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Policing

*Pierre de Vos **

Introduction

The old South Africa followed Benjamin Molefe into the new. At four o'clock in the morning on August 4 1994 Molefe was startled out of bed by the sound of police fists pounding on the windows of his Sebokeng home. They had come to take him away on suspicion that he might have something to tell them about a R270 000 payroll theft at the municipality where he worked as a clerk. Over the next six hours detectives blindfolded Molefe, choked him with the inner tube of a tyre, shocked him with electrodes attached to his nipples and genitals, and watched him scream for his wife and daughter.¹

Cases like Mr Molefe's continued to be reported throughout 1994 despite renewed efforts at restructuring the South African Police. By the end of the year it was clear that even in a democratic South Africa the police force was being haunted by its past and that it had difficulty in functioning as a civilian force in a democratic, human rights oriented environment.

This does not mean that radical changes did not occur within the police force in 1994. The introduction of a new Constitution² based on the values of freedom and democracy and the concomitant change of government in April 1994 heralded a fundamental shift in the political management of the police force. But old habits die hard and by year

* BComm LLB LLM (Stellenbosch) LLM (Columbia). Senior Lecturer, Department of Public and Adjective Law, University of the Western Cape.

¹ *The Sunday Independent* 20 August 1995.

² The Constitution of the Republic of South Africa Act 200 of 1993.

end the police force was still trying to come to grips with the *new South Africa*.

Legislation

South Africa's transitional Constitution, which came into effect on 27 April 1994, contained several provisions relevant to the transformation of the police force. The Constitution created nine new provinces, and allowed each province limited but real powers over policing matters. At the same time it also provided for the amalgamation of the various police forces, including the homeland police forces, which had existed in South Africa before the Constitution came into effect.

The Constitution, therefore, contains specific transitional arrangements to regulate the transformation of the police force in line with the new constitutional dispensation. It requires Parliament to enact legislation to establish and regulate the South African Police Services (SAPS) to be structured at both national and provincial levels and to function under the direction of the national government as well as the various provincial governments.³ The Constitution contains detailed prescriptions on the required content of this proposed Police Services Act. The Act must make provision for the appointment of a National Commissioner of Police by the President⁴ and a Provincial Commissioner for each Province whose appointment by the National Commissioner must be approved by the Member of the Executive Council (MEC) responsible for police matters in the relevant province.⁵ The Act must also provide for the establishment and maintenance of uniform standards of policing at all levels.⁶ The Constitution furthermore sets out the responsibilities of the National Commissioner and the Provincial Commissioners in great detail. While the National Commissioners are given the general responsibility to maintain an accountable, transparent and efficient police service, Provincial Commissioners are given specific

³ Section 214(1).

⁴ Section 214(2)(a) and 216(2)(a).

⁵ Section 214(2)(a) and 217(2)(a).

⁶ Section 214(2)(b).

responsibilities for providing visible policing and combatting crime within their areas of jurisdiction.

Furthermore, the Constitution prescribes that the proposed Act should make provision for the establishment of a community-police forum at each police station.⁷ The functions of these forums 'may include' the promotion of accountability of the SAPS to local communities, the monitoring of the effectiveness and efficiency of the Service, advising the Service on local policing priorities and the evaluation of the provision of visible policing.⁸ The Constitution also requires that the Act should establish an independent mechanism under civilian control with the object of ensuring that complaints in respect of offenses and misconduct allegedly committed by members of the Service are investigated in an effective and efficient manner.⁹

A first draft of the new Police Act was circulated shortly after the election, but by the end of the year, no Bill in this regard had been tabled in Parliament.

Structure and operation

Restructuring

At the time of the national elections there were 11 policing agencies in South Africa, which included the South African Police (SAP) and the various forces from the erstwhile bantustans. The forces comprised 141 000 members, of which 115 000 were former SAP members and 26 000 former homeland police personnel.¹⁰ The newly elected government moved swiftly to begin the complex process of amalgamating the 11 agencies into one unifying force as required by the Constitution.¹¹ In May, the 11 agencies, although still operating as independent units, were all symbolically brought together under the new name of South African Police Services.¹²

⁷ Section 221(1).

⁸ Section 221(2).

⁹ Section 222.

¹⁰ *Mail & Guardian* 27 May - 2 June.

¹¹ See Act 200 of 1993 sections 214-223.

¹² *The Citizen* 20 May 1994.

Three new bodies were set up simultaneously to oversee or advise on the amalgamation process:

- * A Committee of Ministers, comprising the Minister of Safety and Security and all the MEC's responsible for provincial policing;
- * An Interim Board of Commissioners, comprising all the commissioners of the 11 components of the SAPS; and
- * An Interim Advisory Team of Police Amalgamation and Restructuring, comprising academics, political figures and police generals.¹³

This meant that for the first time in the country's history, black generals were appointed to positions designed to restructure South Africa's discredited police force.¹⁴ The Ministry also announced steps to begin the process to decentralize command personnel and structures within the force to the various newly created provinces in line with the requirements of the Constitution.¹⁵

This meant an immediate transfer of senior police officers at SAPS headquarters in Pretoria to the provinces and the devolution of some supervisory powers to the provincial MEC's for Safety and Security.¹⁶ Despite the devolution of personnel, the minister of Safety and Security and the national Commissioner of Police remained in charge countrywide to ensure the smooth running of the amalgamation process. Even those powers which were ceded to the provinces remained 'shared powers', and all policing functions remained under the supervision of the national police service and the national Minister and Commissioner.¹⁷

In July, the President granted nationwide powers to every police officer in South Africa, paving the way for the unification of the 11 police forces in the country.¹⁸ This meant that an SAPS member was no longer restricted in conducting an inquiry in any one of the former homelands.

13 *The Citizen* 26 May 1994.

14 *Sowetan* 26 May 1994.

15 *Mail & Guardian* 27 May - 2 June 1994.

16 *Business Day* 26 May 1994.

17 *Mail & Guardian* 27 May - 2 June 1994.

18 *Sowetan* 29 July 1994.

By the end of the year it was announced that the first recruits for the combined SAPS were set to begin training in January 1995. The 1 800 recruits had been selected from 150 000 applicants 'by a multi-agency screening team' according to new criteria drawn up with the help of international policemen. The new recruits were representative of the population and included a higher proportion of women than the police services had recruited in the past. The intake was to be the first to undergo the new basic training which had been extended from six months to one year. The emphasis of the training was changed to focus on community policing and human rights.¹⁹

Despite these positive actions, the amalgamation process ran into problems from the onset. These problems can be attributed to both bureaucratic problems within the Ministry of Safety and Security and to the vast differences which existed between the various police forces regarding their training, culture and political orientation.

On a bureaucratic level, the Minister of Safety and Security found himself the victim of the practices of the previous government when it became clear that the civilianization of the police force was being hampered because of lack of bureaucratic infrastructure. Although the Constitution and the draft police Act provides for a civilian ministry to take control of the police to make them more accountable to the public, the budget did not provide for this. Formerly the ministry was mainly staffed by seconded police officers and, therefore, merely received a small allocation from the former SAP budget. In other words, in the past the ministry was effectively paid and run by the Commissioner of Police.²⁰ This lack of infrastructure left the Minister of Safety and Security virtually powerless to deal with the tensions which arose during the amalgamation process.

While members of some forces seemed to resist the amalgamation process altogether, others contested the terms of the amalgamation.

The former KwaZulu Police (KZP) was a case in point. Three months after the elections, newspapers reported that police stations in the former KwaZulu still hoisted the old KwaZulu flag instead of the new South African flag. The commissioner of the KZP was summoned to Pretoria by the Minister of Safety and Security to impress on him

¹⁹ *Business Day* 8 December 1994.

²⁰ *Mail & Guardian* 16 - 21 July 1994.

that the KZP, 'like any other former homeland police force, was now part of the new SAPS'.²¹ Later in the year the Minister of Safety and Security also blocked the graduation of 600 former KZP recruits because some were said to be 'known criminals'. An investigation was launched into this matter.²²

Other steps at restructuring did, however, go ahead. In July, it was announced that members of the African National Congress' (ANC's) self-defence units (SDU's) and the IFP's self-protection units (SPU's) operating on the East Rand were to be incorporated into the SAPS.²³ In September 55 former SDU members were deployed as reservists for the first time after completing a four week training course. The reservists patrolled their neighbourhoods in the uniforms of the former Internal Stability Division, equipped with 9mm handguns, two-way radios, bullet-proof jackets, and armed with R1 rifles when necessary.²⁴

The fundamental restructuring of the SAPS command structure was put on hold, however, because of a delay in passing the Police Services Act. Failure to pass the Act meant that the rationalization of the force and the appointment of the National and Provincial Commissioners could not go ahead as the Constitution required the passing of the Act as a prerequisite for these actions.²⁵

By the end of the year the SAP and the ten police forces of the former homelands continued to operate separately.²⁶ Statistics released by the Minister of Safety and Security revealed the vast problems faced by the police in their transformation efforts. It was revealed that 80% of police stations were located in formerly white areas while 85% of the population was not white. Furthermore South Africa is one of the most under-policed nations in the free world. We have a police to population ratio of 1:358.²⁷

21 *The Citizen* 17 June 1994.

22 *The Natal Witness* 1 December 1994.

23 *Sowetan* 21 July 1994.

24 *Sowetan* 20 September 1994.

25 *Sowetan* 29 September 1994.

26 *Business Day* 17 June 1994.

27 *Business Day* 31 August 1994.

Community relations

During 1994 the SAPS took several innovative steps to improve community relations. This was made possible because the political head of the police and top management of the force for the first time openly faced up to the reality of the poor relations between the police and the various sectors of the community. Not only did the SAPS continue to establish community police forums for various police stations in line with the obligation contained in the Constitution, it also took several other steps to improve community-police relations.

In June, the SAPS announced a three year campaign to educate people at all levels of society about the importance of an efficient and trustworthy police force. The campaign, it was announced, would be aimed mainly at the black township communities where the image of the force suffered devastating damage during the two years preceding the country's first democratic elections. The existing community liaison forums would mainly be used for this.²⁸

Steps were also taken to curb police abuses. In January, the Negative Discipline Department at the Johannesburg Regional Police headquarters of the SAP requested commanders of specialist units and police stations on the Reef to urgently furnish it with the names of all policemen, including officers, who had used their firearms more than twice since they joined the force, as well as details of the shooting incidents they had been involved in. Some policemen were reported to be upset and angry by the survey and one is quoted as saying, 'Almost every policeman on the Witwatersrand has used his firearm more than twice'.²⁹

In an attempt to foster a human rights culture in the police, research and discussion papers on the effect of human rights on the police functions had been completed, a 24-hour help-line had been opened to answer policemen's questions on the Constitution and a pamphlet entitled *Policing, Human Rights and You* had been distributed to all police officers.³⁰

To make the police more accessible to the media, the police instituted the concept of Media Response Vehicles. This consisted of

28 *The Citizen* 8 June 1994.

29 *The Citizen* 17 February 1994.

30 *The Citizen* 28 June 1994.

minibuses which functioned as mobile public relations offices. The vehicles were intended to provide an efficient command centre to enhance the possibility for the community to help the police combat crime.³¹

The SAPS also announced a community visitor system to be implemented at police stations countrywide in an effort to enhance the concept of community policing. People would be appointed as community visitors and they would then be able to visit police cells at unannounced times to ascertain whether detainees were being treated humanely.³²

Finally, the SAPS launched a Missing Persons Bureau in a co-ordinated national effort to probe the mysteries of the missing, especially children. This enabled police countrywide to search for persons reported missing while in the past such cases were only investigated by the police station to which the cases were originally reported.³³

Police misconduct

More than 1000 complaints of police misconduct were laid against police in Gauteng alone in the 12 month period ending 30 June 1994.³⁴

Police officers were once again charged, convicted and sometimes jailed for an assortment of crimes, including murder,³⁵ family murder,³⁶ culpable homicide,³⁷ conspiracy,³⁸ theft,³⁹ car theft,⁴⁰ fraud,⁴¹ defeating the ends of justice⁴², car hijacking,⁴³ robbery,⁴⁴ corruption,⁴⁵

31 *Sowetan* 21 June 1994.

32 *The Citizen* 16 August 1994.

33 *The Natal Witness* 4 October 1994.

34 *Sowetan* 6 September 1994.

35 *Mail & Guardian* 21-27 January 1994; *Business Day* 5 July 1994; *The Natal Witness* 3 August 1994; *The Natal Witness* 6 August 1994; *Sowetan* 29 September 1994; *The Natal Witness* 25 November 1995.

36 *Sowetan* 21 February 1994

37 *Sowetan* 18 November 1994.

38 *The Citizen* 26 March 1994.

39 *The Natal Witness* 24 March 1994; *Sowetan* 16 May 1994, *The Citizen* 22 June 1994; *Sowetan* 1 September 1994; *The Natal Witness* 29 September 1994.

40 *Sowetan* 18 August 1994; *Mail & Guardian* 5 - 11 August 1994.

41 *The Natal Witness* 24 March 1994, *The Citizen* 24 June 1994.

42 *The Natal Witness* 20 May 1994.

43 *The Citizen* 19 May 1994, *Sowetan* 19 and 20 May 1994.

rape,⁴⁶ assault,⁴⁷ and assault with the intent to do grievous bodily harm.⁴⁸

Charges of torture against the police again came to light during the year. The police reporting officer for the Witwatersrand-Vaal Triangle reported that torture was still very common among the police. He said he had received about 390 complaints of police torture in the one and a half years in office. The 390 complaints includes 33 of murder, 21 of attempted murder, 202 of assault and 86 of torture. Some of the complaints were unfounded.⁴⁹ An investigation under the personal supervision of the Attorney-General of the Witwatersrand was instigated by the Commissioner of Police to investigate these allegations.⁵⁰ Many other press reports alleged police involvement in torture.⁵¹ One of the most stark examples came when a team of Dutch police observers, investigating claims by a murder suspect that he had been tortured and assaulted by SAP members in Vanderbijlpark, discovered a *torture chamber* at the offices of the Unrest and Violent Crime Investigation Unit at Flora Gardens Police station in Vanderbijlpark. They found a pencil sharpener connected to wires and a chair with straps tied to it.⁵²

General police investigating methods were also criticized by, amongst others, a Supreme Court judge. The judge lashed out at Volksrust police who failed to compile an adequate accident report on a collision during a R130 000 damages claim: 'I am astonished that no docket was opened in this case, nor was any investigation carried out into what appears to me to be a serious accident resulting in substantial damage to a heavy vehicle and a motor vehicle ... The police in this case have been singularly unhelpful.'⁵³ The trial of a Karoo detective revealed some of the measures still used by the police.

44 *Sowetan* 8 June 1994, *The Citizen* 18 June 1994; *The Natal Witness* 12 October 1994; *The Citizen* 30 December 1994.

45 *The Citizen* 3 June 1994; *The Natal Witness* 14 December 1994.

46 *The Citizen* 16 June 1994.

47 *Sowetan* 29 August 1994.

48 *Mail & Guardian* 26 August - 1 September 1994.

49 *Sowetan* 27 July 1994.

50 *The Citizen* 2 July 1994.

51 *Sowetan* 4 August 1994.

52 *Mail & Guardian* 13 - 19 May 1994.

53 *The Natal Witness* 21 June 1994.

The court heard that the policeman extracted alleged confessions from suspects by suspending them, while hand-cuffed and blind-folded, from a pole and shocking them with electrodes. A number of other irregularities in police investigation procedures also emerged during the same trial including: dockets were taken to court with no admissible evidence linking individuals to the charges yet all accused were required to plead to the charges immediately; suspects were arrested and detained on dockets involving investigations to which they were not linked; and official procedures designed to ensure suspect's complaints were entered in the police occurrence book were not complied with.⁵⁴

In August, the Minister of Safety and Security announced that a special task unit had been established to investigate allegations of misconduct and criminal activities within the kwaZulu, Transkei and South African Police forces. The unit was mandated to investigate any alleged criminal activities as well as internal disciplinary breaches. The unit was to report back to an Investigating Task Board made up entirely of civilians which, in turn, would report back directly to the Minister. 'Normalizing relations between the police and the community will be extremely difficult to achieve if the ... allegations and perceptions of police misconduct persists and it is vital to restore public confidence in the new SAPS,' the Minister said.⁵⁵

Allegations of graft and racism were also levelled against the police during the year. A senior white police officer based in Krugersdorp allegedly sent a black constable and a general assistant to clean his house during working hours. A black policeman was quoted in the *Sowetan*: 'It is common to find white constables ordering a black sergeant to do things for them, including making tea or washing their cars, or buying stuff for them at the shops. Many black policemen, having been brought into the force while whites ran the show, are afraid to disobey such orders as the seniors in almost all police stations are still white.' A source at the Safety and Security Minister's office also said that even black policemen who were generals in the

54 *Mail & Guardian* 26 August - 1 September 1994.

55 *Business Day* 31 August 1994.

bantustan forces and who had been incorporated into the general staff of the SAPS did not speak at meetings.⁵⁶

Elections

Despite worries about whether the police would be able to cope with the huge demands placed on them during the country's first democratic elections, they generally won praise for their performance during the elections.

In the week running up to the elections the South African Police Union (SAPU), which represents 20 000 members, expressed fears about the inadequate number of SAP members available to do duty at the between 9000 and 10 000 voting stations across the country. They feared that this would result in elections policing being very thin on the ground.⁵⁷ In the end more than 93 000 police officers and 67 companies of South African Defence Force troops were placed on duty to protect voters on election days. This included 8000 reservists who responded to the general call-up.⁵⁸ All police officers were placed on 12 hour shifts and all leave and rest days were cancelled. About 80% of SAP members performing administrative duties were also deployed in the field. The operation was planned and executed in co-operation with the Independent Electoral Commission (IEC).⁵⁹

However, some allegations against police impartiality were levelled against the police during the elections campaign. When members of the Internal Stability Division raided the ANC's Western Cape regional offices in February and allegedly assaulted members of the regional leadership, the ANC complained of police partiality.⁶⁰ But when, in the run up to the elections, police had to act after the IFP on several occasions broken regulations imposed in terms of the state of emergency declared in the KwaZulu region, similar allegations were levelled by the IFP. In the latter case the SAP raided a KwaZulu government paramilitary training camp outside Ulundi seeking suspected members of alleged hit squads. Several arms, ammunition,

56 *Sowetan* 20 July 1994.

57 *The Citizen* 13 April 1994.

58 *The Citizen* 23 April 1994.

59 *Business Day* 15 April 1994.

60 *The Natal Witness* 12 February 1994.

and a large number of manuals and documents were seized in the raid.⁶¹ As a result of this raid, IFP senator Phillip Powell, who was responsible for giving illegal military training to IFP members at the Mlaba camp, was charged with the illegal possession of a firearm.⁶²

Labour relations

With the formation of one police force on the cards, the labour relations in the police entered unstable waters. Most of the disputes centred around the different standards and promotional policies of the various forces and the loss of privileges which came about with the amalgamation process.

With the amalgamation process stalled because of the absence of a new Police Act, the SAPS had difficulty in deciding criteria for promotion of police officers. It was clear, however, that the SAPS would not be able to use the 11 different promotions policies which existed before the elections because in terms of the old policies many black members and women members were discriminated against and were not given the opportunity to advance themselves. At the same time, there appeared to have been mass promotion of members of police forces in self-governing territories and former TBVC states when it became clear that there would be a democratic transformation in South Africa. The Minister of Safety and Security therefore appointed a high level committee to investigate irregular promotions and rampant nepotism in 'almost all' of South Africa's 11 police agencies.⁶³

The promotion of 11 441 police officers between the ranks of constable and brigadier - withheld since April for finalization - were finally approved in December. The promotions affected 7 114 black, coloured and Indian non-commissioned officers, 2 554 white non-commissioned officers, 605 black commissioned officers and 1 168 white commissioned officers. The Ministry had adopted a phased approach towards promotion to ensure that those disadvantaged in the past would benefit from corrective steps. In the first phase, an interim promotions board had been appointed to scrutinize

61 *The Natal Witness* 28 April 1994.

62 *Mail & Guardian* 3 - 9 June 1994.

63 *The Natal Witness* 8 November 1994.

promotions which had become due before 30 August 1994 and this resulted in the promotion of the 11 441 members. In the second phase, members entitled to promotion after September 1 were no longer to be assessed purely in terms of past promotional policies. They were also to be evaluated in terms of an interim promotions policy which included affirmative action steps such as bridging courses. Phase three was to come into effect when a new promotions policy had been drafted in terms of the new Police Act.⁶⁴

Despite these actions, police officers in various parts of the country became embroiled in labour disputes and unrest during the year. The police forces of the former homelands were particularly hit by strikes and undisciplined behaviour. Ciskei police held a sit-in strike at the Bisho Police College in March demanding immediate pension pay outs.⁶⁵ Also in March, more than 1000 non-commissioned police officers in Gazankulu held sit-in strikes at police stations throughout the former homeland to strengthen various demands relating to pay and job security.⁶⁶

Trouble also brewed in the former homeland of Transkei. In June, shooting broke out between striking police officers and soldiers in the former Transkei capital of Umtata when Transkei Defence Force members tried to disarm striking police officers. Police were on strike in protest against what they say were unilateral decisions by the Eastern Cape government to reverse promotional procedures and salary disparities which existed between the various police forces.⁶⁷ At issue were steps taken by the Eastern Cape government to ensure a uniform approach to these matters which had been previously dealt with differently by the various independent police forces. On 27 June it was reported that police officers from all 28 towns in Transkei had been instructed by the Acting Commissioner of Police to hand in their service firearms to police headquarters in Umtata. The police command claimed this was necessary to carry out a physical count of all firearms issued to police in Transkei in preparation for the integration of all police forces in the country.⁶⁸ The Minister of Safety

⁶⁴ *Business Day* 9 December 1994.

⁶⁵ *Sowetan* 23 March 1994.

⁶⁶ *The Citizen* 31 March 1994.

⁶⁷ *The Citizen* 9 June 1994.

⁶⁸ *The Citizen* 27 June 1994.

and Security launched an investigation into possible criminal offenses committed during the police strike by junior members of the force in the Transkei. According to the Minister, the whole force was on the point of collapse and he therefore also has had to appoint several police officers from outside Transkei 'to assist in restoring effective management and command and control within the Transkei Police'.⁶⁹

In the week before the elections the South African Defence Force (SADF) was called in to stop striking policemen in the former homeland of Lebowa. The strike by non-commissioned officers concerned police promotions and salaries since the South African Government took financial control of Lebowa in September 1993.⁷⁰

The KZP went on a go-slow in July to highlight their grievances. Much of the discontent centred around the employment of the KZP of retired white SAP officers at high rates of pay. Several go-slows had been held in the previous month.⁷¹ In rural areas, protest centred on demands to be paid for overtime during elections but then expanded to encompass complaints of racism, corruption and cover-ups within the force. Commentators said the strikes were precipitated by a desire by ordinary policemen to break free from the IFP and promote their careers by being professional policemen in a cleaned-up force.⁷²

Racial tension and frustration at the slow pace of change in the police service also led to the revolt by police in Cape Town townships. The police officers conducted a one week strike in which they blockaded roads in the township and marched to Parliament to press their demands. Coloured and African policemen claimed they were exposed to great danger by their white superiors through understaffing at their police stations while those in white areas are overstaffed.⁷³

Newspapers also reported that chaos threatened in KaNgwane among police. In July several policemen were arrested in this region in connection with a number of serious crimes, including murder.⁷⁴

69 *The Citizen* 8 July 1994.

70 *The Natal Witness* 24 April 1994.

71 *Sowetan* 15 July 1994.

72 *Mail & Guardian* 22 - 28 July 1994.

73 *Mail & Guardian* 19 - 25 August 1994.

74 *Sowetan* 29 July 1994.

In April the Transitional Executive Council (TEC) approved more pay for police force members after a threat by the SAPU to strike over the elections period.⁷⁵ The TEC proposed to treble the daily allowance for the month of April from R22.50 a day to R61.50 a day.⁷⁶ This was done in the wake of serious concerns being expressed about the morale of the police in the run-up to the elections.⁷⁷ But in May it was reported that these allowances might not be paid out at all as they were 'mere promises'.⁷⁸ In June, the Public Services Commission announced that all police personnel below management level, who had performed security duties between 1 March and 31 May, would be entitled to an operational areas allowance of R22.05 a day. Those exposed to 'extraordinary adverse conditions' were awarded an additional special bonus of R39.45 a day for the period from 10 April to 10 May.⁷⁹

New regulations were promulgated by the Minister of Safety and Security to end race and gender discrimination in police recruitment practices. The new regulations, aimed at removing discrimination on the basis of race, gender, also provided for policewomen to be recognized as breadwinners, enabling them to claim medical benefits for their spouses and dependents.⁸⁰

Attacks on police

Attacks on police officers continued to be a serious problem in 1994. In 1993 279 police were killed in South Africa (almost 70% of them black).⁸¹ But the good news was that attacks on police declined during 1994. In January, 171 attacks were carried out against members of the SAPS but this had declined to 43 in October. Statistics showed that 51% of attacks were carried out against black officers, 31% against white officers and 16% against other races.⁸² By the end of the year it became clear that for the first time in at least five years the number of

75 *The Citizen* 13 April 1994.

76 *Business Day* 15 April 1994.

77 *Mail & Guardian* 31 March - 7 April 1994.

78 *Business Day* 25 May 1994.

79 *Business Day* 10 June 1994.

80 *Sowetan* 13 October 1994.

81 *Sowetan* 17 August 1994.

82 *Sowetan* 17 November 1994.

police killed annually was set to drop. By 20 December the toll for the year was 228. This compared to 271 in the previous year. Of those killed in 1994, 76 were on duty and 152 off duty. In 1993, 100 on duty and 171 off duty police members were killed.⁸³ It was unclear whether the decline in attacks on police could partly be contributed to the announcement in March that more than R3 million was to be spent to install bullet-proof glass and other security measures at the homes of policemen in high risk areas following the increase in attacks on policemen.⁸⁴

A Goldstone Commission probe into attacks on policemen found that many police officers were attacked merely because they were members of the police. Others were attacked for political and criminal considerations. According to the Goldstone report political intolerance was at least partly to blame for the attacks. The answer to stopping attacks on police lay in the establishment of normal police/community relations.⁸⁵

Hit Squads

The year of the democratic transformation of South Africa also turned out to be the year in which revelations about hit squad activities in the police force increased from a trickle to a flood. For the first time since hit squad allegations had been first made, major revelations of hit squad activities prompted authorities to suspend members of the force and lay criminal charges against others.

It all began in March with a Goldstone report titled, *Interim Report on Criminal Political Violence by Elements within the South African Police, the KZP and the IFP*. This report corroborated the mounting evidence which linked current members of the security forces with actions which stoked, sustained and orchestrated violence aimed at thwarting the country's democratic transformation. The report also endorsed the long-held view that these men had worked closely with members of the IFP and the KZP.⁸⁶ The report alleged that deputy police commissioner General Basie Smit, and another top two South African

83 *The Citizen* 23 December 1994.

84 *The Natal Witness* 2 March 1994.

85 *The Citizen* 5 May 1994.

86 *Mail & Guardian* 25-30 March 1994.

Police Generals, Major-General Krappies Engelbrecht and Lieutenant-General Johan Le Roux, IFP Officials and other SAP officers had been involved in a 'horrible network of criminal activity'. This included the fomenting of violence on trains on the Reef and the manufacturing and supply of arms to IFP members for use in township violence.⁸⁷ Other officers allegedly involved included the former Vlakplaas head Colonel Eugene De Kock. In the wake of the report an international task force, including French and Zimbabwean police experts, was appointed to investigate allegations that Generals Smit, Engelbrecht and Le Roux had been involved in violence to destabilise the country.⁸⁸

Altogether eleven policemen, including the three generals, were 'withdrawn from service without loss of privileges' a week after the report was made public. This meant that they would still be paid but would not be allowed to go to work.⁸⁹ But Generals Smit and Le Roux resisted their 'suspension' and it was reported at the beginning of April that the two were expected back at work despite being ordered by President F W de Klerk to take compulsory leave. Smit and Le Roux threatened legal action and did not comply with the instructions. They said they would return to work unless specific evidence was submitted implicating them in criminal activity.⁹⁰ The Commissioner of Police, General Johan van der Merwe, was severely criticized for supporting the suspended generals in their attempt to remain in their posts.⁹¹ In May, it was reported that the two were back at work and pledged their loyalty to the new government.⁹² But two days later it was announced that General Smit was to retire at the end of May.⁹³

Following investigations by the special international task force into allegations by the Goldstone commission, at least five policemen were arrested in connection with third force activities, including former Vlakplaas commander Col Eugene de Kock.⁹⁴ De Kock was charged along with two other men in connection with third force activities. The

87 *Business Day* 21 March 1994.

88 *Business Day* 25 March 1994.

89 *The Citizen* 24 March 1994.

90 *Business Day* 3 April 1994.

91 *Mail & Guardian* 8 - 14 April 1994.

92 *Sowetan* 3 May 1994.

93 *The Citizen* 6 May 1994.

94 *Business Day* 23 May 1994.

106 criminal charges finally brought against De Kock included 8 counts for murder. De Kock was refused bail for fear of leaving the country.⁹⁵ It was reported that the SAPS was to pay the legal costs for the trial of De Kock.⁹⁶ In a bizarre twist the Transvaal Supreme Court moved De Kock to Pretoria Central Prison after it came to light that he had too many privileges at the police station where he had been held. De Kock had made more than R100 000 worth of cellular telephone calls in one month. He also had had alcohol, a colour television set, a video recorder, an M-net decoder and a steak knife in his cell.⁹⁷

A further preliminary Goldstone Report on the selling of fire arms to the KwaZulu government, criticized the commissioner of police General Johan van der Merwe, in the light of the sensitive and volatile political atmosphere in KwaZulu, for issuing an export permit for 1000 LM4 rifles destined for the KZP.⁹⁸

A second TEC task group report on hit squads in the KZP named senior IFP members as taking part in such activities. It also recommended the immediate suspension of the deputy commissioner of the KZP, Major General Siphon Mathe, on the grounds that he aided and concealed the activities of hit men in the KZP. The report painted a picture of systematic concealment, failure to investigate and conniving at hit squad activity in the KZP by senior officers.⁹⁹

The newly appointed KwaZulu-Natal police minister Celani Mtshetshe was also linked to illegal gun-running for the IFP.¹⁰⁰

When the KZP commissioner, General Roy During resigned in July he confirmed that at least one hit squad operated from within the KZP in 1992 and 1993. General During expressed concern at the way in which an SAPS investigation into KZP hit squad activities had come to a halt after the arrest of three junior officers and two civilians.¹⁰¹ The retiring commissioner said he had 'had a guts full' (*was gatvol*) of the politics and intrigue which beset the force. 'Everything has disintegrated into an absolute mess. Police members have suddenly

95 *The Citizen* 6 May 1994.

96 *Sowetan* 9 May 1994.

97 *Business Day* 15 December 1994.

98 *The Citizen* 5 May 1994.

99 *Mail & Guardian* 3 - 9 June 1994.

100 *The Natal Witness* 4 June 1994.

101 *Sowetan* 28 July 1994.

realized that they are competing for a place in the new South Africa and it is a frightening thought for many of them.¹⁰²

Conclusion

The year can truly be described as a tumultuous one for the SAPS. The force had to cope with the pressures of moulding itself into one unified police force while it was beset with allegations of ill-discipline, racism, bad investigating methods and involvement in hit squad activities. Compared to previous years, however, the police seemed more determined to face the problems head on and deal with them honestly.

Despite these good efforts, by the end of 1994 there still existed a dichotomy between practice and promise in the police force. Deeply entrenched characteristics inherent in police culture militate against changed attitudes and behaviour. In the end, therefore, it is the culture of the present police force that must be addressed. And this culture, as one commentator explained, is 'militaristic and sexist, male dominated and authoritarian and racist'.¹⁰³ Reactionary attitudes, machismo, stereotyping and prejudice are all strong deterrents to a human rights ethic. Without addressing these issues, the police force will not be able to adopt satisfactorily to the new democratic South Africa.

102 *Business Day* 22 July 1994.

103 *Business Day* 8 August 1994.