plessis, Field Training officer (FTO), Delportshoop Police station, Northern Cape, 12.9.2007.

[82] Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

[83] Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

[84] 2/7/39: *"Establishment of a National Policy Forum"*, 12.12.1995, SAPS Provincial office, Bloemfontein.

The functions of the NPF concerned five interrelated aspects. The first was to evaluate proposed policy to ensure that the policy subscribed to policy requirements in the Police Force or later the Police Service. The second aspect was that the NPF supported the vision statement and transformation objectives of Police Management and the Minister of Safety and Security. The third aspect was that policies should be feasible and could be practically implemented and evaluated in the Police Force. The fourth aspect was to ensure that proposed policy subscribed also to legal requirements. The fifth aspect was, the NPF should ensure that the necessary consultation had taken place during the development of the policies.[85]

The NPF was established on 16 February 1996 and comprised of representatives of the sections Change Management, National Policy and Strategy, National Finance and the Secretariat for Safety and Security. Policies were developed by a project team headed by the Police Service and the Secretariat, in terms of set guidelines and directives and after consultation with the relevant role-players. Policy recommendations were submitted to the Minister's committee for decision. The Minister's committee only approved a national policy after considering the recommendations of the Management Forum and the Secretariat. Policy included all national directives that were taken up in regulations. All national directives were taken up in National Orders, Force orders, Standing Orders, circulars and letters, and Ministerial policies.[86] The NPF revised the Standing Orders and they were distributed in 1999 to be that of the new SAPS. The NPF played a role in so far that it investigated whether policies in the former police Force was still necessary and applicable to the new SAPS.

6. Code of Conduct for the SAPS, 1989 to 1998

A new and stricter disciplinary system for the SAPS was introduced. In the 1980s the Police Force had a code of conduct that every police officer had to know and adhere to. The National Peace Accord in 1991 again laid down a code of conduct for the Police Force to which members had to adhere. In 1992 a new code of conduct was again compiled for the Police Force and introduced with the Interim Constitution in 1994.

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[85] *Ibid*.
[86] *Ibid*.

There were again stipulations that police members should conduct their service in the communities according to a code of conduct. The new SAPS Act stipulated a new code of conduct for the Police Service. When assessing this it seems as if the behaviour and conduct of police officials were not according to specific standards and had to improve. On the other side, does a code of conduct or a piece of paper really make a difference in people's attitude and conduct? This new disciplinary system was based on an ethical and professional code of conduct in terms of which every police official would sign a 'contract' when he or she was officially incorporated into the new SAPS from the former agencies. Commissioner Fivaz stated in an address to the media that "the new Code of Conduct and disciplinary system will then be enforced very strictly".[87] It was a huge administrative burden to rationalize the disciplinary codes, procedures and departmental records of the eleven former agencies. Each of these agencies had their own disciplinary policies.[88]

Commissioner Fivaz and chief executive appointee Meyer Kahn were the first to endorse the 254-word code of conduct, which all officials were expected to sign and adhered to in terms of the new South African Police Act, under which all officials served. All serving and newly recruited members of the Police Service signed the code of conduct. Commissioner Fivaz said that the top management had no desire to return to the militaristic disciplinary style of the past, but that demilitarization should not be interpreted as a loosening of discipline in the SAPS. The code was intended as a means to move away from an enforcing service delivery from a top-down perspective towards a more willing approach by police officials to uphold the Constitution.[89] The code of conduct implied that police members should be disciplined and that the new disciplinary system would assist commanders in enforcing the code of conduct.

The code of conduct stipulated twelve points that a police official should adhere to. The first one was to address the root causes of crime in the community. The second code was to prevent action that might threaten the safety and security of any community.

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87 2/26/22: *"Media statement by National Commissioner George Fivaz: Expunging of internal disciplinary offences against individual police officials",* Pretoria, 29.9.1995, SAPS Provincial office, Bloemfontein.

88 *Ibid*.

89 *The Star,* 4.11.1997, p. 5.

Thirdly, a police official would investigate criminal conduct that endangered the safety and security of the communities and bring the perpetrators thereof to justice. The fourth code was to uphold the constitution and the law. Fifthly a police official would be guided by the needs of the community. The sixth code stipulated that a police official should recognize the needs of the SAPS as an employer and co-operate with the community and government at every level. The seventh code mentioned that a police official must render a responsible and effective service of high quality to every person with integrity. Eighthly, every police official had to utilize all available resources responsibly, efficiently and cost effectively. The ninth code of conduct stipulated that every police official had to develop his or her skills and also participate in the development of fellow members. The tenth code mentioned that every police official should contribute to the reconstruction and development of the country. The eleventh code stipulated that every police official had to uphold and protect the fundamental rights of every person. The last code of conduct stipulated that every police official should exercise his or her powers in a responsible and controlled manner and work towards preventing any form of corruption in the Police Service.[90]

The code of conduct encompassed every aspect of integrity, effectiveness, efficiency, morality and responsibility that a police official should have in order to serve the communities. Any code of conduct is only a piece of paper that require certain performances from police officials. A code of conduct can stipulate many nice and good things, but it means nothing. Why were there so many codes of conduct already? The impression created by all these pieces of paper is that it became too 'smart and mighty' and that it asked too much action from police officials. A code of conduct should be straightforward in the first place, and in the second place a code of conduct is not necessary where police officials have a high sense of morality, integrity and effectiveness. Assistant Commissioner Motswenyane reflected that "somehow, somewhere we are not up to scratch, because of the attitude of a lot of police officials".[91]

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90 *Pretoria News*, 1.11.1997, p. 5.

91 Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

7. The phenomenon of corrupt police officials in a democratic South Africa, 1995 to 1998

The issue of morale is not standing alone, but can be associated with many other things. In this particular investigation there is a comparison between the lack of moral and the increase in corruption in the Police Service. In the era of the Police Force there was corruption, there is no dispute about that. To name but one example is the case of the well-known Captain André Stander.[92] The question that needs to be assessed is whether there was a lot of corruption in the days of the Police Force that was not that well documented and reported in the media, and also whether much of it was covered up by commanders.

The decision to establish national and provincial Anti-Corruption Units in the SAPS was made in September 1995 at the request of the National Commissioner. A special investigation unit, operating from Pretoria, with a branch office in Johannesburg, had previously been tasked with such investigations. Other bodies also responsible for the investigation of corruption in South Africa were the ICD, the SAPS's Commercial Branch, the Investigation Directorate for Serious Economic Offences, the Public Protector and the Heath Commission. The national Anti-Corruption Unit of the Police Service came into being on 1 January 1996 with offices in Pretoria and Johannesburg with the mandate to investigate corruption in the Police Service. The unit then consisted of the national Head Office and nine provincial Anti-Corruption Units. The commanders in each of the provinces were appointed, and each was then responsible for the further development of a unit in the province. The Anti-Corruption Unit was structured under the national inspectorate component as part of the Management Services division. As such the Anti-Corruption Units did not fall under the umbrella of

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92 Captain André Stander's father was a general in the South African Police Force. Stander enlisted in the Police Force in August 1963 and became the youngest captain in the Police Force. He worked as a detective at the Kempton Park branch. From 1977 to 1980, he and two associates started to rob banks in their lunch hours, sometimes four banks per day. They were arrested and Stander faced 28 charges and was convicted on 15 and sentenced to the Zonderwater prison. Stander and one of his associates, McCall escaped and between November 1983 and January 1984 they robbed 20 banks of approximately R500 000. In January 1984 he escaped to Fort Lauderdale in the USA. Two weeks after this he stole a vehicle which was recovered by the police. He stole the vehicle back from the police. He was shot dead by the police while riding a bicycle as a 'sought-after suspect'. *Rapport*, 7.4.2002, p. 9; *Sunday Independent*, 22.9.2002, p. 5.

the Detective Service.[93] To enhance impartiality and objectivity it was a good thing that the Anti-Corruption Unit fell under Management Services.

Senior Superintendent Rassie Erasmus, former Commander of the Anti-Corruption Unit in the Free State Province, mentioned that the Anti-Corruption Units fell under the direct control of the Deputy Provincial Commissioner in the provinces. There was no provincial head under which the Anti-Corruption Units resorted. The main aim of the Anti-Corruption Unit was to prevent corruption and to investigate it in the Police Service. In 1996 the Anti-Corruption Unit in the Free State consisted of 12 investigators and at the end of the millennium, additional offices were opened in Bethlehem and Welkom and the Unit in the Free State then had 30 investigators. The number of investigators in the Free State Province was still insufficient to address the corruption in the province. [94]

Bayley stated that many factors had been suggested as causing or encouraging corruption, namely low rates of pay, imperfect training, low recruitment standards, political influence in appointments, a general climate of venality, and the obligation to enforce unpopular laws.[95] When asked what the contributing factors of corruption were Senior Superintendent Erasmus mentioned that in the incidents that they investigated the cause was greed. There was no question about 'bread shortage'. There was greed because the police officials lived on a higher financial standard as their income.[96] Idasa's expert opinion survey in 1999 indicated that a decline in morals and ethics was the most commonly cited reason for corruption in South African society, accounting for nearly a third (31%) of responses. Greed and the desire for self-enrichment (25%) and socio-economic conditions such as poverty and unemployment (18%) followed this.[97]

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93 J. Redpath, "Leaner and meaner? Restructuring the Detective Service" in *Institute for Security Studies*, Monograph series, No. 73, May 2002, p. 45.

94 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 28.3.2007.

95 D.H. Bayley, *Police and society*, p. 232.

96 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 28.3.2007.

97 L. Camerer, "Corruption in South Africa, results of an expert panel survey" in *Institute for Security Studies*, No. 65, September 2001, pp. 39, 40, 45.

The majority of experts did not agree that government officials were poorly paid and that this would be a reason to extract bribes from citizens. Research undertaken by the United Nations Desk for Economic and Social Affairs (UNDESA) on public service ethics in Africa confirms that, in the Southern African region, South African public officials were paid far above the norm.[98] According to the source the so-called bad salaries that the police officials received could not contribute to their corruption. Corruption had to do with issues such as greed.

Idasa's 1995 survey found that 46% of South Africans felt that 'almost all' or 'most' public officials were involved in corruption.[99] Research conducted in American police forces in cities reported that 23,7 out of 100 officers committed one or more violations. Roughly 1 in 5 officers was involved in criminal violation of the law, excluding syndicated crime. Obtaining money or merchandise illegally was the principal violation.[100] On the question whether there was more corruption than in the former Police Force, Commissioner Fivaz mentioned that there was weaker control in the Police Service. There was corruption in the Police Force, but there was stricter control. Corruption is part of an undisciplined Police Service, and many corrupt officials emerged from corrupt families. He is of the opinion that corruption does not originate from bad salaries.[101] In the former Police Force corruption existed, but today in the Police Service it is much more. The reason for this, according to Commissioner Suiker Britz is that previously there was more discipline to curb corruption. Bad salaries are not contributing to corruption and are being used as an excuse to be corrupt. It is the greediness of people that make them corrupt.[102] In the former Police Force corruption existed among police officials. The strict military discipline and the enforcement of standing orders and disciplinary regulations by commanders when suspecting that a police official was involved in corruption, led to police officials not becoming involved in corruption. Police officials were afraid of being charged disciplinary for corruption and to be discharged. It was easier to discharge a police official in the era of the Police

98 *Ibid*., p. 48.

99 *Ibid*., pp. 29-30. This survey gathered the views of a representative sample of 2200 respondents.

100 A.J. Reiss (jr), *The Police and the public*, pp. 156, 160.

101 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

102 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

Force, before democratization. Democratization brought an emphasis on workers' rights and labour disputes together with trade union representation. It became a whole technical process to institute disciplinary steps against police officials and to discharge them from the Police Service when they are involved in corruption.

The Human Sciences Research Council (HSRC) survey undertaken in February and December 1998 indicated that as many as eight in ten people surveyed in December 1998 agreed with the statement that "corruption can be found among many civil servants."[103] In Isada's experts opinion survey in 1999 respondents were asked which of the ministries, departments and agencies in the national government they considered to have the greatest levels of corruption. Safety and Security and Home Affairs stood out in the expert opinion as the most corrupt national departments. Safety and Security or the police accounted for almost one-fifth (19%) of the responses. Corruption in the criminal justice system was clearly of concern, with Safety and Security, Justice and Correctional Services featuring in the top five departments perceived to have the greatest levels of corruption. Together, these departments accounted for almost one-third (32%) of the total responses. The police were tasked with protecting citizens and investigating crime, and could be persuaded, through bribery, not to pursue certain crimes, for example buying a docket. It was also mentioned that police corruption is a universal phenomenon.[104] Independent surveys showed that the Police Service was the most corrupt government department.

Meyer Kahn was of the opinion that it was unfair to just accuse the Police Service of corruption. The Police Service forms part of a community that experiencing a problem concerning their system of values due to the transformation process. He stated that the Anti-Corruption Units revealed more corruption, but it did not mean that the problem had increased, but rather that it was 'slashed open'.[105] Assistant Commissioner Motswenyane stated that the reason why police members were corrupt was because of

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103 Camerer, pp. 29-30.
104 *Ibid*., p. 31.
105 *Servamus*, 31.8.1998, p. 10.

greediness on their side.[106] Venter mentioned that a high number of the 176 policemen murdered in 1996 were thought to be 'eliminations' by crime syndicates.[107] Dirk Kok is of the opinion that there is quite a lot of reporting in the media concerning corrupt police officials.[108] This can be attributed to the fact that the Police Service is more transparent than it was in the days of the Police Force.

Anti-Corruption Unit commander, Director Stefan Grobler, mentioned that since 1996, the unit received more than 6 000 complaints involving police members in various corruption-related crimes, including defeating the ends of justice, bribery, theft, fraud, blackmail and forgery. In April 1999, the Anti-Corruption Unit received 1649 complaints. The number of police officers arrested and charged from January 1996 until December 1998 were 1153.[109] Due to the unavailability of statistics to compare the figures mentioned above, it could not definitely be concluded that the Police Service had become more corrupt. However, when looking at the figures the impression is that corruption in the Police Service increased after democratization.

On the question whether the Anti-Corruption Units made any impact on corruption in the Police Service, Senior Superintendent Erasmus mentioned that they were very successful in the investigation of corruption, and that sufficient arrests were made in order to spread the message of not becoming involved in corruption. On the question why the Anti-Corruption Units were closed, Senior Superintendent Erasmus mentioned that this was one of the biggest management errors made, in the light of the fact that corruption in the Police Service had been identified as a national priority. The biggest error was that the work that the Anti-Corruption Units had done, was never re-allocated to people to address corruption in the Police Service. The biggest problem experienced after the closure of the Anti-Corruption Units, was that Counter-Intelligence, which falls in the division Crime Intelligence (CI), only documented the corruption but no investigations took place. The only corruption in the Police Service that was being

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106 Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

107 Venter, p. 214.

108 Jane Buys Collection: Transcribed interview with Mr D. Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

109 *The Star*, 31.8.1999, p. 5.

investigated, was single incidents investigated by Commercial Crime and Organized Crime units, but on grass-root level there was no investigating body to curb corruption in the Police Service. After the closure of the Anti-Corruption Units, a substantial amount of skilled investigators were transferred to other divisions in the Police Service.[110]

The restructuring of the Detective Service resulted in the Anti-Corruption Units becoming part of the Organised Crime Component of the Detective Service. The original intention of placing the Anti-Corruption Units outside the Detective Service was that it would be highly problematic for members of such a unit to investigate their fellow detectives. The rationale for this decision may have been that corruption was often related to organized crime and that the Organized Crime component should therefore investigate it. However, some highly publicized cases of corruption had in fact involved members of the Organized Crime component. The 100 plus members of the Anti-Corruption Units were redeployed, mostly to the Organised Crime component, but some were redeployed to station level.[111] The Anti-Corruption Unit operated for three years until they were closed again. The reason for this is that the perception existed that high profile managers in the Police Service could have been involved in corruption deals. When it was 'restructured' to Organised Crime it was no longer effective.

In a document titled "Back to basics" the National Commissioner indicated that the level of corruption in the Police Service had increased tremendously and therefore corruption information should be liaised directly with his office. Information received indicated that some top managers were also involved in corruption and they were in a very bad situation to act against other corrupt officials under their command.[112] Altbeker stated in his book: "Corruption is only because of greed. And when a policeman does it, the other members all suffer. Everyone in the community looks at that man and says, 'You see. The police are corrupt.' The only thing to do is, the police

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110 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 28.3.2007.

111 Redpath, pp. 45-46.

112 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 28.3.2007.

must get rid of those rotten apples. Maybe they are few. Maybe they are many. They must be taken out of the barrel. That is the only way."[113] Advocate A. du Toit mentioned that he was very disappointed that the Anti-Corruption Units had been closed, because they had done excellent work.[114] Director P.W. de Wet agrees with Advocate du Toit and says that the closure of the Anti-Corruption Units was the biggest mistake that top management in the Police Service ever made.[115] Dr A. van Deventer mentioned: "I am sure that there was corruption in the old days, but in the former political milieu there was more control. Corruption has a lot to do with greed, pride, self-esteem and integrity." It seemed that corruption escalated in the era after democracy, ecspecially corruption by police officials. This initially led to the creation of the Anti-Corruption Unit that did excellent work in preventing and curbing corruption in the Police Service. All the police officials who were not corrupted and were against corruption will agree that these units were very effective. However, the closure of these units brought a huge question mark as to why they were closed. Was it because they operated independedly? When they were restuctured under the Organized Crime Component it actually ceased to exist. The only answer that could be found was that some of the investigations of these units came too close to some top managers in the Police Service, implicating them in corruption. That is why they were closed, or resturctured to become ineffective.

8. The establishment of the trade unions for the SAPS, 1990 to 1998

The workers' contribution to the ANC coming to power in 1994 in a democratic dispensation ensured that legislation would be enacted to acknowledge the rights of workers in a new South Africa. The Interim Constitution, the Public Service Act, the Labour Relations Act and the Basic conditions of Equal Employment and the new SAPS Act contributed to a new era where the emphasize was placed on the right of the workers or employees. At the beginning of the 1990s, POPCRU started with protest actions in the Police Force to propagate the right of police officials in their work place. With the legitimizing of trade unions under the Labour Relations Act, other trade unions

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113 Altbeker, p. 246.

114 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

115 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 21.8.2007.

were also established in the Police Force. Trade unions were initially created for collective negotiations or bargaining processes to ensure better benefits for police officials, and not for affecting the organization negatively internally. The question that needs to be answered was whether the trade unions in the Police Service undermined the internal discipline, thereby affecting the conduct of police officials negatively.

In the beginning of the 1990s it became clear that the government of the time had already adopted a more corporate approach, increasingly opening itself to the major stake holders in the labour spheres as well as that of other community interests. In April 1994 the ANC, supported and bolstered by the Congress of South African Trade Unions (COSATU) and the SACP, took over as the majority party in the Government of National Unity. Workers expected the government to mainly serve their interests.[116] The Labour Relations Act, Act No. 66 of 1994 dealt with the organizational rights of employees, the basic conditions of employment, the process of collective bargaining councils, dispute settlements between employer and employee, as well as the establishment of a workplace forum consisting of representatives of trade unions.[117]

The Labour Relations Act further stipulated that the National Commissioner of the SAPS was obliged to register an employee organization if it complied with certain formalities, namely that it was not affiliated to any political party or did not receive any material support from any political party, and that it was sufficiently representative of employees of the SAPS.[118] A trade union that represented members of the Police Service had to be registered in accordance with the conditions prescribed by the National Commissioner of the SAPS, as an employee organization. Such a trade union also had to be registered in terms of the Labour Relations Act, after which it would be recognized by the Police Service. Every registered and recognized trade union representing members of the Police Service had the right to determine its own constitution and rules, as well as hold elections for its office-bearers, officials and representatives. A trade union would also have the right to plan and organize its administration and lawful activities and to bargain collectively within the National

116 S. Bendix, *Industrial relations in the new South Africa*, p. 101.
117 *Ibid*., pp. 122-138.
118 D. du Toit *et al*., *The Labour Relations Act of 1995, a comprehensive guide* (2nd edition), p. 21.

Negotiating Forum.[119] The stipulation that one percent of non-union members' salaries, to a maximum of R60 would be deducted for the purpose of the agreement, was met with resistance from police members.[120] The Labour Relations Act provided the impetus for the establishment of trade unions for the Police Service that was recognised by Police Management as employee organizations. POPCRU, the South African Police Union (SAPU) and the Public Servants Association (PSA) were recognized as police trade unions. The unions had in effect access to the work places of all the police members and every police member had to become a member of an officially recognized trade union.

What is also important to notice is that the SAPS was designated as an essential service under the Labour Relations Act and employees were not allowed to strike.[121] A member of the Police Force was, in terms of regulation 58(33)(c) of the Police Act, Act No. 7 of 1958, prohibited to actively partake or associate with political activities, objectives or interests of political parties, movements, organizations, bodies or associations. Regulation 58(33)(d) and (e) prohibited the establishment, membership of or participation in a union without the permission of the Commissioner. Standing Order 85 also referred to this regulation. In terms of the National Peace Accord, Chapter 3, paragraph 3.5.2, members were prohibited to promote the interests of a political party through any actions. Members of the Police Force guilty of these offences would be disciplinary or criminally charged.[122]

The Labour Relations Act also made provision for a National Negotiating Forum of the SAPS, as well as provincial chambers of the Public Service Bargaining Council (PSBC). The Police sectors would be able to deal in their own forums with matters pertaining to their specific sectors retained in the Bill.[123] A framework was provided where employees and their unions, employers and employers' organizations could

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119 *Servamus*, 31.7.2000, p. 46.
120 *Servamus*, 31.7.1998, p. 19.
121 W. Backer and M. Olivier, *Gids tot die nuwe wet op Arbeidsverhoudinge, 66 van 1995*, p. 34.
122 2/12/9: "*Deelname aan politieke bedrywighede: Vakverenigings en optogte: Lede van die Mag"*, 24.8.1993, SAPS Provincial office, Bloemfontein.
123 *Business Day*, 11.9.1995, p. 4.

collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest.[124]

To illustrate the bargaining process between top management and the police unions, an urgent meeting took place on 27 March 1995. The meeting was between Commissioner Fivaz and the top structures of SAPU, POPCRU and PSA, was held at the Police Service's Head Office to discuss the broad remuneration and working conditions of police officials. During this meeting it was agreed that Government would be approached with a motivation to compensate police officials with extra remuneration for their extraordinary working conditions, as well as overtime payments for police officials. The possibility of establishing a separate bargaining forum for negotiating police remuneration packages would also be discussed with Government. However, during this meeting it was agreed that discipline in the Police Service had to be maintained at all times in the interests of the community.[125] The issue of overtime for police officials had been a problem since democratization. In the past police officials had not been paid overtime and due to the new provisions pertaining in the Labour Relations Act the unions took up this issue with management.

SAPU legal adviser Doep Pienaar said that SAPU was against moves to include the SAPS in a central bargaining chamber representing the entire public service and wanted to negotiate its own conditions of employment. A representative of the PSA, Phillip Wilson, told the Safety and Security Select Committee that the association supported the single chamber system.[126] The unions were divided whether the Police Service should have its own bargaining chamber to negotiate better service conditions.

In March 1995, an agreement was reached between SAPU,[127] the Ministry of Safety and Security, Police Management and the Ministry of Finance that a committee would be established to investigate the possible re-allocation of funds in the National Budget to

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124 *Servamus*, No 93, Issue 10, p. 48.

125 2/26/22: "*Joint media statement by SAPS Management and Police Labour Unions: POPCRU, SAPU and PSA: Renumeration of police officials"*, Pretoria, 27.3.1995, SAPS Provincial office, Bloemfontein.

126 *The Star*, 8.6.1996, p. 6.

127 SAPU is currently the largest trade union in the SAPS with a membership of about 50 000. *Servamus*, 30.4.1995, p. 7.

fund a better remuneration package for police officials.[128] The Police trade unions such as SAPU, POPCRU and the PSA also formed part of the Bargaining Council in order to negotiate better salary packages for police officials. The primary function of the unions was to negotiate better working conditions and to look collectively after the interest of the police members.

The Ministry of Safety and Security and top management of the Police Force consulted with trade unions on the transformation and the restructuring of the Police Force. In June 1994, the Minister for Safety and Security, Sydney Mufamadi held separate discussions with POPCRU and SAPU briefing them on the need for a speedy but properly managed restructuring of the Police Service. The unions, claiming 57 000 members between them, were invited to serve on a task team that would develop proposals on Police Service labour relations for the Minister.[129] In his inaugural speech, Commissioner Fivaz mentioned that a technical team on labour relations had begun working to forge a new relationship between management and police unions. It culminated in the adoption of formal agreements.[130] Involvement and participation of police unions in all levels of the transformation process took place. Police unions also joined and started negotiating in the Public Service Central Bargaining Chamber. New regulations for labour relations, grievances and disciplinary procedures were compiled according to which members accused of misconduct could be represented by their union representative.[131] Initially this would only be the case when a police member was accused of misconduct.

The trade unions for police members were not only involved in bargaining and negotiation for better benefits and remuneration packages for their members. They also organized labour actions in which members participated voluntarily by means of strikes and protest marches. Already in December 1993, 405 Eastern Cape Police Force members went on strike. They were dismissed but later reinstated by the Minister of

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128 *Ibid*.

129 *The Citizen*, 11.6.1994, p. 4.

130 2/26/22: "*Media Statement: National Commissioner George Fivaz: Inauguration"*, Pretoria: 30.1.1995, SAPS Provincial office, Bloemfontein.

131 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995"*, 13.6.1995, SAPS Provincial office, Bloemfontein.

Law and Order, Hernus Kriel.[132] General Johan van der Merwe, the Commissioner of the Police Force, in August 1993 stated the following concerning strike actions by police members via the unions: "I will never tolerate any action by any member of the Police Force which may compromise the professional integrity of the Police. Such actions must be condemned as a direct threat to the safety of all South Africans because only the professionalism and impartiality of the South African Police Force prevents anarchy."[133] He went further saying: "Any Police Force member found guilty, whether through criminal or departmental proceedings, of violating the professionality of the South African Police Force, must expect that the swiftest and firmest possible action will be taken against him or her."[134] Under the standing orders in which the disciplinary procedures were stipulated, members of the Police Force were charged when their conduct was not in accordance with prescriptions and regulations. Since the unions were established, strike actions and protests by police officials became common place.

An article in *City Press* reported that F. W. de Klerk's reaction to the actions of POPCRU protestors during the police unrest in Orlando, was: "Unacceptable union behaviour should not be allowed to undermine discipline in the security forces." Jesse Duarte, MEC for Safety and Security in Gauteng, further said: "We need disciplined and dedicated security forces. We cannot afford the unravelling of discipline through unacceptable union behaviour."[135] On 1 February 1995 Commissioner Fivaz, his Deputy National Commissioners and representatives of three labour unions namely POPCRU, SAPU and PSA, held urgent discussions on labour unrest and indiscipline in the Police Service. An agreement was reached that illegal actions of union members could not be condoned. It was further agreed that the role of unions should be recognized at all levels in the Police Service and that steps should be taken to facilitate a culture of negotiation at all levels. A Crisis Management Committee was also set up to both pro-actively and reactively manage labour disputes. It was also agreed that the Police Service would immediately make available to the police unions all the means of

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132 2/26/22/2: "*Media statement by Mr Hernus Kriel: Reinstatement of members"*, Cape Town, 2.12.1993, SAPS Provincial office, Bloemfontein.

133 2/26/22: "*News Media statement by the Commissioner, Genl. Johan van der Merwe: Strike actions by SAP members"*, Pretoria; 23.8.1993, SAPS Provincial office, Bloemfontein.

134 *Ibid*.

135 *City Press*, 25.2.1995, p. 1.

internal communication in the Police Service, so that the unions could communicate more effectively with their members at grass-roots level.[136] The reference to discipline and union behaviour was mentioned by a number of people in government and top management in the Police Service. These references indicate that union behaviour such as unrest under police members could be associated with ill-discipline.

In September 1995 Commissioner Fivaz stated that "no grievance, real or perceived, by police officials can excuse the disruption of policing services to the community, especially at a time when a life-and-death struggle is being fought against crime."[137] An article in the Sowetan reported that the public service unions started to strike after their wage talks with the government had reached a deadlock. Areas of the public service affected by the strike included hospitals, schools, courts, police stations, prisons and home affairs. The strike was called by COSATU affiliates, including POPCRU.[138] An article in *Die Afrikaner* asked: "Die Polisie in Suid-Afrika staak. Wit polisiemanne toi-toi saam met anderskleuriges in die strate van Vereeniging en regoor die land weier polisiemanne om oortyd te werk."[139]

Commissioner Fivaz stated that plans by POPCRU to disrupt policing services were a perfect example of the obstacles which inhibited the good management of the Police Service and therefore the efficient combating of crime. POPCRU also demanded Joint Management Committees so that police union representatives could be accommodated in the decision making of the Police Service. Commissioner Fivaz rejected this and said that "no organization can ever be allowed to be an alternative command structure for the Police Service."[140] The trade unions also wanted to become involved in the promotion process in the Police Service. On this aspect Commissioner Fivaz stated he would continue to implement the Police Service's transformation process in a systematic and

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136 2/26/22: "*Media statement by National Commissioner George Fivaz: Labour Unrest"*, Pretoria, 1.2.1995, SAPS Provincial office, Bloemfontein.

137 2/26/22: "*Media statement: National Commissioner George Fivaz: SAPU/POPCRU threats"*, Pretoria, 14.9.1995, SAPS Provincial office, Bloemfontein.

138 *Sowetan*, 30.7.1999, p. 3.

139 "Where did you ever experience that police officials strike? White police officials toyi-toyi together with 'other police officials' in the streets of Vereeniging and all over the country police officials refused to work overtime." *Die Afrikaner*, 21-27.4.1995, p. 6.

140 2/26/22: "*Media statement by National Commissioner George Fivaz: POPCRU's intention to disrupt policing services"*, Pretoria, 4.5.1997, SAPS Provincial office, Bloemfontein.

efficient manner, but without compromising standards or falling into the trap of blatant racial tokenism.[141] The SAPS management forum, the highest police management structure in the country, supported tough steps taken against members of POPCRU who had been involved in disrupting the service or undermining discipline.[142]

Commissioner Fivaz mentioned in an interview in 2006 that the trade unions were allowed to undermine discipline too much. In some cases they were right to represent the police official and to fight for better benefits such as salaries, better working conditions and offices. However, when a police official was disciplined, the trade union representatives started with actions such as toy-toying at police stations and pestering the official who had started the disciplinary process to such an extent that he would resign.[143] Commissioner Gaobepe is of the opinion that the "Police Service became too democratic and it is the aim of the unions to take over the SAPS. Previously it was the generals that were threatening the junior officers. Today the unions are threatening the managers. Management need to re-look the issue of the unions. They must differentiate between human matters and management matters; between a grievance and misconduct. The unions should not deal with misconduct, that is discipline that needs to be dealt with by managers."[144]

Senior Superintendents Barnard, Erasmus and Prinsloo were of the opinion that the establishment of the trade unions impacted negatively on the discipline in the Police Service. What happened was that police officials disregarded and disobeyed direct orders because they knew that they would be represented by the trade unions.[145] Senior Superintendent Erasmus mentioned that no trade union representative had ever abstained from representing police members who had transgressed disciplinary. "There

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141 *Ibid*.

142 *The Citizen*, 19.5.1997, p. 11.

143 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

144 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

145 Jane Buys Collection: Transcribed interview with Senior Superintendent C.A. Prinsloo, Provincial commander: CIG, CI, SAPS, Free State Province, Bloemfontein, 2.4.2007; Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 2.4.2007; Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander, POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.

is always a fight not to apply discipline in the Police Service."[146] The initial functions of the trade union representatives were to represent the police officials in negotiations regarding their salaries, working conditions, benefits and other personal issues. What happened is that police members, when they were charged with misconduct, saw it as an opportunity to use the trade union representatives in a fight against their commanders. This escalated and all the police officials when disciplinary charged, made use of the trade union representatives to represent them against management. Eventually a clash of interest occurred between the managers and the unions. The situation deteriorated so that certain managers could not, and some were afraid of giving instructions to subordinates to perform certain functions. When some police members did not want to work they waited until they were charged and requested unions to represent them. In many of these instances, the commanders withdrew the actions against the members out of fear for union representatives. This could also be contributed to a lack of knowledge of and training concerning the new disciplinary regulations that commanders did not know. That discipline in the Police Service was negatively affected with the coming of the trade unions was for sure. Assistant Commissioner Motswenyane mentioned that managers in the Police Service were not equipped with the Standing Orders and disciplinary regulations and procedures, that is why they let the union representatives threaten them.[147]

9. The effect of the Bill of Human Rights on the South African society and the role of the SAPS, 1993 to 1998

First the Interim Constitution and later the Constitution placed a high premium on the protection and the acknowledgement of basic human rights. The aim of the new government was to establish a human rights culture in the general public, but first and foremostly in the Police Force. The abuse of human rights and the infringement of people's freedom of association, movement and speech by the previous government at the hands of the Police Force would never again occur in South Africa. An excessive

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146 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 27.3.2007.

147 Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

focus was thus placed on the issue of human rights and how the Police Force and later the Police Service should treat every human being.

The law may occasionally withhold some rights. It may occasionally narrow the scope of some rights: "We must accept that those others have rights too. We must accept that their rights are as important to them as ours are to us. But even if we thought nothing about our own rights, we must be prepared to accept that other people's rights may mean the world to them, and that, therefore, we have obligations to them."[148] Since the Second World War there has been a dramatic rise in recorded crime rates, public fear of crime, and anxiety about law and order as a public issue in most industrial countries. The only opposition to the law and order lobby was on the civil libertarian grounds that police effectiveness must not be bought at too high a price in the undermining of civil rights.[149] The police are there to maintain rights and freedoms, and not to be detrimental to them. In the execution of their duties, law enforcement officers must respect and protect all human rights of individuals.[150]

There is a distinction between individual rights and groups rights. Hartney stated that individual or human rights are those rights which individuals possess in virtue of being human beings.[151] Group rights are those that individuals possess in virtue of their membership of a certain kind of group. Individual rights refrain government from interfering in people's lives, while group rights require them to provide services. What is difficult to see is how the idea of group rights could justify the unequal treatment of members of a group.[152] What is very important in the Constitution and the Bill of Human rights is that no right can be absolute.[153] However, the limitation of individual human rights "may be limited only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and

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148 "*Socio-economic rights in South African constitution" Chapter 2, "What is a human right*?", p. 27, <http/www.hsrcpress.ac.za>, s.a.

149 Reiner, p. 117.

150 Stevens and Yach, p. 10.

151 W. Kymlicka (ed), *The rights of minority cultures*, p. 220.

152 K. A. Bentley, "Whose right it is anyway? Equality, culture and conflicts of rights in South Africa," in *Human Sciences Research Council*, Occasional Paper 4, 2003, p. 11.

153 J.C. Mubangizi, *The protection of human rights in South Africa, a legal and practical guide*, p. 59.

freedom."[154] This clause further gave rise to two major problems. The first related to the standard of protection the Police Service afforded to certain rights all the time, and the second to some other rights in as far as these rights relate to free and fair political activity.[155] Heyns asks whether this limitation means that "one is entitled to violate the rights of other people?"[156] The Interim Constitution of 1993 and the Constitution of 1996, section 185, laid down the establishment of the Human Rights Commission. The main purpose of the Commission was to institute education and public awareness campaigns, to make recommendations to Parliament, review legislation, investigate alleged violations of human rights and assist victims of human rights violations.[157] What is very important for police officials is that human rights are not absolute, and that people cannot infringe on another's human rights.

After the 1994 elections democracy and human rights were two terms which quickly became part of everyone's daily conversations. The Bill of Rights in the Constitution enshrines the rights of all people and requires that the State respects, protects, promotes and fulfils such rights. All police officials were thus obliged to do their work in accordance with the Bill of Rights in the Constitution. In the past the Police Force was perceived to be great transgressors of human rights, because some members used unlawful methods to gain evidence to solve crime, did unlawful arrests and treated people in an inhumane and degrading manner. In 1994 the Police Force changed from a Force to a Service. That meant that they have to work in such a way that the communities see that the Police Service respect and protect the human rights of all the people in the community. It became important for all police officials in South Africa to understand human rights and how they apply to the performance of their duties.[158]

President Mandela told the 'All Africa conference' on Human Rights in Durban in September 1994 that a culture of human rights could not be established by promulgation

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154 G. Carpenter (ed), *Focus on the Bill of Rights, a collection of papers delivered at a conference held in Pretoria on 21 August 1996*, p. 98; Mubangizi, p. 59; C.R.M. Dhlamini, *Human Rights in Africa, which way South Africa*, p. 119.

155 Carpenter (ed), pp. 98-99, 109.

156 Heyns, "Where is the voice of Africa in our Constitution" in *Centre for Human Rights*, University of Pretoria, Occasional Paper 8, February 1996, p. 5.

157 Mubangizi, p. 68; Dlamini, p, 122.

158 *Servamus*, 30.6.2000, p. 34.

in the Government Gazette: "It was the people, not the government, who were the ultimate guarantors and guardians of human rights." The transitional Bill of Rights, the Truth and Reconciliation Commission, the Constitutional Court, the office of the Public Protector, and the Commission on Human Rights, showed the government's commitment to enforce and protect human rights in South Africa.[159] By mentioning all the institutions and structures created for protecting people's human rights, the government over- emphasized the protection of Human Rights.

In 1999 the component Legal Services of the Police Service compiled a training programme on Human Rights and Policing. The training programme included human rights and policing, the Constitution of the RSA, International Human Rights standards for law enforcement officials and the SAPS's code of conduct. The training programme was launched on 4 November 1999 at the Union Buildings in Pretoria and it was sponsored by the Reconstruction and Development Programme (RDP). The idea of the programme was to teach police officials that they could still enforce the law, while respecting the human rights of the victims as well as the rights of the criminals.[160] Senior Superintendent B.D. Mdeuka mentioned that the Police Service only presented workshops on human rights. The problem with these workshops was that they only informed police officials of what human rights were and did not teach them the whole concept. There is a difference in informing police officials and teaching them.[161]

According to Graeme Simpson, director of the Centre for the Study of Violence and Reconciliation, police officials did not know how to operate effectively within the boundaries and constraints of a bill of rights. He further said that policing in the context of a respect for human rights was difficult and did not come naturally to the SAPS.[162] Chantal Kisoon, senior lecturer in law at the University of Pretoria stated that the mindset that prevailed in the Police Service would be attributed to the weak human rights training policemen received in the past.[163] Peter Jordi, a lawyer at the Wits Law

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159 *Business Day*, 22.9.1994, p.2.
160 *Servamus*, 30.6.2000, p. 34.
161 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, CI, SAPS, Free State Province, Bloemfontein, 24.8.2007.
162 *The Sunday Independent*, 25.4.1999, p. 11.
163 *The Daily News*, 15.3.2000, p. 16.

Clinic, said police had often resisted transformation exercises such as the human rights sensitivity training programme. According to him the message that the police must embrace the spirit of the 1994 Constitution, has not filtered down to the all the ranks.[164] Training programmes were instituted to train operational police officials about basic human rights. The impression was created in the media that police officials were insensitive to human rights and that they resisted the change to acknowledging people's human rights.

Advocate du Toit thought that the Constitution in introducing the Bill of Human Rights definitely had an impact on the functioning of the investigators in the Police Service and also the courts. The rights of the accused were more emphasized, and a more technical, detailed investigation by the Police Service was needed before successful prosecution could be obtained. He further mentioned that members of the community were more informed about their rights than before and were also more entitled to lodge complaints, not only against the Police Service, but against any person.[165]

The Constitution of 1996 and the new democratic government that came into power in 1994 over-emphasized people's human rights. Professor Daan Wessels agrees wholeheartedly. He says that there are restrictions to people's freedom. With the over-emphasizing of human rights, the Police Service do not have the necessary authority to combat crime.[166] That human rights are enshrined in the Constitution and that it is much needed in a democracy, is not disputable. In any transitional society, according to Hunnington, violence increases and a society becomes more unstable. What then happens is that the Police Service loose control over crime rates that accelerate. It should have been foreseen by the negotiators already in the transitional period as well as by the ANC as the new government, that an over-emphasis on a human rights culture will mostly benefit criminals and nobody else. Due to a lack of sufficient training police members do not know and understand the limitations to human rights, especially those of the perpetrators of crime. This enhanced the perception that criminals have

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164 *Mail and Guardian*, 10-16.11.2000, p. 5.

165 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

166 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

more rights than their victims and that the Police Service's hands were tied in addressing the crime problem. The over-emphasis of human rights by the new government affected the performance and effectiveness of the Police Service very much. Another perception that existed was that by demilitarizing the Police Force to that of a service, abuses of human rights would decrease and that it would also contribute to better community relations.

10. Attacks on and murders of Police officials before and after democratization, 1991 to 1998

The enforcement role during the apartheid era brought the South African Police Force in increased confrontation with the former liberation movements. Violence by the liberation organizations and the violent reaction of the Police Force was the order of the day. As the struggle for liberation and political rights by the ANC, Pan Africanist Congress (PAC) and their allies increased against the National Party (NP) government, the Police Force reacted with force to protect the state against the onslaught. The ANC and its allies thus perceived the reactions of the Police Force as unjustified and brutal. The Police Force increasingly became the enemy of the ANC and its allies and also the people who supported them. A campaign was launched to attack and kill members of the Police Force. It continued and escalated through the 1990s. After the unbanning of the former liberation movements and during negotiations in the transitional period, the ANC and other negotiators acknowledged that they needed the Police Force to ensure smooth and fair elections. However, the ANC could not stop members of the public and their own supporters to attack and kill members of the Police Service.

Attacks on members of the South African Police Force resulted in the deaths of 1030 policemen between 1973 and 1993. Combrinck stated that many of these deaths could be ascribed directly or indirectly to the actions of the ANC and its allies.[167] In the five years prior to 1991, more than 225 policemen were killed and 60 000 injured in

[167] N.L. Combrinck, "History and the Commission on Truth and Reconciliation: The position of collective guilt" in *Journal for Contemporary History* 23(2), December 1998, p. 113.

operations, although many of the injuries may have been minor.[168] An informer who testified before the committee that investigated attacks on policemen, said that the late Communist Party of South Africa (SACP) General Secretary Chris Hani, had ordered the killing of policemen in the Vaal Triangle. This was done at a meeting held at the Eldorado Cinema in Sebokeng in June 1992 attended by 400 youths. He said: "Whenever a policeman is seen in townships, he should be attacked, disarmed and killed and the weapon should be given to members of the community."[169] This contributed to the escalation in attacks on police officials, especially in townships.

The exposure to danger was however not unique to police officials in South Africa. It seemed however that members of the SAPS were exposed to a much higher danger frequency than in most countries in the world.[170] Injury to police officers by criminals in Japan and Great Britain arouses intense public feeling. The mass media react with outrage against the criminal and with sympathy for the police. In the United States of America, on the other hand, though few people approve the killing of policemen, death at the hands of armed criminals is considered to be part of the job; it is an occupational hazard, like falling off ladders for housepainters. In England, an average of one policeman a year was murdered over the past 20 years. This compares with an average of four in West Germany, seven in France, and 89 in the United States of America (USA).[171] Policemen are expected to be able to take care of themselves. After all, they are armed; they possess weapons of awesome power. To have a disarmed police, it is necessary to have a disarmed populace. The only countries where police are not routinely armed, such as Great Britain and India, have very strict laws about private possession of firearms, especially handguns.[172] The widespread presence of handguns in South Africa makes the environment for police work a dangerous one. As long as guns are widely possessed, encounters between the police and citizens could be clouded by anxiety.

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168 G. Cawthra, *Policing South Afric*a, *the South African Police and the transition from apartheid*, p. 3.
169 *The Star*, 14.7.1993, p. 1.
170 Vorster, p. 12.
171 S. Uglow, *Policing liberal society*, p. 55.
172 Bayley, p. 221.

In 1991 144 police officials died in the line of duty, and 226 in 1992. Not all these incidents were political. The Human Rights Commission recorded the deaths of 116 security force members, police and army, in political conflict in 1992.[173] An alarming 248 members of the Police Force were killed countrywide during 1993. From 1 January to 31 August 1993, 951 attacks on police officials occurred. In the same period during 1994 there were 872 attacks.[174] Police officials are a target to criminals due to the role they play in the prevention of crime. They are shot at, assaulted, seriously injured or even killed.[175] The same Police members that were attacked and killed ensured that the 1994 elections were free and fair. Approximately 60 000 police members worked shifts up to 18 hours to protect the 8 500 election points and 80 000 election boxes all over the country. If the Police Force were not on their job and performing, democracy in South Africa would not have materialized.[176]

The job of South African policeman or woman is not an enviable one. Not only do they have to work long periods of unpaid overtime at unsociable hours, and take on a wide variety of duties ranging from riot control to petty bureaucratic tasks, but they are also regarded as enemies by a large proportion of the population.[177] Police officials were of the opinion that the high level of tolerance against criminals and the abolition of the death penalty, contributed to the attacks due to the fact that criminals lost respect for the Police Service and the judicial system.[178] The reason why the police members were perceived as enemies could be connected to the liberation struggle of former banned organizations. The Police Force was in 1994, branded as the enforcer of a hated system and had to be attacked and killed. The killings of police officials also showed the total disrespect people had for the Police Force.

In August 1994, the Minister of Safety and Security, Sydney Mufamadi, stated that a programme was adopted to address the killing of police personnel: “The ongoing killings of police officials has been a matter of serious concern to the Ministry of Safety

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173 Cawthra, *Policing South Africa*, p. 3.
174 *Servamus*, 30.11.1994, p. 3.
175 E.H.F. Engelbrecht, *Die rol van sielkundige welsyn in die verband tussen beroepspanning en stresverwante simptomalogie by polisiebeamptes*, p. 33.
176 *Die Volksblad*, 28.12.1993, p. 6.
177 Engelbrecht, p. 33.
178 Vorster, p. 13.

and Security. The programme is based on the views and input of a range of concerned parties, namely provincial commissioners, MEC's, political parties and community responses."[179] The programme included pro-active policing and fostered public participation. It empowered political leaders and community groups to secure community safety in partnership with the Police Force. The aim of the programme was to promote community participation as well as increase the investigative capacity of the Police Force.[180] The former National Commissioner, General van der Merwe, further mentioned that the programme included a strategy and guidelines to prevent and solve attacks on police officials nationally. A co-ordinating committee was established at Head Office under the leadership of Brig. C.F. Cronje where an operational room was created. A planning session with involved parties were held to obtain co-operation and support as well as to establish trust in the Police Service.[181]

Dr Anthony Minaar, researcher at the Institute for Human Rights and Criminal Justice at the Technikon South Africa conducted research on the murder of members of the SAPS from 1994 to 1997. The research was presented at an international criminology congress in South Korea. He found that Australia had an annual average of six murders, compared to South Africa's 200 murders between 1994 to 1997. The United States of America had an annual average of 70 for the decade 1987 to 1997, compared to two murders a year in England and Wales. Minnaar's study showed that gunshot wounds were the cause of death in an overwhelming 752 out of 924 cases, in both on-duty and off-duty murders. Surveys by the HSRC from 1994 to 1996 on community perceptions of the Police Service found that about a third of respondents believed that attacks on the Police Service were justified. The slogan "kill a cop a day" reflected a pattern that did not disappear with the advent of democracy, and which was exacerbated by police brutality and unlawful killings.[182] It is interesting to notice that the survey conducted by the HSRC showed that it was indeed thought to be justifiable to kill police members. This contributed a lot to the increase in police killings in the country.

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179 1/3/4: "S*tatement by the Minister of Safety and Security, Mr Sydney Mufamadi presented to a media conference in Pretoria: Programme to address violent crime including the killing of police personnel"*, Pretoria, 22.8.1994, SAPS Provincial office, Bloemfontein.

180 *Ibid*.

181 2/1/1: "*National Strategy: Prevention of violent crime and attacks on police officials*", 23.8.1994, SAPS Provincial office, Bloemfontein.

182 *Sowetan*, 3.9.1998, p. 11.

Sydney Mufamadi said: "In the past few months we have seen evidence of a highly organised campaign to eliminate policemen countrywide and that is a great cause of concern to the Ministry and the Government." Commissioner Fivaz mentioned that a special unit was formed to deal scientifically with the killing of policemen.[183] Criminals became more dangerous because they knew that the Police Service was understaffed and that the legislation that should protect police officials was insufficient. A few years ago it was unheard of that a syndicate may think of murdering a Murder and Robbery detective. From 1997 to 2001, the Durban Murder and Robbery Unit every year lost one of its top detectives due to murder. The detectives were murdered because they did their job. In 1997 pamphlets were distributed in KwaMashu near Durban in which members of the community were incited to identify detectives of the Durban Murder and Robbery Unit and to kill them. It became clear that this Murder and Robbery Unit made live dreadful for syndicates operating in the area.[184] It was ironic that five years after the official fall of apartheid when policemen responsible for enforcing repugnant laws were especially hated, police members were more vulnerable to attack than ever before. The reasons for their death were many, but several of them were killed during shootouts with robbers and hijackers. Figures indicated that in 80% of police deaths, the police official was young and black.[185] The change of legislation should be the starting point in protecting police officials from being killed at the hands of hardened criminals. It seems that criminals do not have any respect for law and order and for people's lives, let alone that of police officials.

In 1998 a police report on the murder of police officials in co-operation with Prof. Herman Conradie of the University of South Africa (UNISA), revealed that 67,8% of the police officials did not undergo the Police's Special Weapons Ammunition Techniques (SWAT) course. According to the report insufficient training and a lack of total readiness played a role in some of these murders. The report further revealed that 34,3% of the members were murdered whilst on duty and 65,7% whilst off duty. A few factors contributed to the killing of police officials whilst on duty. Suspects' resistance against arrest contributed to 27%, robbing police officials mostly of their firearms

183 *Sowetan*, 21.4.1997, p.4.
184 *Servamus*, 31.10.2002, pp. 17-18.
185 *Servamus*, 31.7.1999, p. 19.

contributed to 26,2%, general crime committed by suspects contributed to 14,8%, arguments in which police officials were involved and killed contributed to 5,7%, 'love triangle' relationships and revenge against police officials contributed to 4,1%.[186] The lack of training that police officials received, especially to protect themselves and to be alert and ready, contributed much to their killing.

Negligence on the part of police officials and insufficient training contributed much to the killing of police officials. The rate of police killings in the era of the Police Force was already high, but the perception was created among the general public and police officials themselves that after democratization it would decrease. A few reasons for this perception existed. The Police Service was more acceptable to the communities because it was more representative of the population. The fact that all the people in South Africa received human as well as political rights should have made them more content and happy with the new government as well as its executive arm, the Police Service. Many of the hated police officials who were part of the old Police Force had left, so there was no reason to kill police officials of other races like Africans. African police men are the most targeted group of police officials being killed. So with all these reasons, why are more police officials killed than in the previous dispensation?

A few reasons could contribute to this, but one is that a moral degeneration of society took place where some people now think that their human rights mean more than those of other people. Other reasons are that with democracy came the perception that everything would be allowed, that all people were free at last and that they could do as they please. With this freedom came the perception that freedom meant looking firstly after yourself and not accommodating other people. With democracy came also the belief that more emphasis was placed on the ordinary citizen's human rights and that police officials had less human rights. With this attitude came no respect for human beings and in particular police officials. The criminal discarded the police official as having no human rights and only being an instrument of government to enforce the law. With the growing of organized crime syndicates in South Africa, this attitude increased and organized crime criminals would not hesitate to kill a police official who tried to

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186 *Rapport*. 13.10.1998, p. 27.

refrain him from performing his criminal acts. The last reason could be that criminals are afraid of being arrested. The majority of police officials who are killed are on duty executing arrests. There has for centuries been a struggle that is nowadays called a war between criminals and the police. Criminals used every method and technique to become cleverer and better not to be caught by the police. The police themselves try to become cleverer and better than the criminals in order to catch them. The last reason for the high number of police officials that are murdered in South Africa can be the lack of training, in particular SWAT training. Police officials need to be trained continuously and extensively to protect the public and themselves against opportunistic criminals. They also need to be very cautious when on duty and executing their daily tasks and specifically when arresting criminals. An alert police official will be an alive police official.

11. The issue of police criminality in the SAPS, 1990 to 1998

The Police Force was categorized as brutal in their operations among the African population in particular. They were always accused of human rights violations and misconduct. One of the reasons why an emphasis was placed on the Bill of Rights and the protection of human rights was the actions and conduct of the Police Force members. The perception existed that after democracy the Police Service would be less brutal in its operations because a huge respect for and protection of human rights would exists. The issue of police brutality also referred to as police criminality, in the Police Service will be more clearly addressed under the heading of the ICD. Article 9 of the Criminal Procedure Act stipulated that the police officials are entitled to use deadly force.[187] However, only in extreme circumstances this force could be used when a police official's life or those of other people are in danger. This aspect was already described in Chapter 4.

Bittner put it: "The policeman, and the policeman alone, is equipped, entitled and required to deal with every exigency in which force may have to be used."[188] Bouza claimed that the small but active organizations that seek to discredit local or national

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187 *Statutes of the Republic of South Africa*, No. 5532, 6.5.1977, pp. 37-38, the Criminal Procedure Act, Act No. 51of 1977.

188 Reiner, p. 114.

government will frequently focus on the police, the most visible and attackable symbol of government. In a real sense the police are engaged in a battle for the minds and hearts of the public, especially in the ghettos. There, the revolutionary rhetoric centres on 'the oppressor', the police, as the hated symbol of an exploitive system. Rhetoric is fleshed out with charges of 'police brutality'.[189] Schönborn stated that police brutality, also referred to as 'blue collar' crime, exists in the eye of the beholder. It is important to know whose eyes are doing the beholding or perceiving.[190] Brown and Howes mentioned that in a modern society where the only permanence is change, the police are properly used to prevent change by violence and to help create a climate in which non-violent evolution towards a more just society can take place.[191]

Uglow is of the opinion that any crowd in a public space constitutes police business. For the tidy housekeepers of the police, crowds are disorderly. They disrupt the routine flow of people and vehicles. It has been the police's task throughout the history to control and segregate, by whatever means they have at their disposal, not merely tramps, drunks, and prostitutes but also unions, radical and not so-called radical political activists, minorities and inner city populations. The State delegated to the police the right to use force in civil society; no other violence is regarded as legitimate.[192] The management of public space and public enterprise namely roads, crowds, inns, political demonstrations, football matches, industrial disputes, is very much police business. Uglow went further by saying that the police are judged on the quality of 'order'in public life.[193]

From 1990 to 1992, since negotiations started on 2 February 1990, nearly 7 300 people lost their lives in actions of political violence. According to Huntington, "social and political transformation goes hand in hand with violence".[194] In no society do significant social, economic, or political reforms take place without violence or the

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189 A. Bouza, *Police intelligence, the operations of an investigative unit*, p. 57.
190 K. Schönborn, *Dealing with violence, the challenge faced by police and other peacekeepers*, p. 280.
191 J. Brown and G. Howes, *The police and the community*, p. 11.
192 Uglow, pp. 11, 84-85.
193 *Ibid*., p. 7.
194 S.P. Huntington, *The third wave: democratization in the late twentieth century*, p. 127.

imminent likelihood of violence.[195] Kok is of the opinion that there is brutality and so-called 'brutality'. "You will get police officials who are inherently bad and hit people just for the fun of it. The media can also portray police officials as brutal that are not always fair and just. If police officials in some instances took charge of situations and badly injured or killed a person, then the blame was always placed on the police official and he is categorized as brutal.[196]

An explanation offered for police abuse of power suggests that abuse by police is the inevitable consequence of the increasing level of violence directed against the Police Force. This is a serious phenomenon, considered that an average of 20 policemen die violently in South Africa each month. However, the most worrying excuse offered for police abuse of power is based on the argument that in the war against crime in South Africa, the luxury of human rights for alleged offenders cannot be afforded when it is compared to the protection or compensation of victims.[197] An article in the *Sunday Tribune* stated that researchers, psychologists and academics said that fighting violence with violence was short-sighted and perilous and "could throw us back into our past where police brutality was the norm".[198] The opinions expressed by some journalists were that the Police Service officials could not address violence with violent actions, because it would bring back the memories of past malpractices.

Chantal Kisoon is of the opinion that in the past, incidents of police brutality were attributed largely to apartheid-related racism. The formal renunciation of apartheid has however not eradicated the high levels of police violence. Stress played a major contributory role in the use of excessive force by policemen. Over-reaction was a direct response to mask unreasonable fear that was concomitant with the risky and dangerous nature of the work. Racial prejudices, sexism and cultural ignorance also contributed significantly to heightened levels of police misconduct. In 1998 the government paid more than R10 million in damages and compensation in private civil claims against the

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195 A.J. Pelser, "Reaksionêre politieke geweld in 'n nuwe Suid-Afrika: Die geskiedenis van die toekoms" in *Journal for Contemporary History* 18(2), December 1983, p. 114.

196 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

197 *The Sunday Independent*, 25.4.1999, p. 11.

198 *Sunday Tribune*, 25.4.1999, p. 4.

Police Service.[199] Schörnborn stated that the original rationale for the police carrying weapons was that the police needed to protect citizens, today, in some places, it is police protecting themselves from citizens carrying firearms.[200]

The regulations for the use of firearms and force by the Police Force in the execution of their duties was compiled and in March 1997 distributed as an order from Head Office to the provinces. The order stipulated the limited use of force that needed to be executed by police officials during an arrest of a suspect as well as the force likely to kill the suspect. [201] Director Thayne Heath of the Police Service said in the report to the media that "in essence, the new regulations prohibit police from shooting persons suspected of having committed petty crimes, while ensuring that police may use proportionate force, including lethal force, when it is warranted."[202] The order went further by stating that police officers might use force that could cause death, including shooting at the suspect, in cases involving treason, public violence, murder, rape, robbery, kidnapping or child stealing and escape from lawful custody. This order caused wide reaction from politicians. NP spokesperson André Fourie said, "police authorities were crippling members of the police under the guise of so-called democratisation. The NP would not support any move that would endanger the lives of police officers and innocent bystanders."[203] The new regulations were "cautiously welcomed" by the Democratic Party that claimed that "in the past far too many people were shot and killed unnecessarily." The Inkatha Freedom Party (IFP) on the other hand condemned the move by Police top management and stated that "police and the government are sending the wrong message to criminals".[204] The national order that was compiled and distributed gave the impression that there were too many incidents where police officials used excessive force against members of the public. It needed also to say that such an order could be wrongly interpreted as favouring the rights of criminals against that of police officials.

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199 *The Daily News*, 15.3.2000, p. 16.
200 Schönborn, p. 282.
201 2/1/10: "*Transformation of the South African Police Service; Progress report: June 1995"*, 13.6.1995, SAPS Provincial office, Bloemfontein.
202 *The Citizen*, 4.3.1997, p. 1.
203 *Ibid*.
204 *Ibid*.

Senior Superintendent Erasmus mentioned that the police officials originated from specific communities. Where there is continuous violence in a specific community, the police official would also become violent. He further stated that "the people who wrote the Constitution, came into violent confrontation with the Police Force. When drafting the Constitution they overreacted on the protection of human rights."[205] Senior Superintendent Mdeuka defined police brutality as the use of maximum force by police officials that resulted in a person getting killed or persons being tortured by police members.[206]

Did the South African Police Force in the 1980s and 1990s brutalize the South African society with excessive force which they mounted against the communities, and did that contribute to the violent nature of crimes nowadays in South Africa? Commissioner de Kock remarked that when speaking about that era, one must remember that the people who were growing up then are now over thirty years of age. When looking at the average profile of violent crime committers they are much younger, in their early twenties and younger. So it cannot be possible that today's criminals were brutalized by the South African Police Force in that era. Commissioner de Kock stated that during the 1980s there was this thing about ungovernability. Many of the politicians of today who were then activists instructed the communities to make the country ungovernable and told them that the police was their enemy: "Today they are ruling and they need to say to that same communities, you cannot do the same that you did in the past against police members."[207]

12. Accountability of the SAPS and the establishment of the ICD, 1992 to 1998

The issue of the accountability of the Police Force was since the 1990s a huge point of contention. The Police Force had to operate more accountably and transparently to communities it served. Mechanisms were established to oversee the accountability of the Police Service in a democracy and they were the Secretariat for Safety and Security

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205 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 27.3.2007.

206 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, CI, SAPS, Free State Province, Bloemfontein, 24.8.2007.

207 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

and the ICD. The Secretariat was already discussed in Chapter 5 and only the ICD will now be discussed.

12.1 Accountability of the SAPS

An article in the *New Nation* reported that the South African Police was "militarised and unaccountable" according to a delegation of Dutch police unionists and Anti-Apartheid Movement members.[208] The apartheid police forces were notoriously unaccountable and unconstrained in their use of force. Most of the research and advocacy work done in the area of police reform prior to the 1994 election focussed on human rights violations by the Police Force and numerous international human rights bodies highlighted the violations committed by the various police forces in South Africa. As a result of this focus, the early agenda of the ANC emphasized the need for establishing satisfactory mechanisms for police accountability in the post-election period.[209] The proposed guidelines with regard to transformation in the Police Force, were issued in October 1994 for consultation, maintained that Police management remained overall responsible for operational decision making and the implementation of policies in the Police Force. Of political leaders was expected to provide leadership and assistance to the Police Force as a whole.[210] In the absence of a credible, professional Police Service, or expertise within its own ranks to 'take over' the management of policing, the ANC at least wanted to secure compliance of the Police Force with human rights standards, the law, and the directions of the new government.[211]

The system of accountability to the elected representatives of the citizens is most clearly expressed through the position of a minister responsible for policing. He or she is in a position to direct the head of the SAPS on various matters. This interaction between the Minister and the Police Service was not as clearly stated as between the police and politicians in the British system, where issues of operational control clearly fall within the police mandate and the influence of politicians over actual police operations is

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208 *New Nation*, 26.7.1991-1.8.1991, p. 13.
209 Rauch, p. 5.
210 Stevens and Yach, p. 16.
211 Rauch, p. 6.

limited. The South African system provides stronger powers for the Minister of Safety and Security to impact on day-to-day issues, rather than only setting broad policy guidelines and allowing the Police Service to perform according to them.[212] Bayley is of the opinion that political supervision may jeopardise police neutrality in enforcing the law. Accountability must be close but not too close. Attempts to control more closely the working of police departments generate intense resentment on the part of policemen in so far that they feel harassed and suspected.[213] Oversight of the police remains a problem in that it should not become too close supervision and influence the operational command of the Police.

The crux of the matter is the degree of control various political institutions are to have over the police. Political institutions should not control policing in any substantial sense at all, since that is the job of 'law'. Being a service within a democracy, it is expected to strive for effectiveness in the eyes of those it serves; in other words, to satisfy the criterion of public acceptability or consent. If this is the case, it can be said that the Police is accountable.[214] Issues of concern regarding Police accountability are the abuse of police powers; corruption; styles of policing; riot control technology and paramilitarism; computers and surveillance; special 'proactive' squads; police entry into the political arena; firearms; deployment; resources and finance. Centralization, increased powers, militarization and police pervasiveness do not amount to a police state if the police are legally and democratically accountable. Any group mandated to uphold law and order, with a monopoly over the use of legal coercion to achieve their ends violently if necessary, has an intractable problem of accountability. Because the use of legal violence is inevitable, problems of accountability are equally inevitable.[215]

The emphasis of the ANC's policies in the transition period lay on community-level accountability. Throughout the negotiations, from 1992 to 1993, the ANC emphasized the need for independent structures to deal with the abuses of power that had come to

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212 *Ibid*.
213 Bayley, pp. 225–226.
214 M. Brodgen *et al*., *Introducing police work*, pp. 150–152.
215 *Ibid*., pp. 154-155.

characterize policing under apartheid. For these reasons, detailed attention was paid in the Interim Constitution for the creation of Community Police Forums (CPFs) and the establishment of an ICD to receive public complaints about the Police Force.[216] Old order police managers were not trusted by the new government, it was thought to be necessary to appoint individuals with political credentials to the top policing posts. Thus, for example, both the National Commissioner of the SAPS appointed in 1999, Commissioner Jackie Selebi, and the National Director of Public Prosecutions, Bulelani Nqucka, were former ANC politicians. While this is difficult to avoid given the transitional nature of the society, it may, potentially, blur the lines between politics and policing, in ways that are unfortunate and may reduce, rather than enhance, critical political oversight of policing.[217] The political oversight of the Police was a control issue for the government. The Police Force was branded as being politically accountable to the NP government. Was the Police Service also politically accountable to the ANC government?

Several opinions of top managers in the Police Service regarding political accountability of the Police Service in a democracy will be provided. According to Commissioner Fivaz the political interference in the Police Service has strengthened: "Now these days, a member of the National Executive Committee (NEC) of the ANC government is the Police Commissioner, Commissioner Jacki Selebi. It was absolutely absurd to appoint such a person, not to say that he is stupid. No government can tolerate that an active political individual become the Commissioner of the SAPS, or head of any State Department. If you look at South Africa, who are in control of every strategic post? They are all people who came out of the political arena. When the new South Africa came, it was the only persons that the ANC government consisted of to appoint."[218]

Commissioner de Kock is of the opinion that there is no political interference in the Police Service. However, from top management to station level some managers cannot

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216 Rauch, p. 7.
217 *Ibid*., p. 5.
218 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

distinguish between their own political view and that of the organization.[219] Commissioner Suiker Britz stated that politicians are very much involved in the Police Service. Commissioner Selebi and Tim Williams are two politicians appointed in the Police Service.[220] Commissioner Gaobepe mentioned that "every member of the Police Service should be accountable for everything that he or she does. The accountability of the Police Force was not very much enforced. However, certain individuals in the Police Service are politically accountable to the ANC government, but the whole organization is not politically accountable to the new government."[221] Senior Superintendent Erasmus is of the opinion that the government cannot afford to use the police agency to promote its own political objectives. The police react on the legislation that is in place, and that legislation comes from the government of the day.[222]

Van der Westhuizen mentioned that in the Police Force there is no accountability. The Police Force is accountable to the government and not the public they have to serve.[223] Professor Daan Wessels stated that the Police Service remained politically accountable. The state is a political institution and the Police Service is "in service" of the state as a political institution, it has to have political accountability to the authority and the citizenry. The Police Service is also an institution that should operate reservedly, away from the public eye.[224]

12.2 The establishment of the ICD

The issues of police brutality or criminality, misconduct by police officials and the complaints about police officials in the era of the Police Force were investigated internally by Police Force Detectives. Opponents of the then government and the Police Force complained continuously that the Police Force could not investigate its own

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219 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

220 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National Head of Serious and Violent crimes, SAPS, Pretoria, 6.12.2006.

221 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

222 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 27.3.2007.

223 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

224 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired head of the Department of Political Sciences, University of the Free State, Bloemfontein, 27.8.2007.

members. The issues about objectivity, fairness, impartially and justice were mentioned as always favouring the part of the Police Force. Already during the period of transition and with the Interim Constitution it became evident that an independent complaints mechanism should be established to investigate objectively and impartially complaints lodged against members of the Police Force. The new South African Police Act stipulated the establishment of the ICD as an independent body to investigate the Police Service.

The ICD was one of the most important mechanisms introduced to ensure the effective governance of the Police Service in South Africa.[225] The ICD was established in April 1997 with Advocate Neville Melville as its Executive Director. According to an internal communication document on 11 March 1997 the ICD was mandated to investigate all the deaths in police custody or deaths due to police action. All such deaths should be reported to the national office of the ICD in Pretoria.[226]

A letter on 17 February 1997 that was sent out by the office of the National Commissioner indicated that members of the public who had complaints about service delivery by the Police Service, or other complaints against the Police Service, were advised by police officials or certain media channels to contact the office of the Independent Complaints Directorate, instead of structures and mechanisms in the Police Service. It was further stated that the ICD did not yet have any capacity to deal with complaints by the public against the Police Service.[227] A letter by the office of the National Commissioner on 24 March 1997 indicated that concerning the mandate of the ICD, legislation was not explicit as to whether the ICD's mandate applied to all offences and misconduct allegedly committed by members of the Police Service. Section 53 of the SAPS Act provided that the ICD may itself investigate or refer to the Police Service for investigation those complaints or instances of misconduct or offences

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225 Rauch, p. 11.

226 2/26/55(1/2): "*Kennisgewing deur SAPS aan Onafhanklike Klagtedirektoraat aangaande sterftes in aanhouding of as gevolg van polisieoptrede: Artikel 53(2)(B) en 53(8) van die wet op die Suid-Afrikaanse Polisiediens, 1995, (Wet 68 van 1995)"*, 3.4.1997, SAPS Provincial office, Bloemfontein.

227 2/26/55: "*Complaints against the SA Police Service: Independent Complaints Directorate (ICD)"*, 17.2.1997, SAPS Provincial office, Bloemfontein.

that it decided require investigation.[228] In addition to deaths in custody, the ICD prioritized the investigation of cases of police corruption, and allegedly incidents of family violence against members of the Police Service. [229] The public and police members thought that the ICD would investigate all cases of misconduct in which police members were involved. It was however not the case.

In a letter in March 1997, compiled by the ICD, it was stated that nowhere in the world does an external body investigate all police misconduct. The figures made available to the ICD by the Police Service indicated that approximately 20 000 complaints of misconduct and offences by Police Service members were dealt with in 1995. Of these, 226 related to death in custody or as a result of police misconduct. According to the former Commissioner of the New York Police Department, William Bratton, the ratio of internal affairs policemen to general policemen was 1:65. If this ratio were applied to the SAPS of nearly 140 000 members, then 2 154 investigators were required to investigate the Police Service. However, the ICD arranged a loan of 75 investigators of the Police Service to commence its investigations. The ICD's own budget for 1997/1998 only supported a complement of 39 investigators.[230]

During the three year period, April 1997 to March 2000, 2 174 people died as a result of police action or in police custody in South Africa. The number of people who died as a result of police action was 1548, whilst 626 people died in police custody. Between April 1999 to March 2000, the ICD investigated 209 deaths in police custody. During the same period the directorate investigated a further 472 deaths as a result of police action. Between April and October 1999, the ICD received 2 359 complaints. Of the 2 359 cases, 1 610 were investigated or referred elsewhere for investigation. Over the same period 37 criminal trials were instituted and judgements were handed down in 16, with nine convictions.[231] The lack of funds was a serious problem for the ICD who was unable to pay overtime to investigators.[232] It became clear that the ICD did not have the

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228 2/26/55(1/2): "*Scope of operations of the Independent Complaints Directorate (ICD)"*, 24.3.1997, SAPS Provincial office, Bloemfontein

229 Redpath, p. 69.

230 2/26/55(1/2): "*Scope of operations of the Independent Complaints Directorate (ICD)"*, 24.3.1997, SAPS Provincial office, Bloemfontein.

231 Redpath, p. 69.

232 *Ibid*., pp. 69-70.

capacity to investigate all the cases of police misconduct. Just over 11% of the cases were completely investigated.

Graeme Simpson, director of the Centre for the Study of Violence and Reconciliation, stated that statistics from the ICD relating to deaths in police custody or as a result of police action, illustrated that abuse of power by police is commonplace and at best and worst standard practice. Since the ICD started operating in April 1997 an average of 60 people a month died as a result of police action or while in police custody. Of these, an average of 40 a month died as a result of shootings by police officers. These frightening statistics do not include the frequently reported allegations of police torture or the less serious offences such as assaults by police officials.[233] The figures of the ICD revealed a very bleak picture concerning police misconduct, also called police brutality or criminality.

SAPS officials have killed 2 071 people in the three years from 1997 - 1999, according to official figures released by the ICD. That 70% of the deaths was as a result of police action was shocking. David Bruce, a researcher at the Centre for the Study of Violence and Reconciliation, said that even if compared with apartheid-era police killings, the present figures were "disturbingly high".[234] The number of deaths at the hands of police was more than double the rate recorded by the former South African Police Force. But researchers caution that there was probably significant under-reporting of deaths by the previous government. Bruce stated that the spread of firearms had left the police feeling threatened. In addition, old habits of relying heavily on force were still prevalent.[235]

While the ICD was separated from the Police Service and therefore the Detective Service, it made use of its own investigators. However, capacity constraints led to cases being referred to other institutions, including the Police Service for investigation. The default position was that the Detective Service investigated the bulk of the cases.[236]

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233 *The Sunday Independent*, 25.4.1999, p.11.
234 *Sunday Times*, 18.6.2000, p. 2.
235 *Ibid*.
236 *Ibid*.

Given the size of its workload, the ICD was forced to use police, rather than civilian, investigators in many cases and was notably short of resources, including skilled investigative personnel. There was both open hostility and covert institutional resistance on the part of the Police Service to the work of the ICD.[237] The body that was put in place to assure the accountability of the Police Service was in the precarious position where much of their work reverted back to the Detective Service. However, the Detective Service should not have been placed in the untenable position of bearing the responsibility of investigating colleagues.[238]

A shortage of skills and knowledge on policing issues outside the Police Service inhibits effective accountability. Perhaps one of the key weaknesses of the system of accountability and oversight in South Africa was that too few civilians were trained and involved in issues of policing policy. The result was that the weight of information and initiative was almost always on the side of the Police Service. Effective systems of police accountability cost money. Perhaps the biggest mistake that could be made about police accountability is the belief that it could be achieved cheaply. The monitoring of police performance is expensive. The most cost-effective means of doing so are the conducting of public opinion polls, victim surveys and station inspections. In South Africa, most of this work is being done by independent NGOs.[239]

The feeling under senior managers in the Police Service is that police officials do not need to make themselves guilty of misconduct or the abuse of their powers. Commissioner Gaobepe mentioned that the Police Service does not need policemen who are overall brutal.[240] Director de Kock is of the opinion that when a police official has more discipline, that person will refrain from being involved in assault incidents on members of the community.[241]

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237 Rauch, p. 11.
238 Redpath, pp. 69-70.
239 Rauch, p. 12.
240 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.
241 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Service, SAPS, Free State Province, Bloemfontein, 3.2007.

Advocate du Toit stated that the investigation of dockets received from the ICD showed that it was of a high standard. However, there is a problem regarding their conduct in arresting police officials for certain misconduct. They should first have investigated the cases and then liaise it for decision to the office of the Public Prosecutor. In many cases there was no need to arrest the police officials.[242] He further mentioned that he could not find an increase or decrease in the number of dockets in which police officials were accused of committing a crime against a member of the public. However, many of the complaints against police officials were unfounded. He said: "You must remember that you worked with criminals who for whatever reason want to complain about police conduct. In the majority of cases there is no sufficient evidence to institute prosecution against police officials."[243] Director de Wet is of the opinion that the ICD initially started with an aggressive marketing policy by educating communities to complain about police misconduct.[244]

13. Evaluation

Dr André van Deventer stated about the need for transforming the Police Force: "Don't demonize the past, take out of the past the good things such as discipline… and build a new culture. The Police Force overnight became a 'swear word' and everything that was linked to the Police Force was bad. The baby was thrown out with the bath water."[245] The impression was put in the minds of the majority of police officials, that what had occurred in the past was overall bad. This in itself led to a sense of extreme insecurity by police officials. It also contributed to the fact that many police officials had a bad image of themselves; what they did in the past was very bad and that they were not going to be good enough in a new democratic South Africa.

The issue of demilitarizing the Police Service remains a much discussed debate. Did the Police Service demilitarize or not? Can it be described as a demilitarized institution

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242 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

243 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director for Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

244 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Service, SAPS, Free State Province, Bloemfontein, 21.8.2007.

245 Jane Buys Collection: Transcribed interview with Dr A. van Deventer, Department of Communication, University of the Free State, Bloemfontein, 12.3.2005.

and a service delivery agency? This issue can only be finally assessed after the last chapter due to many other factors that needs discussion in the remaining two chapters. However, when we look at the character of a paramilitary or semimilitary institution then there are a few characteristics that such an institution need to be labelled as one. Firstly, a military organization or semimilitary organization is centralized, bureaucratic and autocratic. The Police Service became decentralized, and instituted consultation processes from the lower levels upwards. The second characteristic is that it has to be demilitarized in terms of rank structure. A civilian rank structure for the Police Service was introduced with only two military ranks and lesser levels.

The third characteristic of a paramilitary institution is that it wears uniform as a clear visible identification mark. The Police Service introduced new uniforms, a lighter blue, but it has to wear them in order to remain a visible institution. A fourth characteristics is the strict military discipline. The Police Service became so demilitarized that a total lack of discipline in some instances could be seen as bordering on chaos. Discipline also goes hand in hand with a few other characteristics namely code of conduct, respect, moral, dignity, non-corruption, good manners, good behaviour and attitude and a good self-esteem. When assessing these characteristics, the majority of people in South Africa would indicate that the Police Service indeed had no discipline or cannot be a paramilitary institution any longer. The two characteristics are the issue of saluting an officer, drill and training. However, some experts would indicate that a more relaxed form of training in police colleges is the order of the day, but the Police Service is still trained in drill and saluting to a higher rank. The fact that non-military ranks were given to previous military ranks does not mean that it was now demilitarized. So, the question still remains whether the Police Service is a demilitarized institution or not.

Police brutality in the Police Force was a problem, not only for the opponents of the then government but also for the media and the victims of this brutality or criminality. The perception existed that the Police Force was a ‘force’ that did not respect people and maltreated people on a daily basis as not being human beings. With democratization and the issue of human rights enshrined in a constitution came the perception that the Police Service would be a service to the communities with less

infringement on people's human rights. The Police Service would have no need to treat people in a forceful manner because people and the Police Service would have respect for one another in a democracy.

The ICD came into existence in April 1997. The ICD is an independent body investigated the Police Service's members for misconduct and escapes from lawful custody. What materialized is that with the coming of democracy and all the marketing of people's rights to complain, many people started complaining about the conduct of police members. The crime phenomenon that became evident as well as the perception of criminals that their human rights put them above the law and that police members could not infringe on them, led to a situation where complaints against the Police Service increased as well as the number of civil claims instituted against the Police Service. However, given all the previous reasons, the ICD revealed that every year since they had started with the investigation of police misconduct, including serious misconduct like deaths in police custody, murders and rapes, police misconduct increased between 20 to 30 %. Given the over-emphasized Human Rights culture, it seemed as if the Police Service had become more brutal than in the past.

This also affected another phenomenon, namely the attack and murder of police officials. This phenomenon also increased after democratization, which was not understandable. Members of the public should have had more respect for the Police Service after democracy because the Police Service was supposed to be more acceptable, more representative, more accountable and transparent, more human rights sensitive and also focussed on the needs of communities. So why did the murders and attacks on police officials increase? It should be kept in mind that South Africa is in the middle of a crime wave, where criminals are dictating and ruling. The honest hardworking police officials who want to stop some of them will be attacked or killed.

The top management of the Police Service decided to establish Anti- Corruption Units in 1995 due to the serious problem of corruption amongst police officials that was identified. The Anti-Corruption Units produced very good results and curbed corruption in the Police Service. However in 1999, four of these units in four provinces

were closed down. The only viable reason for the closure of the Anti-Corruption Units were that they came too close to investigating or arresting senior police managers involved in corruption. Why close a unit that is effective and very productive?

The ICD was established to investigate police misconduct because the perception existed in the ANC, as the new government, that the Police Service investigators, usually from the Detective Services, were biased and partial in their investigations, thus favouring their own colleagues. The ICD started to operate in 1997 and from the beginning it became clear that they did not have the capacity to deliver. What happened was that initially they investigated 20% of the complaints of misconduct and it declined to 11%. The other complains and dockets were referred back to the Detective Services for investigation. The idea of a watchdog that would investigate police misconduct impartially and objectively and that the Police Service would therefore become accountable to the communities, did not materialize.

Trade unions for the SAPS were established. The question that needs to be asked is whether the trade unions affected the discipline in the SAPS negatively. The period after democratization saw an increase in trade union activity in the Police Service. Police members were instructed to become members of an officially recognized trade union. Due to the fact that no detailed policy was available in the Police Service to guide the top management and trade unions and that there were not specific boundaries, the trade unions tried to become involved and hijacked some operational management processes. They did infringe and overstep their boundaries and police managers let the trade union representatives threaten them, because there was a lack of training and information on disciplinary procedures. The police managers became increasingly afraid of the trade union representatives. This impacted negatively on the discipline in the Police Service.

CHAPTER 7 - The transformation of the South African Police Service (SAPS) to a service delivery agency with specific reference to community policing and crime prevention: 1995-1998

1. Introduction

It became increasingly known that more money, better technology and more personnel would not enable the police to combat the escalation in crime and social instability. Public participation was needed. In the new policy of the Police Service, after the transformation process, the emphasis was placed on community policing. Community policing means an interdependency and joint responsibility of the Police Service and the communities in the protection of human lives and the combating of crime. Community participation is further wellgrounded in pro-active actions, participation by management, police accountability and service delivery. The Police Service has to be accountable also to the community and not only to the government.[1]

That policing can only do so much about crime, and to use crime levels as a measure of the effectiveness of the Police Service alone, does them a serious disservice. It is obvious that all crime reported to the Police should be recorded by them. But when a society places so much emphasis on crime levels as the key measure of how well the Police Service does its work, it has only itself to blame when officers try to find ways to make their performance appear more impressive. So why do we hold only the police accountable for crime?[2]

Community participation means not only participation to act. Participation should be total, including the creation of ideas for planning, implementation and evaluation. Participation ensures pride and the freedom to ask questions to form their own worlds. Mwalimu Julius Nyerere said once: "People cannot be developed, they can only develop themselves. For it is possible for an outsider to build a person a house, but that outsider

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1 L. Vorster, *'n Literatuurstudie oor werktevredenheid in die Suid-Afrikaanse Polisiediens*, p. 7.
2 A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS*, p. 8.

cannot give the individual pride and confidence in himself as a human being. These things an individual has to create for himself by his own actions. People develop themselves by using their own knowledge and ability and by their participation as equals in the life of the community they live in. People develop themselves by joining in free discussions. They are not being developed if they are herded into new ventures like animals. Development of people can in fact only be affected by people themselves."[3]

Community policing became the new buzzword in policing in the 1990s. It meant a shift away from the perception that the Police Force was solely responsible for combating crime. In order to effectively address crime, the participation of the communities was much needed. The people of a community are the eyes and ears of what is going on in that particular community. Information on known criminals operating in specific communities should be relayed to the Police Force for efficient action. However, for communities to co-operate with the Police Force there should be a sound relationship between the two of them and a basis of mutual trust. The partnership approach became much more emphasized as the new direction that the Police Force should take.

However, with community policing came also the establishment of Community Police Forums (CPFs). The name already implied that members of communities should work together with the Police Service on forums in which mutual co-operation and assistance would be forthcoming. Every police station in the country is supposed to have a CPF that focusses and works on that community's specific crime needs. The problematic part of CPFs at every station is not whether they existed, but were they effective in promoting community policing.

At the beginning of the 1990s a shift in crime prevention occurred with the establishment of a new component, namely that of Crime Prevention. The Police Force had since its inception focussed on the reactive investigation of crime. Crime

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[3] Quoted in P. Stevens and D. M. Yach, *Gemeenskapspolisiëring in aksie, 'n handleiding vir praktisyns*, p. 44.

prevention focussed on the pro-active prevention of crime. This entails that crime focus areas need to be identified on which to concentrate. With the high visibility of the Police Force in that specific area, criminals will not commit crime there due to the possibility that they will be caught. The idea behind the establishment of the Crime Prevention division will be discussed and whether this division contributed successfully to the prevention of crime.

The changing environments in which crime is taking place, the advance technological equipment that criminals use, the issue of socio-economic issues related to crime, all contribute to an ever-changing environment in which the Police Service has to address crime. A more advanced method of planning, on the long and short term, is needed by the SAPS in order to combat crime. In this regard reference will be made to the implementation of strategic planning in the Police Service, the ten-point plan of the Commissioner of the Police Service and the annual police plan in which specific police priorities are identified to enhance effective service delivery to the communities in the combating of crime.

The involvement of other departments in the social welfare sphere needs mentioning. The SAPS is not alone in the fight against crime, but is one of the government departments in the Justice, Correctional Services, Police and Social Services (JCPS) cluster to address the social issues concerning crime. Due to the participation and co-operation with these departments, is it fair to solely make the Police Service responsible for crime? The interrelationship and co-operation between these state departments will be discussed.

The issue of crime cannot be concluded without the measuring tool of crime statistics. By means of this tool, the Police Service calculate the increase and decrease in crime levels at all the police stations and in the country as a whole. Does crime statistics affect the average South African citizen or is it just a measuring tool for the Police Service? This measuring tool also has a very huge impact on the performance and service delivery of the Police Service.

For the Police Service to deliver effective services to the communities, the internal problems of the organization need attention. The influence that stress, suicides and Post-Traumatic Stress Disorder (PTSD) have on police officials can contribute to an ineffective delivery of services to communities. That is why reference to these things is of importance in order to determine what impacts on service delivery in the Police Service.

The last discussion point will be the role of the media and public opinion of the Police Service after democratization. How do the public perceive the Police Service in their new role as partner of the community? Is the Police Service adhering to the guidelines as stipulated in the Constitution in delivering an impartial, effective, efficient service to the communities? The reporting role that the media play in a new democracy and a new SAPS will be looked into. Did the relationship with the media improve since they were no more restricted to report on the Police Service?

2. The history of Community Policing in the SAPS, 1948 to 1998

Director H.A. Paneras indicates that everybody thinks that community policing is a new concept and originates from the United Kingdom. Her opinion is that it is an old African concept from 1600 whereby the headman in the traditional villages appointed representatives to consult with the Police. When looking at the principles of Community Policing, it becomes clear that it was already evident in South Africa since 1948. It however only focussed on the white communities that became increasing involved in neighbourhood watch schemes, where the Police Force informed them about the incidence of crime in their residential area. Specific projects were instituted regarding their safety and protection. In the Police Force it was not called Community Policing but resorted under the communication strategies of that time.[4] Already in the 1980s the people started to believe that the community and the Police Force should become equal partners in the fight against crime.[5]

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4 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

5 *Rapport*, 6.4.1997, p. 21.

In Britain and South Africa there was a growing realization that for the police to become a modern, democratic and effective Police Service in the future, in the words of Sir Robert Peel, "of the community and for the community", it should become more representative in respect of the race and gender of the communities in which they operated.[6] Brown and Howes pronounced that the strength of policing in Great Britian did not rest on bigger battalions, fire-power, legal and administrative power, but on a partnership between people, the government and the police.[7] Parkinson defines community policing as follows: "Police departments have begun to move towards a variety of forms of policing in which they attempt to redefine their own role in the community, to establish new and more helpful relations with the community and to act as a catalyst to involve other professions and citizens in sharing the responsibility for things which have been seen as a problem for the police alone."[8]

The Centre for Intergroup Studies described community policing as "the joint process in which communities, through representative structures and the police, work towards the creation of a safe, secure environment. It is a process that makes policing everybody's business. It aims at a product which is achieved through a partnership in problem solving."[9] Stevens and Yach thought that the participation of women in policing, as active participants from the communities or as members of the Police Force, was necessary for the promotion of effective community policing.[10]

Brodgen and Shearing maintain: "The people of a new liberal-democratic South African need a problem-solving state police, sensitive and responsive to community definitions of disorder, and made up of police officers who are willing and able to provide communities with solutions to their problems."[11] Lyons is of the following opinion: "Police-community partnerships are expected to empower citizens to overcome their fears and contribute to the co-production of social order." Crawford expressed the

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6 Stevens and Yach, p. 40.
7 J. Brown, G. Howes, *The police and the community*, p. 14.
8 Stevens and Yach, p. 7.
9 *Ibid*.
10 *Ibid*., p. 40.
11 *The Citizen*, 28.9.1993, p. 11.

idea that "communities are often portrayed as the antithesis of violence and crime. On the contrary, the collective values of a community may serve to stimulate and sustain criminality."[12] Diverse descriptions and ideas of what community policing should be, can be found. However, it all boils down to a partnership approach between the SAPS and the communities.

The concept and idea of community policing gleaned from contact with the international police fraternity in the late 1980s. It was partly the influence of international policing models on both the Police Force and on local academics, which led to the introduction of the first community policing structures in the early 1990s.[13] After a conference in June 1991, a number of institutions formed a working group on community policing. A number of principles were suggested by the conference. Public oversight and accountability at an operational level of the Police Force was necessary, which implied that police planning and strategy development should be subjected to public scrutiny. The Police Force should become accountable to a broadly representative civilian structure. The traditional systems of local policing, such as the anti-crime committees, should be supported by the Police Force. The values, norms and needs of a particular community should be recognized and accepted by the Police Force. Police Force resources should be fairly allocated and the same quality of service should be rendered to all communities in South Africa. A flexible, problem-solving approach to policing should be implemented. The Police Force was to be democratized and legitimized by enhancing oversight and accountability in general, and in particular by enhancing interaction, consultation and accountability at local or station level.[14]

No clear strategies and policies on what community policing in the SAPS context entails were drafted. However the difference between the concept of community policing in the South African context and that of CPFs are for many people inside and outside the SAPS synonymous and actually means the same thing. The formation of the CPFs will be discussed after the concept of Community Supported Policing (CSP).

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12 E. Pelser, "The challenges of community policing in South Africa" in *Institute for Security Studies*, Paper 42, November 1999, p. 8.

13 J. Rauch, *Police reform in South Afrca; a synthesis of papers*, pp. 7-8.

14 J.R. Midgley, *Community policing, tentative steps towards true reconciliation*, pp. 11-12.

2.1 The establishment of Community Supported Policing, 1991 to 1992

The decision to change to community policing in South Africa did not come about as the result of a unilateral planning process by the South African Police Force. It represented the manifestation of a process of consultation between various parties, which gave effect to the signing of the National Peace Accord on 14 September 1991.[15] The provisions of the National Peace Accord and the code of conduct provided a vision for the fundamental transformation of policing in South Africa. The key principles outlined in these documents were accountability, integrity, impartiality and effective service, all models of community policing. The National Peace Accord also established structures by which a more representative and legitimate input from political and community organizations could be acquired at local, regional and national level. These included Regional and Local Dispute Resolution Committees which reported to a National Peace Secretariat as well as a Police Board. The mandate of these structures was essentially one of monitoring and advice.[16] The establishment of the Peace committees in consultation with the Police Force already incorporated the idea of more accountability and oversight of policing priorities in all the communities.

An article in *Die Karet* on 1 October 1992 stated that the Police Force was busy with a campaign to promote relationships between members of the Police Force and the community. Community Policing members were appointed to liaison and consult continuously with members of the public, the Minister of Law and Order, Hernus Kriel said. The 'consultative committees' in the communities were created to ensure that members of the public would deliver more inputs so that their policing priorities could be addressed. [17]

A letter sent by the office of the National Commissioner on 23 December 1992 indicated that from its inception in April 1913 the South African Police has been looking for ways and means to improve its organization, policing style and human relations. The main reason for its past failures to produce a truly integrated and fruitful approach was its reactive approach. The South African Police eventually succeeded in

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15 *Servamus*, 30.11.1993, p. 5.
16 Pelser, pp. 2-3.
17 *Die Karet*, 1.10.1992, p. 4.

shifting the focus from reactive to proactive policing; thus changing its organizational and functional style and leadership role from an autocratic, top down display to a relaxed, participative, bottom-up interplay. The interpretation of police work was changed to an integrated problem solving approach for Community Supported Policing.[18] This actually meant that the Police Force would be more involved in support of the communities in addressing crime.

CSP concerned the changeover or transition from the old 'apartheid' policy to a new representative democratic government. Training developments with the focus on better race relations and decentralization of police functions took place in order to accommodate specific community needs. CSP was one example of a partnership deal between the Police Force and the public, enabling the Police Force to anticipate social and crime trends in a practical way.[19]

CSP was defined as just and fair law enforcement and unbiased maintenance and restoration of law and order in close co-operation, conjunction and interaction with as many members of the community as possible within a prescribed, identified area. CSP required policemen to assume a multiplicity of roles rather than one of being a law enforcement officer or a keeper of the peace. Members of the Police Force were called upon to become neighbourhood managers, crime prevention specialists, trouble-shooters, planners, problem solvers, community organizers and skilled communicators. CSP was designed to change policing attitudes and enhance official policy to meet the safety and security needs of the community more efficiently.[20] The multiplicity of tasks that the police officials had to perform in order to render an effective service to the community, was the focus in this strategy.

The Minister of Law and Order, Hernus Kriel also announced that a new division, Community Relations, had been established in the South African Police Force on 1 December 1992.[21] Lieutenant General C.L.A. Pruis was appointed as head of the

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18 8/1/1: "*Introduction of the Division Community Relations (DCR)*", 23.12.1992, SAPS Provincial office, Bloemfontein.

19 *Ibid*.

20 *Ibid*.

21 *Die Karet*, 1.10.1992, p. 4; *Servamus*, 30.11.1993, p. 5.

Division Community Relations. The task of this Division was to facilitate the adoption and implementation of community policing by members of the South African Police Force[22] in order to bring the Police Force closer to the needs of the communities. It was announced that many of the police functions would be decentralized to local and community level. The new police policy consisted of five key elements. The first element was structured consultation between the Police Force and different communities about local problems, policies, priorities and strategies. The second element was the adaptation of policing strategies and policies to fit the requirements of particular local circumstances as well as the development of a customer orientation in the rendering of service. The third element was the mobilization of all resources available to the community and the police to resolve problems and promote security and safety. The fourth element was to enhance accountability to the community through mechanisms designed to encourage transparency and professionalism. The fifth element was a broadening of the policing mandate from a reactive focus on crime control to a proactive focus on the underlying causes of crime and violence.[23] Community policing in terms of this strategy entails consultation, accountability, strategies to address the community's needs and the focus on crime prevention and not alone investigation of crime.

As the approach developed it became clear that the prime focus was to gain legitimacy amongst civil society and that community policing was to mean community-supported policing. In terms of this model, it was envisaged that the Police Force would have to undergo extensive reform so as to conduct its activities in a more sensitive manner and with the support of the communities. Civic structures would play a consultative and a watchdog role. Community participation in actual policing activities was intended to be restricted to the participation as police reservists in neighbourhood watch schemes or anti-crime committees, and in projects such as multidisciplinary victim aid programmes.[24] The problem of crime, drugs and violence could be solved, if a comprehensive effort on the part of the police, citizens, schools, churches, businesses and other institutions was launched. The effective utilization of manpower and other

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22 *Servamus*, 30.11.1993, p. 5.
23 Midgley, p. 14.
24 *Ibid*., p. 15.

essential resources was of paramount importance when CSP was implemented, developed and maintained.[25]

The development of a community policing approach, relevant to South Africa, was facilitated by the Division Community Relations (DCR) through a series of discussion forums in the policing regions where ideas about Community Policing were shared. The DCR initiated a similar process in communities to facilitate public input into the development of a community policing philosophy and practice for South Africa.[26] It had already become clear that community policing would mean a partnership approach and more active participation from the communities. However, the utilization of resources was most crucial in achieving successes in community policing. Community Supported Policing was exchanged for community policing by the SAPS.

2.2 The introduction of Community Policing after democratization in the SAPS, 1995 to 1998

During strategic planning sessions concerning the future of policing in South Africa, certain specific strategic problems, for example the worsening crime situation and the defective corporate image of the Police Force, were identified as necessitating urgent and serious attention. In order to resolve such problems, it was envisaged that the style of policing in South Africa would have to undergo a major revision in accordance with the principles of community policing.[27]

With the appointment of a new management echelon in the SAPS in 1995, the restructuring and the function of community policing became the responsibility of the National Policy and Strategy component of the Division National Management Services. [28] A letter sent by the component Change Management, Head Office on 13 June 1995, indicated that a community policing pilot project had been introduced at various police stations throughout the country to serve as one of the lead projects of the Reconstruction and Development Programme (RDP) in the Police Service. This project

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25 8/1/1:"*Introduction of the Division Community Relations (DCR)*", 23.12.1992, SAPS Provincial office, Bloemfontein.
26 *Ibid*.
27 *Ibid*.
28 Pelser, pp. 10-11.

was also linked to the Community Safety Plan announced by the President. The intention was to initiate the transformation of an authoritarian Police Force to a learning Police Service, whilst simultaneously addressing inequalities and obstacles that may hinder the transformation of policing in South Africa.[29] The focus on this project was more consultation with communities through a partnership approach.

In 1997, following a further restructuring of Police Service Head Office, a Partnership Project subcomponent was established as part of a new division, the National Crime Prevention and Response Service. This subcomponent, headed by a director, created a National Community Policing Desk, managed by a superintendent. The responsibility of this desk was described as "guiding and facilitating the institutionalization of Community Policing in South Africa". Provincial Community police co-ordinators were appointed at the nine provincial offices, often functioning in liaison with members of the provincial secretariats, to co-ordinate projects and workshops intended to enhance community policing at area and station level in the Police Service.[30]

In April 1997, the Department of Safety and Security published its formal policy on community policing, the "Community Policing Policy Framework and Guidelines".[31] Developed through a consultative process over a three year period, the Policy Framework defined community policing in terms of a collaborative, partnership-based approach to local-level problem-solving.[32] This was the first expression of community policing as a methodology for reducing crime by improving the services provided by the Police Service. The policy articulated the drive towards the transformation of the Police Service into an effective organization, accountable at various levels and responsive to the needs of those it served. Community Policing in South Africa consisted of five core elements.[33] The first core element was service orientation namely the provision of a professional policing service, responsive to community needs and accountable for addressing those needs. The second element was partnership namely the facilitation of

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29 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.
30 Pelser, pp. 10-11.
31 *Ibid*., p. 4.
32 Rauch, *Police reform in South Africa*…, p. 8.
33 Pelser, p. 5.

a co-operative, consultative process of problem solving. Problem solving was identified as the joint identification and analysis of the causes of crime and conflict and the development of innovative measures to address these. Empowerment was described as the creation of joint responsibility and capacity to address crime. The last element was that of accountability namely the creation of a culture of accountability for addressing the needs and concerns of communities.[34] The key concepts involving Community Policing was thus professionalism, partnership, problem solving, empowerment and accountability. All these core elements had to be present in order to achieve success.

The chief objective of community policing was to substantially reduce crime, area by area across South Africa. The framework for the community policing model rests on six pillars. The first is the relationship between the community and the Police Service that should be enhanced. The second is the issue regarding more police visibility. The third is that every station should compile, print and distribute its own newsletter communication with their communities. The fourth and fifth issue relate to transparency regarding finances and legal framework. The sixth pillar is the spreading of community policing within the own station area.[35] It also became clear that the community needed to be encouraged by the Police Service to fit burglar bars, car alarms and the like in order to protect themselves and their property. [36]

Community policing was seen as synonymous with the functions of the CPFs. Concerns regarding this had been expressed as early as 1995. Community policing was interpreted as an 'add-on' function to the other responsibilities of the Police Service.[37] Four general factors were identified as critical in the implementation of community policing in South Africa. Constraints were also identified that hampered the effective utilization of Community Policing. The Secretariat's pilot project identified the factors that appeared to have an influence at all localities. Firstly, the level of activism in the community, meaning the degree to which members of the community was able and willing to engage with issues of safety and security. Secondly, the leadership style and

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34 Rauch, *Police reform in South Africa*…, p. 8.
35 *SAPS Journal*, Vol 2, Issue 7, June 2003, pp. 10-11.
36 Midgley, p. 24.
37 Pelser, pp. 11-12, 16-17.

commitment of the police at their stations and in their communities. The Police Service remained extremely top-heavy and centralized. The Police Service might well be the only police agency in which there were more ranked officers than constables, more managers than managed.[38] Two critical factors that impacted on the success of community policing is the willingness of the communities to become involved in issues related to their own safety. The other factor is the leadership of the station commissioner in getting the communities involved.

Thirdly, the relevant education and training of the Police Service and the community.[39] The personnel profile of the Police Service indicated that of largely undertrained and underskilled police officials, meaning thousands remained functionally illiterate.[40] Fourthly the commitment of junior members of the Police Service to become acquainted with the requirements of the community policing policy.[41] The Police Service delegated very limited actual management authority to its local level namely the station commissioners. It is this level of command that was meant to engage with the concerns of local residents, namely the community.[42] The attitude and mindset of police officials remained a critical issue that could contribute to the lack of an informed and dedicated implementation strategy regarding community policing.[43] The Police Service was not equipped to deliver the decentralized, creative, innovative and proactive responses required by the community policing approach.[44] This related directly to the lack of authoritative and committed leadership in the Department of Safety and Security.[45] Except for the lack of effective leadership in the SAPS in implementing community policing, the issue of insufficient training hampered this strategy.

2.3 Opinions on Community Policing for the SAPS

Good community relations do not occur overnight. Ben Whitaker said: "There is little future for either the police or the public if they mistrust or isolate each other." It is time

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38 Rauch, *Police reform in South Africa*…, p. 10; Stevens and Yach, pp. 41-42.
39 Pelser, pp. 16-17.
40 Rauch, *Police reform in South Africa* …, p. 10; Stevens and Yach, pp. 41-42.
41 Pelser, pp. 16-17.
42 Rauch, *Police reform in South Africa.*…, p. 10; Stevens and Yach, pp. 41-42.
43 Pelser, pp. 16-17.
44 Rauch, *Police reform in South Africa* …, p. 10; Stevens and Yach, pp. 41-42.
45 Pelser, pp. 16-17.

wasting, resource intensive and expensive. It is however more expensive if chaos exists on the streets.[46] Midgley is of the opinion that the structure and management of the Police Service should be less secretive. Members of the Police Service should also be retrained so that they would be able to engage with civilians in a non-authoritarian way. However, civilians need to be equipped with skills so that they can be effective partners. Community policing offered an opportunity for establishing trust that was a necessary first step towards true reconciliation. To improve the quality of service, certain organizational changes would be necessary, namely more decentralization, less bureaucracy, less specialization and a less hierarchical organization. Community policing should promote strategies that reduce crime and lessen public fear.[47]

Neither the Police Service nor society objected to the idea that citizens should take responsibility for their own safety. No policing institution could function effectively without community support. Just as communities should not be dominated by the Police Service, so the Police Service should not be dominated by communities. Partners should respect one another as partners and not aim to control or manipulate the partnership relationship. Safety and security is an individual issue as much as it is a community issue.[48] The ingredients for a successful community policing approach are trust and respect between the two partners, namely the community and the SAPS.

Bezuidenhoudt stated that the existence of first and third world living spheres made it difficult to determine the impact of community policing as a changing policing style in South Africa. What is however evident, is that job creation is the only answer over for the future existence of South Africa. For job creation to take place it is however necessary to understand the interaction between development and safety of the inhabitants of the country.[49] Rauch pronounced that the extent to which the Police Service had been reformed and began to deliver an effective and community-sensitive service, would be the key indicator of the success of the new government. The issue of representation was central to the confidence of the public in the Police Service and

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46 Stevens and Yach, p. 17.
47 Midgley, p. 27-28.
48 *Ibid.*, pp. 24-25.
49 W. Bezuidenhoudt, *Die geografie van gemeenskapspolisiëring, 'n geselekteerde internasionale, nasionale en plaaslike perspektief*, p. 187.

would therefore also determine the effectiveness of policing.[50] Ncholo argues that the African sense of justice has been compromised or neglected when systems of policing were designed for African communities. Social ordering was regarded as a function of the entire community and not that of a coercive external source. Policing policy should incorporate the practices and experiences of African people and reflect the country's diverse cultures.[51] Midley agreed that the role of non-governmental ordering institutions such as tribal authorities, anti-crime committees, organizations that provided conflict resolution services, private security firms and company security divisions should be recognized, because the Police Service do not have the capacity to deal with safety and security issues on their own.[52]

Two comments from senior managers in the Police Service on whether the concept community policing will work, are reflected. According to Commissioner Suiker Britz community policing "is not working and will never work. The people who are supposed to drive this thing are only there for their own benefit, and those people who are sitting on the CPF's do not know anything about policing."[53] Deputy Provincial Commissioner E.S. Mmamabolo thinks there is room for improvement; a few CPFs are functioning effectively and others are not functioning at all.[54] Director Paneras is of the opinion that the English concept of community policing was taken and implemented in South Africa, that is why it is not working.[55] Director P.W. de Wet stated that the implementation of the concept community policing was differently interpreted by station commissioners and members from the communities. This hampered the effective relationship and functioning of these forums at many stations.[56]

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50 Rauch, p. 10.
51 Midgley, p. 18.
52 Midgley, pp. 25-26; Bezuidenhoudt, p. 76.
53 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.
54 Jane Buys Collection: Transcribed interview with Deputy Provincial Commissioner E.T. Mmamabolo, Support Services, SAPS, Free State Province, Bloemfontein, 10.9.2007.
55 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.
56 Jane Buys Collection: Transcribed interview with Director P.W. de Wet, Commander Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 21.8.2007.

The concept of community policing is not really effective in the new democracy. A few reasons exist for this conclusion. Firstly, the concept of community policing focusses on the African population, because they are the majority. They should become involved in identifying their specific needs and becoming a partner with the Police Service in fighting crime. Secondly, the official policy on community policing was only drafted and liaised in 1997. Until 1999 or 2000 is a very short time to analyze the effectiveness of a strategy that not all police officials and communities understand. Thirdly, no clear strategies of what communities should do in becoming partners with the Police Service were indicated. On this point could also be added the lack of sufficient training, expertise and guidance from both sides, namely that of the Police Service and that of the communities. Hopefully, the establishment of CPFs will be clearer about the partnership role between the communities and the SAPS, than the community policing concept had been.

2.4. The establishment of the Community Police Forums (CPFs), 1995 to 1998

President Mandela's speech at the opening of the second session of the democratic parliament in 1995 campaigned for reconciliation between the Police and the black communities: "The matter of safety and security is not one that should be left only to the law enforcement organs. For them to succeed, they need the full and active support of all our communities. The police-community forum that have been established are extremely important with regard to reinforcing co-operation between the police and the public, and therefore increasing the capacity of the country as a whole to deal with the common problem of crime. I would therefore like to urge the formation of such forum where they do not exist."[57]

The concept of community policing was entrenched in the Constitution, article 214(1) that made provision for the establishment of CPFs at all police stations. Article 221 of the Interim Constitution meant that local policing in article 214(1) should make provision for the establishment CPFs at police stations.[58] According to Pelser the CPFs

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57 Rauch, *Police reform in South Africa…*, p. 8.
58 Stevens and Yach, pp. 66-67.

had four main functions. The first one was the promotion of the accountability of the Police Service to local communities and the co-operation of the communities with the Police Service. The second was the monitoring of the effectiveness and efficiency of the Police Service by these communities. The third function was that of advising the Police Service regarding local policing priorities. The fourth function was the evaluation of the provision of visible policing services and requesting inquiries into policing matters in the locality concerned.[59] Stevens and Yach added a further four functions that the CPFs had to oversee. The first was the acceptance and processing of complaints and charges. Secondly, the provision of protection services at gatherings. Thirdly, the patrolling of residential and business areas. Fourthly, the prosecution of perpetrators by the Police Service.[60] The CPFs thus had more of an oversight role to play in the monitoring, evaluation and advising of police services, visibility and performance in their station area.

The SAPS Act, No. 68 of 1995, formally established and detailed the functioning of CPFs. In terms of this Act, the functions of the CPFs remained those outlined in the Interim Constitution. It became the responsibility of the Police Service, particularly station, area and provincial commissioners, to establish CPFs at every police station, area and provincial level.[61] The CPFs represented the formal structure through which the Police Service could liaison with representatives of the community. The Police Service should become more proactive to play an educational, social and physical role in order to create a safer environment for all the people in South Africa.[62]

A report by the Change Management component at Head Office on 6 September 1995 indicated that various Community Policing Forums were established and the establishment of further forums received attention. Forums were established at area and provincial level as prescribed in the Police Act.[63] The chairperson and vice-chairperson of the CPF should be democratically elected and should not be a member of the Police

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59 Pelser, pp. 3-4.
60 Stevens and Yach, pp. 66-67.
61 Pelser, p. 4.
62 Stevens and Yach, p. 38.
63 2/1/1(2/16): "*Progress: Tranformation: South African Police Service: August 1995*", 6.9.1995, SAPS Provincial office, Bloemfontein.

Service. The Police Service could provide the secretariat.[64] The Police Service remained primarily responsible for the operational policing of the station area; meanwhile the Community Police Forum's most important functions included the monitoring and evaluation of the Police Service, and to provide the Police with advice regarding the policing needs of the community. Although the focus of the Community Policing Forums was primarily acuminated on crime prevention and the safety of the community, the origins of crime had to be addressed pro-actively. To achieve these aims, the Police Service and the community had to work together to find solutions for problems, and in this process all the resources should be utilized.[65] Another very important aspect of community policing and thus Community Police Forums is to assist the Police Service in the identification of the root causes of crime.

CPFs remained the most visible expression of community policing in South Africa.[66] Very few CPFs were involved in networking relationships aimed at actual crime reduction. It was found that 60% of the CPFs established in the Western Cape Province were not engaged in problem identification or prioritization of crimes; and that 65% were not engaged in problem-solving. This finding was based on an analyses of the contents of CPF meetings, agendas and minutes. It was significant that only in localities where there was a dedicated effort at involving other role-players in active crime prevention projects, there appeared to be some reduction in actual crime levels. In this regard Altbeker and Rauch stated that "….community-centered crime prevention programmes were much more developed in rich areas than in poor, black areas."[67]

In more than 870 communities CPFs were established. The CPFs worked closely together with the Station Commissioner and his or her staff to ensure that the Police Service would be accountable to the community. The availability of vehicles played a key role in visible community policing as the concept is only effective if the area is patrolled in a consistent and sustained manner. The public demanded police visibility and the most effective way of doing this was by means of a clearly marked police

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64 Stevens and Yach, p. 67; *Servamus*, 30.9.1997, p. 61.
65 Stevens and Yach, p. 68.
66 Pelser, pp. 11-12.
67 *Ibid*., pp. 14-15.

vehicle. The SAPS newsletter kept key players such as the Police Service, the traffic police, security companies, residents, businesses, schools, recreational organizations and local authorities informed of all issues relating to the community's safety. The concept of community policing included that communities and especially businesses should play a leading role in their own safety and security by making it possible for the Police Service to be more effective and visible.[68] The visibility of the police officials in their station area also plays an important role in the effectiveness of community policing.

State funding of the CPFs remained a constant theme often addressed at seminars, summits and other gatherings. There appeared to be a growing recognition that CPFs should be project-driven and that if funding were to be made available by the state, it would be allocated to crime prevention projects.[69] In his opening address to Parliament on 25 June 1999, President Mbeki committed the government to take measures to "strengthen the Community Police Forum to improve their capacity to mobilize the people against crime and to improve co-operation between the people and the law enforcement agencies." This, he said would be one of "the hallmarks of the national offensive against crime and violence".[70] The issue central in community policing and the CPFs is that of crime prevention. That the communities and the SAPS should both play a role in preventing crime is one of the core elements of this strategy.

2.5 Opinions on the establishment of the CPFs

Bezuidenhoudt pronounced that the White Paper on Safety and Security that was accepted in 1998 never discussed the logical function distribution at national, provincial and local authority level with police service delivery. It was thus expected from the Police Service with an over-centralized management structure at national level, to accept political responsibility at local or station authority level. The result was that political responsibility for community safety was passed between the three spheres of government.[71] Minnaar wrote in his criticism of the White Paper on Safety and

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68 *SAPS Journal*, Vol 2, Issue 7, June 2003, pp. 10-11.
69 Pelser, pp. 16-17; *The Daily News*, 29.7.1999, p. 2.
70 *Ibid*., pp. 2-3.
71 Bezuidenhoudt, pp. 103–104.

Security, the following on the efficiency of the CPF's: "An assumption in the White Paper that all community police forums countrywide are functioning effectively within a sound community police relationship is misleading and a gross generalization."[72]

David Bruce mentioned that community policing forums that had been introduced in the mid 1990s were often ineffective: "Even where they have worked they have not really focussed on issues of police conduct, particularly in relation to human rights. Often they simply reflect the attitude of ordinary members of the public and promote a tough-on-crime approach whatever the cost."[73] Some problems were identified related to trust, namely that some black communities did not trust the new Police Service and did not want to become involved in the CPFs. In some rural areas crime was not a real threat and to get the communities involved and motivated regarding the CPFs was difficult. Some individual political leaders also tried to exploit the CPFs for their own political benefit. All these things hampered the effective functioning of the CPFs.[74] Problems that hampered the functioning of the CPFs were the issue of trust between the Police Service and the communities, to get the communities involved in their own station area, the decentralization of responsibilities and the lack of oversight of police conduct.

The role and function of the CPFs was not laid down in official policy until April 1997. This allowed for a diverse range of practices to develop in Community Police Forums, without any mechanism for stipulating good practice or national standards. In some respects, the absence of clear national policy allowed for local innovation and learning that may not otherwise have occurred. The CPFs provided a vehicle for improvement in police-community relations by forcing the Police Service to identify community groups with whom to engage, and were enthusiastically supported by political parties and community organizations in the early post-election period. The CPFs also played an important role in educating communities previously alienated from the criminal justice system about how the system should function. However, the lack of clear policy led to some CPFs exceeding the bounds of their statutory mandate and interfering in managerial matters at local stations such as promotions and labour relation disputes, and

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72 *Ibid*., p. 81.
73 *Mail and Guardian*, 10-16.11.2000, p. 5.
74 Stevens and Yach, p. 69.

in some cases also interfering in criminal investigations. The absence of detailed policy also allowed the Police Service to dominate the CPFs and impose their agenda on relatively powerless community groups.[75] The lack of a clear and detailed policy on the issue of Community Police Forums created a situation in which the partners in the partnership exceeded their boundaries and interfered in affairs that were not their business. This hampered the relationship of trust and respect between the community and the Police Service.

The White Paper on Safety and Security of 1998 mentioned that local government should work in conjunction with CPFs. Local government, although police boundaries do not always match those of the municipal authority, is well placed to work with the area level of police management in setting joint priorities and objectives in conjunction with community police area boards. It was also stated that many CPFs function effectively and sound relationships with communities have been built.[76]

Snibbe enunciated a very sensitive point that pertains to policing in the new South Africa. The policeman 'on the beat' was many times of the same ethnic background as the residents of the community he was policing. This increased his identification with the community: "Today the policeman, especially in the inner city, is not only physically removed from 'the beat', he is many times psychologically removed because of a different ethnic or racial background. He has difficulty understanding the culture, life style, and value orientation of the community. Hence, it is much more difficult for him to identify with their needs, concerns and life style."[77] Decisions are often made that negatively effect the community because the officer does not understand the community residents.[78] The Police Service top management decisions to make police stations representative without taking the abovementioned issues into consideration, namely to transfer white police members to black areas where they cannot even speak

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75 Rauch, *Police reform in South Africa…*, p. 8.

76 "*White paper on Safety and Security, 1999-2004*," Department of Safety and Security, September 1998, pp. 34, 35.

77 J.R. Snibbe and H.M. Snibbe, *The urban policeman in transition, a psychological and sociological review*, p. 124.

78 *Ibid*., pp. 124 – 125.

the language and do not understand the culture and life style, impacted negatively on community policing and effective service delivery in those communities. Bayley affirmed that in the United States of America there are hardly any routine co-operative endeavours between policemen and citizens directly related to crime prevention and detection. Police officials and the populace consider citizen crime-fighting organizations as a threat to freedom. Citizen organizations are discouraged because they are considered difficult to control and may become oppressive.[79] The partnership approach between police and the communities is therefore not working there because of mistrust between the communities and the police.

Gert van der Westhuizen said that when thinking about media coverage in general, it seemed as if the communities were more involved in the CPFs than had been expected.[80] Adèle Stiehler mentioned that especially in Pretoria there seemed to be good co-operation between the CPFs and the Pretoria Business Chamber.[81] Dirk Kok is of the opinion that there is much work that needs to be done concerning the CPFs and he regards them as just 'consultative forums'. The passion on both sides, the Police and the communities, are lacking to make this effective.[82] Director Paneras indicated that in the more traditional villages such as in the former Qwa-qwa, now Phuthaditjaba, the Police Service had to consult with the Headman and he would appoint representatives to work with the Police Service. If this was not taking place, then the people from these villages would not recognize the representatives on the Community Policing Forums.[83]

The concept of Community Policing is a very good idea, namely to get communities involved in their policing needs and to consult with police over their crime priorities. The partnership approach of becoming partners in addressing crime and its root causes, is one of the best ideas in impacting on crime in general. The Police Service had long

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79 D.H. Bayley, *Police and society*, pp. 224-225.

80 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

81 Jane Buys Collection: Transcribed interview with Adèle Stiehler, crime reporter of *Beeld*, Johannesburg, 7.12.2006.

82 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

83 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

ago realized that they needed community participation in maintaining law and order, to prevent crime and also to successfully investigate crime. Some CPFs are working excellently whilst others are not working at all. A few reasons for this is that some communities are serious about their crime problems and policing needs. They make the effort and contribution to address these problems in their areas jointly with the Police Service. In some station areas, the station leadership is dedicated and committed in delivering effective services to the communities and to get their involvement in crime. In stations where CPFs are not working, respect for the knowledge of one another does not exist, meaning that police managers might feel that the community cannot tell them anything and vice versa. However, the overall perception is that CPFs are not really functioning and are ineffective in addressing the root causes of crime and prevention of crime.

3. Initiatives introduced by the SAPS in fighting crime, 1990 to 1998

The history of the transformation of the Police Force to that of a Service cannot be completed without reference to its role in fighting crime. When asking the majority of people in South Africa what the primary role of the Police Service should be, they would not hesitate to answer that the primary task of the Police Service is to combat crime. By this is meant the prevention and investigation of crime in order to apprehend the criminals who traumatize society at large. Crime has brutalized South African society to such an extent that drastic measures needs to be instituted by the SAPS in order to curb it. Crime is a universal phenomenon and not bounded by time, a specific era in history, or a geographical area.

3.1 Strategic planning, various police operations and the annual police plan of the SAPS, 1990 to 1998

Police Force management realized that to effectively manage such a big organization like the South African Police Force, drastic improvements should be made with regard to their short and long-term planning processes.[84] Strategic planning started in the South African Police Force in November 1990, when a working group of officers under the leadership of a general had to compile a strategic plan regarding a decision made by

[84] G.E. Moorcroft, *Hulpmiddels vir strategiese beplanning by die Suid-Afrikaanse Polisie*, p. 45.

the Cabinet. According to this decision, every government department should in future compile a five year plan for consideration by the Cabinet and change it according to their own circumstances.[85] The strategic plan for the Police Force from 1992 to 1997 was therefore developed and strategic management was then incorporated into the Police Force down to station level.[86] The strategic plan became compulsory for police managers to compile.

The former National Commissioner of the Police Force, General J.V. van der Merwe, stated: "More manpower, better technology, more money and better training will not enable the South African Police to combat crime and violence. Those who believe the opposite, are victims of a fallacy. Moreover, they are the victims of a myth, a myth wherein the Police is portrayed as super human beings that are able to rid the society from all of its problems. It is however, not the case. Any police service is as strong as the support that it receives from the public."[87]

From the beginning of the 1990s various operations were launched by Head Office to combat crime in the country. With the coming of the new Police Service and decentralization to provinces, every provincial, area and station commissioner were made responsible to conduct their own operations to address their priorities at station, area or provincial level. Crime prevention operations, stop and search operations, road blocks and cleaning operations are well-known operations that need to be conducted on a monthly basis at each station.

On 9 March 1993 the first ten point plan of the National Commissioner of the South African Police Force was handed to the Regional Commissioner during a general staff meeting. The plan was compiled after an undertaking of the State President during the no-confidence debate in Parliament. The plan was drafted to combat the increasing tendency of serious crime as well as violence in the country.[88] Ten points were drafted in order to provide, in the first place, transparency concerning the issues that the Police

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85 *Ibid*., p. 33.
86 Moorcroft, pp. 33-35.
87 2/26/22: "*Media statement: Operation 'M'* by General Johan van der Merwe", Pretoria, 19.2.1992, SAPS Provincial office, Bloemfontein.
88 2/5/27: "*Misdaadvoorkoming: Tienpuntplan*", 24.3.1993, SAPS Provincial office, Bloemfontein.

Force should address in the year to come in connection with their role as crime fighters. The second issue was to provide a level of accountability to Parliament as to what the policy plan should be in addressing the crime situation in the country and by what means it should be done. The ten point plan of the Commissioner of the Police Force was drafted by the Change Management Team under the leadership of Commissioner George Fivaz.

When Commissioner Fivaz became National Commissioner of the Police Service in 1995, the strategic plans for the Police Service became much more focussed upon. The name of the ten point plan was changed to the Annual Police Plan. The SAPS Act of 1995 required that the National Commissioner develop a plan outlining the priorities and objectives of policing for each financial year. The plan, it was stated, would form the basis for the transformation of the Service into a more accountable, effective and efficient organization capable of responding to the needs of communities.[89] The annual police plan of the Commissioner of the SAPS was issued on 13 June 1996 whereafter thousands of copies were distributed to the various provinces aiming at informing all members down to grass roots level of what the plan entailed.[90]

The impression these plans made was that they were compiled by police officials with extensive academic and theoretical knowledge and that some of them could not be practically implemented on grass-roots level. These plans should also be seen in context in the era in which they were formulated. In this regard Director P.D. de Kock described it thus: "Since Commissioner Fivaz became National Commissioner of the Police Service, the Management and Support divisions in the Police Service were extended, in so far that that at the end of the decade, there were more support divisions in the Police Service than operational divisions, which is actually a joke. This means that there was more personnel and officers in the support divisions than in the

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89 2/1/1(4/19): Booklet compiled and edited by the Department of Safety and Security, Cape Town: "*The SAPS Annual Plan 1996/1997*", SAPS Provincial office, Bloemfontein.

90 2/26/22/2: "*Internal Communication: "The Annual Plan of the Commissioner of the SAPS*", 18.7.1996, SAPS Provincial office, Bloemfontein.

operational divisions such as the Detectives, Crime Intelligence (CI), Visible Policing and Crime Prevention".[91]

3.2 The SAPS accountable for crime? 1990 to 1998

Crime affects the quality of people's lives dramatically. Security is a fundamental human right. In a democracy people get the right to live their daily lives, either at work or at home, without being assaulted, abused or that their property get stolen. They have the right, and society the responsibility, that those who committed such crimes, should be brought before a court of law that will deliver punishment that reflects the seriousness of the crime committed.[92]

A former chief of police in New York, James F. Ahern, attempted to put the responsibility that the police has to fight crime into a proper framework for public understanding: "Crime and the police are big issues in the United States today and properly so, since most Americans are increasingly afraid, often with good reason. Yet most Americans subscribe unthinkably to at least three important myths in this area. Myth number one is that the police devote the preponderance of their time and resources to combating serious crime. The second myth is that there is a fairly fixed, definable and measurable thing called crime. The third is that police work can somehow lower crime rates regardless of what other institutions do."[93] As Ahern implied, many citizens tend to believe that the police spend the preponderance of their time dealing in some fashion with 'serious' or 'major' crime.[94] Johnson went further by stating that data from many of the largest cities in the United States of America, and from small and medium-size cities, showed that general-duty police officers spent from 70 to 85% of their time dealing with non-crime-related matters: "We can safely generalize that crime, per se, consumes only a small portion of working police officers' time on duty. The bulk of

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91 Jane Buys Collection: Transcribed interview with Director D.P. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

92 Stevens and Yach, p. 10.

93 T.A. Johnson, *et al.*, *The Police and society: an environment for collaboration and confrontation*, p. 16.

94 *Ibid*., p. 17.

their time is spent in dealing with other issues."[95] Felson expressed that the National Crime Survey in 1994 in the United States of America found that 63% of their victimizations were never reported to the police. For thefts and household larceny victimizations, this figure exceeded 70%. When so much crime never comes to the attention of police, "we have to adjust by putting police power and the criminal justice system as a whole into a smaller perspective".[96] It is interesting to note that the Police in the USA spend the most of their time on non-crime related issues.

Altbeker asks: "Why do we only hold the police accountable for crime? One reason is that police themselves tell us that they can manage crime levels."[97] The expression of Altbeker is also evident in the Police Service's plans that have set the 'stabilization' and subsequent 'normalization' of crime levels as strategic objectives. This idea is also written into organizational processes that require individual station commissioners to account for every increase in reported crime. The trouble is although good policing can help to reduce crime and bad policing can lead to increases, a vast array of factors are at least important in determining how safe a society is. These factors, such as social, economic, cultural and political factors, are seldom much influenced by policing. It is possible, even probable, that changes to crime levels often, even usually, have nothing to do with changes in the quality of policing. Why, then, do the police themselves say they are responsible for fighting crime? Why embrace responsibility for something as important as crime while having only partial control over it?[98] To spread the responsibility of crime and violence more widely across government departments would result in the whole of government suffering when crime levels increase, instead of just one department namely the Police Service: "If crime control is the responsibility of the Police Service, on the other hand, they alone carry the can."[99] Politicians, the whole of government and the public hold the SAPS accountable for fighting crime because the Police say that they can combat crime themselves.

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95 *Ibid*., pp. 17–18.
96 M. Felson, *Crime and every day life, insight and implications for society*, p. 8.
97 Altbeker, p. 255.
98 *Ibid*.
99 *Ibid*., pp. 256-257.

An article in *The Leader* in 1990 already indicated that "the curbing of criminal activity has to be addressed by the authorities. The task does not just rest with the Police Force alone."[100] "The incidence of serious crimes has escalated remarkably in South Africa since March 1990", according to Commissioner of the Police Force, General Johan van der Merwe. The restrictive budget, coupled with the shortage of manpower made the maintenance of law and order by the Police Force a very difficult task. He attributed the increase to the "difficult economic situation".[101] In his inauguration speech, Commissioner Fivaz also stated that the Government of National Unity had prioritized the occurrence of crime and more specifically crime of a violent nature, as an issue that should receive urgent attention. He said that "the police cannot deal with crime prevention and investigation in isolation, but requires the full support and participation of the community".[102]

An article in *Rapport* by Martin Schönteich, researcher at the Institute for Security Studies, said that the Police Service's primary role was to prevent crime through visible policing. However, studies at the biggest metropolitan police stations showed that they were not doing that. He said that 20% of the Police Service performed "guard duties at courts", 25% were busy with administrative tasks; 15% of the Police Service were busy with visible patrolling duties; 10% was busy with detective work and only 8% was available to react on emergency calls from the public.[103] The findings of the Institute for Security Studies confirmed what the Americans had found namely that the police spent less time on crime-related issues.

3.3 The root causes of crime and the role of the SAPS, 1993 to 1998

Sociologists, criminologists and psychologists have speculated a lot and tried to determine the root causes of crime. Intensified research and studies were conducted in order to understand and determine why people are committing crime. Research indicated that the root causes of crime could be find in the social causes of society. However, if the Police Service, because they are the most accountable and responsible

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100 *The Leader*, 9.11.1990, p. 6.
101 *The Cape Times*, 3.1.1990, p. 2.
102 2/26/22: "*Media Statement: National Commissioner George Fivaz:Inauguration"*, Pretoria: 30.1.1995, SAPS Provincial office, Bloemfontein.
103 *Rapport*, 17.4.2005, p. 8.

government department that deals with crime, can understand the contributing factors of crime, they will be more able to combat it.

In April 1993, the Commissioner of the Police Force, General van der Merwe said that fingers were too easily pointed to the Police Force to divert blame for violence from the real causes. Factors over which the Police Force had no control included the culture of violence, social intolerance, social and moral decay, urbanization, poverty, a lack of confidence in the future of the country as well as unemployment. He said: "If we want to find a solution for the violence and crime problem in South Africa, these causes and not the symptoms need to be addressed urgently."[104]

In November 1997 Commissioner Fivaz claimed that South Africans still have a long way to go "before becoming the democracy we dream about". He further stated that the Police were dealing with crime that was a social problem. He elaborated by saying that "the problem is far too complicated to be resolved in the short term and will take probably a generation to establish a new culture of mutual respect and respect for authority and the law in this country".[105] Mark Shaw, senior researcher at the Institute for Security Studies said that when political violence reached its peak during the eighties, it looked as if other crimes did not increase as such. Political liberation brought with it a crime explosion: "With the relaxing of social control, the room to maneuver for more crime was created."[106] Venter maintained that South Africa's crime problem is more than a crime problem, "it is a class war, and it's going to get worse. Crime is now a class war because there are enough criminals to be considered a distinct social class. They have numbers, a characteristic way of life, occupational organizations and their own subeconomy."[107] The apartheid war was replaced by the criminal war in South Africa. The Institute for Security Studies released the January 1998 edition of the Nedcor and ISS Crime Index in Midrand on 26 February 1998. Surveys of the Johannesburg and Durban metropolitan areas showed that people in both

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104 *The Citizen*, 17.4.1993.
105 *Pretoria News*, 22.11.1997, p. 2.
106 *Die Burger*, 19.8.1997, p. 15.
107 L. Venter, *When Mandela goes, the coming of South Africa's second revolution*, pp. 56, 57.

cities had a high fear of crime.[108] The average citizen in South Africa was becoming more and more afraid that he or she would fall prey to crime.

Professor Naudé, head of the Criminology department at the University of South Africa (UNISA), said during an international congress in Rome in 1998 that a number of factors contributed to the increase in serious and violent crimes in South Africa. They are the abolition of social control that goes hand in hand with democracy, a political culture of violence and the justification of crime in political circles, also a lack of consensus in the government regarding the crime problems.[109] Beefing up the Police Service and renovating the justice system would help to contain crime, but that was all. Proposals for new funding for law enforcement, metropolitan police forces and the like would only be symptomatic measures and would not cure the underlying social sickness of crime.[110] For Commissioner Suiker Britz the contributing factors to serious and violent crimes in South Africa are poor policing and the poor justice system. Some of the judges on all levels do not have the experience to impose effective sentences. The abolition of the death sentence is a very important contributing factor. He further mentioned that he visited many people in the past on death row and how afraid they were of dying.[111]

3.4 The introduction of crime statistics in the SAPS, 1996 to 1998

The introduction of crime statistics in 1996 as part of the Crime Information Management Centre (CIMC) in the new SAPS, created the perception that in the days of the Police Force there had not been crime recording. It is, however, wrong. Since the formation of the South African Police in 1958, the Commissioner of the Police Force had to account on an annual basis in Parliament of crimes that had take place during the past financial year. All the stations had in their charge offices, where members of the public went to report crime or phoned for assistance, an SAP 1, after democracy changed to the SAP 1(D), called the crime register in which all crime had to be reported. A summary of all crime had to be liaised on a monthly basis to the then district

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108 *Business Day*, 27.2.1998, p. 6.
109 *Ibid*., p. 9.
110 Venter, pp. 292.
111 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.

commissioners' offices, later the area commissioners' offices and at present the provincial commissioners' offices and to Head Office.[112] This implied that top management and the Commissioner of the Police Force on a monthly basis had access to the report rate of all crime in the country. It should be made clear that the SAP 1(D) registers are still used at especially the smaller stations in the country together with the computerized SAP 6 system.

Uglow believes that the primary service the police offers is the ability to "do something about crime and crime rates".[113] The Police also used the crime statistics to press their arguments for increased resources such as personnel, legal powers, weaponry and computing services.[114] Antoinette Louw of the Institute for Security Studies said that crime information before 1994 was not reliable and it could not be established what the crime levels were.[115] However, the necessity for experts to analyse the crime statistics for the SAPS became imperative in 1996 and outside experts were appointed to gather, analyze and interpret the crime statistics.

3.4.1 The SAP 6 system in capturing the report rate of crime in South Africa, 1995 to 1998

In 1994, before the establishment of the CIMC, there already existed a Centre for the Analysis and Interpretation of Crime Information (CIACI) where a statistician was employed with the task to interprete the crime statistics more scientifically. In order to get a more detailed and better perspective regarding the appearance and the root causes of crime and to determine tendencies concerning crime, formal liaison with independent research institutions such as the Council for Scientific Research (CSIR) and universities were instituted.[116] Crime information and analysis of reported crime were then already introduced and this centre resorted under the auspices of the Detective Services, namely the Crime Combating and Investigation Division (CCI).

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112 Jane Buys Collection: Telephonic conversation with Inspector R. du Plessis, FTO at Delportshoop police station, Northern Cape Province, 6. 9.2007.
113 S. Uglow, *Policing liberal society*, p. 5.
114 *Ibid*., p. 58.
115 *Die Volksblad*, 31.3.1999, p. 9.
116 2/5/27: "*Misdaadvoorkoming: Tienpuntplan*", 24.3.1993, SAPS Provincial office, Bloemfontein.

An internal communication letter sent by the office of the National Commissioner on 4 July 1995 indicated that the new Crime Statistic System (SAP 6) would be implemented on 1 July 1995. The SAP 6 returns were particularly important in obtaining crime information from areas where computerized crime systems had not yet been implemented. The letter stated further that due to the increase in crime that was experienced and the urgency with which the South African Police wished to combat crime and reduce it to acceptable levels, the importance of the SAP 6 returns had therefore increased. In order to fulfil the requirements of the Police Service in respect of crime statistics, a new SAP 6 system was developed.[117] The Crime Administration System (CAS), also called the SAP 6, was the basic administrative or operational crime system that was used to generate crime statistics. The main advantage of using an administrative or operational system to generate crime statistics was that already existing systems could be optimally used with no extra costs. However, the crime statistics were not that useful or in the words of Dr C.P. de Kock 'became lies, bigger lies' if it was not analyzed and interpreted in the most scientific and professional way.[118] The SAP 6 made it much easier and accessible for the SAPS, especially in the Head Office and the Provincial offices, to have instant access to all reported crime at all stations.

A letter by the office of the National Commissioner in January 1996 indicated that the restructuring of the Centre for the Analysis and Interpretation of Crime Information (CAICI) was taken over by the National Crime Information Management Centre (NCIMC) as from 1 January 1996. This centre would be responsible for the release of crime information and statistics.[119] Dr C.P. de Kock was appointed laterally as a director in the SAPS in 1996 as head of the NCIMC. The reason for his appointment was: "Politicians before 1994 were interested in crime statistics, but just the figures and

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117 2/26/22/2(1/48): "*Implementing of new Crime Statistic System (SAP6): 1 July 1995*", pp.1-2, SAPS Provincial office, Bloemfontein.

118 2/1/1: "*Lies, damn lies and crime statistics*", by Dr C.P. de Kock, Detective Service Head Office, 1.3.1999, pp. 2, 13, SAPS Provincial office, Bloemfontein.

119 2/1/1: "*Release of crime information and statistics*", 12.1.1996, SAPS Provincial office, Bloemfontein.

no reasons why crime increased or decreased. The politicians believed that they could interpret the crime statistics on their own."[120]

As from 1996, the government believed that the Police Service should institute scientific research to determine why crimes were increasing and decreasing and what were the contributing factors of crime and generators of crime were. More strategic research was conducted by the CIMC and the Crime Information Analysis Centre (CIAC) than by any academic institution such as the CSIR, Institute for Security Studies, and others in the country. A lot of co-operation was instituted with universities, academics, and the science research councils. Until today much strategic research is conducted in the Police Service on the root causes of crime.[121] What becomes clear is that the Police Service became more academic in their search for the root causes of crime in employing academic people to undertake research and also to analyze and interpret the crime statistics.

The function of the Crime Information Analysis Centre (CIAC) was to be the custodian of crime statistics and it has the capacity to explain changes in crime patterns and crime trends over a period of time, namely by doing crime pattern analyses. By explaining the dynamics of crime, CIAC can make it possible for decision makers to follow the correct crime prevention strategies. Every station should have a CIAC capacity to conduct comprehensive and in depth crime pattern analyses and crime threat analyses. Without solid analyzed information, crime prevention is impossible and detection may become a matter of a "hit by change or pure luck".[122] The CIAC became very prominent within the CI environment and also at stations. By conducting pattern analyses and research into the root causes of crime, the focus of the SAPS shifted to be more proactive than reactive.

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120 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National Head of the CIAC, Crime Intelligence (CI), SAPS, Pretoria, 5.12.2006.

121 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, SAPS, Pretoria, 5.12.2006; 2/1/1: "*Lies, damn lies and crime statistics*", by Dr C.P. de Kock, Detective Service Head Office, 1.3.1999, pp. 2, 13, SAPS Provincial office, Bloemfontein.

122 *Ibid.*

Commissioner C.P. de Kock mentioned that any statistics, "whether it is crime statistics or statistics on consumer index could be manipulated. Just not to mention certain crimes or not to refer to them, is also a method of manipulation".[123] What became a problem, according to Commissioner de Kock, was that "people all over the world in my position is of the opinion that you cannot use crime statistics to measure police performance. Crime statistics should be discarded and not used as a measurement tool for performance in the Police Service. In Britain they discarded this because of the fact that crime statistics were so corrupted due to the fact that it was linked to police performance."[124]

Petersen expressed the view that measuring police output by the crime rate implied that the level of criminal activity depended primarily on police performance, whereas changes in crime rates might actually result from a variety of socio-economic contributors.[125] Police crime figures are based on what the public bothers to tell them: "The crime rate is also based on the number of reports that the police record"; that implies that only cases where a docket was actually opened were recorded.[126] In this regard Assistant Commissioner B. Motswenyane mentioned that the ordinary citizen was more aware of his or her rights and that contributed much to the increase in crime levels, thus to more reporting of crime.[127] That the SAPS cannot control the report rate of crime, is a fact. What however becomes problematic is that the SAPS should perform the function of the prevention of crime, thus preventing crime to take place so that there is no reporting of it.

3.4.2 The release of crime statistics by the SAPS, 1995 to 1998

The first crime statistics were released in November 1995 by the Minister of Safety and Security, Sydney Mufamadi. It was called the first quarterly crime briefing for the

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123 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

124 *Ibid*.

125 D.M. Petersen, (ed)., *Police work, strategies and outcome in law enforcement*, p. 115.

126 T. Leggett, "What do the police do? Performance measurement and the SAPS" in *Institute for Security Studies*, Paper 66, February 2003, pp. 4, 14.

127 Jane Buys Collection: Transcribed interview with Assistant Commissioner B. Motswenyane, Station Commissioner of Park Road police station, SAPS, Free State Province, Bloemfontein, 20.8.2007.

SAPS. It was then decided to release crime statistics on a three-monthly basis, thus a quarterly basis, accompanied by an appropriate analysis: "This time frame allowed us to do the necessary work to collect and analyze the information and to ensure it was verified and reliable. We felt that any period less than three months would raise the danger of being too short to establish accurate and meaningful trends. Internationally crime statistics were also not given out more frequently for the same reasons." Twenty priority crimes' comparative statistics were released by the Minister and compared with the same period the previous year.[128]

In 1996 a South African banking group, Nedcor, sponsored a private study of crime in the country. The Nedcor Project on Crime, Violence and Investment was established. In 1997 the Nedcor project calculated the underreported rate on crime in South African as 45%.[129] In 1997 the Minister for Safety and Security appointed a Committee of Inquiry under the chairperson, Dr Mark Orkin, the Director General of Statistics South Africa (SSA), to investigate the gathering, analysis, interpretation and dissemination of crime statistics by the South African Police Service. This committee, also referred to as the Orkin Committee, included three international experts. The committee found in essence that there was nothing wrong with the analysis and interpretation of crime statistics in the Police Service as being executed by the CIAC.[130] Venter is of the opinion that in 1997 crime and the wrong interpretation of it in South Africa cost the country more than R100 billion. When the negative influence of crime on foreign investment and tourism is taken into account, this amount could be doubled to R200 billion. This did not include the working days lost due to the effect of crime on victims.[131] The Orkin Committee decided that a system should be introduced at station level to assist the police officials in their analysis of crime. This tool should complement the SAP 6 system, also referred to as the CAS. The Business Intelligence (BI) system was then established. The system was much more user friendly and quicker

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128 2/26/22/2: "*Media statement by Minister of Safety and Security, Mr Sydney Mufamadi: Third Quarterly crime briefing*", Pretoria, 13.6.1997, SAPS Provincial office, Bloemfontein.

129 Venter, p. 211; Bezuidenhoudt, pp. 88, 110, 111.

130 2/1/1: "*Lies, damn lies and crime statistics*", by Dr C.P. de Kock, Detective Service Head Office, 1.3.1999, pp. 2, 13, SAPS Provincial office, Bloemfontein.

131 Bezuidenhoudt, pp. 117-118.

in assisting the analysis of crime statistics at station, area, provincial and national level.[132]

Diverse opinions existed on the crime statistics released by the Police Service. Adele Stiehler, crime reporter of *Beeld*, mentions that the media is the first to question the crime statistics when it is released, because when the crime statistics are released, no extended questions are answered by police management.[133] Louw mentioned that while crime statistics at local level were not often accurate, national crime statistics generally were. In her opinion "all crime statistics should be made public".[134] Schönteich expressed the view that it was unfair to compare the crime situation in South Africa to that in developed countries as many developing countries do not keep proper and reliable records.[135] Louw is further of the opinion that crime reporting levels are not necessarily a reliable indicator of the number of crimes actually committed. Many crimes are not reported to the police and when they are, the police do not always record them in the official database.[136] The media, members of the public and other non-governmental institutions query the SAPS on the release of their crime statistics, as to whether it reflects a true and accurate picture of crime in the country. The data integrity of the CAS became a big issue and problem. The data captured on this system have to be accurate and reliable and reflecting the true incidence of crime that had take place. The definition of a specific crime and the elements of that crime determine what actual crime took place. All 1 084 stations in the country are responsible for the capturing of crime in their own policing precinct on the CAS system.[137] Police members working in the old charge offices, now called the Community Service Centre (CSC) have to ensure that the data concerning every crime incident are correctly captured on the system, because it is from this system that the statistics are being drawn.

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132 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

133 Jane Buys Collection: Transcribed interview with Adele Stiehler, crime reporter of *Beeld*, Johannesburg, 7.12.2006.

134 *Weekly Mail and Guardian*, 12.4.2001, p. 3.

135 *Business Day*, 17.11.2000, p. 2.

136 Steinberg (ed.), pp. 46-47.

137 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

3.5 Opinions on the ability of the SAPS to fight crime

Venter pronounced: "Between the criminals and the class that lives within the law, is a Police Service ill-prepared and ill-equipped to deal with its tasks. Not only is the Service significantly seduced and corrupted by the growing evil it is facing, it is sluggish in transforming itself from a political instrument to a social agency. Long focussed on maintaining political order, the Police Service adapted slowly to being an institution purely for the detection and prevention of crime."[138] Bezuidenhoudt stated that the lack of sufficient physical infrastructure of the South African Police Service in the country, meaning that there is one police station for every 45 000 inhabitants, contribute to the increase in crime levels.[139] An article in *Beeld* reported that for the Polish Police, that went through extensive transformation, the comparison is a grim reality, but to put it simple "democracy means more crime". The crime rate after democracy increased with more than 70%. The police there was also demilitarized from military ranks to civilian ranks.[140] Bill Dixon of the Institute of Criminology at the University of Cape Town mentioned that countless governments, including the one in South Africa, had found to their cost, a solution to the 'crime problem' could not simply be bought by investing in the 'three Ps', namely Police, Prisons and Prosecutors.[141] Diverse opinions reflected the crime problem in South Africa. From insufficient infrastructure to equipment, to demilitarization and democracy, all these impacted on the ability to address crime.

Commissioner Fivaz stated in an interview in 2006 that in South Africa "we have a government system of democracy according to the Constitution, but we have an extremely ineffective criminal judiciary system".[142] Director de Kock mentioned that the Police Service is not effective in curbing crime due to the lack of expertise: "You can only get expertise through years of training and experience and your basics must be right. The lateral appointments in the Police Service are not working due to the lack of

138 Venter, p. 57.
139 Bezuidenhoudt, p. 98.
140 *Beeld*, 18.9.1990, p. 4.
141 *The Cape Times*, 1.3.2000, p. 6.
142 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

expertise they have."[143] Advocate du Toit is of the opinion that the behaviour of the community is one of the factors that contribute to the high level of serious and violent crime in the country. The communities have an apathy concerning crime in general and become insensitive towards violence: "There is a saying that it takes a whole town to raise a child. The Police Service cannot fight alone against crime."[144]

The crime phenomenon in South Africa is associated with one thing, namely the increase in specific crimes and pertinently serious and violent crimes. The crime problem would not become so extensive if it was not given specific numbers. Since 1960 the Police Force only conveyed the most serious crime rates in Parliament and did not provide comparative crime statistics and discussions on crime rates or figures. Since 1995 the Police Service became engaged in the release of crime statistics in public, firstly on a quarterly basis, and then after 2002, on a yearly basis. The comparison of the crime rate from the previous year to the current financial year led to the increase in crime fear in the country, especially when serious and violent crimes increased tremendously. The media also played a role by questioning the Police Service about their figures and statistics and the crime figures also had an impact on people immigrating to other countries since the Police Service could not make an impact on these crime levels. Not even five years after the first crime statistics had been released, a moratorium on the release of these statistics were instituted. It became clear that wrong data had been captured on the CAS system and that the crime statistics did not portray the correct, reliable and accurate picture of what crimes were reported in South Africa. However, the crime statistics provided by the SAPS and reflected in the media became to a large extent associated with the inefficiency and ineffectiveness of the SAPS to control and impact on crime.

4. The establishment of the Crime Prevention Division in the SAPS, 1995 to 1998

Crime prevention is not a new concept in policing for the past decades or this century. Farrell stated that "many of the strategies, techniques, tactics, and the mechanisms by

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143 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head, Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

144 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

which they (police) work in twenty-first century human society have existed and evolved in various forms since before humankind even existed."[145] Hughes is of the opinion that "the term 'crime prevention' is often narrowly interpreted and this reinforces the view it is solely the responsibility of the police. On the other hand the term 'community safety' is open to wide interpretation and could encourage greater participation from all sections of the communities in the fight against crime."[146] The 1996 Constitution of the Republic of South Africa is unequivocal about where responsibility for crime prevention lies. While such objectives are not mentioned in the mandates of any other government department, the Constitution places crime prevention at the head of a list of the four objectives for the South African Police Service. The 1996 NCPS and the 1998 White Paper on Safety and Security argued that preventing crime required the participation of a range of departments at all levels of government, as well as civil society.[147]

It is widely accepted that the exceptionally high crime levels in the United Kingdom and the United States of America over the last few decades, was the result of major social-political changes. As these changes increased, crime levels increased, and as crime levels increased, criticism of the police increased. It remained a feature of times characterized by high or increasing crime rates, that the police were the first to be blamed. Inevitably this resulted in official inquiries or reviews to determine what was wrong with the police or what was wrong with how policing was conducted. Recommendations followed on how the police should be reformed and how policing should be improved. Consequently the police themselves experienced feelings of despondency because their best efforts seemed fruitless and ineffective. They lost confidence and were prepared to accept all the reforms forced upon them, believing that others knew best. Public and political perceptions were very much in favour of holding the police responsible and blaming them when crime levels were high or when crime increased.[148] Already in 1967 the President's Commission on Law Enforcement and Administration of Justice in the United States of America emphasized that "the most

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145 G. Hughes, E. McLaughlin and J. Muncie (eds), *Crime prevention and community safety, new directions*, p. 12.
146 *Ibid*., p. 126.
147 Leggett, p. 3.
148 *Servamus*, 31.7.2006, p. 77.

effective way to prevent crime is to assure all citizens full opportunity to participate in the benefits and responsibilities of society."[149]

In the United Kingdom crime rates kept on increasing during the 1970s and 1980s. In 1985, at the Conservative Party's annual conference, the Prime Minister, Margaret Thatcher, reaffirmed her belief that the solution to the crime problem rested with the police. She promised that her government would continue "steadfastly to back the police" and "if they need more men, more equipment, they shall have them."[150] The British government made the classic mistake of thinking that the crime problem could be solved by increased spending only on the criminal justice system, and especially the police. Of course it helped, but it was not the solution. The government clearly failed to understand the complex relationship between crime, its causes and the accommodating conditions. Therefore they had no appreciation for the impossibility of what they expected from the police and the fact that the police, no matter how hard they tried, were never going to be able to live up to the high political expectations. Between 1979 and 1984 the expenditure of the police more than doubled from $1 664 to $3 358 million. In the same period, recorded crime continued to increase by 37%. In 1993 the Labour government issued the "White Paper on Police Reform: A Police Service for the 21st Century" with the main focus on the "catching of criminals", and it was essentially aimed at establishing more control over the police and making them more efficient and effective.[151] In 1996 the Audit Commission's proposed model for policing were relatively more acceptable to the police. It entailed that policing should become more proactive and less reactive. Prevention and investigation should be prioritized and greater emphasis should be placed on information technology and the management of information, and known repeat offenders should be targeted.[152] After all these strategies and policies had been implemented, crime levels went down a little bit, but not substantially.

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149 S. Palmer, *The prevention of crime*, p. 144.
150 *Ibid*., pp. 76-79.
151 Hughes *et al*., pp. 22.130.
152 *Ibid*.

The same problems that the United Kingdom experienced with a high increase in crime levels occurred in South Africa in the middle of the 1990s. It led to the expansion of the crime prevention initiative in the Police Service. In a letter on 9 April 1996 sent from Head office, it was mentioned that the establishment of a leaner Police Service command structure went hand in hand with the expansion of the grass-roots crime combating capacity of the Police Service. New tactical crime-fighting units, especially crime prevention units, were established countrywide. However, it was anticipated that this would result in a severe shortage of experienced officers and police specialists in fighting crime.[153]

Crime prevention is according to Section 205(3) of the Constitution the core business of the South African Police Service.[154] In order to determine the prevention of crime it is imperative that members should first know what is crime in order to prevent it. Wilson and McLaren stated that crime is the result of the simultaneous existence of two sets of factors, namely the predisposing and precipitating factors. If there is a desire or readiness present to commit a crime, but no opportunity arises, no crime will take place. If opportunities to commit crime are everywhere to exploit but no one has that instinctive desire, need or craving to make use of them, it is most unlikely that a crime will take place. It is however widely accepted that factors in the environment such as political intolerance, unemployment, poverty, poor education, alcohol and drug abuse, illegal immigrants and a decline in moral values, are all predisposing of nature and enhance a desire, need or craving in the individual who is caught up in such conditions, to commit crime.[155] Crime prevention is according to O'Block any organized activity, aimed at preventing or limiting criminal behaviour to a minimum.[156]

For many years, the prevention of crime was regarded as largely the domain of the police and other components of the criminal justice system. However, a strong emphasis has started to form on community-based prevention programmes and public

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153 2/26/22/2(21/14): "*Misconceptions regarding streamlining of SAPS command structures*", 9.4.1996, SAPS Provincial office, Bloemfontein.

154 Director J.L. Oosthuizen, Operational Planning: Crime Prevention and Response Service wrote an article titled "Crime prevention: a theoretical perspective" in *Servamus*, 31.12.1998, p. 5.

155 *Servamus*, 31.12.1998, p. 5.

156 R.L. Akers and E. Sagarin (ed.), *Crime prevention and social control*, p. viii.

participation.[157] The precipitating and predisposing factors have to be understood by police in order to address these factors. It becomes however difficult for the SAPS to address the social conditions such as unemployment, poverty, moral and poor education, because it does not fall in the mandate of the SAPS but is the responsibility of government firstly.

A letter in April 1997 sent by the office of the National Commissioner stated that the National Crime Prevention and Response Service division was the new name for the old National Safety Services. Divisional Commissioner Louis Eloff, formerly Head of Change Management in the office of the National Commissioner, was appointed as head of the new National Crime Prevention and Response Service division. With this restructuring crime prevention was elevated to a specific discipline in the SAPS. This division would be responsible for the planning of all long-term and specific short-term police planning, such as the implementation of the Police Service's responsibilities in the NCPS and the annual Police Plan.[158] On 14 December 1998 Commissioner Fivaz announced the establishment of the Crime Prevention division in the Police Service. It became necessary to create a separate capacity to manage local policing, crime prevention, victim support and service delivery.[159]

The White Paper on Safety and Security that was finalised in September 1998 focussed on specific policing priorities. One of these priorities in section 3, is to ensure effective crime prevention, with the focus on the issue of social crime prevention and the integrated justice system. It was stated that crime prevention and social crime prevention not only targeted the causes of crime, but in the longer term, did it in the most cost-effective way.[160]

Morgan and Smith expressed the view that it was odd that one section of the Police Service was designated as having crime prevention responsibility. Calling a unit within

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157 Felson, pp. 132, 122.

158 2/26/22: "*Media statement by National Commissioner George Fivaz: National Crime Prevention and Response Service Division*", Pretoria: 2.4.1997, SAPS Provincial office, Bloemfontein.

159 *Servamus*, 28.2.1999, p. 24.

160 "*White Paper on Safety and Security, 1999-2004*", Department of Safety and Security, September 1998, p. 20.

the Police Service a crime prevention department is like calling a goalkeeper in soccer the "goal prevention officer". To do so implies the absolution of his or her team-mates from the task of preventing goals. Assigning some police officers to be crime prevention officers was perverse if the prevention of crime was to be a primary aim of the organization as a whole.[161] A final, and crucial, issue inheres in the word prevention. To prevent something means to secure its non-occurrence. This creates substantial problems of evaluation.[162] Morgan and Smith further maintained that in the recent and highly active era of research into crime prevention, not a single crime has shown unequivocally to be prevented: "We believe that many have been prevented but proof does not exist. This is because of the 'bete noire' of crime prevention also called displacement. This refers to the process whereby a crime prevention effort moves a crime to another place, time or crime type."[163] Crime prevention cannot be separated from community policing. If "we define crime prevention in its broadest sense, every officer is a crime prevention officer and crime prevention is part of every activity."[164] With the creation of a specific crime prevention division at the SAPS Head Office and also in the provinces, the responsibility for this core element of policing, as stipulated in the Constitution, was restricted to only that component in the provinces.

On the issue of crime prevention in the United States of America, M.B. Zuckerman, editor in chief of *Report U.S. News and World*, said: "Twenty five years ago, the police shifted their resources into high-tech, quick-response anticrime tactics, using automobile patrols to cruise the streets more frequently than before. They arrested a lot of people…but the auto patrol is not immediately visible; it is not at the level of the average citizen. Good things seem to happen when the police get out of their cars and into regular contact with citizens in the community. Community policing of this kind is a critical step in transforming the atmosphere in cities and suburbs."[165] Bayley stated: "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police

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161 R. Morgan, D.J. Smith, *Coming to terms with policing, perspectives on policy*, p. 83.
162 *Ibid*., p. 84.
163 *Ibid*., p. 87.
164 *Ibid*.
165 K.J. Peak, R.W. Glensor, *Community policing and problem solving, strategies and practices,* p. 389.

pretend that they are society's best defence against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth."[166] The measure of crime prevention becomes difficult and critical in determining the success of this function that the SAPS has to fulfill.

According to Commissioner de Kock more focus should be placed on the prevention of crime rather than on the investigation of crime. To prevent crime "we need to know where crime is taking place, how and why it is taking place in a specific environment. In certain areas the Police Service cannot drive with a vehicle and need foot or motor cycle patrols to perform crime prevention duties."[167]

All the bigger police stations in the country have a crime prevention unit. It is the responsibility of this unit to drive around in motor vehicles and to patrol hot spots or high crime areas already identified by police officials stationed at the CIAC by means of crime pattern analysis. When taking into account that it cannot be proved that crimes are being prevented by the Police Service, and some academics believe that it is a myth, it makes one wonder why the Police Service continues with this initiative that is costing them so much money to fulfil? The first and foremost reason can be that it enhances the visibility of the Police Service in a specific area. The second reason is that if police officials are dedicated to this initiative and patrol when and where they should be, it should have a definiate impact on crime levels. A very important aspect also, is that they will come closer to the communities they serve, so that they willl be more readily available in a specific area when problems arise that they should address. Crime prevention initiatives go hand in hand with stop and search operations and not merely driving around the neighbourhood: for instance to stop and ask people what they are doing in that area. Crime prevention will become effective when police officials get out of their vehicles and interact with the public. However, this becomes difficult when the environment and infrastructure do not permit this.

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166 Bayley, pp. 3-4.

167 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

4.1 The introduction of Social Crime Prevention in the SAPS

Crime prevention in the SAPS goes hand in hand with the issue of social crime prevention. This implies that the social causes of crime, thus the root causes, have to be identified and addressed jointly with the communities, so that crimes can be prevented successfully. The focus of this discipline is on specific crime prevention projects in which the public is educated about crime in their station area.

Uglow sees the Police Service as a "secret social service".[168] It is a full-time social service, both in the sense that without an effective police service, other social services will find it difficult to operate, and also in the sense that it is to the police that the ordinary person turns in time of crisis or emergency.[169] In speaking of social control – the police are, after all, one of but many social control agencies. Banton and others replied as follows: "Some years ago a Home Secretary in Britain observed: 'The British Policeman is a civilian discharging civilian duties and merely put into uniform so that those who need his help know exactly where to look for assistance."[170] The police were *de facto* social workers, although not recognized as such. They were according to Punch a "secret social service".[171] But because this was covert and seldom articulated, there was a need for the police to be better trained and organized to cope with the work that anyway accounted for most of their activity.[172] It transpires during research conducted in Britian and the United States of America that about 60% of the telephone calls received in a police station were related not to crime but to personal inquiries and difficulties. Crime-related work was only a small percentage of police work, perhaps as little as 2% of uniformed officers' time was occupied in interviewing suspects and taking statements.[173] Jay further states that police spend three-fourtsh of their working day responding to calls that have nothing to do with crime. The reasons for this is that they are the only social service agency that are available 24 hours a day and they deal

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168 Uglow, p. 87.
169 Brown and Howes, p. 13.
170 Johnson *et al*., pp. 24 – 25.
171 R. Reiner, *The politics of the Police*, p. 112.
172 *Ibid*.
173 Uglow, pp. 6, 8.

with the social problems of the poor and disadvantaged which no one else is anxious to serve.[174]

MacDonald indicated that the mandate of crime prevention should mean not only that the Police Service engages in the traditional techniques of patrol and detection. They should collaborate with other social service agencies and government to tackle the underlying social causes of crime, as well as the symptoms.[175] The Police Service acts as an agent of community pattern maintenance by providing social services that are outside legally mandated enforcement duties.[176] It is clear that the crime-related work forms a very small part of the police work and that they primarily devote their time and energy on social issues.

According to Commissioner de Kock the involvement of the Police Service in the issue of social crime prevention is being decided at meetings from Head Office's side. This means the involvement of social crime prevention police officials in specific projects such as visiting schools and conveying specific crime related messages to children. Every station has a CIAC where people analyze crime and identify specific problems relating to crime that need to be addressed by the local police. It cannot be expected that social crime prevention initiatives should be initiated at the Head Office or provincial offices, it should come from each individual station and they should institute it themselves.[177] When speaking about the social causes and issues involved in crime, it becomes clear that the root causes of crime cannot remotely be addressed by the SAPS and it needs the co-optation of other government departments in these processes. The issue of crime prevention and social crime prevention cannot be concluded with, without mentioning the involvement of other government departments in addressing crime, as well as that of the business community.

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174 J. S. Albanese, *Myths and realities of crime and justice* (3rd edition), p. 126.
175 Reiner, pp. 112–113.
176 R. Baker and F.A. Meyer, *Evaluating alternative law-enforcement policies*, p. 43.
177 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

4.2 The National Crime Prevention Strategy (NCPS) and the SAPS, 1996 to 1998

South Africa's NCPS, adopted by the Cabinet in May 1996, motivated a shift in emphasis from crime control to crime prevention; that was, a shift towards understanding crime as a social issue rather than as a solely security issue. The NCPS argued that dealing with crime required a wide array of developmental and preventative measures, as opposed to the traditional law and order approach for more cops, courts and corrections. The NCPS provided a framework for problem-solving, in which national government departments, different spheres of government, and organizations from civil society would be brought together in order to identify and implement multi-agency solutions to specific problems. The NCPS therefore aimed to provide the means by which the Police Service, other government departments, the private sector and the non-governmental community could cohere their activities.[178] About 20 implementation programmes were formulated under the NCPS, each falling under one of four pillars, namely the criminial justice process, environmental design, community values and education, and transnational crime.[179] The perception was that the Police Service was not empowered to address the root causes of crime, therefore crime prevention became a shared responsibility between all role players in the social-economic, welfare and political environments.[180] The emphasis of the NCPS was thus that crime is not solely a security issue for the SAPS to cope with, but the root causes of it could be found in the social spheres.

Rauch claims that the NCPS marked a significant shift in ANC government thinking about police reform, away from conceptualizing the Police Service as a 'security force' similar to the Defence Force, towards an understanding of the Police Service as a more civil institution. This shift took place in the context of post-Cold War re-conceptualization of the security sector, and, in the context of a growing concern about crime and a recognition that a traditional security response to the problem was not viable. A key element of this shift was an appreciation that the Police Service was one of the most common interfaces between citizens and the state in a high-crime society

178 J. Rauch, *Transformation of the Police Service, a synthesis of papers*, p. 12.
179 The Department of Arts and Culture, Science and Technology, CSIR, 1998, "*Safer by design towards effective crime prevention through environmental design in South Africa*", p. 3.
180 *Servamus*, 31.12.1998, p. 5.

such as ours.[181] The NCPS also focussed on the shifting of responsibility from the Police Service alone to the co-operative framework of the Police Service plus other agencies in the social welfare field, together with the local community itself. Police chiefs believed that the reactive style of policing, which developed during the sixties and seventies, needed to be modified and supplemented by an approach that reduced the opportunities for people to commit crime.[182] The NCPS however focussed on the concept of community policing by means of a partnership approach between the Police Service, the communities and other government departments in fighting crime.

In a letter in June 1995 it was stated that the SAPS played a leading role in the development of the NCPS approved by Cabinet. The NCPS together with the RDP, would enable the redress of the root causes of crime in South Africa, namely the poor social-economic conditions that prevailed.[183] In 1996 and 1997 the Ministry of Safety and Security and the Police management launched a number of crime-combating initiatives. They targeted a number of objectives namely improved intelligence gathering, anti-corruption drives, better training and management development. The NCPS was followed by a series of on-the-ground operations namely sword and shield, eagle, rooikat, iron fist, anvil and urban strike. Venter is of the opinion that despite their upbeat names, they failed to elevate public confidence, probably because there were no lasting changes in crime patterns.[184]

The National Operational Co-ordinating Committee (NOCOC) was established in April 1997 and resorted under the auspices of the NCPS. NOCOC consisted of five departments namely the SAPS, South African National Defence Force (SANDF), the Department of Justice, the Department of Correctional Services and the Department of Social Welfare. NOCOC was established on national level but was also decentralized to provincial and area level, called the Provincial Operational Co-ordinating committee (POCOC) and the Area Operational Co-ordinating Committee (AOCOC). NOCOC was responsible for the operational co-ordinating and monitoring of taxi violence, gang and

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181 Rauch, *Transformation of the Police Service*…, p. 12.
182 R. Kinsey *et al*., *Losing the fight against crime*, p. 105.
183 2/1/10: "*Transformation of the South African Police Service: Progress report: June 1995*", 13.6.1995, SAPS Provincial office, Bloemfontein.
184 Venter, p. 220.

Pagad related violence, bank robberies, cash-in-transit heists and farm attacks.[185] NOCOC and NCPS, had a shared responsibility towards addressing specific crimes interdepartmentally. Specific crime prevention operations were planned in order to address these specific crimes. President Mbeki's state of the nation address in 1999 indicated that steps would be taken to strengthen community police forums and multidisciplinary interventions should be made in certain areas involving all spheres of government and the people themselves in an offensive against crime.[186] The NCPS as a strategy to address crime was compiled and driven originally from the Secretariat for Safety and Security. This in itself created a few problems due to the fact that the Secretariat was created to oversee strategic policies and issues of the SAPS and could not become involved in the operationalizing of policing.

The NCPS shared a shortcoming with the White Paper on Safety and Security - the necessary financial planning for the development of projects or initiatives was absent. A quote from the Auditor General's report (Kluever, 1999) reads: "The Police's NCPS is failing because it was based on inaccurate crime information and is poorly managed."[187] Shaw stated that the NCPS was too centralized and dependent on guidance from Pretoria rather than relying on initiatives from the local level.[188] A committee of the magnitude of the NCPS should be chaired by the Deputy President or an appointee by the President. What South African needs to save it from total anarchy and collapse, is an integrated approach to crime prevention with purposeful leadership to guide it through the difficult implementation phases.[189] Shaw further implied that the approach was seen as too unclear, too long term and too difficult to evaluate.[190] Deputy Commissioner Mmamabolo of the Free State Province indicated that the NCPS was a well integrated strategy to focus on the prevention of crime.[191]

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185 *Servamus*, 31.12.1998, p. 38.
186 *Eastern Province Herald*, 26.6.1999, p. 2.
187 Bezuidenhoudt, p. 82.
188 *Die Burger*, 19.8.1997, p. 15.
189 *Servamus*, 31.12.1998, p. 5.
190 M. Shaw, *Crime and policing in post apartheid South Africa, transforming under fire*, p. 128.
191 Jane Buys Collection: Transcribed interview with Deputy Provincial Commissioner E.T. Mmamabolo, Support Services, SAPS, Free State Province, Bloemfontein, 10.9.2007.

The creation of the NCPS was a step in the right direction in fighting crime. Effective leadership and direction were however lacking in driving this process. Between the creation of the strategy in 1996 and 2000 when it was reallocated to the command and control of the Police Service, nothing constructive came out of the NCPS. However, the NCPS cannot resort under the command and control of Police Service management because of the shared responsibility that it should have with other government departments in fighting crime. The emphasizes on the social causes of crime by the NCPS can contribute tremendously to solve the crime phenomenon in South Africa.

4.3 The establishment of the JCPS cluster in fighting crime

The departments of Law and Order, Justice and Correctional Services were to a great extent autonomous from one another. In other countries these three departments function on an integrated basis under the 'Criminal Justice' logo. Such a system was because of the South African form of government not possible at the end of the 1980s. Serious attention was being given in the 1990s to co-ordinate the functions of these three departments. The establishment of a National Interdepartmental Crime Combating Board was investigated and was implemented on 18 May 1993 to promote the interdepartmental co-operation between the Police Force, Justice and Correctional Services.[192]

In 1995, South Africa's criminal justice system was organized into one of six government clusters, the JCPS. This cluster consisted of the Ministries of Safety and Security, Justice and Constitutional Development, Correctional Services, Home Affairs and Defence, a shift away from the previous organization into 'Security and Intelligence' functions. The JCPS set up functions to focus the activities and resources of the various departments on addressing crime and public order; improving the functioning of the criminal justice system and address factors that impacted negatively on the social-economic development of the country.[193] With the forming of the JCPS

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192 2/5/27: "*Misdaadvoorkoming: Tienpuntplan*", 24.3.1993, SAPS Provincial office, Bloemfontein.
193 Rauch, *Transformation of the Police Service*…, pp. 12-13.

cluster, the emphasis was placed on the criminal justice system to become more effective in addressing crime.

The efficiency investigation regarding an integrated computerized system between the Police Force and the departments of Justice and Correctional Services was launched in order to improve and co-ordinate better co-operation between these three departments. It would ensure a data base of all bail applications and bail forfeiture that would assist in the effective opposing of bail applications.[194] As one of the key projects of the 1996 NCPS, the Integrated Justice System (IJS) aimed to transform the criminal justice system "into a modern, efficient, effective and integrated system" by removing blockages and managing the accused and his or her case, together with the evidence, through the system as quickly as possible.[195] The project started in 1997, and was managed by a board that represented the Departments of Safety and Security, Justice and Constitutional Development, Correctional Services, and Social Services and Population Development, with the assistance of a Business Against Crime project office that helped with the co-ordination of the interdepartmental project.[196]

Some of the better known projects of the IJS were the awaiting trial prisoner project, inmate tracking system, Automated Fingerprint System (AFIS) and the criminal record and history information system. The project was criticized for taking too long to show tangible results and for being too information technology orientated.[197] Early in 1997 the government announced a R1,4 billion upgrade of the justice system, to be spread over four years. The biggest single designated project was a R300 million computerization of the records of the Police Service, courts, prisons and juvenile care system.[198] Advanced technology played a huge role in the IJS that would put the JCPS cluster and the SAPS in a more advantageous position for addressing crime. However, it did not yet materialize.

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194 2/5/27: "*Misdaadvoorkoming: Tienpuntplan*", 24.3.1993, SAPS Provincial office, Bloemfontein.
195 M. Sekonyane, A.Louw, *Violent justice, vigilantism and the state's response"*, p. 48.
196 *Ibid*.
197 *Ibid*.
198 Venter, p. 221.

The budget of the three main criminal justice departments, Police Service, Justice and Correctional Services, grew from R5,9 billion in 1990/1991 to R28,5 billion in 2001/2002. This translated into an annual average growth rate of 15,4% over the last eleven years. One of the major challenges that faced the SAPS and the IJS initiative, was the implementation of a new juvenile justice system as indicated in the Child Justice Bill. This was likely to become even more central in the criminal justice system, given the youth demographics of South Africa, the profile of offenders, and the increasing likelihood of young people becoming involved in crime as a result of unemployment and the impact of the HIV/AIDS epidemic. Family violence, along with alcohol-related violence, is probably South Africa's most serious crime problem, and one which a traditional security approach could not effectively address.[199] The integrated JCPS system had at its aim better and extended co-operation between all the stake holders to ensure efficiency and effectiveness in addressing crime.

The focus of the JCPS and the IJS was to identify problematic areas within the integrated systems that hampered the effective and efficient combating of crime in South Africa. This approach also stressed that the Police Service was but one of the stake holders whose role was clearly emphasized in the Constitution and the necessary acts. The emphasis was placed on more and extended community involvement in assisting the Police Service. The integrated approach also created the impression that the SAPS alone was not to be blamed for the increase in crime, as well as not having the means in addressing it.

Several opinions on the effectiveness of the JCPS cluster were obtained. Shaw is of the opinion that the JCPS cluster was not united, and there was too little involvement from the departments of Social Welfare, Education and Health. Also that the Department of Safety and Security suffer from a lack of expertise and motivation on their middle management level.[200] Advocate du Toit mentioned that the co-operation between the various departments in the Free State was not what it should be. Every department was so busy with its own things that the co-operation was lagging behind. There must be effective leadership and this was lacking. He further mentioned that in the Free State

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199 Venter, p. 13.
200 *Die Burger*, 19.8.1997, p. 15.

Province there was an Integrated Justice Cluster Co-ordinating Committee, that existed out of a number of departments namely SAPS, Education, Justice, Correctional Services and Social Welfare. Every two months a meeting took place where joint problems were discussed and solutions to problems sought. The question that needs to be asked is whether this cluster was really effective in preventing crime."[201]

According to Director Paneras the Police Service as the main role player in the Social Crime Prevention milieu was made responsible to bring all the other government departments together to attend to the social factors of crime. On the question whether there was good co-operation between the Police Service and these other departments, she mentioned that there was really poor co-operation between them. Many workshops were organized. After these workshops and all the eating and drinking there was no money available to undertake projects.[202]

The NCPS strategy should be assessed together with the JCPS cluster and the IJS strategy. These three clusters and strategies were instituted in 1996 to combat crime effectively in South Africa by means of an integrated approach. The Departments involved in this approach were Safety and Security, Justice, Correctional Services, Constitutional Development, Social Welfare, Population Development, Home Affairs and Defence Force. The NCPS was compiled by the Secretariat for Safety and Security, that is why the strategy became associated with the Police Service alone. The aims and objectives of these strategies and clusters were to work really effectively and integrated to focus on crime and improve their overall functioning. Since 1996, planning of integrated approaches to streamline the integrated justice system computerized data bases has not yet yielded much. Money had already been spent on integrated strategies and approaches and the perception exists that nothing serious was done about the combined approach on fighting crime. It seems as if there was little co-operation, ineffective leadership and no clear cut policies and strategies; meetings and occasional workshops were all that was forthcoming from these strategies and clusters.

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201 Jane Buys Collection: Transcribed interview with Advocate du Toit, Acting Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

202 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

5. The establishment of the Business Against Crime (BAC) initiative, 1996 to 1998

Due to a direct appeal from South Africa's previous President, Nelson Mandela, BAC was established during 1996 and involved the private sector and the government in its fight against crime. BAC's national office is situated in Johannesburg with provincial offices in Gauteng, the Eastern and Western Cape, KwaZulu-Natal, Mpumalanga and the Free State. Through these offices and with the support of a number of BAC's founders and partners, BAC supported the various government departments in projects to decrease crime in the country. BAC's mission was to "leverage the resources of business and communities in support of government in the fight against crime".[203] BAC did this by identifying projects that would support government priorities and research and develop business plans to drive and measure the respective projects.[204] The board of BAC adopted a systematic approach to fighting crime in line with the government's NCPS. The involvement of businesses in the fight against crime originated from the concept of community policing and the creation of CPFs at stations by means of the partnership approach.

It became clear that BAC did not have the infrastructure to deal effectively with the requests for and offers of help that were streaming in. The partnership projects came after the Johannesburg office of McKinsey, Inc., a leading international management consultant, had approached the Police Service with an offer of assistance. Project Lifeline grew from recommendations made by McKinsey.[205] The "two hour club" was also established that offered projects for volunteers across a range of skills and support services. These included a project aimed at reducing absenteeism in the Police Service through managed health care and support for stress, volunteer work in police stations and the provision of services to improve community participation.[206]

In May 1997 Commissioner Fivaz rejected suggestions that police management should be put in the hands of business, though he was grateful for donations of BMW for the highway patrol, cellular phones and financial contributions for a computerized database

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203 *Servamus*, 31.4.2001, p. 66.
204 *Ibid*.
205 *Saturday Star*, 15.3.1997, p. 10.
206 *The Star*, 27.2.1997, p. 19.

and fingerprint identification system: "The partnership approach initiated by BAC is a healthy one, and it should be extended, but the primary role of business is to turn a profit, while the primary role of the Police is to serve."[207] BAC became very much involved in projects to assist the SAPS in their fight against crime.

For many years Closed Circuit Television (CCTV) was used by the private security industry in various sectors such as banks and the retail industry. Local authorities and police in more than 250 cities and towns across Britain installed television surveillance systems. Britain is already home to 10 percent of the entire world's CCTV cameras. By 2007 it will have 25 million of them – one for every two adults in the country. Many other countries, such as France, Canada, the United States of America and Australia, followed in Britain's footsteps and are making use of CCTV as part of their comprehensive urban crime prevention strategies.[208] In South Africa CCTV could be very effective especially in the CBDs of towns, but it should form part of a fully integrated crime prevention and community safety strategy.[209] The CCTV projects in Eastern Cape, Cape Town and Johannesburg was only initiated after the assessment period in 2000 and 2001 respectively. The effectiveness of CCTV can only be as good as the people operating the system. It entails that very good co-operation and assistance between these people and the SAPS are needed in order to be successful and effective.

BAC was partnering the Police Service in its process of transformation. The focus is the creation and maintenance of partnerships between police stations and the communities they serve. The objectives include the identification and prioritization of weaknesses and the subsequent development of competencies to counter these weaknesses by advancing the standards of station-based service delivery. In this regard, 68 partnerships were created in five provinces. A victim support programme was established at 93 community-based volunteer centres at police stations in three provinces. It offers a free service to 4 000 victims of crime per month. BAC contributes to programmes addressing competency mapping, telephone skills training,

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207 *Sunday Times*, 4.5.1997, p. 23.
208 *Servamus*, 31.5.2004, pp. 54.
209 *Servamus*, 31.5.2004, pp. 54, 57; *The Star*, 12.4.2000, p. 2.

customer care, internal communication and station management training.[210] The assistance of businesses and their volunteer work in equipping the SAPS to enhance their service delivery already contributed to better partnerships between the SAPS and the communities.

Director Paneras is of the opinion that BAC is only effective in the bigger centres such as Johannesburg, Durban and Cape Town where all the head offices of the big businesses are situated, especially when looking at the implementation of the CCTV cameras.[211] According to Commissioner de Kock there was more openness between the SAPS and BAC in the middle of the 1990s when the requests for assistance were made. The BAC movement became less effective over the years due to more isolation on the part of the Police Service. From the end of the 1990s the Police Service became less inclined to ask the business community for their assistance in fighting crime.[212]

BAC is an initiative that was created to enhance the co-operation and assistance between the SAPS and businesses to combat the escalating crime levels in the country. The projects and assistance of BAC were initially very good but it seemed to become less as the years progressed. A few reasons for this exist. BAC initiatives and money pouring into the curbing of crime initiatives could sometimes be perceived as that of throwing water into a bottomless dam. Initiatives of BAC should show some results when it is being done with the necessary commitment and dedication by police officials and managers. When no constructive successes are achieved, the co-operation and assistance can lessen. The attitude and perception of certain SAPS commanders at stations could also contribute to less co-operation from BAC. The idea behind all the initiatives were to enhance the effectiveness of the SAPS in fighting crime and secondly to improve their service delivery to the communities.

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210 *The Star*, 28.9.2001, p. 19.

211 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

212 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

6. The concept of service delivery in the SAPS, 1995 to 1998

Democratization brought many regulations to the Public Service to bring it in line with democratic principles and guidelines. All these regulations meant that Public Service Act had to change because the other government departments needed to be aligned according to the prescriptions and guidelines of the Public Service. The aim was to streamline the Public Service and to make it more compact and representative of the majority of South Africans. The Police Service, as part of the Public Service had to adhere to these regulations in their own transformation and restructuring. It had to become more focussed on delivering a service to the communities. The question is whether the SAPS is succeeding in doing just that. Surveys conducted by the British Ministry of Interior stated that very important reasons existed why people of the public were satisfied or dissatisfied with the performance of the police. It could be summarized in four questions that the public asked in their interaction with the police. Firstly, did the police prevent crime and recover stolen property? Secondly, did the police act professionally? The third question is, did the police react quickly and were they serious about the problem? Fourthly, did the police keep the public informed about the investigation?[213] For members of the public who had contact with the police, it was the interpersonal skills of the police official that reflected the image of the police and how the police as a whole was assessed. From the public's reaction it could be determined that the human quality of police work had an enormous impact on people's personal experiences of the police.[214]

In South Africa and specifically in a letter in June 1996 by SAPS Head Office it was indicated that the nature and manner of the services that the Police Service delivered should change. Firstly, it implied service delivery to all communities in an effective, transparent, accountable, legitimate, acceptable and accessible manner through the participation of communities in terms of their respective needs and expectations. Secondly, it prescribed respect for and protection of the fundamental human rights of all people, whether they were members of the Police Service, any community, victims or

213 Stevens and Yach, p. 17.
214 *Ibid*., p. 18.

perpetrators of crime and violence.[215] The focus was already placed on the promotion and enhancement of the services that needed to be delivered to the communities, thus service delivery.

The White Paper on Transforming Public Service delivery was published on 18 September 1997. The Constitution stipulated that public administration should adhere to a number of principles. Firstly, that a high standard of professional ethics should be promoted and maintained. Secondly, that services must be provided impartially, fairly, equitably and without bias. Thirdly, that resources should be utilized efficiently, economically and effectively. Fourthly, that the needs of people should be responded to and that the public was encouraged to participate in policy making. Fifthly, that the services rendered should be accountable, transparent and development-orientated.[216] The White Paper was directly applicable to those parts of the public sector, both national and provincial, which were regulated by the Public Service Act of 1994. It is relevant to local government, teachers in education departments, as well as the SAPS, the SANDF and the Intelligence Services. It was expected that all sectors of public administration would agree to follow the principles set out in the White Paper. This paper was also referred to as 'Batho Pele', meaning putting people first. [217] The focus on the transformation of the Public Service and specifically the SAPS was meant to enhance the effective service delivery to communities.

There are eight principles of Batho Pele that the Police Service should adhere to as part of the Public Service in rendering a qualitative and effective service to the communities. The first principle is consultation. Police officials should consult with citizens about the level and quality of services they receive. The second aspect is that of service standards, namely that police officials should tell citizens what level and quality of service they will receive so that they will be aware of what to expect. The third principle is access, meaning that all citizens should have equal access to the services to which they are entitled. The fourth principle of Batho Pele is that of courtesy, indicating that

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215 2/10/2: "*Policing transformation: Implementation of Strategic themes in the South African Police Service"*, 25.6.1996, SAPS Provincial office, Bloemfontein.

216 "*White Paper on transforming public service delivery*", Department of Public Service and Administration, 18.9.1997, WP 12/1997, pp. 2-3.

217 *Ibid*., p. 6.

police officials should treat citizens with courtesy and consideration. The fifth principle is information, meaning that police officials should provide full, accurate information about the services citizens are entitled to receive. The sixth Batho Pele principle focusses on openness and transparency. This indicates that citizens should be told how national and provincial departments run, how much they cost, and who is in charge. The seventh principle is that of redress. If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy, and when complaints are registered, citizens should receive a sympathetic, positive response from police officials. The last Batho Pele principle is value for money. Police services should be provided with sufficient economical means in order to provide citizens with the best possible value for money.[218] The police stations are being assessed on their performance of these Batho Pele principles.

Political, economic and technological factors and an ever-changing social order makes it incumbent for the SAPS to improve the quality of services they delivere. The SAPS was in a process of transformation. It needed to build its internal capacity in order to satisfy the needs of its clients in a constantly changing internal and external environment. The ultimate aim of the SAPS was to provide an effective and efficient service delivery capacity, defined as an active partnership between the SAPS, the community and other service providers to address problems related to crime prevention and management. In order to realize this objective as a primary function, a culture of service delivery was important, hence the birth of the Service Delivery Improvement Programme (SDIP). The SDIP was linked to the Government's initiatives for transformation in the Batho Pele document. The purpose of the SDIP was to develop the skills and knowledge of members so that they would be able to provide quality policing services. The SDIP focussed on support services, crime prevention, community service centres, detective services and crime intelligence.[219] The SDIP officially started in 1997. Monthly returns on specific strategies and projects that were instituted by the stations according to the SDIP had to be submitted.

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218 *Ibid*., p. 7.
219 *Servamus*, 31.8.1998, p. 44.

6.1 Opinions on effective service delivery by the SAPS

Commissioner Fivaz stated that "in terms of service delivery I think the Police Service today are pathetic. However, you get police officials who work very hard and perform a lot."[220] Commissioner de Kock asked whether the Police Service was successful in doing what it was originally intended to do in delivering a service to the communities: "If you listen to complaints from the communities and read the newspapers every day, listen to radio and television, you can say in general that service delivery is not on the level that it should be. However, in some instances you hear that members in the public praise the Police Service for their good services rendered."[221] Director de Kock mentioned that the majority of members of the community is dissatisfied with the service delivery of the Police Service. Most of them are complaining about the reaction time of police members and that police officials are non-operative because they do not have discipline. There is a comparison between discipline and service delivery; if your discipline is poor, then your service delivery will also be poor.[222]

Director Paneras mentioned that service delivery also depended on the resources of the Police Service in certain communities. When looking at Sandton, it is a very rich community and they bought vehicles for sector policing to enhance the service delivery of the Police Service in that area. On the other hand, when you take a poor community such as Bloemspruit, a lot of the community members cannot even travel to the Police Station to open cases, not to say contributing to the buying of any logistical means that will enhance the service delivery by the Police Service.[223] She further mentioned that it is a fact that the communities are complaining about service delivery from the Police Service. The main complaints are about reaction time. Some stations like Bloemspruit has a ratio of one police official for 3000 to 4000 of the community members. Under

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220 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

221 Jane Buys Collection: Transcribed interview with Assistant Commissioner C.P. de Kock, National head of the CIAC, CI, SAPS, Pretoria, 5.12.2006.

222 Jane Buys Collection: Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.4.2007.

223 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

such circumstances it is inevitable that the community will complain about the service delivery by the Police Service.[224]

Senior Superintendent J.P.P. Erasmus stated that the restructuring of the SAPS in terms of Resolution 7 of 2001 was that white police officials were redeployed to police stations in the black townships, and black police officials were redeployed from the townships to the police stations in the so-called white areas. The first problem they experienced was that they could not properly communicate with the members of the community. Could this issue be connected to service delivery, or was the issue more linked to that of a political objective?[225] Senior Superintendent B.D. Mdeuka is of the opinion that the majority of the African population is complaining about the service delivery of the Police Service. Commissions of inquiry should be appointed to assess why the public are so unsatisfied with the services of the Police Service.[226]

Van der Westhuizen mentioned that many of the police men and women with whom he had contact tried their utmost to deliver a service to the community. When you read the newspapers however, and hear all the stories about complaints, then there are many places where the service delivery "is seriously lacking", because untrained people are being appointed in management positions and there is also a lack of logistical resources.[227] Kok is of the opinion that there is a negative perception by the public in terms of the service delivery that the SAPS is rendering. By service delivering is meant the reaction time of the Police Service, the friendliness of police officials, helpfulness, lack of discipline, corruption and inefficiency. Many skilled police officials resigned from the Police Service that also affected the service delivery negatively.[228] Advocate du Toit mentioned that in general the quality of investigations decreased when comparing it with that in the Police Force. There is however police officials that can be

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224 Jane Buys Collection: Transcribed interview with Director H.A. Paneras, Head of Crime Prevention, Bloemspruit police station, SAPS, Free State Province, Bloemfontein, 11.4.2007.

225 Jane Buys Collection: Transcribed interview with Senior Superintendent J.P.P. Erasmus, Mangaung Detective Services, SAPS, Free State Province, Bloemfontein, 27.3.2007.

226 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, CI, SAPS, Free State Province, Bloemfontein, 24.8.2007.

227 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

228 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2007.

described as 'pockets of excellence' that make a difference in their work.[229] There are certain investigations that are pathetic, but the attitude of police officials towards investigations more or less stayed the same: "You cannot replace a police official with ten year's experience with one with one years' experience and think that person will deliver the same service."[230]

One of the most important focus areas in transforming the Police Force was to make it more effective in delivery services to the communities. The impression was created that because the Police Force was not representative of the communities it served, the majority of communities, especially in the black townships experienced a serious lack of effective service delivery by the Police Force in addressing crime. After democracy, the Police Force firstly was transformed according to the Constitution and the new SAPS Act into a service delivery agency. The lower levels of policing, also indicative of the visible and operational line functions of members such as constables to inspectors, became much more representative of the communities they had to serve. With the passing of time, especially between 1995 and 1999, the service delivery of the SAPS became more problematic of nature, and the communities experienced more unsatisfactory levels of service delivery from the SAPS. When discussing the opinions of the public regarding the SAPS more will be said about this issue.

7. Police officials and the phenomenon of stress after democratization, 1995 to 1998

The SAPS is committed to ensure effective and efficient service delivery to the communities. A number of factors however impact on this service. Some of these issues were already discussed in this chapter and previous chapters such as morale, attitude, conduct, discipline, corruption, affirmative action together with representivity, the level of training, lateral appointments and the issue of an over-emphasized human rights culture. What also became a phenomenon that impacted on effective service delivery in the beginning of the 1990s, was the issue of stress, depression and suicides

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229 Jane Buys Collection: Transcribed interview with Advocate A. du Toit, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007

230 *Ibid*.

amongst police officials. There is a need to shortly discuss this issue in connection with service delivery.

An article in *The Sunday Times* of 3 February 1985 ran a story under the headline "Police demand special aid to combat stress". The Police Federation in the United States of America engaged in a period of active lobbying for attention to be paid to the problems of stress in police work. The Federation held a symposium concerning stress in October 1984. Canadian researchers suggested that disorders with psychosomatic components such as headaches, indigestion, constipation, diarrhea, high blood pressure and ulcers were more frequent amongst police officers than amongst citizens in general.[231] Police officers were prone to stress, and concern was growing about this stress experienced by police officials, to a surprisingly high extent included management behavior.[232] Research conducted at the Bramshill Police College in Britain showed that items near the top of the list that produced most stress tended to be associated with change events or uncertain outcome, and interestingly, where the officer was helpless to determine the way things turned out. In other words, unpredictable and uncontrollable outcomes caused stress.[233] However, Ainsworth stated that people vary greatly in the nature of the situations they find stressful, the extremity of the situations needed to evoke a stress response, and how the stressed response will manifest itself: "The only state that is completely stress free is death."[234]

When looking at the kind of job the police have to do, one realizes that they are generally never paid nearly what they should be. They did not receive a great deal of praise, glory, or pats on the back for the work they do. Police work is not a job, it is a calling, and a police official is a special breed of person who loves the thrill of the chase, the excitement of the job and the satisfaction of catching the bad guy or saving the little girl's life. But it all comes at a price. Police officers are trained to respond to dangers, but no one trains the police official for the stress of the job. Police officials should make decisions in a split second that will be analyzed by judges, juries and the

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231 Quoted in P.B. Ainsworth, K. Pease, *Police work, psychology in action*, p. 143.
232 *Ibid*., p. 161.
233 *Ibid*., p. 148.
234 *Ibid*., pp. 143-144.

medical profession for years to come. Police officials, by the nature of their jobs, are exposed to more traumatic experiences in one month than most people experience in a lifetime. Police officials may have handled many traumatic incidents and stress situations without a problem, until one thing happens that breaks down their ability to cope. They will then develop what is known as Post Traumatic Stress Disorder (PTSD).[235] Police officials are firstly human beings and also experience anger, frustration and fear in their daily work. More focus should be placed on training initiatives to help them to cope with all the anxiety they have to endure and experience.

In South Africa, since the process of social and political reform gained momentum and the state of emergency was lifted during 1990, there has been a dramatic increase in violent incidents, both politically and economically inspired. Statistics show that more people died annually between 1990 and 1994 than in any other corresponding period in the history of this country. Since 1990 multidisciplinary task groups in the South African Police Force were formed to investigate and address phenomena such as the high rate of suicide, stress in police officers, alcohol abuse, shooting incidents, and so forth. However, little progress appeared to have been made in the understanding or combating thereof in the Police Force. A trend that was reflected by official police statistics and was also clear from newspaper reporting was that, in comparison to most Western European and North American law enforcement agencies, a greater number of police officers of the Police Service were more regularly involved in shooting incidents.[236]

Furthermore, the changed political scenario and social order in South Africa, have much to do with the current state of affairs. When political and social transformation occurs in a society at the rate at which it happened in the 'New' South Africa, it obviously goes hand in hand with experiencing much more anxiety and uncertainty.[237] The sad truth is that while police officers all over the country are exposed to trauma and injuries on duty every day, the backing they get from the administrative side of their employer is not

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235 *Servamus*, 30.4.2003, pp. 9-10.
236 *Servamus*, 30.4.1995, p. 15.
237 *Ibid*.

always what it should be.[238] The sufficient support for police officials to help them to cope with stressful situations in their work environment, seems to be lacking.

More police officials become stressed and experience psychological disorders, of which PTSD is the most common. Before looking at how it affects the SAPS, the act in which this medical condition is stipulated, will be shortly discussed.

7.1 The Occupational Health and Safety Act and PTSD

The Occupational Health and Safety Act, Act No. 85 of 1993[239] replaced the Machinery and Occupational Safety Act, No. 6 of 1983. The act imposes stringent regulations regarding health and safety conditions, although no workplace can be made 100% safe and accidents will still occur. It conforms to the common law principle that it is the employer's duty to provide health and safe working conditions for its employees.[240] According to section 16(4) of the Act, the National Commissioner is the Chief Executive Officer of the SAPS. Due to the fact that the Police Service is such an enormous organization, it is obvious that the National Commissioner cannot handle this responsibility alone. The responsibility is therefore delegated in terms of section 16(2) of the Act to the Provincial Commissioners.[241]

At the provincial, area and other offices where there is not that big a risk, the Act stipulates that there should be one Occupational Health and Safety representative for every 100 employees. The Act however requires that there should be one Occupational Health and Safety representative for every 20 employees where the risks are higher. Article 19(4) of the Act stipulates that the Occupational Health and Safety representatives should meet whenever necessary, but at least once in a three month period.[242] Every office, every unit, every component, every division, every provincial and national office should have Occupational Health and Safety representatives appointed to oversee the health and safety of the employees in their work places.

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238 *Servamus*, 30.9.2000, p. 48.
239 *Servamus*, 1.6.1998, p. 45; *Hansard*, 22.11.1993-25.4.1994, Part 44, Col. 15.
240 S. Bendix, *Industrial relations in the new South Africa*, pp. 149-150.
241 2/26/3: *"Implementering: Beroepsgesondheid en Veiligheid Wet 85 van 1993: Free State province"*, 17.2.1997, SAPS Provincial office, Bloemfontein.
242 *Ibid*.

Any injury or illness can occur on a daily basis whilst police officials are on duty. Occupational Health and Safety has become one of the tasks in the day-to-day management of the SAPS. Section 14(1) of the Occupational Health and Safety Act requires every employee at work to take responsibility for his or her own safety and health and also that of other persons that might be affected through the conduct or negligence of other police officials.[243] What is important to note about the Act is that PTSD and depression are not included in the third annexure of this act as an occupational hazard or disease and therefore a casualty should be proved. In cases of PSTD and depression the conditions should be linked to a specific incident and all the necessary medical documents, after investigation, should be provided to the Compensation Commissioner for consideration and decision.[244] On 1 March 1994, PTSD was officially declared an injury on duty in terms of the Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993, which came into effect on 1 March 1994.[245] The reason why these two acts are mentioned is that PTSD or stress and depression that police officials experience that impact on their inability to deliver effective and efficient services to their communities, can only be handled by means of these two acts.

7.2 Stress and suicides in the SAPS, 1991 to 1998

Concerning the incidence of suicide amongst police officers during 1991, 60 out of every 100 000 police officers committed suicide compared with 5 out of every 100 000 people from the general public in South Africa. These statistics contribute to the contention that many police officers experience their circumstances as traumatic and feel rather unsupported and unable to cope.[246] Lieutenant Colonel J. Nel[247] mentions that police officers are exposed to victims of violence, and are themselves victims of violence, and at times, use violence against offenders. The image of the Police Service as immune to the subsequent pressure and stress has changed. Recognition developed amongst both Police Service management and the public regarding the negative effects

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243 *Ibid*.

244 2/19/1: "*Wet op vergoeding vir beroepsbeserings en -siektes, Wet No. 130 van 1993 (Stresverwante aangeleenthede)"*, 19.4.1996, SAPS Provincial office, Bloemfontein.

245 *Servamus*, 30.9.2000, p. 48.

246 *Servamus*, 30.4.1995, p. 15.

247 Section Head of the Psychological Support Services, Institute for Behavioural Sciences, SAPS, Head Office; *Servamus*, 30.4.1995, p. 15.

that dealing with violence have on police officers. As a result an increasing number of law enforcement agencies all over the world are providing psychological help for their officers. The same can be said with regard to the SAPS where an increasing incidence of suicide and medical boarding due to stress and anxiety-related illness, is reported.[248] Stress was pointed to as one of the major influences on the South African mood. The society's stress was the combined effect of the silent dynamics at work in the community and the transformation process that accompanied it. In August 1996 the Psychological Society of South Africa called for the urgent implementation of a national strategy to deal with the levels of stress South Africans were living under. The society said South Africans were amongst the most stressed people in the world and the causes were urbanization, unemployment and the constant need to adapt emotionally to change. The results were violence, aggression, family breakdowns, child abuse, drug usage and depression. Venter is of the opinion that the greatest source of stress in South Africa is the crime avalanche.[249] The transition period and transformation as well as the increase in crime levels all contributed to the experience of stress, anxiety and uncertainty amongst police officials.

An article in *Servamus* in March 1997 reported that "it cost the State yearly millions of rand to pay police members that were declared medically unfit for service due to PTSD".[250] A stress defuse programme already exists in the Police Service that can be followed voluntarily by police members that experienced traumatic incidents.[251] In June 1997 Prof. Jan Robbertze, a well-known psychiatrist, said: "South Africa is on road to a national disaster due to the high incidences of serious post traumatic stress disorders in the community, but especially amongst police officials."[252] These disorders originate from the exposure to excessive and gruesome violence in the line of duty. There was an overdose of these things the past two decades in South Africa. The apartheid war was over, but it was replaced by another war where criminals took over and they were the enemy that should be fought against.[253] The increase of stress and

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248 *Servamus*, 30.4.1995, p. 15.
249 Venter, pp. 170–171.
250 *Servamus*, 31.3.1997, p. 13.
251 *Ibid*.
252 *Die Burger*, 9.6.1997, p. 11
253 *Ibid*.

depression under police officials are well documented in the media and the general public is therefore more informed about the stress and depression that police officials experiencing.

Workshops that formed part of the National Suicide Prevention project were launched in 1998. This was due to the high incidence of suicides amongst police officials. Commissioner F.G. Fivaz announced that between 1 January to 30 June 1998 there were 60 police suicides compared to 84 in 1996 and 75 in 1997: "Many police officials become victims themselves, not only of crime, but also victims of depression and despair, which in some instances leads to suicide or attempted suicide."[254] In August 1998, Meyer Kahn stated that the "struggling integration process of the eleven former police forces, the transformation process, the high crime figures and the poor external environment, all have a negative influence on police officials."[255]

Apart from being confronted with violence, abuse and horror on a daily basis, police officers are murdered in South Africa at a rate higher than anywhere else in the world. In the period of 18 months up to June 1999, 354 officers were murdered, which boiled down to a murder every 37 hours. According to the United States of America's Federal Bureau of Investigation (FBI), the chances of the Police Service's officers being murdered are four times higher than is the case among their counterparts in the United States of America. Cases of stress and suicide are increasing on a daily basis and many officers become victims of PTSD by performing their duties in a country with one of the highest crime rates in the world.[256] Many factors contribute to police officials experiencing stress and depression. It cannot be contributed to one single factor.

The restructuring of the SAPS resulted in a great deal of uncertainty amongst police officials. When a post is advertised, the successful applicant might not have the necessary work experience, as affirmative action is at the order of the day, and the onus rests on the new appointee's colleagues to assist and teach that appointee. Financial problems are also one of the main contributing factors causing suicide amongst police

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254 *The Star*, 5.7.1999, p. 2.
255 *Servamus*, 31.8.1998, p. 10.
256 *Servamus*, 30.9.2000, p. 48.

officials. The perception exists amongst police officials that Top Management and officials in the higher echelons feather their own nests, while officials at grass-roots and middle management levels have to be content with pressures from all sides.[257] The opinion of a well-known person working for the Police Service's Medical Board who stated that "there is no such thing as post-traumatic stress disorder", also contributed to despair under police officials who could not be declared medical unfit due to PTSD.[258]

Various opinions regarding stress and PTSD in the SAPS were obtained. Commissioner Fivaz is of the opinion that there is more stress in the Police Service than there was in the era of the Police Force. This is due to the fact that on the one hand police officials feel that they are being disadvantaged, and that they are not getting what they deserve.[259] Director de Kock mentioned that police officials in the era of the Police Force had stress when they did not do their job, because they knew that an officer would punish them for not doing it. The transformation process on a continuous basis and the restructuring of especially the Detective Services, the Security Branch and Internal Stability Units, were not for the better for the Police Service. The restructuring process demoralized some police officials so that they did not care to perform and do their work, because they felt unwanted in the new political milieu.[260] Commissioner M.J. Gaobepe mentions that some people are playing stress. He is of the opinion that the only thing that can put stress on police officials is their attitude, but he also had to admit that equity got police officials stressed.[261]

Van der Westhuizen mentioned that the changes that took place in South African did occurr overnight and it had a psychological influence on all the people. It is obvious that policemen and women should experience stress because they must perform an unusual task without sufficient logistical resources: "It is a wonder that there is not more

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257 *Servamus*, 31.8.2002, pp. 22-23.

258 *Servamus*, 31.8.2002, pp. 20, 22-23.

259 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

260 Jane Buys Collection, Transcribed interview with Director P.D. de Kock, Provincial Head: Detective Services, SAPS, Free State Province, Bloemfontein, 4.2007.

261 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

stress." [262] Kok stated that the media received reports about police officials who were on stress leave due to promotions that took place regarding representivity and equity.[263]

Many factors caused a higher occurrence of stress and depression among police officials in the new SAPS. One factor is the increase of serious and violent crimes, thus the crime avalanche and the utter brutality and horror with which criminals execute these acts. There is not sufficient support for police officials inside the police system to help them cope with these situations mentioned. Another factor is affirmative action for when police officials that cannot perform the job are promoted it has to be done by other officials. The lack of sufficient information and the continuous process of restructuring contribute to a large degree of uncertainty and therefore impact tremendously on the mood of police officials. The increase in stress, depression and PTSD among police officials leads to a situation where it impacts negatively on the overall performance and service delivery of the SAPS to the public. When a police official is on 'stress' leave, it can take a period from two weeks up to three months to three years that the organization has that official on record but without the necessary services being provided. Police Management has to look seriously into factors that can minimize stress and depression amongst police officials so that the South African communities can also be on the receiving end.

8. The role of the media in portraying the image of the SAPS, 1995 to 1998

The relationship between the media and the SAPS has always been one of controversy. However, after democratization the perception was created that more open liaison would take place between a more representative, transparent, accountable SAPS and the media who would portray a more positive image of the SAPS in a new democratic dispensation. The Police Force was in a certain sense crucified as not been accessible to the media, and therefore much speculation existed about what they really contributed and did to address their primary functions in the country. It was thought that in a

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262 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

263 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

democracy such problems with regard to the SAPS would not exist and better liaison would improve the image of the SAPS under the general public.

The 40 years before democratization the Police Force had to enforce legislation based on a policy that was unacceptable to the majority of the population. After the general elections of 1994 the public became in a certain sense more tolerant against the Police Service. The community received more media coverage regarding the dangerous circumstances in which police officials had to operate. This led to a change in attitude of members of the public towards the Police Service, because the public acknowledged that the Police Service had to perform and operate under much pressure and stress.[264]

The DCR, that had already been established in 1992 with the aim to promote community policing, was enlarged to include media liaison. Specific media liaison officers from the Police Service were appointed to liaise with the media on a daily basis.[265] In January 1997 new guidelines were instituted in a 26 pages Police Service communication document compiled and distributed by Head Office. Members of the Police Service were prohibited from using crude language or making disparaging remarks in the presence of journalists. Police members were also advised to refrain from public criticism on the Constitution, the government and other government institutions.[266] The accessibility of normal police officials for the media was restricted and they were not allowed to pose criticism on official police strategies and policies. Dirk Kok, news editor of *Volksblad,* is of the opinion that the Police Service has useless liaison officers and no positive stories are being liaised with the media for reporting. More personal stories coupled with successes should be liaised with the media for coverage of the Police Service.[267]

Adele Stiehler, crime reporter of *Beeld,* mentions that what hampers the image of the Police Service is media spokespersons who do not have the necessary training and are incompetent in performing a specific job in relaying the right information to the media.

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264 Vorster, p. 18.
265 *Servamus,* 30.11.1993, p. 5.
266 *Vrydag,* 20.1.1997, p. 2.
267 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad,* Bloemfontein, 2.4.2007.

What also hampers the media in relaying the correct information to the public is the accessibility of journalists for members of the Police Service. In the Police Force there was more accessibility for the media, but in the Police Service the media spokespersons are the only police officials allowed to convey information to the media.[268] Gert van der Westhuizen, sports editor of *Beeld*, mentioned that the quality of journalism also declined since democratization. The former Murder and Robbery Unit under the command of General Suiker Britz in the Police Force and later in the Police Service, had very good liaison with the media and the journalists as mutual trust existed between them.[269] Very good liaison between the media and his office took place. This implies that more accurate and reliable news that involve crime and the investigation thereof would be published when sound relationships existed between the media and the Police Service.

The relationship between the police and the public was always mutually negative, because the negative attitude of the public against the police caused a negative attitude of the Police against the public. The public felt that the police could do more to combat crime, the police were of the opinion that the community could become more involved in combating crime. Wilson confirmed that police officials felt that the community could become more crime conscious, that they should be more willing to testify in court, and could show a more positive attitude against the Police Service. Except for these external pressures that police officials felt from the public, they were also unhappy about internal factors such as salaries and career opportunities.[270]

Van der Westhuizen mentioned that after democratization the SAPS was more positively portrayed in the media. However, when looking at the letter columns in the newspapers, there are many complaints from the community about bad service delivery from the SAPS's side. There is also praise for some police members who assist the

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268 Jane Buys Collection: Transcribed interview with Adele Stiehler, crime reporter of *Beeld*, Johannesburg, 7.12.2006.

269 Jane Buys ColIection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

270 Vorster, p. 19.

public very positively, but that is in the minority of instances reported.[271] Kok stated that due to restrictions on all members of the SAPS to liaise with the media, the SAPS is as non-transparent as the Police Force, and no media coverage regarding any member or information from CI can be published. There is much confusion regarding official policy on the SAPS's side as to who is supposed to speak to the media and who not.[272]

Commissioner Fivaz said: "If you conduct a sample in South Africa on the basis of representivity, then a lot of previously disadvantaged people will indicate that the situation with the SAPS is better than it was under the era of the Police Force. This could be partly due to the fact that there are more black officers and employment in the SAPS. The minority groups in the country such as the whites, coloureds and Indian people will indicate that the SAPS had weakened in totality. My perception is that the media and the man on the street perceive the SAPS negatively in terms of efficiency, service delivery and credibility."[273]

Commissioner Suiker Britz summarizes how he perceives the SAPS of today: "The police official has no empathy when he comes to a crime scene, he looks bad, smells bad, he is rude, he does not have the image of a professional police official. He does not know his work, and when he comes to court then the court indicates that he is incompetent, that he is lying in court. Suspects escape from police custody, police dockets disappear, the police vehicles speed unnecessarily, the vehicles are dirty and damaged, the police official looks bad, he swears in public, he is fat, looks bad in uniform, does not wear a head dress, slouches in the streets and eats and drinks in public, holds hands. These things you do not see in other countries. Further, the communities have no respect for the SAPS."[274] Professor D.P. Wessels agrees with

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271 Jane Buys Collection, Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

272 Jane Buys Collection: Transcribed interview with Dirk Kok, news editor of *Volksblad*, Bloemfontein, 2.4.2007.

273 Jane Buys Collection: Transcribed interview with former National Commissioner F.G. Fivaz, SAPS, Pretoria, 5.12.2006.

274 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.

this. The communities have no trust in the SAPS. In the time of the Police Force, "irrespective of who you were, you had respect for the Police Force".[275]

9. Evaluation

The uncertainty of the policeman's role in general; the compounded uncertainty role of the community relations officer of the police; a lack of legitimacy and well-defined goals and functions of the 'community relations officer', plus the possible absence of motivation and commitment by the 'community relations officer', can all contribute to a dysfunctional community relations programme.[276]

It is irrespective according to Senior Superintendent Mdeuka whether the Police Force was a paramilitary organization and the Police of today is a Service. The Police Force in the time that they operated met the set standard of the output of the government of the day. The SAPS cannot meet the standard of the government of the day, and it all boils down to a lack of productivity and service delivery.[277] The focus of the SAPS changed to that of community policing and the establishment of CPFs at all the stations in the country. It is a given fact that few of the CPFs function properly and the majority of them do not function effectively in addressing the needs of communities. This can be attributed to a number of factors. It can however be said that the partnership approach that needs to exist between the Station Commissioner and staff and the community leaders should be improved. A lack of experienced leaders from both sides and a lack of sufficient training in the SAPS and the communities should be looked at in order to address the issue of community policing. Some community members feel that crime stays the responsibility of the SAPS and other community members want to become involved in the management of the police stations and operational planning.

With the introduction of the concept of community policing and crime prevention the focus shifted to that of preventing crime. Crime can, however, not be prevented, but only relocated to other locations. Much money, time and energy are spent on the

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275 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

276 Snibbe and Snibbe, pp. 119–120.

277 Jane Buys Collection: Transcribed interview with Senior Superintendent B.D. Mdeuka, Provincial Commander: CIAC, CI, SAPS, Free State Province, Bloemfontein, 24.8.2007.

prevention role of crime, but it seems to be ineffective in preventing crime. On the other hand experts on policing state that with the identification of crime patterns and trends by analysts the high crime areas can be identified for crime prevention purposes. When vehicle patrols are then instituted at these hot spot areas and on specific days and times, it should have an impact on the crime in a specific area.

Together with the issue of crime prevention came the focus on social crime prevention. In this regard the SAPS should meet with the other government departments in the Justice, Correctional Services and Social Welfare spheres in order to impact on the prevention of crime. In this regard social crime prevention projects were instituted but to a lesser degree, by means of school visits and neighbourhood visits in sensitizing communities. With the co-operation and the assistance of the other departments the NCPS was implemented. This strategy called for the support of these departments in order to address the root causes of crime. The NCPS was created in 1996 and since then nothing noteworthy has been achieved in creating joint responsibility for serious crime issues. That departments come together, some on a bimonthly basis, discuss problems and try to find solutions to specific crime issues, is a fact. However, the perception exists that nothing concrete in addressing the real issues is coming from those meetings.

A person in South Africa has to make four sacrifices in the struggle against crime. It is expected of a person to pay tax of which a portion will be used for policing. Secondly, a person takes out insurance on his or her property and also pays a security company for protection. Thirdly, persons in metropolitan areas pay additional taxes for municipal policing. Fourthly, it is expected of this person to participate voluntarily in the fight against crime.[278] This is the reality concerning the issue of crime. Crime affects everybody's life. If a person does not become a victim of crime, he or she becomes a witness of crime via other relatives, family, friends or the news media.

Professor Daan Wessels mentions that "if we think that we are living in a democracy with the present tide of crime in this country, then we are living in a dreamworld. The second phase of transformation in a democracy, according to Huntington, should

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[278] Bezuidenhoudt, p. 76.

already have brought a bigger measure of stability into South Africa. Political rights mean actually nothing without the basic human needs such as a housing, clothing, running water, etc. It is a fact that political rights are the first step in order to obtain a democratic social order. The problem in South Africa is the high unemployment rate of about 26 percent. If we do not combat crime, we will be unable to stabilize the social order. We will not attract foreign investment, and will not be able to stabilize the economy. Eventually the social order will escalate into an unhappy political order and we will be back to square one where we started. The fact that the government over-democratized, ensured that they lost the grip they had on crime."[279]

Society has always tolerated violence. Society has seen gangs of London apprentices roaming the streets and terrorizing all; it has witnessed criminals being hanged and butchered in public; it has tolerated cock fighting, bull-baiting, bare-fisted boxing matches of unlimited length, and dueling to the death. It has, of course, accepted and even applauded the wholesale slaughter of men, women and children in times of war.[280]

Much can be said and discussed about the crime situation in South Africa. The introduction of crime statistics and the release thereof in the media over-emphasized figures of serious and violent crimes. Societies became increasingly more concerned about their own protection when looking at these figures. Many experts indicated that the report rate increased after democratization because societies became more educated about what constituted an offence and what not. The problem with regard to crime and crime statistics in South Africa does not lie with the statistics on property and other related crimes, but on the serious and violent crimes and the total gruesomeness and disregard of victims' fundamental human rights. The root causes of crime lie in the social causes of crime. The responsibility for effective crime control and combating is therefore not only that of the SAPS. Crime is firstly a government responsibility, secondly a joint responsibility that needs equal distribution between all the spheres of government and lastly a SAPS responsibility. The SAPS always had the responsibility to investigate crime which is a more reactive approach. However, the approach shifted

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279 Jane Buys Collection: Transcribed interview with Professor D.P. Wessels, retired Head of the Department of Political Science, University of the Free State, Bloemfontein, 27.8.2007.

280 D.W.P. Varwell, *Police and the public*, pp. 103–104.

to that of a pro-active approach, thus crime prevention. More manpower, more money and more resources did not enable the SAPS to combat crime effectively. The origins or contributing factors that cause people to commit crime should be established and addressed. The SAPS alone cannot be held accountable for the increase in crime levels. That something serious should be done concerning the increase in crime levels in the country, is a fact. The whole criminal justice system, namely that of Correctional Services as well as the Department of Justice should be improved to assist the SAPS in its fight against crime. On the other hand the SAPS Act specifically states that the SAPS is responsible for the maintenance of law and order and the protection of the citizens of the country. How can the SAPS protect the citizens with the high level of serious and violent crime that is taking place in the country?

Commissioner Gaobepe mentions that, unfortunately, the majority of the communities have lost trust in the SAPS. The reasons for this are the attitude of police members, their involvement in corruption and that they do not respond as they are supposed to do.[281] The aim of the transformation and restructuring of the public service is the improvement of service delivery to the communities. The SAPS as part of the public service has to improve its service delivery to the communities. The initial aim of transforming the Police Force was to make it better and to meet the needs of the communities. When reading the newspapers, watching television, consulting surveys, speaking to members of the community, one finds that people are daily complaining about service delivery by the SAPS. One can then easily think that if they complain, it will usually be about crime issues. However, research showed that the majority of complaints registered or received by the SAPS was not on crime issues, but of a more social nature. The initial aim to transform the SAPS to an effective service delivery agency has not yet been achieved and has not yet been successful. The concept of community policing, the introduction of the CPFs and the focus on crime prevention that had at its aim better relationships with the communities and better service delivery, in the majority of instances, just remained a dream.

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281 Jane Buys Collection: Transcribed interview with former Provincial Commissioner M.J. Gaobepe, SAPS, Free State Province, Bloemfontein, 10.4.2007.

CONCLUSION

The main focus of the research was to historically assess the transformation of the South African Police Force to that of the SAPS, thus from a paramilitary institution to that of a service delivery agency. The historical process of transforming a government institution such as the South African Police Force, in a non-democratic dispensation, to that of a Police Service in a democracy, was assessed. The foremost question that needs to be answered is whether the Police Force was actually transformed into a service delivery agency. The second issue that will be discussed throughout the conclusion will be if transformation was achieved, in the sense of making the Police Force a better institution within a democracy in South Africa.

Was it justified to brand the South African Police Force as the enforcer of the National Party's apartheid policy? The South African Police Force operated in the era of apartheid during the non-democracy and authoritarian rule by the National Party government. The Police Force, as other police agencies in the United States of America and Great Britain, was the executive arm of the state and therefore the government. The function of a police agency is to execute and enforce legislation promulgated by Parliament. The police agency in any country therefore in the first place acts on behalf of the state, which in fact means the acting government. When historically assessing the role that the South African Police Force played in the era of apartheid, it was found that all police force members were unequivocally convinced that they were serving the interests of the state and not the government per se. They were loyal to the state and committed to protect the safety of the state; therefore they had to enforce the existing legislation that had been promulgated. The Police Force had to ensure the safety of the state against external and internal threats. The Police Force can however not be separated from the decision-making body of the state, namely the government. The Police Force will remain politically liable and accountable to the state and the government in power, irrespective under which government they serve. Some segments of the black population branded the Police Force as the enforcer of the apartheid policy, but in a democracy the Police Service can also be labelled as enforcing democracy under an ANC government. It is therefore not justifiable to label the South African

Police Force as the enforcer of the National Party's apartheid policy; they acted on behalf of the state just as the SAPS is acting in a democracy.

Together with this issue of protecting the state, came the role that the Security Branch played on behalf of the South African Police Force. The most prominent banned liberation organizations in South Africa, namely the ANC, SACP and PAC, from the 1960s to the end of the 1980s, performed disruptive actions aimed at making the country ungovernable and eventually attempted to take over the government of the day. The National Party government as well as the management of the South African Police Force saw these actions of the liberation organizations as terrorism, aimed at destroying the security of the state, and furthering the aims of communism in South Africa. To combat and curb these two phenomena, extensive security legislation was introduced by the National Party government who also had a tremendous impact on how that legislation was executed within South Africa.

The South African Police Force, and in particular the Security Branch that was already established in the 1950s, had to fulfill the task of combating terrorism and communism in South Africa. A few factors contributed to the emphasis that was placed on communism. The Cold War between the United States of America and the USSR for world domination, thus capitalism versus communism, the withdrawal of the former colonial powers from the African continent and the independence of African states, the military contribution and build-up of the new African states by Russia and China, and the influence that the SACP had on the ANC as the main liberation movement, all contributed to an overwhelming belief by the National Party government and the Police Force management that the threat of communism had to be curbed in South Africa.

With the escalation of the internal conflict by the liberation organizations, utterences were made by politicians and also activists that the country was at war. This meant war by the South African Police Force, and specifically the Security Branch against the liberation organizations. It became clear to the National Party government that conventional methods of curbing the communist and terrorist threats were not sufficient and that unconventional methods had to be introduced to combat these threats. In this

regard security legislation was promulgated and executed by the Security Branch in co-operation with other intelligence agencies such as the National Intelligence Agency (NIA) and the Directorate of Military Intelligence (DMI). The Security Branch operated in secret and little was known about their methods of operation and where and how they operated and their funds were allocated from the Secret Services Account. The communistic and terroristic threats of the liberation movements escalated to such an extent that it threatened the security of the state. Interrogation and detention without trial of alleged suspects to extract information about the plans of the liberation organizations became the norm. In this regard, the African population was agitated and mobilized by the liberation organizations and they became the target of the Security Branch. For more than 30 years the Security Branch acted against the liberation organizations and therefore became the enemy of the African population. The latter and critics of the government always maintained that the brutal actions of the Police Force and in particular that of the Security Branch were not justified. Police officials were however of a different opinion. They believe that their actions were justified given the circumstances of the period under which they operated against the internal threats of communism and terrorism and that they acted on behalf of the state and were protecting the state. The Security Branch, using the unconventional methods of detention and interrogation, was very successful in curbing the threats of communism and terrorism in South Africa.

The history of the South African Police Force could be categorized as being of a military nature. The first commanding officers of the Police College were all military officers. The initial idea when creating and establishing a Police Force under British rule up until 1961, was to have a Police Force that could be turned into an army when the need arised. After South Africa had become a Republic in 1961 the whole idea of strict military discipline, drill exercises, military salute, military weaponry, military insignia and ranks continued to prevail in the Police Force. In 1965 and 1966, at the request of the then Rhodesian government, members of the Police Force was sent to the old Rhodesia and South West Africa to combat insurgency from terrorists in that areas. South West Africa was at that stage still a mandate administered by the South African government. In these two border wars the South African Police Force was trained in

counter-insurgency drills and utilized military equipment. All members of the Police Force were also trained in riot control techniques. The training that the Police Force members received was extensive and advanced. The deployment of the SADF in 1974 to the northern part of South West Africa to assist the Police Force, let them come into contact with more military command structures and styles. The escalation of internal conflict in South African during the 1980s prompted the government to declare states of emergency. The SADF was used in support of the Police Force to curb the escalating violence in the country. During these situations the co-operation between these two state departments grew tremendously, also when taking into account the role that the State Security Council (SSC) played in the militarization of the South African society at large. Given all these factors, the South African Police Force became more militarized over decades and could sometimes be classified as a military hierarchial structure and not even a paramilitary institution. For the African population and critics of the National Party government the South African Police Force played an oppressive role, forceful and strong in their paramilitary role and it was not acceptable to them at the start of the 1990s. They wanted the Police force to demilitarize and deliver a service to the communities.

Another component of the Police Force that became very prominent in the curbing of the internal stability was the Riot Control Units. These units had to control the unrest in the country that was instigated by the liberation organizations by means of actions such as protest marches, unlawful gatherings, strikes and boycotts. These units were very forceful in their conduct against the black population and together with the Security Branch they were continuously accused of inhuman treatment of African people. The most prominent component during the states of emergency in the 1980s was the Riot Control Units. Together with the Defence Force they had to impose stringent emergency regulations on the African population. The 1990s saw an escalation of political violence in the country with the unbanning of the former liberation organizations. As negotiations proceeded it became clear that the political violence in the country was increasing and that it was mainly between the ANC and the IFP and restricted to KwaZulu and the East Rand. Given the background of this violence and conflict, the allegations were made in the media and by the ANC that there was a so-

called ‘Third Force’ that was involved in the political violence. After the Sebokeng massacre, the Goldstone Commission was appointed to investigate the political violence in the country. In its first report the Commission found that no Police Force members were involved in these events. In its final report it however implicated senior Police and Defence Force officers as inciting the political conflict in the country by means of illegal weapon smuggling. The Goldstone report was heavily critized in the South African Police Force and the perception existed that the National Party government sacrificed those officers to get into a better negotiating position with the ANC.

When taking into consideration the history of the South African Police Force until 1990 it becomes clear that the South African society at large was accustomed to violence, conflict and confrontation resulting from the armed struggle by the liberation organizations, the reaction of the Police Force, in particular the Security Branch and the Riot Control Units, and the assistance and co-operation of the SADF in the states of emergency. When negotiations between the National Party government and the liberation organizations started in 1990, it became clear that the Police Force had to be transformed as a matter of urgency. Some of the objectives of transformation were to make the Police Force more accountable and acceptable to the majority of citizens, to make the Police Force more representative of the communities it served, to make the Police Force more effective in service delivery to the communities; the Police Force also needed to become demilitarized, for a military Police Force was not acceptable to the majority of citizens in South Africa. Transformation of the Police Force had to be in line with that of the whole Public Service, therefore extensive legislation which provided for the transformation of the Police Force, was introduced such as the Public Service Act, the Labour Relations Act, the Constitution, the SAPS Act, the White Paper on Intelligence, the National Strategic Intelligence Act, the White Paper on Safety and Security, to name but a few. All these were promulgated to transform the Police Force to that of a service delivery agency. Transformation also implied that all the former police agencies of the TBVC countries and self-governing states should be amalgamated into one central policing agency. The former liberation organizations also stipulated during negotiations that their MK/APLA members needed to be incorporated into the security forces. The focus of transformation was to better the Police Force and

not to weaken it but people saw transformation as meaning different things. Transformation and reconciliation to President Mbeki meant the deracialization of society; for to get rid of the term 'race' lay at the heart of making a complete break with the past at the election of 1994.[1]

Before the general democratic elections in 1994, the South African Police Force had already started with a process of transformation and restructuring. Some components that were restructured were the Security Branch into the Crime Intelligence Services (CIS) and the Riot Control Units into the Internal Stability Division (ISD). The concept of community policing had already started in the 1980s and gained momentum after democracy. This could also be said of the focus on crime prevention that also started in the late 1980s in the Police Force. The interim Constitution and the Constitution of 1996 laid down specific areas of reform and transformation for the Police Force. The new SAPS Act of 1995 also emphasized specific transformation themes. The first was to make the Police Service more accountable and transparent through the Secretariat for Safety and Security and the Independent Complaints Directorate (ICD). The Secretariat had to make sure that the Police Service would become more transparent and that it would execute its policies effectively. The focus of the ICD was to make the Police Service more accountable to the communities it had to serve and therefore investigate police misconduct, also referred to as blue collar crime or police criminality. A third mechanism to make the Police Service more accountable were the Community Police Forums (CPFs). These forums had to work jointly with the Police station in their area and address their own unique crime problems. The CPFs also had to oversee that the Police in their area were performing according to their needs. The issue of police accountability is a sensitive issue. Initially the Secretariat for Safety and Security held a number of meetings on national level where they formulated the National Crime Prevention Strategy (NCPS) and also the White Paper on Safety and Security. These documents provided strategic guidance for the Police Service but no meaningful procedures and guidelines as to how these strategies should be implemented. In the time of the Secretariat's existence up to 1998 they did not openly criticize the Police

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[1] D.P. Wessels, "Die struktuur en dinamika van die Suid-Afrikaanse Politieke omgewing: 'n Post apartheidsperspektief" in *Journal for Contemporary History* 24(2), December 1999, p. 127.

Service on how they operated according to policies. What meaningful role did they then play in making the Police Service more transparent and accountable?

When assessing the existence of the ICD, the establishment of this mechanism which had to make the Police Service more accountable, was more than welcomed by the Police Service itself. In the past the Detective Service had to investigate all police dockets concerning police officials' involvement in misconduct and also serious and violent transgressions of the law. The overall perception, except in the Police Force, existed that the detectives were partial and biased in their investigations and they favoured their colleagues, the police officials, in their investigations. The ICD was created to change this state of affairs so that police officials who were suspected of misconduct and serious crimes could be independently investigated on an impartial and unbiased basis. What actually happened was that the ICD started off by investigating more or less 24% of all the complaints lodged against police officials including escapes from lawful custody as well as serious and violent crimes. The percentage then dropped to less than 20% in the following year. This implied that 80% of the dockets or complaints had to be referred back to the Police Service and especially to the Detective Service for investigation. The ICD did not have the capacity and sufficiently skilled investigators to investigate police misconduct or so-called blue collar crime. The Police Service was then placed in the same situation as prior to democracy where Police Service detectives had to investigate their own colleagues.

The Public Service Act and the White Paper on the transformation of the Public Service placed sufficient emphasis on the effective and efficient delivery of services by state departments. These departments had to be transformed to deliver better services to their communities. The issue of service delivery has a very broad spectrum and can be influenced by numerous factors. The Police Service committed itself to the Batho Pele principles in placing great emphasis on improving delivery of services to the communities. Service delivery is central in the historical assessment of the transformation of the Police Force to that of a Police Service. The Police Force was branded and perceived by the majority of the population as not addressing the needs of all communities, but focussing more on the needs of the white communities. The Police

Force was also accused by government critics, academics and the majority of the African population of not combating crime, especially in the black townships. The perception existed that the Police Force was too busy enforcing the security legislation to curb the crime rate in South Africa.

To historically assess the transformation of the Police Force concerning its service delivery to all the communities, emphasis was placed on how the Police Service produced effective service delivery to the communities in a new democratic dispensation. Only a few factors that impacted on service delivery in the Police Service were mentioned. They were the issues of police corruption, police stress, training and recruitment of police officials, the appointment and promotions of affirmative action candidates, the role that the trade unions played and lastly the issue of discipline that could be associated with demilitarization. Nobody, not even senior managers in the Police Force, contested the fact that police corruption was evident in that era. Police corruption is a worldwide phenomenon and occurs in every police agency, however in a minor degree in some agencies. What became very critical in the Police Service was that the Anti-Corruption Units started functioning at the beginning of 1996 and performed good work. It was noticeable that there was an increase in police corruption after democracy, thus from 1996 to 1998. Some people might argue that police corruption in the days of the Police Force was less reported than in the new Police Service, and that there is more openness up to 1998. What also became clear was that the ordinary and average police official was afraid of his immediate commander and refrained from being involved in corrupt activities. Police corruption is also linked to morale, job satisfaction, dedication and loyalty to the organization and the job that is performed.

When assessing the issue concerning stress, it is clear that it had a tremendous effect on service delivery in the Police Service. Many police officials became stressed and depression and the suicide figures among police officials were the highest after democracy, thus from 1995 to 1997. Transformation and restructuring brought much uncertainty, insecurity and frustrations with it. More police officials in the new Police Service suffer from stress than in the Police Force. A vast number of factors could be

responsible for this. Many police officials could not adapt to a new democratic dispensation with the emphasis on human rights. The fact that no promotions took place in the Police Service during the period 1995 to 1998 could also contribute to police officials feeling useless, with no self-image and no self-fulfilment. The fact that no effective and efficient training took place to align police officials to a democracy, could also cause them to feel insecure about how to behave and to conduct their activities. Another factor was the increase in police killings. The killing of police officials in the SAPS is the highest in the world, and this also increased after democracy. The perception existed that the killing of police officials would decline after democracy because the average citizen would be more satisfied and accommodating towards the new SAPS than it had been in the past under the Police Force. It was however not the case. With the coming of democracy with its emphasis on human rights, the perception was created that police officials have no human rights or less than the average citizen and the average criminal. The Police Force was feared by the majority of South Africans, irrespective of colour, creed and race. It seemed as if the average citizen did not have respect for the Police Service. Meyer Kahn stated that "you have to earn respect. Before the SAPS are not seen by the whole community as an effective Police Service, the Police Service would not earn the respect from the communities, it would not take place overnight and is an enormous task to accomplish."[2] Gert van der Westhuizen, sports editor of *Beeld*, stated that the Police Force did not command respect, but it was feared by the communities, especially the black communities. Respect for the Police Service must be earned by showing that there is discipline in the Police Service.[3]

A moratorium was placed on recruitment in the Police Service in 1995 by the Minister of Safety and Security, Sydney Mufamadi. This moratorium was due to a few factors. The Police Service was already busy to amalgamate the former eleven police agencies of the TBVC countries and self-governing states into one central police service. Former MK/APLA members were integrated into various components in the Police Service such as Internal Security and VIP Protection Unit. Much money was spent on the

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2 *Servamus*, 31.8.1998, p. 10.

3 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.

transformation, amalgamation and rationalization of the Police Service into one policing agency in South Africa. New uniforms, insignia, colour of vehicles and rank structure had to be created and implemented. All these things are expensive and to recruit new police officials for training in the police colleges also cost much money. Only 1200 police officials who had already been recruited for enlistment in the Police Service, received their basic training in 1996. It was only after 1998 that new members were recruited for the Police Service. Together with recruitment goes training. When there was no recruitment, no training at police colleges took place. A moratorium was also placed on training in the Police Service because of the adjustment of curricula to comply with the new standards in a democracy. What this implied was that during the period 1995 to 1998, no effective training took place in the Police Service. This had a huge impact on the level of skills and competencies of the average police official and managers. For example, the training presented on human rights in a democracy was a workshop and not a formal training course. The amalgamation of the former eleven TBVC countries and self-governing states police agencies also brought a huge number (nearly 30 000) of unskilled and illiterate police officials that lacked effective training into the new SAPS. The officers' course was also suspended and continued after the assessment period. The lack of training implied that a huge backlog in elementary training as well as advanced training was evident in the Police Service.

As stated before, a moratorium was placed on promotions in the Police Service after democracy. The amalgamation of the police agencies had to take place as well as all the transformation and rationalization processes. The posts from senior superintendent upwards, previously colonel, were all advertised externally in the media and only these posts were filled, either by lateral appointments or promotions. However, inspectors, previously warrant officers, could apply for posts as senior superintendents and a few of them were promoted. No officers' courses took place where these candidates could be trained for their new positions. A total lack of training was thus clear. A large number of officers who were previously disadvantaged people were promoted by means of affirmative action. Where in the days of the Police Force specific courses were a prerequisite for promotions, and candidates had to past them, all formal courses were condoned, thus not compulsory for promotion. In the first place no courses took place,

and secondly the majority of the middle and senior managers were appointed according to their skills and competencies in their previous post. The Representivity and Equal Oppurtunity Programme (REOP) that was created could be a very good programme if it was implemented in the right manner. Many of the mentors however left the Police Service on severance packages and REOP candidates were left without skilled guidance, knowledge and training. On the other hand some REOP candidates did not want to be trained, so the programme was doomed to fail. The majority, or even all the police officials, irrespective if they were in the lower levels or senior managers, did not contest the fact that affirmative action needed to take place in the Police Service. The manner in which it was implemented to promote only one specific race group, and the fact that it left no room for other race groups to be promoted at all, were not fair and just. Specific plans and schemes should have been implemented to give every person, irrespective of race and gender, a fair chance to be promoted. Affirmative action had a huge effect on the overall performance of the Police Service, thus hampering service delivery. Police officials without the necessary skills, competencies, knowledge and experience should not be promoted to specific operational posts without the necessary training. However, it is a fact that some people could be trained and others not because some people were not willing to be trained at all. The high premium that was placed on making the Police Service as representative as possible of the population it had to serve, impacted negatively on the service delivery of the Police Service in a democracy. Police officials need to have the necessary skills, competencies, formal training courses and experience to be promoted to managerial positions and not only because of affirmative action or that they belong to a specific race group. Venter asked: "When will the time come when apartheid can be abolished and a new society produced in which discrimination will be outlawed and all men and women will enjoy equal rights and opportunities?"[4] In the apartheid years one race group dominated and specific posts were reserved for whites only. Democracy in South Africa and especially in the Police Service means the same thing, namely that one racial group is dominating and specific posts are being reserved for this group. The Constitution guarantees no discrimination against a person due to his racial background. Can the implementation of affirmative

[4] B. Bunting, *The Rise of the South African Reich*, p. 525.

action in the Police Service be described as discrimination, favouring one racial group at the cost of others?

The Police Force was a paramilitary organization and had to be demilitarized in a new democratic dispensation in South Africa. The first change for the Police Force, from a 'force' to a service delivery agency was implied in its change of name, namely the Police Service. The Police Force had to be transformed from a force to a service delivery agency. It is absolutely clear that the Police Force in South Africa in the era in which it operated could be described as a force and paramilitary organization. However, to transform the Police Force to a service delivery agency, that agency had to produce what is implied, namely to deliver effective services to the communities. As already implicated, many factors impacted on effective service delivery by the Police Service. In the last instance the Police Service needed to be acceptable to the communities it had to serve as just that, an effective service delivery agency.

When taking that into consideration, the public opinion of the Police Service in a new democracy has to be assessed. It can be said that the Police Service is more acceptable to the average South African citizen concerning its representivity. The question is how the public perceives the Police Service in its capacity and role as a service delivery agency up to 1998. It can be concluded that a large number of citizens, the majority of people, are complaining about the services the Police Service render in their communities. The communities are not satisfied with the Police Service and the services they receive. In 1994 a survey was conducted in which under 50% of the respondents indicated that the government can seldom or never be trusted. Only one-fifth thought that the government could always or mostly be trusted, while one-third thought that it could only sometimes be trusted. This result clearly demonstrated the non –legitimacy of the National Party government.[5] Taking into account the process of democratic consolidation in South Africa, it is disturbing that there was an annual decline in trust in government in the period 1995-1998. This decline took place among

[5] "The state of the people" <http://www.hsrcpress.ac.za>, p. 140, s.a.

all four population groups.[6] These findings underscored that the period 1996 -1998 was one of dissatisfaction, frustration and concern about the future. These feelings translated into an ever declining trust in government.[7] The finding is practically important because it shows that trust in government *is* related to government performance.[8] Van der Westhuizen stated that under the general public there is much sympathy for the Police Service who is working with the absolute minimum means and the majority of police officials are trying their best. What is however negative is the discipline, the corruption and the incompetency of management appointments in the Police Service. He went further by stating that the ideal police service in South Africa would be when there is no political interference in the Police Service, when skilled and competent people are appointed, more logistical resources obtained, and policemen and women were willing to work and to deliver a service to the communities. The government must stop with equity and representivity and appoint the right skilled and competent police officials, irrespective if they are white, black, or whatever.[9]

According to Commissioner Suiker Britz, the Police Service is unacceptable. He mentioned that when he was the National Head of the Murder and Robbery Unit he visited many countries such as England, Japan, neighbouring countries and also many African countries: "The Police Service as we are seeing it today is the worst police agency in the world. It can be attributed to bad discipline, incompetent people, no control over the management of fuel, vehicles and Community Service Centres (CSCs)."[10] Former Senior Superintendent Barnard mentioned that there is a lack of leaders in the new SAPS, and that "police officers should have the experience and knowledge to lead and to lead by example".[11] Ezra Pound, the poet, wrote the following: "It does not matter how perfect the organization is, if the man at the top is not of the right quality."[12] Sufficient, qualified, competent, incorruptable,

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6 *Ibid*., pp. 140-141.
7 *Ibid*., p. 153.
8 *Ibid*., p. 164.
9 Jane Buys Collection: Transcribed interview with Gert van der Westhuizen, sports editor of *Beeld*, Johannesburg, 7.12.2006.
10 Jane Buys Collection: Transcribed interview with Assistant Commissioner Suiker Britz, former National head of Serious and Violent Crimes, SAPS, Pretoria, 6.12.2006.
11 Jane Buys Collection: Transcribed interview with former Senior Superintendent S.S. Barnard, Provincial commander: POPS, SAPS, Free State Province, Bloemfontein, 2.4.2007.
12 E.C. Viano and J.H. Reiman, *The police in society*, p. 7.

knowledgeable and skilled leaders with integrity and morality were lacking in the new SAPS. In the years of the Police Force some commanders and leaders were also lacking skills and competencies, but it seems that in the new SAPS this is more the norm than the exception.

The author, George Orwell, spent a few years as a police officer in Burma in the 1920s. He described policing as part of the Empire's dirty work. By doing this he was drawing attention to the fact that the British police in Burma was part of the oppressive machinery of colonialism. He further meant that policing is usually done after the milk has been spilt. His observation that police officers do a society's dirty work is as true of the new democracy in South Africa as it was of the British Empire because, in both cases, it is police officers who are called in when something that ought not to be happening nevertheless is happening or has happened. It is to them that we turn when our society has failed in some way.[13] Altbeker also stated: "Police officers do our society's dirty work, and we owe them more gratitude than we can say."[14]

In the new South Africa it was thought that the effective addressing of crime was to act pro-actively. A division called Crime Prevention was established in 1997 and uniformed police members patrolled the streets for 24 hours. A problem with regard to the prevention of crime is that it cannot be measured and therefore it cannot be stated that it was successful. On the other hand the visibility of the police in any country in the world and especially in South Africa has an impact on the movement of crime, meaning that a criminal will not commit a crime where police visibility is high for the fear of being caught. However, the operations of crime prevention as formal pro-active component in the Police Service can only be assessed when a longer period of time has passed.

The introduction of crime statistics in the Police Service, namely the SAP6 in 1996, placed much emphasis on the levels of crime in the country among the average citizen.

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13 A. Altbeker, *The dirty work of democracy, a year on the streets with the SAPS*, p. 7.
14 *Ibid*., p. 265.

The Police Service has to make the crime statistics available to the public and the increases in especially serious and violent crimes led to an increase in crime fear in the country. The increase in private security companies inside South Africa can also be linked to this fear. The normal and average citizens, it seems, feared for their lives and have to turn to other institutions for protection, because the perception exists that the Police Service is in no position to protect the citizens or inhabitants in the country.

With the release of crime statistics by the Police Service and also the increase in serious and violent crimes in the country, came the perception that alternative methods and measures had to be implemented to combat crime in the country. Other government departments had to become involved in the fight against crime and also to shift their focus to the social causes of crime. The JCPS cluster was established to bring the Police Service and the Departments of Justice, Correctional Services and Social Welfare together in combating crime successfully. Certain projects were instituted to improve the co-operation and assistance between these departments, also by means of the Integrated Justice System (IJS) structures. At the end of the assessment period some of these projects were however still far from being successfully implemented and from generating successful responses. The NCPS that also brought a number of state departments together, also seemed to lack effective functioning and implementation. It seems that only meetings took place where no real strategies, plans and actions were formulated to address crime in the country.

In the period after democratization, the Business Against Crime (BAC) initiative was launched to get the business sector more involved in the fight against crime. BAC launched many initiatives that were very successful. It also became clear that excessive and intensive initiatives were desperately needed at many stations in the country, and that BAC did not have the capacity to deal with all these requests for assistance.

The media also played an important role in portraying a specific image of the SAPS in the era after democratization. This era was characterized by more openness from the side of the Police Service, especially with reference to some specialized units of the Police Service who did communicate with the media on a daily basis. Mutual trust and

respect were built between some senior police managers and journalists. The restrictions on the media were also suspended. However, since the establishment of the Directorate of Communications in the Police Force that was extended after democratization, no police official was entitled to speak to the media except the appointed liaison officers in this department. An era of more openness and transparency was supposed to be forged between the media and the Police Service. It was however only partly true. By the time the assessment was done, the relationship between the Police Service and the media had become clouded again and much scepticism and negative reporting were at the order of the day and positive stories were lacking. The media also inter alia increasingly reported about police corruption, low morale of police officials, bad service delivery and complaints from the public about the Police Service. The overall perceptions that the public thus had of the new Police Service in a democracy was more negative than it was positive. Some members of the public on a daily basis complain about the bad service delivery by the Police Service. That there are police officials who perform their tasks and duties excellently are also true, but the perception was created in the media and under the general public that the Police Service was not effective and efficient in a democratic dispensation.

When transforming the Police Force one of the issues primarily focussed on was that of demilitarization. The Police Force had to demilitarize to be more acceptable to the communities and politicians in a new government. What changed in the new SAPS was the rank structure; only two military ranks were kept namely those of sergeant and captain. The insignia was changed and a lighter blue uniform was introduced. The yellow vehicles were sprayed to white. These changes were called significant but in reality were only artificial. Specific characteristics that must be present in a paramilitary organization is a distinctive uniform that can easily be associated with that institution or organization, a rank structure irrespective if it is civilian or military, insignia on shoulders, distinctive vehicles and equipment, (weapons of power) in the utilization of operations, the salute to show respect for officers, drill exercises in platoon format, the existence of force or standing orders and the authoritarian command and control structure. All these characteristics classified the Police Force as a paramilitary organization in South Africa in the era prior to democracy. When assessing the changes

to demilitarize the Police Force to that of a service delivery agency, it becomes clear that all the characteristics of a paramilitary force are still present in the Police Service and mark their existence. One thing that is however lacking as a paramilitary characteristic of the Police Service is that of discipline. After democracy, with the implementation of the new SAPS, the perception was created among some non-commissioned officers that discipline could not be associated with a demilitarized Police Service. A huge decline in discipline occurred that could be contributed to a number of other factors. Newly appointed managers were not that strict and were not informed about the Standing Orders and the trade union representatives instilled the belief that discipline was out in the new SAPS. However, in some police stations and officers where managers from the era of the Police Force were employed, the discipline continued to be enforced.

Initially the managers of the Police Service after democracy became more consultative. They had to consult with junior members about all kinds of issues in respect of their work environment. They also had to consult with trade union representatives concerning specific issues that needed implementation. Suddenly there was a whole era of meetings and consultations between managers, members and trade union representatives. As time lapsed, consultation became less. In this regard the application of more authoritarian command and control was systematically introduced. It can therefore be concluded that the Police Force was not really transformed from a paramilitary organization, but that it remained paramilitary in nature. Some senior managers in the Police Service confirmed this during interviews.

The last important assessment was on whether the Police Service transformed to a service delivery agency. For an organization or institution to be labelled a service delivery agency, it had to do just that. It had to deliver effective and efficient services to the communities it had to serve. The assessment of this issue already indicated that the Police Service was not effective in the services that they delivered to the communities and that they were indeed seen as lacking far behind in being effective. It needs to be stated that South Africa became a democracy in 1994 and that the new SAPS only started operating as a service agency in 1995. The period of assessment

ends at the end of 1998, thus the transformation and restructuring of the Police Service after democracy were only done for between three to four years. This period could be too short to empirically assess the transformation of the Police Service to an effective service delivery agency. This study could not unconditionally prove that the South African Police Force had been transformed from a paramilitary organization to that of a service delivery agency.

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De Kock, C.P., Dr, Assistant Commissioner, National Head of the Crime Information Analysis Centre (CIAC), Crime Intelligence, South African Police Service (SAPS), Pretoria, 5.12.2006.

De Kock, P.D., Director, Provincial Head: Detective Services, South African Police Service (SAPS), Free State Province, Bloemfontein, 4.4.2007.

Du Toit, A., Advocate, Acting Provincial Director of Public Prosecutions, Free State Province, Bloemfontein, 1.6.2007.

De Wet, P.W., Director, Commander of the Detective Branch, Mangaung Police Station, South African Police Service (SAPS), Free State Province, Bloemfontein, 21.8.2007.

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Mmamabolo, E.S., Deputy Provincial Commissioner, Support Services, South African Police Service (SAPS), Free State Province, Bloemfontein, 10.9.2007.

Motswenyane, B., Assistant Commissioner, Station Commissioner of Parkweg Police Station, South African Police Service (SAPS), Free State Province, Bloemfontein, 20.8.2007.

Paneras, H.A., Director, Head of Crime Prevention, Bloemspruit Police station, South African Police Service (SAPS), Free State Province, Bloemfontein, 11.4.2007.

Prinsloo, C.A., Senior Superintendent, Provincial Commander: Crime Intelligence Gathering (CIG), Crime Intelligence, South African Police Service (SAPS), Free State Province, Bloemfontein, 2.4.2007.

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Swart, C., Director, Provincial Head: Management Services, South African Police Service (SAPS), Free State Province, Bloemfontein, 12.5.2004.

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Van Deventer, A., Dr, Senior lecturer in the Department of Communication, University of the Free State (UFS), Bloemfontein, 11.6.2004.

Wessels, A., Professor, acting Head of the Department of History, University of the Free State (UFS), Bloemfontein, 15.4.2004.

Wessels, D.P., Professor, retired Head of the Department of Political Science, University of the Free State (UFS), Bloemfontein, 27.8.2007.

2.2 **Correspondence received**

Liebenberg, I., Senior lecturer in the Department of Sociology, University of South Africa (UNISA), Pretoria, 18.4.2007.

Oosthuizen, A., Former Brigadier, Head of Section D, Former Security Branch Head Office, Pretoria, 1.6.2007.

Wagener, J., Lawyer at Wagener Inc., Pretoria, 24.4.2007.

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Van Wyk, W.A.A., Lt Col, Second in command of the 87 Helicopter Flying School, Air Force Base Bloemspruit, Bloemfontein, 31.5.2007.

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OPSOMMING

Die klem van die studie val op die transformasie van die Suid-Afrikaanse Polisiemag van ’n paramilitêre mag na ‘n diensleweringsorganisasie. Die geskiedenis van die Polisiemag voor 1990 is dié van ‘n paramilitêre mag, dus outokraties en burokraties van aard met ‘n streng militêre dissipline. Die Polisiemag is deur die meerderheid van die swart bevolking gesien as ‘n instrument om die Nasionale Party se beleid van apartheid toe te pas, en is dus gebrandmerk as die toepasser van die apartheidsbeleid. Die swart bevolking in Suid-Afrika is deur die verbanne organisasies, naamlik die ANC, PAC, SAKP en ander gemobiliseer om die vryheidstryd voort te sit om politieke mag te verkry. Deur die mobilisasie en indoktrinasie om die land onregeerbaar te maak en die uiteindelike politieke mag oor te neem, het die verbanne bevrydingsbeweging in direkte konflik en konfrontasie met die Polisiemag gekom wat die veiligheid van die staat ten alle koste moes waarborg. Die Polisiemag is deur die meerderheid van die swart bevolking gesien as nie verantwoordbaar aan die gemeenskap nie en as uitsluitlik aanspreeklik teenoor die regering van die dag. Die Polisiemag, sy topstruktuur en die gemiddelde polisieman was egter van mening dat die Polisiemag gedurende die tydperk 1960 tot 1990 in belang van die staat opgetree het en nie soseer die politieke party wat aan bewind was, beskerm het nie.

Met die militarisering van die Suid-Afrikaanse samelewing gedurende die sewentigerjare van die vorige eeu het die Polisiemag ook meer militêr begin optree, met die totstandkoming van die Staat Sekuriteitsraad (SSR) om die sogenaamde totale aanslag van “kommuniste” en “terroriste” op alle fasette van die samelewing te bekamp. Die Polisiemag het toenemend en voortdurend binnelands asook buitelands met die Suid-Afrikaanse Weermag (SAW) saamgewerk tydens die grensoorloë in die destydse Rhodesië en Suidwes-Afrika. Hierdie samewerking het daartoe bygedra dat die Polisiemag meer militêr geraak het, veral as gekyk word na die tipe opleiding, wapentuig, toerusting en optredes wat hulle uitgevoer het. Die noodtoestande in Suid-Afrika gedurende die tagtigerjare het verder daartoe bygedra dat die Polisiemag geklassifiseer en gekenmerk is as meer militaristies in sekere gevalle as bloot ‘n paramilitêre organisasie.

Met die aanbreek van 1990, die vrylating van Nelson Mandela en die era van onderhandelings tussen die Nasionale Party-regering en voorheen verbanne vryheidsorganisasies, waarvan die ANC die belangrikste was, het dit die Suid-Afrikaanse samelewing op ‘n pad van onomkeerbare transformasie geplaas. Alle staatsdepartemente, insluitend die Polisiemag, moes getransformeer word. Die Polisiemag soos dit op die vooraand van 1990 daar uitgesien het, was nie aanvaarbaar vir die meerderheid van die swart bevolking nie. Die ANC as hoof onderhandelaar wou die Polisiemag transformeer na ‘n gedemilitariseerde, onpartydige, verteenwoordigende en verantwoordbare Polisiemag in Suid-Afrika, met die klem op effektiewe dienslewering aan alle gemeenskappe. Die Polisiemag moes dus transformeer van ‘n paramilitêre instelling tot dié van ‘n diensleweringsorganisasie vir alle Suid-Afrikaners.

Twee komponente van die Polisiemag wat dringend getransformeer moes word, was die Veiligheidstak en die Onluste-eenheid. Hierdie twee komponente was gekontamineer deur die rol wat hulle vervul het om die veiligheidsituasie in Suid-Afrika te handhaaf, dus die staat te beskerm. Transformasie en herstrukturering van die Polisiemag het ook teweeggebring dat meer fokus op misdaad geplaas moes word asook die vestiging van ‘n menseregtekultuur in ‘n nuwe demokrasie. Hierdie veranderinge is vervat in die Grondwet en die nuwe Suid-Afrikaanse Polisiewet van 1995. Die nuwe Suid-Afrikaanse Polisiewet het finaal gebreek met die benaming Polisiemag en die Polisie is gevestig as ‘n diens. Waar die Polisiemag gesentraliseerd was, is dit toe gedesentraliseer na provinsiale, area- en stasievlak. ‘n Nuwe rangstruktuur, uniform en onderskeidingstekens is vir die Polisiediens ingestel om die Polisie te demilitariseer. Die amalgamasie van die vorige TBVC-state se polisemagte asook die inkorporering van vryheidsvegters, onder andere MK- en APLA-lede in die nuwe Suid-Afrikaanse Polisiediens, moes plaasvind met transformasie.

Die klem van die nuwe Polisiediens was op gemeenskapspolisiëring en misdaadvoorkoming. Waar die Polisiemag gefokus het op reaktiewe polisiëring, dus die ondersoek van misdaad, moes die Polisiediens fokus op proaktiewe polisiëring, dus die voorkoming van misdaad. Gemeenskapspolisiëringsforums (GPFs) is ook gestig om te

verseker dat die polisie beter in voeling kom met die plaaslike gemeenskap se behoeftes asook ‘n effektiewe diens lewer aan gemeenskappe. Om die Polisiediens meer aanvaarbaar en dienslewerings- georiënteerd te maak, moes dit meer verteenwoordigend raak van die bevolking wat dit dien. Die klem het dus na demokrasie begin val op gelyke indiensneming van alle rasse en geslagte en op ‘n regstellende aksiebeleid wat in die Staatsdiens en in die Polisiediens geïmplimenteer is om voorheen benadeelde persone in hoër poste aan te stel. Met die toepassing van regstellende aksie in die Polisiediens is daar egter geen effektiewe opleiding verskaf om voorheenbenadeeldes op te hef en op te lei om effektiewe bestuurders te word nie. Dit het ‘n baie groot negatiewe invloed op dienslewering deur die Polisiediens gehad in die gemeenskappe wat dit moes dien. Probleme wat ‘n invloed uitgeoefen het op die Polisiediens se vermoë om ‘n effektiewe diens in ‘n demokratiese Suid-Afrika te lewer, was onder meer die toename in korrupsie onder polisielede, die moraal, ingesteldheid en houding van polisielede en die toename in stres, depressie en selfmoorde onder polisielede.

Die nuwe Polisiediens het as een van sy primêre take die voorkoming en ondersoek van misdaad. Die geweldige toename in misdaadvlakke in Suid-Afrika soos blyk uit die misdaadstatistiek van die Polisiediens, het ook bygedra tot die persepsie dat die Polisiediens nie alleen misdaad kan bekamp nie en dit het toenemend afhanklik geword van samewerking met ander staatsdepartemente, soos onder andere die Departement van Justisie, die JCPS-groeperinge en ‘Business Against Crime’ (BAC) inisiatiewe.

SUMMARY

The focus of the study falls on the transformation of the South African Police Force from a paramilitary organization to that of a service delivery agency. The history of the Police Force prior to 1990 was that of a paramilitary force, thus autocratic and bureaucratic of nature with a strong military discipline. The Police Force was seen by the majority of the black population as an instrument to enforce the apartheid policy of the National Party government, and was thus branded as the enforcer of the apartheid policy. The black population in South Africa was mobilized by the banned organizations, namely the ANC, PAC, SACP and others to proceed with the liberation struggle to obtain political power. Through mobilization and indoctrination to make the country ungovernable and to eventually obtain political power, the banned liberation organizations came into direct conflict and confrontation with the Police Force that had to guarantee the safety of the state at all costs. The Police Force was also seen by the majority of the black population as not accountable to the communities and only to the government of the day. The Police Force, its top structure and the average police official were of the opinion that in the era of 1960 to 1990, the Police Force acted on behalf of the state and not to protect the party that governed.

With the militarization of the South African society during the 1970s with the establishment of the State Security Council (SSC) to combat the total onslaught by terrorists and communists on every facet of society, the Police Force acted more military. The Police Force increasingly and continuously worked together with the South African Defence Force (SADF) internally as well as externally, in border wars of the then Rhodesia and South West Africa. The co-operation with the SADF contributed to the Police Force becoming more military, especially when the type of training, weaponry, equipment and military operations are assessed. The states of emergency in South Africa during the 1980s also contributed to the Police Force being classified and characterized as more military in certain cases than the paramilitary.

With the advent of 1990, the release of Nelson Mandela, the era of negotiations between the National Party government and the previous banned liberation organizations, of which the ANC was the most important, the South African society was placed on an irreversable path of transformation. All government departments, including the Police Force, had to be transformed. The Police Force, as it stood at the evening of 1990, was not acceptable to the majority of the black population. The ANC as main negotiator wanted to transform the Police Force to a demilitarized, impartial, representative and accountable Police Force in South Africa, with the emphasis on effective service delivery to all communities. The Police Force should thus transform from a paramilitary institution to that of a service delivery agency for all South Africans.

Two components of the Police Force that needed urgent transformation were the Security Branch and the Riot Control Units. These two components were contaminated by the role that they played to maintain the security situation in South Africa, thus to protect the state. Transformation and restructuring of the Police Force effectuated that more focus should be placed on preventing crime and the establishment of a human rights culture in a new democracy. These changes were stipulated in the Constitution and the new South African Police Service Act of 1995. The new South African Police Service Act finally broke with the past by changing the name of the Police Force to that of the Police Service. Where the Police Force was centralized, the Police Service was decentralized to provincial, area and station level. A new rank structure, uniform and insignia for the Police Service were instituted to demilitarize the Police. The amalgamation of the former TBVC states' police forces and the incorporation of the freedom fighters, namely MK and APLA members, into the new South African Police Service, had to take place with transformation.

The emphasis of the new Police Service was on community policing and crime prevention. Where the Police Force focussed on reactive policing, thus the investigation of crime, the Police Service had to focus on proactive policing, thus the prevention of crime. Community Police Forums (CPFs) were also established to ensure that the police would come into contact with the needs of their local communities and to deliver an effective

service to them. To make the Police Service more acceptable and service delivery orientated, it had to become more representative of the population it had to serve. The focus thus, after democracy, was on equal conditions of employment of all races and genders and an affirmative action policy that was implemented in the Public Service to appoint previously disadvantaged persons in higher posts. With the implementation of affirmative action in the Police Service no effective training was presented to previously disadvantaged persons to become effective managers. This had a very big negative impact on service delivery to the communities that the Police Service had to serve. Problems that impacted on the ability of the Police Service to deliver an effective service in a democratic South Africa, were inter alia the increase in corruption among police officials, the morale, attitude and behaviour of police officials and the increase in stress, depression and suicides amongst police officials.

The new Police Service had as one of its primary tasks the prevention of crime. The tremendous increase in crime levels in South Africa as reflected in the crime statistics of the Police Service, contributed to the perception that the Police Service could not combat crime alone and that it was continuously dependent on the co-operation of other government departments, such as the Department of Justice, the JCPS clusters and the Business Against Crime (BAC) initiatives.