CRIME and Conflict

EDITORIAL

It seems perplexing that with current crime rates and South Africa still tipping the 'most murderous country in the world' scales, politicians have yet to present a coherent, united stand on key issues – let alone dispel the notion that the crime football is being kicked about in expedient political directions.

There is a danger that the new human rights culture is seen to be the cause of increasing crime: this is not the case, and it is the government's responsibility to make this clear.

While Government has laid out the best crime prevention strategies the country has ever been offered, recent events surrounding People Against Gangsterism and Drugs (Pagad), and the death penalty debate, illustrate how politics still clouds government responses, even in crisis situations.

These are both issues which have been discussed at length. In terms of Pagad's activities, Crime and Conflict does not enter the debate about whether Pagad is justified or not: the point of departure for both Daniel Nina and Mark Shaw is that as a vigilante group, Pagad's actions are unacceptable and that state responses – which have largely been to co-opt and cooperate with this organisation – are problematic to say the least.

Consider also the African National Congress's announcement that it would rethink the abolition of the death penalty – which has since been followed by an emphatic and predictable 'no' from President Mandela: can re-opening this debate, along with the response of the state in the Western Cape to Pagad, not be construed as pandering to the voters?

It is one thing to win votes through offers of housing and jobs – quite another to do so at the cost of lives. Ironically, by cooperating with Pagad, the state is in fact tacitly supporting the death penalty – a proven method of that organisation.

Perhaps this is to be expected in South Africa, with its long history of politics affecting – and even determining – policing. KwaZulu-Natal province is the obvious example. Melanie Lue and Monique Marks vividly illustrate the dilemmas now facing policing and criminal investigations as a result of political conflict between the African National Congress, Inkatha Freedom Party and the apartheid state.

With a government that cooperates with vigilante groups, and a police force struggling to overcome a legacy of political, unaccountable policing, it is a wonder that people believe the 'new' South Africa's 'misplaced human rights obsession' is at the root of the crime problem. As we struggle to secure real human rights for the first time, it would be interesting to know which rights these critics could do without.

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Popular Justice or Vigilantism?

Pagad, the State and the Community

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Popular forms of justice can play an important role in fostering democracy. As a vigilante organisation, however, Pagad's activities in the Western Cape have challenged state sovereignty and exposed Government's inability to assert its authority and protect its citizens.

opular forms of justice have been praised and criticised by many in the past decade in South Africa (Nina 1995a; Schärf 1994; Alexander and van Niekerk 1991; Moss 1987). In fact, certain sectors of society have clearly praised the role of popular justice organs in the development of a democracy (Nina 1993; 1995b).

However, the recent emergence of the organisation People Against Gangsterism and Drugs (Pagad) in the Western Cape, opens the door for rethinking the role of popular forms of justice in a democratic and constitutionally based society.

Recent events between Pagad and drug dealers in Cape Town, in contradictory ways, have exposed the limits of the state's legitimacy crisis in terms of law and order and the regulation of conflicts in society via the justice system. In addition, this crisis represents a challenge to state sovereignty – to its capacity to rule and lead.

This article re-examines the social phenomenon of popular justice in the light of Pagad's emergence in the Western Cape. The first section considers the difference between popular justice and vigilantism, attempting to distinguish Pagad from other forms of popular justice. The second section explores the relation of Pagad's 'sovereignty' *vis a vis* state sovereignty and the implications for a democratic society.

Silent impact

The crisis has however, had a 'silent' impact in the realm of citizens' rights and obligations. This affects not only Pagad members and drug dealers, but the general South African community. This has not been totally explored in the local press (Younghusband 1996), but forces one to ask in what way the South African state is protecting the constitutional rights of all its citizens, beyond the Pagad/drug dealers crisis.

The best example is the alleged threat by the Pagad Durban branch to the gay and lesbian community (Eveleth 1996). Is the government controlling Pagad's extension of its 'hatred speech' to other communities, such as the gay and lesbian one?

Another issue of great concern amid the Pagad crisis is the declared need to protect the 'community' from the drug dealers by using 'any means necessary' – to paraphrase the African American nationalist Malcom X. The 'community' has been reinvented once more in South Africa, in a period that can only be framed as a neo-liberation era.

The need to continue invoking 'the community' as a way of canvassing militant politics is a worry in the South African context – particularly in a post-apartheid and democratic society guided by a constitutional framework.

> The need to continue invoking 'the community' as a way of canvassing militant politics is a worry in the South African context

Nonetheless, it is interesting that in the making of the 'community', the state also uncritically adheres to this discourse, without differentiating between populist politics and accountable politics (McLennan 1996). In a way, the state's vision for the social transformation of South Africa has been hijacked by particular sectors of society, whose intervention has directed the state towards a harsh law and order approach, in order to appease the 'community'.

The humanistic, restorative justice approach – one that attempts to rectify a wrongdoer by correcting the offence without excluding the person from society, and by addressing the needs of the victim – brought about by the 1994 Government through, for example, the abolition of the death penalty, is now being questioned. The state has increasingly been moving towards a repressive law and order approach, which limits the constitutional rights of the accused (McLennan 1996).

> **Popular justice has fundamentally been seen as a social phenomenon in the urban African communities**

Popular justice

For many years intellectuals and activists in South Africa have addressed the issue of popular justice from the perspective of its positive contribution towards the democratisation of the justice system in a post-apartheid society (Allison 1990; Seekings 1992; Kobese, Monyela and Nina 1995). Popular justice in this context, however, has fundamentally been seen as a social phenomenon in the urban African communities.

This is closely linked to the call by the United Democratic Front in the early 1980s to organise 'people's power'. Popular justice has been constructed and analysed in South Africa in the past decade or so, as a benign product of the struggle for liberation, although it has had difficult periods of harsh brutality (Alexander and van Niekerk 1991).

In this context, popular justice has been seen as comprising organically developed mechanisms of conflict resolution which operate in predominantly African urban communities. These mechanisms include a range of structures, from the [in]famous people's courts, to disciplinary committees, anti-crime committees, and street committees.

The street committees are perhaps the structures which have survived in a more distinctive way in the post-apartheid South Africa. These structures have been recognised by both members of the state and of civil society as a good community resource for maintaining order and solving conflicts (Schärf 1994).

But the key feature that many intellectuals praised about organic forms of popular justice, specifically in the African urban communities, was the sense of accountability to the community that they represented, via community based associations of residents. This is the case in particular, of the street committees in many South African townships. The accountability and legitimacy of organs of popular justice were always assessed in relation to their connection with civic movements (Nina 1995a).

In fact, throughout the period of democratic transition in South Africa, many intellectuals assisted organs of popular justice affiliated to civic associations, in improving their working capacity. In particular, the aim of the training was to provide organs of popular justice with an operational framework based on a culture of human rights.

> **Pagad is more sophisticated, organised and in a distinctively different position to that of street committees**

At no time was the idea of condoning the use of violence, or of allowing people to take the law into their hands, allowed or encouraged by this process. Furthermore, in most of the African communities where the intervention occurred, community members attempted to conduct their activities according to a human rights culture.

Vigilantism

Pagad, however, has to be seen in a different context In fact, Pagad actions in Cape Town – the alleged

killing by Pagad members of Rashaad Staggie, one of the leaders of the infamous Hard Livings gang – transformed the debate from popular forms of justice to the field of vigilantism.

Contrary to the experience in the African communities, Pagad has adhered to different practices such as adopting a military orientation, has articulated a particular hatred discourse – war on drugs – and has defined a bipolar confrontation – the 'community' versus the drug dealers and gangsters. This places them in a more sophisticated, organised and distinctively different position to that of street committees.

Such a position has been defined as vigilantism. Les Johnston (1996: 229), a British scholar, argues:

> *"Vigilantism arises when some established order is perceived to be under threat from the transgression (or potential transgression) of institutionalised norms. Vigilantism is, in other words, a reaction to real or perceived deviance."*

In a way, Pagad has declared a 'war' – whether holy or not is irrelevant – against drug dealers and gangsters in South Africa, who are 'scums living off blood of innocent children' (Malan 1996). The war has apparently been declared in desperation at the inability of the state to clean the [coloured] communities of drugs. The killing of an alleged drug dealer on 4 August 1996 by a group of 200 people allegedly linked to Pagad, epitomises the seriousness of their war cry (Schrönen and Isaacs 1996).

However, in a country where people ordinarily take the law into their own hands, such an event cannot immediately be defined as a vigilante act (*The Argus* 1996; *Weekend Argus* 1996). It is

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important to define some principles that can establish the nature and culture of vigilantism.

Johnston (1996: 222) argues that in order to define an act of a person or group as vigilante action, at least six elements need to be satisfied:

☐ Planning, premeditation and organization.

☐ *Conducted by private/citizens acting on a voluntary basis.*

☐ Popular or citizenship autonomy.

☐ The use or threat to use force.

☐ Rejection of crime and social deviance.

☐ A claim to personal or collective security.

In a way, Pagad satisfied these elements. Events of 4 August 1996 and their aftermath suggest that Pagad carefully planned to visit alleged drug dealers and inform them of the 'end' of their business (Malan 1996). The voluntary and private nature of Pagad membership cannot be questioned. The use of force, or the threat thereof, has been a constant feature of Pagad, at least in the Western Cape (Younghusband 1996).

> **Fundamentally, Pagad has at all times invoked the need to protect themselves and the community from social disease**

The rallying around gangsterism and drug dealing clearly represents their rejection of a particular social deviance. But fundamentally, Pagad at all times invoked the need to protect themselves and the community from this social disease. In the words of one Pagad leader, 'Our vision is to clear South Africa of drugs' (Malan 1996).

In this regard, Pagad's vigilante mode of operation has to be seen within a broader context in which their discourse is also attached to

> **Popular justice has always existed in a continuous challenge to state sovereignty**

significant symbolic meanings. The following statements by Pagad members, as cited in the press, are illustrative:

> *"We are giving you 24 hours to clean up your act", they yell, "or we will come back for you".*
>
> *"Their crudely drawn posters emphasise the seriousness of their threats: 'Kill the Merchant. One bullet, one pedlar'". (Younghusband 1996)*

These statements were common during the Pagad press conference in Cape Town and throughout their public demonstrations. But their symbolic intervention is also represented by a sense of radical militancy, which is translated into wearing masks, carrying weapons, and wearing Palestinian scarves – as if we were living a South Africa Intifada.

Through the symbolic representation of their cause and the unrestrictive use of violence and hatred speech, Pagad became a vigilante movement. In this regard, its existence was different to other popular forms of justice – in particular those of the African urban communities.

State vs vigilante sovereignty

State sovereignty does not equal the sovereignty of popular sectors, the corporate sector or any other private person or group. Sovereignty in this context means the capacity of the state to rule and define acceptable social order in the country. This sovereignty has been conferred to the state by the people and consolidated via the national Constitution.

However, the sovereignty of the state is a highly contested matter. At the international level, the state as an entity with its own identity

has lost ground to the multiple domains of the international community, where state sovereignty is controlled. The best example is the post-cold war United Nations, which tends to regulate and intervene in the internal affairs of many countries, notably Burundi and Somalia.

At the level of corporate capital, state sovereignty is continuously challenged. The flowing of corporate capital from one state jurisdiction to another, and avoiding interaction with the complexities of the domestic legal jurisdiction, has a detrimental impact in the evolution and authority of the state. The immediate impact of this interaction is a continuous diminishing of state sovereignty to accommodate the interests of capital and its capacity for rapid mobility.

However, it is at the level of grassroots community based formations where the question of state sovereignty is more easily understood. Popular justice, for example, has always existed in a continuous challenge to state sovereignty, succeeding at times to 'appropriate' state sovereignty and redefine it within a popular culture (Nina 1995a).

> **Pagad re-opens the debate on sovereignty in a post apartheid and democratic society in a very problematic way**

The many cases of people's courts for example, and their use of punishment in an unrestricted way, illustrate the tension between state and popular sovereignty. The state prosecuted many activists involved in people's courts, charging them with, among other things, sedition – the action of reproducing state authority by other means (Schärf 1988).

However, the period of 'self regulation' in which organs of popular justice engaged in the early 1990s, aimed to redress tension

between the sovereignty of one domain – the state – and another: that of popular sectors.

Pagad, however, re-opens the debate on sovereignty in a post apartheid and democratic society in a very problematic way. Their capacity to challenge state authority in a vigilante mode not only questions this authority, but also the legal and constitutional order of the country. The continuous threat of Pagad to drug dealers and gangsters, and their capacity to implement some of their threats, raises the question of whose authority prevails in the Western Cape.

> **Pagad's emergence in contemporary South Africa transforms the debate about community initiatives around crime prevention**

Pagad's capacity to define a 'war' against a particular sector of society and to force the state to adopt its agenda, poses interesting problems for analysing the autonomy of the sovereign (MacLennan 1996; Mgxashe 1996). However, the fragile response of the state towards Pagad taking the law into its own hands, is more serious. The environment of violence, intimidation and unrestricted hatred speech by Pagad has not been contained by the state in a way that would have reasserted state sovereignty.

Conclusion

Popular forms of justice have existed in South Africa for decades. The nature of popular justice has always been one of contesting state

sovereignty. However, the struggle for liberation during the 1980s created a political condition in which 'organising people's power' was a legitimate cause. Since the beginning of the transition era in 1990, organs of popular justice began to develop a culture of accountability to and recognition of the state.

Pagad's emergence in contemporary South Africa transforms the debate about community initiatives around crime prevention and also about the existence of popular forms of justice. The way in which Pagad has organised itself and articulated its cause can also be seen as the first organised expression of vigilantism in the democratic dispensation.

The explosive environment which has been generated in the Western Cape by Pagad can lead to a more repressive situation, where sectors of the community outside Pagad's immediate target, can be also affected – in particular those sectors that challenge the authority of this organisation.

Finally, it is at the level of state sovereignty that Pagad's intervention has the greatest impact. The inability of the state to re-assert its own authority, and its capacity to lead, poses complicated problems for ordinary citizens living in a constitutionally established democracy.

However, the least that can be expected is that in the continuous

> **The inability of the state to re-assert its own authority poses complicated problems for ordinary citizens living in a constitutionally established democracy**

struggle between multiple sovereignties, the state will have the upper hand in maintaining its supreme sovereignty – at least in terms of law and order and the use of violence. If the state does not succeed, citizens' individual and collective possibilities of exercising their constitutional rights will be reduced. [PEG]

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Buying Time?

Vigilante Action, Crime Control and State Responses

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> The problem with vigilante action is that it allows moral judgements to be made about who can and cannot break the law. Pagad's activities were carried out with apparent confidence that the state would not act against its perpetrators. Co-opting vigilante leaders and placating criminals might ensure peace in the short term, but will undermine the last shreds of public confidence in the criminal justice system.

Vigilante violence aimed at curbing crime evokes mixed emotions. Your heart tells you that it is not a bad thing – we all know that criminals appear to operate with virtual impunity in this country. Your head is less sure – after all, is killing somebody (no matter who they are) not a criminal act?

> **History provides numerous examples of good causes weakened by ill considered and increasingly random acts of coercion**

And does not the use of violence necessarily corrupt the ends, no matter how good? History provides numerous examples of good causes weakened by ill considered and increasingly random acts of coercion. Violence, especially violence which destroys lives, is evil. Its use can be justified as the lesser evil in some cases – as on the Cape Flats. But this does not vindicate it.

The events in the Western Cape – and the antics of the militant group People Against Gangsterism and Drugs (Pagad) – have brought the issue of vigilante violence to a head in South Africa. Experience from elsewhere suggests that best we follow our heads rather than our hearts.

Latin American lessons

South Africa is beginning to display many characteristics similar to the crime wracked states of Latin America. In Brazil, where the army has been summoned to control crime in major urban areas, vigilante policing is nothing new.

The use of vigilante squads in the crowded urban complexes around Rio and Sao Paulo – and increasingly in small towns in the interior – are justified because of the inefficiency of Brazil's established judicial institutions (see Chevigny, Gale and Russell 1993). There are in this experience some profound lessons for South Africa.

Ironically, and this rings true at home, vigilante action which – at least in the rhetoric of its proponents – is an attempt to strengthen state institutions, often has the opposite effect: the further weakening and undermining of official criminal justice channels and the creation of alternative centres of power – and by definition coercion – outside of the state security apparatus.

In South Africa, as in Latin America, vigilante actions against criminals are essentially a response to state ineffectiveness, combined with a culture of violence and an inability of the state to defend its own areas of responsibility from vigilante incursions.

Perhaps more to the point, vigilante actions are encouraged by perceptions that the perpetrators themselves will not be threatened by counter measures from the state.

> **In South Africa, as in Latin America, vigilante actions against criminals are essentially a response to state ineffectiveness**

Indeed, that conclusion is easy for citizens to draw: if a state is ineffective in deterring the criminals who originally contributed to the potential for vigilantism, it also lacks the capacity to deter the vigilantes.

This is illustrated by state responses in Latin America to vigilantism: essentially an attempt to co-opt rather than to confront. Commissioner Fivaz's assertion – while of course not condoning vigilante violence – that the police

wish to work in 'partnership' in the Western Cape with vigilante groups, is a classic response.

Unpredictable outcomes

It must be recognised that what is achieved by vigilante behaviour is not necessarily useful. Vigilante action is essentially reactive – it aims to (violently) suppress. And, vigilante action tends to be applied in an *ad hoc* manner. Even though the violation of formal legal boundaries may be supported by the majority of the community – as in Sao Paulo and apparently on the Cape Flats – vigilantism is disorderly and unpredictable, often having consequences unforeseen at the time it was initiated.

Vigilante punishment has the potential to be worse than the crime itself. Measuring the impact of violent action in relation to the stated goals is seldom a simple cost-benefit calculation. All too often, the prescription for limited gains is simply more violence rather than a change in strategy.

Innocent bystanders have little if any protection (or recourse) when vigilant actions boil out of control. And over time many vigilante groups run the risk of themselves attracting criminal elements seeking useful avenues to undercut opposition groups and secure more turf.

Far from strengthening the system of criminal justice, vigilante action further undermines it by allowing moral judgements to be made about who can and cannot break the law, and under what circumstances.

The short term gains of vigilante actions may appear useful, but they tend to be dysfunctional to order, stability and good governance over the longer run. Though vigilante action may buy time, it cannot replace formal political institutions and, indeed, probably inhibits their

growth and consolidation (Rosenbaum and Sederberg 1976).

Vigilante behaviour has unpredictable outcomes. Often it simply solidifies the very opposition which it aimed to undercut – it is not for nothing that the gangs on the Cape Flats have resolved their differences in order to counter the common threat that now faces them.

Vigilante action may buy time, but it cannot replace formal political institutions and probably inhibits their growth and consolidation

Accepted response to crime

Moreover, when law enforcement officials themselves participate either directly or indirectly in acts of violence – as in the Brazilian death squads of the 1970s – the moral validity (or the remains of it) of the formal system of laws is undercut.

In South Africa the growth of self and private policing provides a ready base from which violent vigilante actions can grow

So one of the most serious developments around vigilante violence in the Western Cape is the widespread public perception that the police stood back and allowed 'natural justice' to take its course.

Over the medium to longer term the greatest danger of vigilante action is that it will spread and become institutionalised – an accepted mechanism to police what is increasingly viewed as the unpoliceable. Be assured that new complexities will develop over time. Police who are viewed to be in cahoots with criminals, for instance, could become targets for attack, upscaling and complicating the conflict.

Of greater concern is the ease with which vigilante action becomes institutionalised. No matter how efficiently any system of criminal justice processes offenders, vigilantism will always deliver popular justice more quickly – and in some instances more effectively. When this becomes the norm rather than the exception, the danger is that no amount of fine tuning of the criminal justice system will alter the balance.

Vigilante groups are also by no means static entities. They contain the potential to splinter into violent and less violent factions – internal conflicts within vigilante groups about the appropriate way forward have not been uncommon elsewhere (see Esack in *Indicator SA* Vol 13(4) 1996).

Such divisions are often the result of conflict between opposing factions – one seeking greater accommodation with the state to demonstrate to any 'constituency' that recognition has been won – the other seeking even greater violence on the grounds that more can be achieved by such means.

Vigilante prone societies

Some societies are more prone to vigilante type activities than others. In the United States, vigilante action, bred originally by political and social transition, institutionalised itself in varying forms and with differing aims into the social and political fabric of American life (see Culberson 1990).

Originally denoting a particular pattern of American frontier violence 'designed to impose some sort of order on a fluid and disrupted social situation', it

The greatest danger of vigilante action is that it will spread and become institutionalised – an accepted mechanism to police what is increasingly viewed as the unpoliceable

proved difficult to eradicate and indeed has continued in different forms to this day (Sederberg and Rosenbaum 1976: 261). The mob lynchings in the South in the 1960s and some forms of militia violence today are clear examples of the residual effect of vigilante action in the United States, albeit on a different scale and form to that in South Africa.

South Africa is also prone to vigilantism, and the growth of these activities in this country since apartheid can hardly be viewed as surprising. At the outset, while their causes and aims may differ, vigilante actions are nothing new. The use of violent action outside the formal institutions of the state is an already well established South African principle.

Vigilantism as a means to achieve political ends was a common feature of the last decade of apartheid and the transition to democracy in South Africa. The difference was of course that such forms, like the 'wit doeke' on the Cape Flats and the 'impis' in KwaZulu-Natal, enjoyed state support. The distinction between lawful and unlawful actions was blurred even further by the use of criminal gangs – particularly in the Western Cape – to police anti-apartheid activists.

In South Africa the growth of self and private policing provides a ready base from which violent vigilante actions can grow. In Soweto, for example, groups like

'youth against crime' – a collection of young men enjoying some community support who engage to a greater or lesser degree in formal 'policing' activities – can easily be upgraded into violence driven vigilante groups.

Indeed, the events in the Western Cape were watched with interest by the group in Soweto. While their organising principles are not as strong as those of Pagad, nor are they as tightly organised, they do contain the potential for violent action.

Vigilante behaviour does not exclude the more affluent – here though, the job is sub-contracted out to private security. Given that they often hold the interest of their client above that of the public, private security firms, particularly in the growing investigative sector, are often in a position to take the law into their hands, ensuring that 'justice is served' outside of the channels of the formal criminal justice system.

This suggests that the growing grey area between forms of public and private policing needs to be more comprehensively regulated in the public and not the private interest.

Moral justifications

In South Africa, the issue of Islam muddied the vigilante waters further – one unfortunate consequence was that both the media and the police placed religion at the centre of their analyses, failing to recognise it for what it was – an organising principle for vigilante action. For the police in particular, a concentration on the 'Islamic threat' diverted attention away from their manifest failures to control drug dealing in the Western Cape.

The *Financial Mail* (16 August 1996) for its part, editorialised on the growing danger of Muslim fundamentalism and its undue influence on government policy. Such coverage risked building new divisions rather than solving the original cause for vigilante action – a criminal justice system which

failed to act against those who openly broke the law.

In any event, comparative evidence suggests that vigilante groups seldom commit acts of violence out of complete disregard for moral and ethical principles. In fact quite the opposite, these groups generally develop an elaborate set of moral justifications for their actions.

If vigilante behaviour is likely to continue to occur in South Africa, how best can the problem be managed? Alternatively, what state actions serve to encourage rather than to end the growth of vigilantism?

State responses

Comparative evidence suggests that two features of the interaction between non-state sponsored vigilante groups and government are critical determinants in undermining or encouraging vigilante actions:

❑ Vigilante activists must feel relatively free from reprisals: 'as regime boundary maintenance declines and social support for the vigilantes increases, the participants in the establishment violence will feel less threatened by the possibility of countermeasures' (Rosenbaum and Sederburg 1976: 263).

❑ Vigilante groups will feel less of a need to be reintegrated into the polity than they will to urge the established order to accept vigilante actions as a necessary feature for reestablishing 'order'.

> **In future, high profile anti-gang and drug busts are needed, and an even handed process of justice for both drug dealers and vigilantes alike**

In South Africa, state responses – while they have varied over time – ensured both that vigilante groups felt relatively immune from prosecution and that they could present themselves as legitimate representatives of order.

Vigilante actions in the Western Cape were carried out with the apparent confidence that the state would not act against its perpetrators – or when and if they did, sufficient protest and political action would prevent effective prosecution. In turn, vigilante groups sought (over time) to work with, rather than against, state institutions altering the balance of those responsible for 'law and order'.

What then is the alternative? The only option is the most difficult one. The establishment of an effective system of criminal justice as a matter of national priority. In future, high profile anti-gang and drug busts are needed. And importantly, an even handed process of justice for both drug dealers and vigilantes alike. The law – no matter who has broken it – must be seen to take its course.

Regardless of the degree of breakdown within its institutions of criminal justice, the South African state still retains the capacity for such an alternative if it is confronted in a targeted way. Seeking to co-opt vigilante leaders and placate criminals, while ensuring peace in the short term, will over time undermine the last shreds of public confidence in the criminal justice system.

> **The greatest danger is to do nothing – allowing vigilantism, because it has short term advantages, to run its course**

The greatest danger is to do nothing – allowing vigilantism, because it has short term advantages, to run its course. In the longer term, the result will be more independent action aimed to maintain 'order', and the danger that vigilante actions (whatever their form) will become a growing feature of community attempts at crime control. ⚹⚹⚹⚹

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New Motives, New Methods

Policing in KwaZulu-Natal

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Policing in KwaZulu-Natal has historically been impoverished, partisan, and iniquitous. Problems around integrating two very different forces, and a provincial Ministry of Safety and Security which has not fulfilled its oversight role, abound. But the KwaZulu-Natal Policing Task Team and the civilian secretariat for safety and security present glimmers of hope.

Police in KwaZulu-Natal are confronted with an increasing national crime problem and a growth in vigilante groups in a province troubled with political violence – social problems which would frighten any police department.

But the situation is made more difficult when, as in KwaZulu-Natal's case, the police have their own internal problems, and are regarded with suspicion by the very communities they are meant to serve. This article explores the internal problems of the police in KwaZulu-Natal, and the initiatives aimed at restructuring and legitimating the police.

The police service in KwaZulu-Natal – comprising members of the former South African Police (SAP) and KwaZulu Police – has a particularly bad track record. In this province, more than anywhere else, the police have been accused of being partisan, particularly toward Inkatha, and even actively fuelling the 'civil war' in the province.

KwaZulu Police problems

The integration of the roughly 5 300 KwaZulu Police officers into the newly formed South African Police Service (SAPS) was only completed in September 1995, and this process itself was extremely difficult. At a technical level, according to Senior Superintendent Thaver from the SAPS's Management Services, the KZP received vastly different training from the South African Police. Many were not computer literate and their accounting procedures were inadequate, allowing for financial abuse.

> **Members of the KZP believed that as a result of the larger SAP numbers, they would be swamped and lose their identity**

This process was also hampered by resistance from both the SAP and the KZP to the process of integration. Members of the KZP believed that as a result of the

larger SAP numbers, they would be swamped and lose their identity.

On the other hand, the national commissioner refused to integrate about 830 new KZP recruits whose records indicated allegations of rape, armed robbery, and murder (interview with Senior Superintendent Thaver). This exclusion was met with much resistance by the KZP who wanted all their members to be integrated.

> **There is evidence of both SAP and 'new' SAPS members being involved in political violence in KwaZulu-Natal**

Furthermore, there was evidence that many KZP members were involved in hit squad and third force activities, and that in the course of policing, they used excessive force. Not surprisingly, the Minister of Safety and Security and the police commissioner were cautious regarding the inclusion of the KZP in the SAPS.

SA Police problems

Not only the KZP, however, had a tarnished history and image. There is evidence of both SAP and 'new' SAPS members being involved in political violence in KwaZulu-Natal. There have recently been allegations that police were at best incompetent in not intervening in massacres of African National Congress (ANC) supporters. The Shobashobane massacre in December 1995 is an

example (see Minnaar in *Crime and Conflict* Vol 5 1996).

Furthermore, recent evidence given at the Truth and Reconciliation Commission as well as at major trials such as that of former Defence minister Magnus Malan, reveals police and military involvement in gross human rights violations, particularly against members of the liberation movement.

Such evidence is particularly striking in KwaZulu-Natal where it seems that members of the security services were trained with Inkatha members to 'eliminate' opposition to the apartheid state. This evidence, while crucial to the reconciliation process, further undermines the confidence of civilians in the police service.

> **KwaZulu-Natal lacks a proper structure to evaluate and monitor the police**

Adding insult to injury, members of the police have engaged in corruption, including being involved in crime syndicates, as well as the acceptance of bribes from members of the community suspected as criminals. As part of the National Crime Prevention Strategy, SAPS members have been arrested for such activities.

In KwaZulu-Natal, 24 police officers were suspended in July 1996 and are under investigation for corruption charges (interview with Director Bala Naidoo, SAPS Public Relations Spokesperson). Such cases are not uncommon in KwaZulu-Natal and it is not surprising that as a result, the very people tasked as law enforcers are perceived as undermining the criminal justice system.

Poor political oversight

At the political level, KwaZulu-Natal lacks a proper structure to evaluate and monitor the police. The provincial Ministry of Safety and Security has had

problems fulfilling its role of political oversight pertaining to policing.

This is largely the result of the premier, Frank Mdlalose, taking over the portfolio following an expose implicating the previous minister, Celane Mtetwa, in gun running activities. This led to a reshuffling of the cabinet, with the Ministry essentially being dismantled. Currently it consists only of the premier and his advisor, General Wynand van der Merwe.

Furthermore, on numerous occasions, particularly in the period leading to local elections, Mdlalose stated that he felt the national Ministry of Safety and Security was undermining his position as MEC. He believed the national Ministry had made political interventions without consulting relevant parties in the province.

These allegations could stem from a larger political contestation between Inkatha and the national majority party, the ANC. There is apparently a conflict between national minister Mufamadi and Frank Mdlalose, which can only give rise to delays in decision making regarding policing in KwaZulu-Natal.

> **The new and improved Police Act insists on a community oriented police service**

In addition, the head of the SAPS in the province, commissioner Chris Serfontein, has been widely condemned, particularly by the ANC. Policing problems in KwaZulu-Natal thus extend from the Ministry to the department, and from the commissioner to local low ranking police officers.

Community policing

In recent years, an international quest to conceptualise new styles of policing has emerged along with global changes toward greater democratisation. In this regard, 'community policing' has become the catch phrase. While this

generally refers to increased accountability to, and cooperation with, civilians or 'the community', the concept and its practice are highly contested.

The police in KwaZulu-Natal, as in the rest of South Africa, are essentially bound by the legislation of the new and improved Police Act (1995), which insists on a community oriented police service. This Act 'provides for the establishment, organisation, regulation and control of the South African Police Service.'

The Act is historic in that it breaks with past Acts which focused on the police as a force to ensure law and order, as well as in its quest for civilian oversight. This is in tandem with the most basic premises of community policing by any definition, albeit state centred and controlled.

Interviews conducted with police officers in KwaZulu-Natal suggest that they have adapted well to a changed conception and organisation of the 'new' SAPS. At the most basic level – one of rhetoric, perhaps – they speak of the police's role as rendering a service to the public:

> *"The main role of the police is to provide a service. This could include helping someone with a broken car. We are lawyers, mechanics, bodyguards. Whatever service we can render, we are here to do it."* (Interview with a Constable at CR Swart Uniform Branch, June 1996)

> **Policing problems extend from the Ministry to the department, from the commissioner to low ranking police officers**

Since the 1994 elections, the Minister of Safety and Security together with the newly appointed national commissioner have initiated a series of internal changes in the police service. These involve increased civilianisation, transparency, accountability, and representivity.

These changes have included the appointment and promotion of black officers, relaxed legislation with regard to police unionisation, the removal of a military ranking system, attempts to root out police corruption, and creating a single South African Police Service. Interestingly, most officers in KwaZulu-Natal across the racial spectrum believe these changes are constructive:

> **Most officers in KwaZulu-Natal across the racial spectrum believe the changes in the SAPS are constructive**

"With the changes we now have moved from a force to a service which has helped with working in communities. We have also got unions and have more say in our lives. It is also much easier to work in the new police service because you are not forced to do things you don't want to do. For example, these days you have a choice as to if you want to be transferred."
(Interview with a Constable at the Durban Tourist Protection Unit, May 1996)

Police officers are impressed with the democratic principles which foster more functional relations with communities in which they work. In addition, the internal democratisation of the Service gives increased personal freedom to police officers.

Community policing problems

While there is much talk about community policing, most police are vague as to what this actually means. Most police in KwaZulu-Natal, and nationally, were trained in the 'old' repressive style of policing. Police themselves acknowledged that it is only officers in management positions who have knowledge and training in community policing:

"We see Mufamadi on television talking about how the police are now going to be

implementing community policing, and trying to make the public feel better about the police. But really, we don't even really know what this is all about. We just know the concept. It is only really station commissioners who know what this community policing is all about, and sometimes even they are not sure. Mufamadi can't just talk about changes without taking it to the grassroots."
(Interview with Constable at Umlazi Public Order Policing, June 1996)

A major impediment to community policing is that there has been no real 'retraining' of police in KwaZulu-Natal, particularly with respect to lower ranking officers. There are however, many other problems which make policing in general extremely difficult – most obviously the political violence and intolerance in the province:

> **A major impediment to community policing is that there has been no real 'retraining' of police in KwaZulu-Natal**

"Community policing is not working due to the violence. Anything the police do is used by political parties for their own gain. At every political platform, politicians make use of such opportunities."
(Interview with an Inspector at Umlazi Public Order Policing, June 1996)

The violence and accusations – true or false – of police partiality make community consultation extremely difficult. In a province with such divided communities, identifying who 'the community' is, is complex and overdetermined by political allegiances. Many police interviewed felt their work is constantly being hijacked by political parties, and that they are ultimately 'objects' of the ruling party:

"We were taught that to be a true policeman, we have to be apolitical. But, in reality police

have to be loyal to the government of the day. In the past we were tarnished by the laws we had to carry out. Today we have to carry out the laws of the ANC. Now, for example, we have the problem of trying to end the carrying of traditional weapons and the IFP then accuse us of being puppets of the ANC. It is very sensitive."
(Interview with a captain in the Provincial Public Order Policing, June 1996)

The reality is that any kind of policing in KwaZulu-Natal is arduous. In addition, the socio-political context coupled with structural and cultural changes makes being a police officer difficult. It is clear however, that political intolerance, political violence, and the problematic history of the police makes community policing of any kind perplexing, while also emphasising why this style of policing is so critical.

The police have a key role to play in regaining peace and security in the province. But this will only be possible if communities are convinced that their activities are non-partisan, open to public scrutiny, and that they demonstrate an understanding of local dynamics and problems.

> **In a province with such divided communities, identifying who 'the community' is, is complex and overdetermined by political allegiances**

The police are also bound by the new Police Act to develop new and radically reformed policing practices, all of which requires institutionalised civilian supervision. Structures and institutions to facilitate this are in their embryonic stages in KwaZulu-Natal.

New Policing Task Team

There is a temptation to give up on peace and security in this province.

In reality, however, exciting policing initiatives have begun that should have a positive impact on social order. A 'partnership' has been fostered between the regional Ministry of Safety and Security, the SAPS, non-government organisations, the KwaZulu-Natal Peace Committee, and academics from the University of Natal.

This group began working together in planning a provincial conference on Community Policing in KwaZulu-Natal which was held in April 1996. This was the first time previously antagonistic groups came together with a common goal of building community policing. Since the conference, this group has consolidated itself, meets regularly, and is known as the KwaZulu-Natal Policing Task Team.

In many ways the Task Team acts as an advisory body, particularly to the Ministry of Safety and Security. Recognising a major capacity problem in this Ministry, General van der Merwe has welcomed the formation of the Task Team in developing policy and implementing programmes for community policing in the province.

Several aspects of this Team are significant. First, the Team accepts that policing is not simply the terrain of the state police. Second, it is indicative of the ability of individuals outside the state to impact on state centred processes. Third, the Task Team operates irrespective of party allegiance or membership.

Fourth, there is an acceptance that the police play the central role in bringing about safety and security, combined with an acknowledgement that major police reform is necessary. Fifth, the Team adopts the view that 'police organisations also need to be capable of adjusting to meet the needs of groups whose membership transcends local geographic boundaries' (Moir and Moir 1993: 222).

In other words, community needs may well be represented through expression at the local level, but also via other civil groupings such as civic associations, political organisations, non-government organisations, women's organisations, and so on.

The Task Team is, however, not the only important structure with regard to transforming policing in KwaZulu-Natal. A process in presently underway to establish a civilian secretariat for safety and security which will be responsible for:

❑ Civilian oversight of the police service.

❑ Designing policy guidelines pertaining to safety and security.

❑ Developing, maintaining and managing research programmes.

❑ Monitoring the police in terms of adhering to national standards.

This structure will provide an institutional link between civilians and the police, and will hopefully function in a manner which will inspire confidence in the police service, and prevent future abuses and excesses of the police in KwaZulu-Natal.

> **It is imperative that initiatives to institutionalise the civilianisation of the police in KwaZulu-Natal are supported and monitored**

Conclusion

The new Police Act stresses the need for community policing with clear mechanisms for civilian oversight, which indicates the state's commitment to serving and protecting its citizens. At the same time, however, the South African state is trying to foster nation building – a common 'South Africaness'.

In this regard, it seems that civil liberty is not about decentralising and localising power as Shearing and Brogden (1993) suggest, but rather developing a legitimate (central) state from whose potential abuse of power its citizens are protected. It is within this framework that the SAPS needs to be understood.

Community policing as a result, is the new style of policing that is being adopted. But the police service, as a state agent, has to guide and ultimately be responsible for this process. This is particularly important in KwaZulu-Natal where policing has historically been impoverished, partisan, and iniquitous.

The primary aim of police must be reform within the service. This would include massive projects of training and retraining for SAPS members. Central to this is skills training in conflict resolution and mediation. The police themselves recognise this need, and while limited in their understanding of a new policing style, appear committed to this both at management level in the province, and at a local level.

Finally, it is imperative that initiatives to institutionalise the civilianisation of the police in KwaZulu-Natal are supported and monitored. This will not only ensure accountable and commendable behaviour on the part of the police, but will also allow civilians to be engaged in policing activities.

Ultimately, combating and preventing crime, while being the key responsibility of the police, cannot be achieved without the support, active participation, and determination of all who live and work in KwaZulu-Natal. ⌷Ɛ⌷

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Making Enemies

Disabling KwaZulu-Natal's Hit Squads

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Investigation Task Unit

As a member of the Investigation Task Unit, writing about current investigations is difficult for the author, as this could prejudice ongoing inquiries. This informative article about an unconventional unit therefore provides some perspectives of a unique investigation team which unfortunately will probably be the only one of its kind in South Africa.

The Investigation Task Unit (ITU) was established on the 30 August 1994 by the Minister of Safety and Security, Sydney Mufamadi. Its aim was to investigate, *inter alia*, allegations made by the previous KwaZulu Police (KZP) Commissioner, Lieutenant General Roy During, concerning allegations of hit squad activity in the KwaZulu Police (Press Release, Ministry of Safety and Security 1994).

This was the cumulative effect of revelations by several commissions, namely the Goldstone Commission report of March 1994, the Wallis Committee of Inquiry and the report of the Transitional Executive Committee Task Group, along with inquests and court findings which pointed to the existence of criminal networks in the police services in KwaZulu-Natal.

The ITU's mandate was extended on the 27 September 1994 to include the investigation of allegations of African National Congress (ANC) aligned Self Defence Unit (SDU) involvement in ongoing and organised violence in the KwaZulu-Natal Midlands (Press Conference, Minister of Safety and Security 1994).

There are currently 29 police personnel at the ITU: 16 detectives, five members of the witness protection program, one forensic expert, four members of the support staff and three administrative officers.

Credibility and effectiveness

The motivation for establishing an independent unit outside of police structures was an urgent response to the epidemic of violence in KwaZulu-Natal which showed no signs of abating: between July 1990 and August 1996, 7 656 people have died due to politically related violence (HRC 1996).

The context to the establishment of such a Unit must also be located in the lack of effective investigation in the past of hit squad activity by the police, and the urgent need to address allegations of police involvement in the conflict. This was critical due to the transformation process being conducted at the time.

The establishment of the ITU was aimed at setting up a credible unit. This was achieved through:

❑ Independence

The Unit was located outside of police structures with separate reporting mechanisms to a civilian board. For security purposes this has proved critical, as many of the ITU investigations involve ex- or serving members of the security forces. The ITU also has its own witness protection unit. In total there are currently 57 witnesses on the program living all over the world and to date, the Unit has not lost a single witness on the program.

❑ Selection process

The members of the ITU are hand picked on the criteria of trustworthiness, skill, experience and a commitment to investigating cases which may be politically sensitive.

❑ Oversight mechanism

The structure of the Unit provided three mechanisms to ensure impartiality, effectiveness and professional standards of investigation. The first being the appointment of the Investigation Task Board (ITB) which consists of three civilian lawyers with diverse experience and background.

The ITU is accountable to the ITB on the progress and direction of investigations, the conduct of members and productivity of the Unit. Members of the Board are also responsible for the vetting and appointment of the officers commanding the ITU. Additional members of the ITU are selected by senior management of the ITU and appointed after approval from the Board.

The second mechanism is the secondment of two state advocates from the Attorney General's office on a full time basis at the ITU – although currently there is only one state advocate based at the Unit. This has provided for ongoing legal support into the investigative process. The third mechanism is the presence of international police observers.

❑ Reporting procedures

The ITU is required to report directly to the Board which then reports and makes recommendations to the Minister of Safety and Security. This procedures prevents and dispels notions that political control is exercised over investigations.

> **ITU investigations have aimed at uncovering the hierarchy of criminal networks**

New investigation methods

The ITU also sought to improve investigation techniques by moving away from traditional investigative styles. The primary motivation of the ITU has been to make a significant impact in the reduction of violence by rooting out the planning and enabling mechanisms behind hit squads.

The first change required was methodological: the ITU investigations have aimed at uncovering the hierarchy of criminal networks. This required a shift from a narrow analysis of crimes – with investigations conveniently ending with the operatives – and an attempt to expose and dismantle the machinery behind the crimes.

This has included the investigation of training, provision of resources – weapons and finances – the selection of targets, planning of incidents and police involvement in cover-ups. This conspiracy based approach has been critical for the investigation of hit squad activity and no doubt is more complex than

> **Resistance within the police service took the form of refusals to cooperate with ITU investigations, and professional jealousy and hostility towards ITU members**

conventional investigation techniques. Legal oversight of the inquiries carried out from the very beginning of investigations has been critical in this regard.
The second major transition was the incorporation of civilians into the arena of investigation. The Civilian Support Component consists of one coordinator, three researchers, one computer systems expert and one administrator. It is an independent unit funded by the Dutch and Danish Governments and Open Society of Southern Africa, whose purpose was to challenge existing methods of analysis and organisational culture.

This was achieved through the incorporation of an analytical component into investigation, greater information sharing and utilisation, and an upgrading of investigation skills. These were facilitated through exposure to alternative techniques and mechanisms of analysis, new styles of management which were conducive to productivity and effectiveness, and the establishment of a computerised information and management system.

Resistance

Not surprisingly, the actual ambit of the ITU investigations has been the source of resistance to its work. From its inception, the Unit was destined for criticism from all quarters. The nature of investigations went to the very source of political violence, namely the power base of the hit squads, with the result that organisations from both ends of the political spectrum sought to discredit the ITU on all levels.

Sectors in the military and intelligence community also threatened by investigations, expressed their dissatisfaction by

not cooperating with the Unit and by closing ranks against investigators. But more significant is the resistance from within the police service itself. This took the form of refusals to cooperate with ITU investigations, and professional jealousy and hostility towards ITU members.

It is clear from the reception ITU members have received that certain elements in the police are threatened by an independent investigation. First, from a resource position, the allocation of logistical support to a structure outside of the command structure of the South African Police Service (SAPS) is an anomaly.

Second, the success of an independent investigation calls into question the effectiveness of conventional structures, and third, investigating fellow members of the police, particularly for politically related crimes, is regarded by some members of the police service as being disloyal and breaking ranks. The result has been the complete alienation of ITU members from the formal institution of policing.

> **Legal criteria are difficult to fulfill because most incidents are not recent and witnesses, documents and objective evidence is hard to find**

Cases investigated

The investigations conducted by the ITU must be viewed in their historical context. The Unit has sought to uncover the pattern whereby hit squads developed in KwaZulu-Natal, their *modus operandi* and the incidents that resulted.

In placing cases before the Attorney General's office, the ITU had to ensure that legal criteria were satisfied. This was extremely difficult given the fact that most of the incidents are not recent and that witnesses, documents and objective evidence is hard to come by in these circumstances.

KwaMakhutha

The investigation of the KwaMakhutha massacre and its subsequent high profile trial now referred to as the 'Malan Trial' is no doubt the most prominent investigation conducted by the ITU. In this trial the State has alleged that the former South African Defence Force (SADF) trained 200 men in Namibia's Caprivi strip.

> **From its inception, the ITU drew 1 400 dockets and of these, 1 285 have been finalised to date**

Of the 200, approximately 30 were trained as part of an offensive group, with the purpose of carrying out offensive actions against the ANC and aligned organisations. The State further alleges that one such incident was the KwaMakhutha massacre in which 13 people died.

On trial are the former minister of Defence, Magnus Malan, along with members of the senior hierarchy of the SADF including chiefs of the army and SADF, six of the trainees, the deputy secretary of the Inkatha Freedom Party (IFP), MZ Khumalo, and a former security branch police colonel. Of the original 20 accused, three were discharged at the end of the State's case. On the 10 October 1996, all the accused were acquitted on the charges against them.

Nevertheless, a significant fact about the trial is that for the first time in a court of law, documentation relating to the *modus operandi* of the mechanisms of security forces under apartheid have been scrutinised. Evidence has also revealed a wealth of information on the workings of the apartheid state machinery.

Midlands inquiry

A second broad component of the ITU investigations has been in the Midlands area, although the Unit's Midlands team has since moved into a new structure under National Priority Investigations. The ITU trials in this area have been dominated by the investigation of ANC SDU hit squad activity against members of the ANC in particular.

It is in regard to these types of cases that evidence is more readily available. The most prominent of these cases, and the most successful, was one in which four members of the ANC in Richmond were murdered. The accused, all ANC SDU members, were found guilty on two counts of murder and sentenced to an effective 25 years imprisonment.

However, not all of the ITU investigations in the Midlands have been as successful. Inaccessibility of witnesses and the inability of the police to access the area has made investigation extremely difficult. Alleged hit squad actions against the IFP and police are also under investigation.

Other cases

From its inception, the ITU drew 1 400 dockets and of these, 1 285 have been finalised to date. Other investigations conducted by the Unit – until completed and submitted to the Attorney General for prosecution – are privileged information.

> **It is envisaged that the ITU will cease to operate in the first quarter of 1997**

The future

The Investigation Task Unit is not a permanent structure. The Minister of Safety and Security exercised his discretion and established this investigative unit with a specific mandate. It is envisaged that the ITU will cease to operate in the first quarter of 1997. Most of the systems and members of the Unit will be transferred to existing units in the SAPS and/or the Independent Complaints Directorate. ￼

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Making Security Last

The Eastern Cape Community Safety Project

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In 1995, the Community Safety Project's pioneering work succeeded in containing crime in Eastern Cape communities. But by July 1996 all structures previously implemented, including the Community Police Forum, had lapsed. This brief account of the Project's work provides invaluable lessons for projects of a similar nature.

In September 1992 a group of concerned members of the Grahamstown community marched to the local police station to demand more effective policing. The townships were being terrorised by a gang who was pillaging and raping members of the community with apparent impunity. When community members did report crimes to the police, the accused were seen walking the streets the following day.

This march eventually led to the establishment of the Policing Commission, consisting of several leading members of the community as well as the ex-head of the security police who was, at that time, head of the community relations division in the former South African Police (SAP).

After making various relevant findings, a Community Police Forum (CPF) was established, which was to be community driven, and was to meet on a monthly basis. In addition, funds were raised to engage the services of the Institute for the Study of Violence and Reconciliation at the University of the Witwatersrand to research the needs of the Grahamstown community.

Community Safety Project

On the basis of these research findings, further funding was raised from the Overseas Development Agency (ODA) to implement a pilot project – the Community Safety Project (CSP) – for the period of one year. In a nutshell, it would be the Project's job to facilitate better relations between the community and police.

The idea of the CSP was extensively workshopped with community organisations and police alike, and both parties agreed on the principles upon which it would function. However, it soon became clear that practical understanding is not always consequent on theoretical acceptance.

In practice, the major problem encountered by the CSP was difficulty in sustaining community participation particularly in projects which either had no definite end date or which had no direct relevance to the day-to-day work of those concerned. For this reason, attendance at CPF meetings, where a number of different issues affecting different groups' agendas were discussed, rapidly dwindled.

Means had to be found to make these meetings simultaneously enjoyable and knowledgeable. By contrast, sustaining interest and motivation was much more likely where the CSP facilitated projects with visible end dates and which were initiated by community groups. In these instances, the CSP usually coordinated action between numerous different groups in the community.

The role played by the CSP in community policing was arduous and, especially initially, fraught with tensions. In its year of operation, the CSP found that in order to retain legitimacy and cooperation, it had to adopt an increasingly flexible approach which would encompass the needs of both the community and police.

Despite the four employees at the CSP having recognition and legitimacy within the Grahamstown community, the CSP was initially viewed with suspicion by both parties.

Some political and civic organisations appeared to view the CSP as a threat to their own

positions in the community, while police, in general, viewed the CSP with extreme cynicism.

This negativity could only be effectively counteracted through adopting practical programmes which sought to meet explicitly stipulated security needs of the community.

Practical programmes

In embarking on these programs, the CSP attempted to build the power of existing community organisations in order to increase their own efficiency – and their ability to cooperate with other organisations – rather than to take over aspects of their work.

This way of working accounted for the fact that creating dependency was both morally indefensible and structurally unsustainable, since the project was only commissioned to run for one year.

> **A key area of input was where CSP staff acted as mediators between community and police during times of conflict**

For community organisations, this meant that they received acknowledgement and credibility for being party to projects which were relevant to the practical lives of members living in the area. Nevertheless, working against the prevailing culture of entitlement proved difficult to sustain. Where possible, the police were invited to participate so as to increase their knowledge of community organisations and of democratic ways of working.

Some of the projects included:

Juvenile detention

A juvenile detention programme was facilitated where community organisations were requested to participate in providing various forms of education for juveniles in detention. For example, Red Cross

provided primary health care and AIDS prevention training; Gold Shields Award provided sports coaching and took some inmates and warders on environmental excursions.

The Rhodes Street Law Project provided education in human rights law; the Albany Museum provided funds for juveniles to paint a mural on the dining room wall of the prison; the Rhodes Music Department assisted in setting up and training a prison choir; and the Cape Provincial Administration provided sewing lessons.

Assisting police

Extensive input was given to police regarding some of the following issues:

❑ How to use their existing resources more effectively.

❑ Making requests on their behalf to their management structures, regarding more effective structuring of policing to cope with community policing issues.

❑ Mediating between lower and higher ranks when conflicts affected community policing adversely.

❑ Making recommendations regarding the nature of crime in the area.

❑ Making suggestions for training of police personnel.

❑ Recommending that certain key, committed personnel be retained in community policing positions when transferral was imminent.

Mediation

A key area of input was where CSP staff acted as mediators between community and police during times of conflict. CSP fieldworkers were often requested by police to intervene during disputes. For example, on 10 January 1995 some community members apprehended a man who had allegedly stolen a television set.

In accordance with community policing policy, the community members decided to take the accused to the police station rather than taking the law into their own hands by punishing him themselves. En route to the police station, increasing numbers of community members joined the march.

The head of the riot police emerged from the police station just as approximately 150 marching, singing community members were approaching the police station. He unilaterally interpreted the spectacle as a threat, calling for urgent dispersal, in accordance with his previous training. He consequently fired stun grenades and tear gas into the crowd. Predictably, the community was extremely angry and the police requested the urgent assistance of the CSP.

> **The CSP was able to demonstrate to police how historical ways of dealing with conflict were less effective in conflict resolution than new, creative ways**

In instances such as these, mediation typically involved a two pronged strategy. Fieldworkers assisted in reaching a compromise between community and police, followed by policy discussions on policing behaviour. Disputes such as the above were both regrettable – in that they vindicated community distrust of police – and invaluable – as practical demonstrations of the importance of effective communication, consultation and how community policing can make a real difference.

Thus the CSP was able to demonstrate to police how historical ways of dealing with conflict were less effective in conflict resolution than new, creative ways which operate according to negotiation, accountability and democracy. This fostered an educational process in which theory was explicitly related to practice.

Community involvement

The CSP facilitated various meetings where discussions took place regarding ways in which various organisations in the community could work together on issues of crime. Prior to 1995, the community and professions such as the police, the justice department, the correctional services, and social workers appeared to operate in virtual isolation from one another.

The CSP organised debates and workshops to show that the community could become involved in combating rape, by providing community input during trials and bail hearings. In addition, workshops and debates were held with for example, interested members of the community, progressive magistrates, state attorneys, police, and correctional services personnel, to show that effective cooperation between the judicial, police and correctional services was both possible and essential to crime management.

Visitors' programme

A community visitors' programme was introduced whereby accredited, elected members of the community visited police cells on a regular basis to monitor conditions of detention and to ensure that detainees were incarcerated in accordance with acceptable standards of human rights. This program was successful to a large degree, although many new cans of worms were uncovered.

For example, it was found that agreements made by police to change conditions would, after a period of time, regress. Individual police officers were often apathetic and inefficient in keeping records, and detainees were mostly indigent and had no recourse to private legal facilities. They thus had to rely on the services of state funded lawyers.

The general consensus among detainees was that such lawyers harmed their cases more than helped them: when assaults were reported, dockets were opened and investigated by police. No independent scrutiny of such

dockets was permitted. Perhaps not surprisingly, not one of the 12 cases of assault reported during 1995 reached the courts.

> **In Port Alfred cooperation between community organisations and police became so effective that the crime rate more than halved during the latter half of 1995**

Despite numerous letters and documentation having been submitted to the local Area Commissioner by the CSP, dating from March 1995 onwards regarding this matter, no reply had been received by 31 December 1995 when the pilot project had concluded its work.

Communities covered

The work covered by the CSP was not confined to Grahamstown. The area of operation covered 12 towns in the Albany area, but as word of CSP's projects spread, advice and workshops were provided to areas as far afield as Bloemfontein, Peddie, Umtata, and Bothaville.

In Port Alfred, which did fall into CSP's area of jurisdiction, cooperation between community organisations and police became so effective that the crime rate more than halved during the latter half of 1995. However, constant monitoring of the situation was necessary to ensure that such cooperation did not disintegrate into vigilantism.

> **Sustaining long term commitment to ongoing projects was one of the most difficult aspects of the work**

The resources and circumstances of each town differed considerably, which required different methods of practising community policing. For example, the CPF in the rural area of Ntoleni consists of 16 different

villages, with no police transport to assist residents in attending meetings. Arrangements had to be made with Fort Beaufort to help in this matter. In such rural areas, literacy rates are minimal and minute taking and report writing present major problems.

Lessons

Several comments may be useful to future community policing initiatives:

☐ In order for work to be considered relevant, mechanisms of transparency, accountability and democracy were essential. In order to sustain interest and participation the following were of primary importance: developing listening skills, incorporating entertainment into community policing, for example by organising drama contests with youth groups, and working effectively with community problems.

☐ Sustaining long term commitment to ongoing projects was one of the most difficult aspects of the work. For example, the community visitors' scheme required sustained interest and obligations which often proved frustrating especially in the face of being unable to maintain cooperation with police over a long period.

In Grahamstown, only two of the original seven community visitors remained active, both being CSP workers. In most of the other towns, the scheme could not be sustained at all.

☐ Although work emphasised participation and avoided creating dependence, it is unrealistic to expect that a culture of dependence would disappear over the relatively short period of a year. It is also difficult to strictly adhere to policies of discouraging dependence.

☐ A successful partnership between community and police

implies that each partner operates on an equal basis: reasonably efficiently and smoothly within itself, in order to counteract a spiralling and pointless process of accusations and counter accusations.

❑ During 1995, the police were faced with serious financial and resource problems. However, it was debatable whether more efficient use could not have been made of existing resources. In addition, the fact that police were in the process of being transformed into the South African Police Service (SAPS) and individual police personnel had no job security, severely undermined levels of commitment and confidence in the 'new' dispensation.

> More people participated in projects which had significance for wider sections of the community

Initially, the police were reluctant to be open with the community about their limitations. This led to misperceptions and suspicions in the community regarding the level of police commitment. Later attempts to openly discuss deployment of resources and invite community participation in policing strategy resulted in significantly more community acceptance and cooperation.

❑ Methods chosen to work in the community were undoubtedly the most important way to prove to other organisations that the Community Police Forum (CPF) had no political agenda. Although it was vital that employees had an intimate knowledge of political dynamics in the area, working with any party political bias would have negated any

possibility of cooperation and interdependence with other key organisations.

❑ Initial hostility toward the police due to continued deployment of ex-security police personnel in community policing, rapidly disappeared. This probably occurred because these members were continually scrutinised and had to account, in CPF's, for any actions or omissions which community members felt dissatisfied about.

It was perhaps ironic that toward the end of 1995 the ex-head of the security police was transferred out of community policing, much to the dissatisfaction of the majority of members in the community.

❑ Projects enhancing community cohesion stimulate resources within a community. More people participated in projects which had significance for wider sections of the community. In addition, a multi-disciplinary approach to problem resolution ensured that solutions were more likely to be appropriate from a number of different perspectives.

In this way, increasing quantitative and qualitative strength enhanced the capacity of various organisations to deal with more problems, more effectively, than had been possible in the past. In addition, multi-disciplinary cooperation between different community, governmental and quasi-governmental organisations brought about the capacity to deal with more complex problems.

Conclusion

This article is a brief account of some of the most important issues arising out of the Community Safety Project's work in its year of operation from January to December

1995. Most of the work done by the CSP was of a pioneering nature. Initial expectations were rapidly modified and altered as community and police demands and expectations proliferated.

Although much of the work undertaken was enormously beneficial to the containment of crime at the time, it must be emphasised that one year is entirely insufficient for necessary attitudinal and practical changes to occur, by both parties, on a sustained basis. During a brief visit to the Grahamstown area during July 1996 the author – and

> The transferral of key police personnel from the community relations division, without consulting the community in question, would definitely affect the degree to which community policing could remain effective

ex-coordinator of the CSP – was informed that all structures previously implemented to deal with community policing, including the Community Police Forum, had effectively lapsed.

Although reasons given here for this lapse are speculative, it is reasonable to assume that the role previously played by the CSP cannot easily be filled by voluntary workers. In addition, the transferral of key police personnel from the community relations division, without consulting the community in question, would definitely affect the degree to which community policing could remain effective.

In the final analysis, it is impossible to evaluate, in one word, whether the entire project had been a success or failure. Rather, its primary value lies, indisputably, in the findings which it made during its year of operation, and how these findings can be applied to future projects of a similar nature. ❑❑❑

Taking on Tradition

Witchpurging in Northern Province

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Practices concerning witchcraft in South Africa have often been discounted as irrational superstitions which can be easily suppressed. But they remain prominent especially in rural areas where witchcraft accusations have become a weapon in people's struggle for survival. The problem must be given official recognition so that it can be properly dealt with.

itchpurging, or ridding society of suspected witches usually by burning, *muti* (medicine) murders and other practices concerning the supernatural, have been a largely neglected facet of the violence which has racked parts of South Africa since 1990. However, this does not mean that witchcraft related acts of violence have not occurred.

The most recent incidents of this violence occurred in some of the rural areas of the former Lebowa homeland in Northern Province at the beginning of 1994. In several rural areas of former Lebowa, Gazankulu and Venda many of those killed were burnt by mobs accusing them of being witches.

Furthermore, these witchhunts for people accused of being witches or of being responsible for the deaths of certain youths, led to many

refugees seeking safety at several police stations. Many of those accused who managed to flee had their houses burned down as well.

Political links

Although political organisations like the African National Congress, (ANC), Pan African Congress (PAC) and the Azanian People's Organisation (Azapo) condemned these attacks, some were listed as being motivated by political rivalries or misplaced political ideas of the purification of the rural areas of all traditional superstitious beliefs before the institution of the 'new' democratic South Africa.

At the start of the most recent spate of witchpurging, specifically in former Lebowa, but also to a lesser extent in former Gazankulu and Venda, some villages had held traditional village meetings where

the traditional leaders (chiefs) had invited anyone with information on the existence of witches in their village to come forward.

Such meetings were often open to abuse: villagers sometimes exploited the situation using witchcraft accusations to eliminate their enemies or rivals. These measures in fact constituted a by-passing of the traditional practice whereby a 'witch' could only be exposed after consultation with an *inyanga* or *sangoma* – traditional healer or diviner – who would then identify the culprit.

At the same time, witchhunting fears in Lebowa were being fanned by certain youths who went around to various villages, promising to rid the area of 'witches' so that the freedom in the new South Africa would be 'real freedom which includes being free of supernatural forces'.

Extent of the problem

During the period 1990 to April 1995, 455 witchcraft related cases were reported in Northern Province to the South African Police Service (SAPS) – this includes cases reported to the former Lebowa and Venda Police in the early 1990s.

According to a SAPS National Crime Information Management Centre (NCIMC) report, 45% of these cases were reported between 1990 and 1993, while the remaining 55% were reported between April 1994 and April 1995 (Hulme and Ntsewa 1996).

In the period January to May 1996 alone, 104 cases of witchcraft related incidents were reported to the police in Northern Province, while only 11 arrests were made. It was also found that all the victims were 50 years or older.

> For many rural people witches are blamed for misfortune and witchcraft and the sending of evil spirits are used to explain the inexplicable

By the end of April 1994, Lebowa police sources had estimated that about 60 people had been killed in the Lebowa region alone in witchcraft related cases since the beginning of that year. From January 1994 to February 1995 a total of 146 people were killed as suspected witches – two thirds of the victims were women, with the majority either being burnt or stoned/beaten to death.

The majority of perpetrators varied in age from 16 to 25 years old. The report also states that 164 people were removed from their homes to places of safety after having been accused of witchcraft practices.

Although the witchburnings in Lebowa had intensified in the period leading up to the April 1994 elections, such attacks continued throughout 1994 and into 1995 with several witchhunts being led by local youths. More worrying to the police in the area was the apparent circulation of a 'hit list' in the region which contained the names of suspected 'witches'.

It was also found that those arrested by the Lebowa police for killing 'witches' were treated as 'selfless heroes' committed to freeing the people from 'supernatural evils'. Villagers from the affected villages were also asked to contribute R20 a house to raise bail for the arrested suspects. Obviously if the villagers did not 'contribute', they ran the risk of being accused of sympathising with the 'witch' and of being a 'witch' themselves.

Pervasive beliefs

A further complicating factor is the widespread belief in the activities of suspected witches, especially in the rural areas of South Africa. Regardless of the fact that local civic associations have tried to educate schoolchildren and villagers about the phenomenon of natural disaster, most rural people reject the idea of coincidence and do not believe in accidents.

For many rural people witches are blamed for such misfortune, and witchcraft and the sending of evil spirits are used to explain the inexplicable. Numerous cases in the last two years report that these beliefs lead to scapegoating – looking for the person suspected of causing harm. These beliefs appear to be strongest when a sudden death occurs.

Community silence

Witchpurging incidents are only supposed to take place after a community meeting. The tribal court identifies who has been causing harm to the community, or delegates an *inyanga* to 'sniff out' the culprit. After the guilty person or persons have been identified, a joint communal decision is taken to rid the community of such a 'witch'.

Traditionally the young men of the community are the delegated executioners, which they would carry out by means of a necklacing or burning of the victim. In such situations, there is very little chance of the perpetrators being arrested. They are seen as acting for the whole community and are consequently protected by the communal code of silence. Furthermore, community members believe such justice is justified since it removes the person who is causing a perceived harm.

Until recently, the police have been unable, or have found it very difficult, to arrest the executioners in witchpurging incidents unless they witnessed such incidents themselves, or found witnesses

willing to identify the perpetrators and testify in court.

There have been cases in which the whole village was arrested until the culprits confessed to the actual killing. However, this deflects blame away from other members of the community who, at the very least, are guilty of complicity in the whole act of identifying, accusing and condemning a suspected witch.

In recent months several arrests occurred after elderly women were burnt by youths. These youths had apparently acted on their own initiative without first holding a communal meeting or consulting an inyanga. In several cases, victims' family members have been prepared to give evidence in trials – this would previously have been unheard of.

Preventative measures

In May 1994 a special SAPS 'Witches' Flying Squad was set up in Northern Province and based at Potgietersrus. The specific task of this squad was to clamp down on witchcraft related attacks, educate the communities involved concerning these activities and provide protection to people accused of being witches.

The squad's biggest problem is getting to a remote village in time to save an accused from being burnt. Furthermore, the police can only act against those who physically attack the victims – not against those who indoctrinate the youth into believing in witchcraft.

> In May 1994 a special SAPS 'Witches' Flying Squad was set up in Northern Province to protect people accused of being witches and clamp down on witchcraft

The SAPS's official attitude is that witchpurging is a crime. The police, church organisations and even the Traditional Healers Organisation of

South Africa (THOSA) are trying to educate the locals and convince them that lightning is a natural phenomenon and that killing people is not the way to deal with witchcraft accusations.

> **The Commission found that most of the people interviewed in both urban and rural areas still believe in witchcraft and many young people attributed unexpected illness to witchcraft**

In response to condemnations of witchcraft by certain community leaders several public rallies aimed at informing people of the penalties for witch hunting were held in Northern Province in mid-1995 and addressed by the provincial Minister for Safety and Security, Seth Nthai.

The official stance at these rallies was that witchcraft did not exist. However, this attitude ignores the very real and ingrained beliefs in rural areas where communities still adhere strongly to traditional beliefs and customs regarding witchcraft and ancestors' spirits.

To protect those who are suspected of being witches, the police have also set up several so-called 'witches' villages – there is one at Acornhoek near the Kruger National Park, another at Matlala Police Station near Vlakfontein, 60 km from Pietersburg, and another at Helena Trust Farm.

Commission of Inquiry

In February 1995 the MEC for Safety and Security in Northern Province appointed a Commission of Inquiry into Witchcraft Violence and Ritual Murders in Northern Province. The Commission's final report – submitted to Northern Province's Legislature in June 1996 – contained most of the recommendations of the Commission's interim report released in August 1995.

The Commission's main point of departure was that witchcraft

beliefs were very real and that their existence should be acknowledged so that effective measures could be formulated. The Commission found that most of the people interviewed in both urban and rural areas still believe in witchcraft. Furthermore many of the young people, especially students, attributed unexpected illness to witchcraft.

In addition, although it was accepted that traditionally women, and older women, were mostly accused of practising witchcraft, the Commission's investigations showed that males were also victims of witchcraft burnings or purges. The relevant police statistics for the period 1 April 1994 to 16 February 1995 corroborated this, showing that 97 females and 46 males were killed.

It was also found that the majority of perpetrators were younger than 30 years of age. One of the reasons for this was that the youth believed they were protecting the community since traditional courts were no longer allowed – by the Witchcraft Suppression Act – to try people accused of practising witchcraft.

While condemning the barbaric methods used to rid communities of witches, the Commission was unique in accepting that more traditional and humane methods of dealing with witches did not exist. According to the Commission, these usually involved strong checks on arbitrary attacks on people accused of being witches and only resulted in those found guilty being banished rather than killed.

Acceptance of beliefs

This stance by the Commission represented a tacit acceptance that some people believe strongly in witchcraft. These beliefs therefore need to be handled in line with traditional and customary practices. The Commission does not outright condemn the practice of identifying individuals as witches.

The Commission further noted that the existing laws prohibiting the

practice of witchcraft and accusations against alleged witches were confused and fail to distinguish between the witch and the witch hunter. It therefore urged that the law be clarified and different penalties applied to witches and to those who identify them.

To this end the Commission proposed draft legislation for controlling traditional healers within a framework of a Traditional Healers Council – like the Medical Council – which would set standards, disciplinary procedures and register qualified traditional healers.

Furthermore, one of the Commission's main recommendations was that the Witchcraft Suppression Act be reviewed and that a completely new approach was needed in dealing with this phenomenon. In the past the law provided very little with which to prosecute people involved in deaths linked to witchcraft. The most common problem identified by the Commission was that people who were arrested for witchcraft related attacks claimed that witches' activities could not be seen with the naked eye, therefore witnesses were in no position to give evidence.

> **The most common problem identified by the Commission: people arrested for witchcraft claimed that witches' activities could not be seen with the naked eye, therefore witnesses were in no position to give evidence**

In addition, since there has been a slow acceptance by the courts that witchcraft beliefs can be used as an extenuating circumstance or as mitigation in certain cases – previously this had been rejected by most courts and could not be used as a defence. The Commission recommended that people who had a knowledge of African culture and beliefs be

appointed as assessors in court cases involving killings for *muti* and witchpurging crimes.

Traditional healers

Other findings of the Commission were that inhabitants of Northern Province, including Christians and the educated, still consult with traditional healers extensively. Furthermore, the youth often intimidate traditional healers and force them to identify witches. Some traditional healers claimed they only did this in order to appease these youth.

> **Inhabitants of Northern Province, including Christians and the educated, still consult with traditional healers extensively**

The report also stated that witches were frequently identified and killed, or hounded out of their villages, as a result of family feuds and civic conflicts. Communal jealousy of a particular individual – be it success in business, farming or sexual exploits – was also often the trigger that set off an attack on an individual alleged to be a witch.

The Commission also singled out the growing number of *inyangas* corrupted by the substantial financial gain involved in 'sniffing' out witches as a major reason for the increase in witchpurging killings in Northern Province.

Additional recommendations of the Commission of Inquiry were that:

❑ Traditional healers should be apolitical and governed by a code of conduct whose regulations be administered in a similar fashion as the Dental and Medical Council.

❑ That the democratisation of the role of the chiefs (traditional leaders) be investigated since their position in the matter was highly problematic.

❑ The implementation of a comprehensive educational programme to 'liberate the people from participating in the killing and causing harm' that results from their belief in witchcraft; and the inclusion of courses in schools in areas where witch killing and *muti* murders were commonplace.

❑ The forced collection of money to consult a diviner to 'sniff out' witches – a practice which encourages youth gangs who stand to gain by appropriating some of these funds – should be discouraged and made a criminal offence.

❑ The forced collection of money to consult a lawyer in order to represent people – or to pay their bail – charged with killing alleged witches be discouraged by the imposition of heavy sentences.

Other possible measures to deal with witchcraft accusations include *the very real need for public* condemnation of the practice of witchpurging, not only by political leaders but also by traditional leaders, traditional healers and church and community leaders. In fact in 1995 the Zionist Christian Church (ZCC) established their own Commission of Inquiry into Witchcraft Violence.

The traditional leaders in particular felt that the traditional courts should again be empowered to deal with cases of witchcraft and that diviners should therefore not be charged and prosecuted for having 'sniffed out' a witch. This view is opposed by others who feel that the problem can only be eradicated by means of education, using the church to condemn such actions, and through the mass media and publicity.

Official recognition

Practices concerning the supernatural are often discounted by the authorities and most whites in South Africa as irrational superstitions which could be easily suppressed. But they remain in existence especially in rural areas where various such beliefs play a considerable or even dominating role in daily life.

Factors such as envy and jealousy of one villager who is perceived to have more luck or success than another, or rivalry among villagers, also play a role. Witchcraft accusations become a weapon in the struggle for survival, or even to protect oneself from the selfsame accusations. For these reasons the problem should be given official recognition, so that it can be properly dealt with.

> **The Witchcraft Suppression Act was based on the colonial approach that witchcraft did not exist**

In this regard one of the main priorities of the government should be to re-examine the Witchcraft *Suppression Act. This Act was* based on the colonial approach that witchcraft did not exist, and the only way of dealing with superstition in Africa was to rigorously stamp out the beliefs.

Currently the Act merely allows a person accused of witchcraft to make a case against his accuser. In other words, a defamation case is brought against the accuser in an effort to prevent such an accuser of labelling someone as being a witch.

However, by this stage the damage has already been done and anyone suspected of being a witch would already be in life threatening danger. Obviously some other method of addressing the problem of witchcraft accusations needs to be implemented. Furthermore, provision should be made in any new Act to address related issues such as the murder for muti – which is presently not covered by the Act. ⟪C&C⟫

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Coming Back For More

Repeat Offenders in South African Prisons

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More than half the offenders currently imprisoned will commit crimes again. A study of repeat offenders in 1993 found that most are between 20 and 31 years, and that property crime is the most common category of offence. The study questions stereotypes which suggest that one population group offends exclusively within a particular category of crimes.

The term 'recidivism' is generally associated with serious, dangerous, high risk offenders and repeated offending – descriptions which are often used interchangeably. Criminologists have traditionally used the term recidivism to emphasise a perceived crime problem involving a grave social risk. But the usefulness of the concept has been questioned.

Another problem with this notion is the general perception that recidivists represent a specific subpopulation of offenders who are responsible for crime. This can be debated extensively, especially in view of the (unknown) extent of the dark crime figure.

'Recidivism'

Based on the classifications which are generally applied in defining 'recidivism', four basic – although not exhaustive – categories can be identified:

❑ An unconditional repetition of criminal conduct.

❑ Officially established – by judicial finding – repetitive criminal behaviour.

❑ Unconditional re-incarceration as a result of continuous criminal behaviour and/or bureaucratic considerations which are conditional to a previous sentence or release.

❑ Habitual, ritualistic and/or professional criminals.

In the absence of a universally accepted definition, one can only conclude that a recidivist is a person who is convicted of repetitive criminal behaviour, which from a social point of view is of a more serious nature.

The offender must also have been previously convicted of an offence of more or less equal seriousness and subjected to judicial intervention aimed at punishing and assisting the offender in refraining from any further criminal conduct.

Some qualifications are, however, important since a definition should not merely serve to stigmatise offenders who have committed more than one offence which may be of a less serious nature. Two important dimensions are the repetition and frequency of the crimes, and their nature and seriousness.

The diversity of meanings and criteria attached to crime and to recidivism in particular, makes it difficult to compare recidivism rates of various countries. It is, however, common knowledge that South Africa's rate of imprisonment is the second highest in the world – 325 out of every 100 000 members of the general population are imprisoned.

Even if prison populations alone are taken into account in estimating a recidivism rate, South Africa's rate would be reflected by its prison populace. There is, however, no official local definition of recidivism and consequently, there is no official local recidivism rate.

Justice for recidivists

In the criminal justice system the term recidivism is used to distinguish between offenders, and to justify measures deemed necessary to deal with those who offend repeatedly. This, in turn, has a bearing on the objectives with which recidivists are punished.

Apart from the general objectives of punishment – the protection of society, retribution, deterrence and rehabilitation – alternative strategies such as general deterrence, 'just desert', and selective incapacitation, are relevant to the disposition of recidivists in prisons.

Let us accept for argument's sake, that recidivists are offenders who are (or should be) subjected to long term imprisonment. The criminal justice system is largely based on deterrence as a mode of conditioning, by invoking fear in the general (innocent) public as well as in the 'guilty', with the belief that 'individuals will refrain from acts that they believe will bring them unpleasant consequences...'(Michalowski 1985: 147)

The belief still exists that the threat of incarceration, especially long term incarceration, serves the threefold purpose of deterrence, rehabilitation and incapacitation because:

❑ It serves as a deterrent to potential offenders.

❑ The experience of incarceration will decrease the likelihood of the offender falling back into crime after his or her release.

❑ By keeping the offender in secure custody, the community is safeguarded and crime is also reduced by the removal of the offender from society.

In order to achieve the two last aims, imprisonment must bring about a change in the offender's attitude and conduct. This could be achieved by means of work – the primary agent of rehabilitation – and in some instances, behaviour modification therapy.

Indeterminate periods of incarceration are used to meet the following objectives:

❑ To serve as an incentive for the offender to rehabilitate him/herself.

❑ To evaluate the offender's progress towards rehabilitation.

❑ To keep 'incorrigible' offender's in safe custody for a maximum period of time.

Alternative strategies

According to the policy White Paper of the Department of Correctional Services (1994), these goals form the basis of the rehabilitation of offenders. But elsewhere, alternative strategies are emerging.

Several of these strategies emanate from the deterrence school of thought, arising especially from questions about the supposed outcomes of deterrence (Von Hirsch 1985; Champion 1994):

Just desert

In this view, punishment should be meted out in proportional severity to the blameworthiness and gravity of the crime. Only those convicted of the most reprehensible conduct deserve imprisonment. The standardisation of punishment is propagated, as well as explicit rules according to which the amount or degree of punishment must be regulated.

Selective incapacitation

The premise that most criminals offend only occasionally while a minority offend frequently, gave rise to this strategy, based on individual prediction. An objective prediction instrument is used to select high rate serious offenders – based on their past conduct.

Categorical incapacitation

Proponents of this strategy advance the principle of 'desert parity' of punishment – those convicted of similar crimes should receive equal penalties. Instead of concentrating on the characteristics of individual offenders, the focus is on the categories of crime with higher recidivism rates.

This strategy is also based on the theory that the severity of the sentence must be commensurate with the seriousness of the offence.

Two other fundamental principles are rank ordering – penalties must be graded in comparative severity in relation to the gravity of the offender's conduct – and cardinal proportionality.

This 'requires imprisonment for the worst crimes and rules it out for the less reprehensible' (von Hirsch 1985: 156).

South African study

During 1993 it was established that records of 2 359 189 offenders with previous convictions were registered at the Criminal Record Centre of the South African Police Service (SAPS). These offenders represented 55,3% of the approximately 4 265 000 known offenders on record.

With due consideration for recent policy changes, sociopolitical circumstances as well as practical and financial factors, it was decided to select a non-probability sample of those offenders' files who were convicted of at least a second offence of a relatively serious nature during 1993.

An information schedule was used to record the crime histories of 4 832 offenders who were eventually selected. This sample of offenders amounts to 4% of those offenders reconvicted during 1993. This approach has its problems, and criticisms of the use of official sources are well known.

Two points are, however, important in this respect. First, it has become common practice to judge the extent of recidivism according to the official, recorded crime figure and almost exclusively to the extent of prison populations. Second, official records serve pre-eminently as sources of information for these purposes.

The research group

The inclusion of racial classification as a unit of analysis is often perceived as demonstrating racist intentions. The impression is sometimes created that crime analysis is 'stigmatising' and that research of this nature is not in the interest of society. For the present purposes, 'population group' distinctions are nothing more than a demographic variable, included merely for the sake of historical clarity.

In terms of the age breakdown, the labelling of children under the age of 14 as 'recidivists' in the absence of a proper legal presumption with regard to their legal responsibility, apart from possible constitutional contradictions, is a cause for concern (Table 1).

The following categories seem to be over represented in relation to the research group's global profile: coloured and black persons, men, and the age categories 17-37 years, especially the 11 year period indicated by the age groups 20-31 years.

However, if compared to the 'national population parameters' relevant to the research period (South African Statistics 1992), only the coloured population group is over represented while the other population groups are in fact, under represented. However, the research findings of Glanz, Mostert and Hofmeyr (1992) confirm that conviction rates amongst coloureds are the highest.

Men versus women

The research group data also suggests that men become recidivists at a much younger age than women. A representation of the men's ages, as a demographic variable, also culminates much sooner than those of women. Thirty seven years of age seems to be a cut-off point since the group's representation declines rapidly after this point.

One must be mindful, however, not to ascribe this trend merely to declining involvement in crime. Offenders may at this stage be incarcerated, which, together with the length of prison sentences, may contribute significantly to this trend.

It is interesting to note, however, that up to the age of 25 years, 83,4% of the male members of the group had already been convicted, compared to 65% of females. In the age categories 26 to 40 years, only 8,7% of males were convicted for the first time compared to 25,4% of women.

Does this mean that society is less prepared to tolerate the persistent criminal activities of women older than 25 years than in the case of younger offenders?

Furthermore, 82% of the research group were already convicted of criminal activities at the age of 25 years. Despite the practice of diversion of punishment, especially for juveniles, approximately 60% of the research group were already convicted by the age of 19. This indicates that recidivism originates primarily during an offender's youth.

It is also interesting that about 6% of the research group was convicted for the first time after the age of 40. Although this number is not sensational, it is worth considering why a person who supposedly led a crime free life up to the age of 40, resorted to criminal activities. This surely suggests that social (in)stability influences recidivist behaviour.

Types of crimes

Despite the diversity of the research group, the long periods of time involved in the offender's criminal activities, dynamic socio-political, juridical and even historical occurrences, the group's collective criminal behaviour shows a striking resemblance.

Fourteen crimes and/or combinations thereof, representing 77% of the research group's overall crime involvement, appear to be the most prominent offences, based on the incidence of their commission and/or repetition.

Crimes relating to communal life, personal relations and property represent 87% of the 14 most common offences. Of these 14 prevalent offences, seven crimes

Table 1: The Research Group (N=4 832)			
Biographical variables	f	%	Cumulative %
Population groups			
Asian	69	1,4	1,4
Coloured	2 072	42,9	44,3
Black	2 383	49,3	93,6
White	308	6,4	100,00
Sex			
Male	4 604	95,3	95,3
Female	228	4,7	100,0
Age			
0-13	6	0,1	0,1
14-16	51	1,1	1,2
17-19	290	6,0	7,2
20-22	718	14,9	22,1
23-25	859	17,8	39,9
26-28	762	15,8	55,7
29-31	644	13,3	69,0
32-34	434	9,0	78,0
35-37	290	6,0	84,0
38-40	174	3,6	87,6
41-43	109	2,2	89,8
44-46	73	1,5	91,3
47-49	29	0,6	91,9
50-52	27	0,6	92,5
53-55	19	0,4	92,9
56-58	13	0,3	93,2
59-61	5	0,1	93,3
62-65	7	0,1	93,4
65	1	0,0	93,4
Unknown	321	6,6	100,0

characterised the bulk of criminal involvement. These were dagga related offences, rape, assault – 'common' as well as 'serious' – burglary and theft, other (unspecified) theft, and malicious damage to property.

These seven crimes, in addition to intentional or negligent homicide or attempts thereto, as well as robbery can be considered as the core of the research group's criminal activities, representing 72% of their global crime involvement.

Table 2 reflects a synthesis of the general as well as a more specific 'core' of the recidivism phenomenon as indicated by this study. The Table is based on representation proportional to size,

which questions any generalisations with regard to various population groups' sole involvement in certain crimes or, in some instances, denied involvement.

Common vs serious offences

The question of the prominence versus the seriousness of crime warrants further mention. It is often suggested that the recidivist follows a stereotypical *modus operandi*. This also supports the notion that only the repetitive violator of serious crimes is responsible for the majority of crimes categorised as 'serious'.

According to such an approach, one could distinguish between 'dangerous' criminals and

offenders who are more of a social nuisance than a real threat to society. Such an approach could, however, constitute a moral dilemma since these views could be morally selective and judgmental.

In order to explore such a notion, all present crimes relating to offences against personal relations, communal life, and property, which constitute nearly 90% of the research group's 'present' convictions, were statistically compared with all previous convictions.

No support was found for any notion of a 'pure' political offender. Offenders whose actions may reflect ideological resistance and rebellion, do not refrain from other

Table 2: The Research Group's 'Core' Crime Involvement (%)

| Crime variable | Total | Sex | | Population group | | | |
		Male	Female	Asian	Coloured	Black	White
Illegal possession of firearm	4,0	4,0	0,0	1,0	5,0	4,0	5,0
Other offences related to arms and ammunition act	4,0	4,0	0,0	3,0	6,0	3,0	4,0
Escaping from custody and/or assisting	10,0	11,0	1,0	13,0	9,0	11,0	9,0
Defeating the course of jutice	6,0	6,0	9,0	3,0	7,0	5,0	8,0
Resisting arrest/assualting/ obstructung police	7,0	7,0	4,0	6,0	10,0	4,0	7,0
Rape	9,0	10,0	0,0	0,0	10,0	9,0	3,0
Cultivating/possession/ dealing in dagga	39,0	40,0	15,0	58,0	46,0	33,0	39,0
Assault - common	31,0	32,0	17,0	36,0	35,0	28,0	20,0
Assault - grievous bodily harm	49,0	50,0	32,0	24,6	64,0	42,0	11,0
Culpable homicide (excluding motor vehicles)	5,0	5,0	1,0	3,0	6,0	4,0	1,0
Murder - firearm	0,3	0,3	0,4	0,0	0,2	0,3	0,6
Murder - other weapon	2,0	2,0	0,4	3,0	2,0	2,0	0,3
Attempted murder - firearm	0,3	0,3	0,0	0,0	0,2	0,4	0,6
Attempted murder - other weapon	1,0	1,0	0,0	1,0	0,6	0,3	0,3
Burglary - business	19,0	20,0	1,0	3,0	22,0	19,0	8,0
Burglary - residential	53,0	55,0	13,0	26,0	58,0	53,0	24,0
Aggravated robbery with firearm	2,0	2,0	0,4	0,0	1,0	2,0	0,6
Aggravated robbery with other weapon	11,0	11,0	2,0	0,0	14,0	10,0	2,0
Other robbery - bagsnatching	8,0	8,0	4,0	1,0	10,0	8,0	3,0
All other thefts	81,0	79,0	100,0	58,0	75,0	89,0	68,0
Malicious damage to property	23,0	23,0	11,0	22,0	34,0	13,0	18,0
Driving under influence	11,0	11,0	2,0	17,0	7,0	5,0	81,0
Reckless/negligent driving	6,0	6,0	0,4	12,0	5,0	4,0	24,0

criminal actions. Instead, they clearly interact in a diversity of deeds across the whole spectrum of criminal and statutory law.

Although this confirms the diversity of crime involvement, a certain number of offenders do repeat crimes of a similar nature. Table 3 (page 29) shows that all kinds of offenders get involved in different types of crimes. The data in this Table suggest that no guarantee can be given that a specific offender or population of offenders would refrain from certain crimes or intentionally commit similar offences again.

However, the data also reflects higher averages in, for instance, offences relating to dagga violations, 'aggravated' assault, burglary and common theft, than in other instances. It can be deduced then, that some offenders do repeat certain offences for which they were previously convicted as well.

It may, therefore, well be that while certain more 'opportunistic' offenders, as indicated by the research group's crime histories, offend at random, others follow a more stereotypical *modus operandi*.

The question remains however, whether it is possible and realistic to attempt to distinguish the true 'serious' offender amidst the diversity of offenders. Any attempt to isolate the dangerous criminal and to identify specific victimisation risks based on statistical prediction remains to be confirmed.

Property crimes

The largest extent of 'specialisation' falls in the category for property crimes, which is not an unexpected trend. Property crime represents the most common category of crime since its diversity

presents more possibilities than other categories.

The dominance of property crimes is also to be expected in view of the multiple motives which it may offer to prospective offenders. A striking rate of multiple offending can frequently be observed for 'common' unspecified theft, burglaries and related matters and falsitas – all frauds, forgeries or embezzlements.

Challenging stereotypes

The majority of the offenders who can be associated with recidivism fall within the 20 to 31 year age category. Recidivism mostly originates during offenders' youth, despite formal as well as informal intervention. The policy of the relevant authorities in this regard therefore becomes questionable.

This study questions any stereotypes which suggest that only one population group offend exclusively within a particular category of crimes. The dynamic and diverse features of the crime phenomenon are instead emphasised and confirmed.

This study also leaves the impression that female's criminal activities are underrated. The fact that women also engage in a diversity of crimes, including more 'serious', physical and violent crimes, confirms this view.

The two most striking and somewhat paradoxical features of this analysis are the overall pattern of the research group's criminal activities – despite a multitude of interacting variables – and the dynamic interaction of offenders and their behaviour, within the aforementioned broad limits.

The findings of this study also indicate that 'stereotypical'

offenders may also engage in other more or less serious criminal activities, apart from those for which they seem to have special preference. This not only questions any attempt to predict specific victimisation risks, but also to predict an offender's potential future criminal behaviour.

Amidst the diversity of criminal behaviour, those offences which seem to be most significant according to, inter alia, the conviction rate of the research group, were identified.

The majority of crimes in which the research group seem to specialise are crimes against property. This is to be expected due to the dominance, number, diversity and 'utilistic' motives which contribute to the category of property crime.

Apart from this, offences relating to crimes against communal life and personal relations are either of a 'secretive' nature and/or stigmatise the victim. Both of these aspects discourage the reporting and/or detection of crime, or involve a much greater and personal risk for the offender than in the case of property crimes. [P&G]

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Table 3: A Comparison of all Previous Convictions Relating to Offences Against Communal Life, Personal Relations and Property

PREVIOUS CONVICTIONS	PRESENT (LATEST) CONVICTIONS IN RELATION TO PREVIOUS CONVICTIONS						
Crime Variable	n	Rape	Dagga	Ass/C	Ass/A	Burgl	Robb	Theft
Illegal possession of firearms and ammunition	162	2,7	13,0	2,7	8,8	19,1	6,1	18,9
Other: Arms and Ammunition Act	177	2,9	12,8	9,2	16,2	10,4	2,3	18,6
Escaping from custody	376	3,8	9,5	3,5	8,2	22,6	1,9	23,4
Defeating the course/justice	236	4,0	11,0	5,7	12,8	15,0	3,1	24,8
Perjury	30	0,0	10,0	13,3	16,7	16,6	3,3	26,9
Other: Administration/justice	91	2,5	13,8	8,8	7,5	8,8	3,8	22,0
Indecent assault	58	5,6	18,6	9,3	7,4	11,2	1,8	9,3
Rape/attempted rape	307	7,9	7,9	3,4	19,5	16,7	4,4	14,7
Other: indecent matters	39	2,7	16,2	5,4	0,0	16,2	2,7	13,5
Other: sexual matters	71	5,5	5,5	12,3	13,7	17,8	2,7	13,7
Cultivating/dealing in dagga	139	1,4	31,1	9,4	10,9	10,1	1,4	11,6
Possession/ using of dagga	1286	2,2	20,1	6,4	10,2	17,3	2,2	17,6
Dealing in other dependence producing substances	65	0,0	19,0	4,8	7,9	15,9	1,6	25,3
Illegal possession of other producing substance	96	1,0	21,2	2,0	8,1	16,2	3,0	19,4
Common assault	1176	2,9	10,7	13,2	16,8	13,8	2,1	18,0
Assault/grievous bodily harm	1809	3,6	9,9	8,9	20,9	14,4	2,6	16,6
Pointing of firearm	18	6,3	0,0	0,0	30,9	6,6	6,3	12,5
Culpable homicide-m/vehicles	18	0,0	0,0	18,2	9,1	0,0	0,0	9,1
Culpable homicide-other means	159	4,6	11,1	5,9	25,8	8,5	1,3	17,0
Murder-firearm	9	0,0	20,0	0,0	20,0	20,0	10,0	10,0
Murder-other weapon	26	4,3	26,4	0,0	17,4	0,0	0,0	17,4
Attempted murder-firearm	11	8,3	0,0	0,0	25,1	16,7	0,0	16,7
Attempted murder- other weapon	6	0,0	16,7	0,0	16,7	16,7	0,0	16,7
Burglary-business premises	750	2,8	9,9	5,3	9,7	28,2	2,9	19,5
Burglary-residential premises	1816	3,4	9,1	4,3	8,5	29,7	2,2	21,0
Burglary-other intent	139	2,9	9,3	6,4	8,6	25,0	5,0	18,5
Aggravated robbery-firearm	49	4,0	6,0	10,0	8,0	24,0	4,0	8,0
Aggravated robbery-other	415	4,3	10,0	4,1	15,0	17,9	6,9	15,7
Other (common robbery)	294	4,4	12,2	4,4	14,2	12,5	3,4	22,3
Shoplifting	285	1,1	9,9	4,8	11,0	19,9	3,7	20,2
Theft of firearm	31	3,2	16,1	6,4	3,2	29,4	0,0	16,1
Theft of motor vehicle	243	2,1	6,7	2,9	7,1	17,2	2,9	21,7
Illegal use of motor vehicle	230	1,4	10,4	6,6	10,8	20,7	0,0	21,7
Stock theft	426	2,3	7,2	5,7	9,0	25,5	1,1	21,8
All other thefts	2853	2,7	8,8	4,3	9,0	20,9	2,3	29,6
Possession of stolen property	223	3,1	10,8	3,1	4,5	28,4	3,6	22,1
Driving under the influence of liquor/drugs	360	1,4	11,8	9,5	12,3	5,9	0,4	21,5
Driver of vehicle failing to stop after accident	32	0,0	16,0	12,0	24,0	4,0	4,0	4,0
Reckless/negligent driving	217	2,6	11,6	11,0	12,9	9,0	0,6	19,9

Explanations
Dagga Possession/use/cultivation of dagga
Ass/C   Assault common
Ass/A   Assault with the purpose to inflict grievous bodily harm
Burgl   Burglary with the intention to steal
Robb   Robbery under aggravating circumstances (other weapons than firearms)
Theft   All other unspecified thefts
THIS TABLE HAS BEEN SHORTENED DUE TO SPACE CONSTRAINTS. THE COMPLETE TABLE IS AVAILABLE THROUGH INDICATOR,SA, OR THE AUTHOR.

End of the Line

South Africa's Overcrowded Prisons

Molefi Thinane
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This factfile provides startling evidence of the desperate state of this country's prisons. South Africa is already one of the most punitive societies in the world, even though there is currently a shortage of prisons, and recently introduced stricter parole and release policies will increase prison numbers still further.

The Government's National Crime Prevention Strategy signals an official acknowledgement that reducing the crime rate will require close cooperation between all agencies of the criminal justice system: the Departments of Safety and Security, Justice and Correctional Services.

Since transformation in 1994, public and government attention has largely been focused on the Department of Safety and Security and efforts to reform the police in the battle against crime. And while the courts and the prosecution service have also recently come under the spotlight, the Department of Correctional Services' role in combating crime has for the most part been overlooked.

The criminal justice system cannot function effectively unless all its pillars function effectively. If police and prosecutors set their sights on arresting and convicting as many offenders as possible without considering the current status of prisons in South Africa, their efforts may actually cause more problems: prisons are overcrowded and there simply is not enough space to house convicts should there be a dramatic increase in people sentenced to jail terms:

❏ The prison population as at May 1996 was 118 363 – the Department of Correctional Services has a budget for only 97 000 inmates.

❏ Prisons currently house about 30 000 more prisoners than they are designed for – overcrowding presently amounts to 30%.

❏ A quarter (29 015) of the prison population are unsentenced – people who are presumed innocent until proven guilty. Most of these people are held in police cells and serious overcrowding will lead to a spillover into court cells if the numbers of illegal immigrants in the country's prisons are taken into account.

❏ Awaiting trial prisoners and illegal aliens occupy the space that could be used to incarcerate hardened criminals. People awaiting trial must be brought to trial more quickly and illegal aliens should be expatriated to their home countries.

Infrastructure

❏ There are only 227 prisons in South Africa – 219 for men and eight for women.

❏ There are no prison building programmes apart from the 'two or three super-maximum' prisons for dangerous criminals announced by the Minister of Correctional Services, Sipo Mzimela.

❏ Until May 1997, only two new prisons will be built.

More prisons the solution?

Building more prisons is no panacea – even in countries that have embarked on major prison building programmes, this has not kept up with the number of offenders who continue to receive prison sentences.

The state of Ohio in the United States embarked on the most 'aggressive prison building programme ever', but its prison system remained at 180% of its rated capacity. Between 1983 and 1993 the Department of Correction's budget increased from $144 million to over $519 million.

In South Africa, Mzimela is investigating the possibility of increasing prison space with help from the private sector in the form of financing, building and maintaining prisons, which will be leased to government.

Budgets

Building more prisons will require that funds be cut from other departments and allocated to Correctional Services:

"At some time we have to identify priorities. If prison is prioritised, education and health care will probably lose out. If prisons are the first choice, many homeless people and poor people may have to accept a prison cell rather than an apartment."
(Platek 1996: 71)

Mzimela requested a 33% increase over the R2,6 billion budget his Department had been allocated, but the Parliamentary Correctional Services portfolio committee, chaired by ANC MP Carl Niehaus, objected. The request was called 'totally unrealistic'.

Personnel

The Department of Correctional Services is faced with a shortage of warders: South Africa's inmate to warder ratio is almost 5:1 compared with Germany and Australia's 1,5:1. The Commissioner of Correctional Services, General Henk Bruyn said the Department is running short of 6 267 personnel nationally.

Riots

The Department is incapable of handling a major crisis on the scale of the prison riots in June 1994. The South African Police Service and other emergency services had to be called on to stabilise the situation.

Escapees

There has been an increase in the number of criminals escaping from prison over the past couple of years. Some of these fugitives are dangerous: Sylvester Thapelo Mofokeng was serving a life sentence plus 70 years for the murder of four policemen and a traffic officer. He was due to appear on 11 other murder charges but managed to escape for the second time – once in May 1995 from the Diepkloof Prison with another three maximum security prisoners.

Parole and sentencing policy

❑ Governed by the notion that 'prison works', Mzimela is firmly committed to introducing a new release and parole policy, 'even if it means putting 10 people in cells meant for one'.

❑ The crisis of overcrowding is partly due to the extent to which courts sanction convictions with prison terms as part of an approach to 'get tough' on crime.

'Getting tough': some US experiences

This type of approach is not unique to South Africa. In some states in the United States, policy guidelines have been developed to deal with the increase in serious crimes. These have included:

❑ Mandatory minimum prison sentences.

❑ Restrictions on parole releases.

❑ 'Three strikes and you are out' law in California.

The state of Virginia actually abolished parole – its prison population subsequently averaged 60% above capacity.

California, as a result of the 'three strikes and you are out' law – a mandatory sentence of 25 years to life for a third felony – has the largest prison population and system of all the states, with almost 115 000 inmates. It is estimated that California will need $5,5 billion to meet the costs of this law.

Waiting lists for prisons?

The seemingly bizarre concept of waiting in line to serve a prison sentence as a result of overcrowding – a situation which may well be facing South Africa's criminal justice system – has some empirical grounding:

❑ A 1993 survey of Ohio's 76 counties found that 29 were using waiting lists for offenders: 26 000 offenders were waiting to serve their jail sentences because they could not be incarcerated due to the lack of bed space. This number was twice the jail population existing at the time in the state.

South Africa: a 'punitive society'

Recent developments suggest that this country is heading for a similar crisis: with 311 people per 100 000 of the population in prison in 1992, South Africa is one of the most 'punitive societies' in the world. In the United States, 455 people per 100 000 are in jail.

Stricter parole and release policies announced by Cabinet in August 1996 are likely to make the situation worse. South Africa cannot effectively deal with the crisis of numbers in the penal system in the present 'culture of imprisonment'.

Of the 362 474 convictions in 1992/93, 65,1% received sentences associated with imprisonment. Only 27,2% resulted in cautions, full suspensions and fines.

In England and Wales by comparison, in 1994 of the 1,4 million offenders sentenced, 75% were fined, 9% were discharged and 9% received community sentences. Only 5% were immediately sent to prison.

According to Mzimela, up to 60% of people in prison pose no threat to society because they have been convicted of petty crimes like possession of dagga. Others who pose no threat include children: Mzimela has discovered that 62% of the 398 children awaiting trial in prison were not accused of committing serious crimes.

Conclusion

Alternative sentences must now be seriously considered. These sentences often require consultation with, and the cooperation of, communities for their implementation, and could include: fines, correctional supervision, mediation and 'civil death' – the loss of civil liberty to drive a car, to be a company director (for white collar criminals), to vote, and to possess a passport. [CC&C]

Archie Sibeko – also known as Zola Zembe – committed his life to the struggle against apartheid in South Africa.

First he fought for freedom as a trade union leader in the 1950s, harassed and imprisoned by the police. Faced with a long prison sentence, he fled the country in 1963 as a commander in Umkhonto we Sizwe and to work for the African National Congress in Tanzania and Zambia. There he met his second wife, Dr Joyce Leeson.

During the 1970s and 1980s Sibeko lived in Britain, becoming Western European co-ordinator of the South African Congress of Trade Unions and travelling widely to gather support for anti-apartheid activities among the workers of the world.

Like many other exiled South Africans, Sibeko returned home after political reforms were announced in 1990. Once again he got deeply involved in union and ANC work, becoming vice chair of the ANC in the Western Cape. Sadly, after a short time home, illness struck, and Sibeko retired and returned to Britain.

In this book he tells a fascinating and sometimes controversial story which not only charts the history of an individual but of a country in which many have indeed found **Freedom in Our Lifetime.**

This book may be ordered direct from us for R67.23 (incl VAT and postage) or foreign US$20 (incl airmail delivery), from Indicator SA, University of Natal, Private Bag X10, Dalbridge 4014, or fax us on (031) 260 2813, or phone (031) 260 2525 and speak to Jenny.

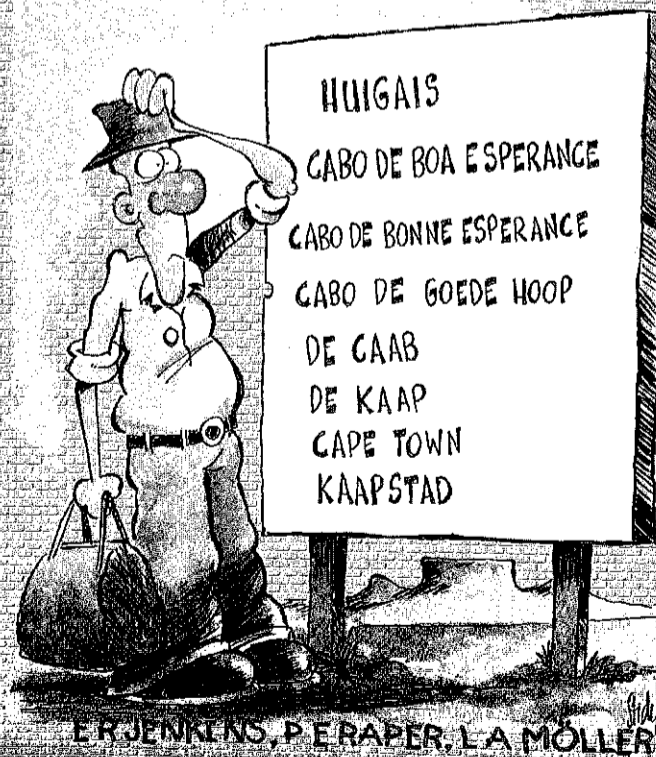## Freedom in Our Lifetime

Archie Sibeko (Zola Zembe)

with Joyce Leeson

Changing Place Names

The political and social fabric of South Africa is changing rapidly. Are we going to see wholesale changes to its place names as well? Changing Place Names shows how and why place names are forever changing. It takes us on a fascinating tour of South Africa, from names given by the earliest inhabitants until Verwoerdburg became Centurion.

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