

THE S A POLICE : AMNESTY ALLEGES PARTISAN ROLE

SOUTH AFRICA: STATE OF FEAR.
—A REPORT BY AMNESTY INTERNATIONAL

IN ITS recent controversial report on security force involvement in the violence, Amnesty International has documented a vast array of cases which presents policing of the discord as ineffective, partisan and a contributory factor to the violence. The report concludes that the failure of the police force to operate with impartiality and professionalism seriously threatens the reform process and a democratic transition in South Africa.

The main body of the report outlines details of incidents involving security force conduct which occurred between January 1990 and March 1992. It contains a disturbing indictment of police involvement in the conflict by detailing patterns of police conduct which serve as examples of partiality.

The first chapter examines the question of covert officially-sanctioned killings, which is essentially an analysis of security force involvement in 'death squads'. It also deals with the failure of the Harms Commission to 'accomplish the vital task of restoring a sense of accountability to the security forces and so curbing their extra-legal activities', and the vindication of allegations of police involvement in political assassinations by the Kriegler judgment. The chapter concludes with evidence of continued political assassinations under suspicious and unexplained circumstances.

The examples of partiality in the policing of the conflict have taken the following forms: a reluctance to investigate allegations, failure to prosecute wrong-doers and active assistance to vigilantes where the police have escorted them into areas prior to attacks and have rendered actual assistance to them. The KwaZulu police are also implicated for complicity in killings and assaults, as well as for their unwillingness to investigate cases involving the assault and murder of ANC supporters.

The systematic pattern of partisan policing outlined in the report is further illustrated by security force conduct in the "taxi wars" in Cape Town. Even

with the absence of Inkatha supporters in the area, police appear "to perpetuate conflict as a means of seeking to prevent peaceful political transition."

IN ITS conclusion, Amnesty makes recommendations for measures that the authorities could take for the prevention of this phenomenon, including independent investigations of police misconduct as well as effective protection to individuals and communities in danger of attacks or extrajudicial executions.

Amnesty contends that, despite the reform process which began two years ago, partisanship in policing is still highly prevalent and stems from the campaign of identifying the more "radical" groups as enemies of the State. They comment on the "enormity of the gap between the intentions and pronouncements by officials, on the one hand, and the conduct on the ground of the security forces on the other."

If Amnesty's analysis of the perception of partisanship is true (it is a perception that South Africans are not unfamiliar with) it is inexcusable because active partisanship involves the police directly in criminal attacks and inaction is a definite violation of the legal responsibilities of the force.

Since its release the report has been criticized for its failure to document the dual role played by both Inkatha and the ANC in the violence, especially in view of the Goldstone Commission's second interim report on the prevention of public violence and intimidation.

Amnesty acknowledges in its report that the ANC and its supporters have also been responsible for "deliberate and arbitrary killings," yet fails to document any evidence of this assertion. As a result one of the greatest weaknesses of the report is that it can easily be dismissed as a biased perception of the violence.

IN SPITE of these limitations, the report does, however, highlight some of the most vital issues facing policing and should not be so easily shrugged aside as malicious propaganda.

While keeping in mind the serious

issues that pervade the report, it is however, impossible to ignore the blatant flaws in Amnesty's analysis of the violence in South Africa. Amnesty appears to overlook a vital aspect of the transition process: the task for limiting the conflict lies not with the police alone but with all the players in the contest, as pointed out by the Goldstone Commission.

More importantly, Amnesty does not concede that the effective restructuring of the police force requires co-operation and involvement of political groupings across the South African spectrum if it is to be successful.

Another shortcoming is its failure to acknowledge an obviously marked improvement of police conduct, especially in the areas of mass demonstrations and riot control. While a great deal more needs to be accomplished the recent improvements have to be understood in the context of their dubious past to be fully appreciated.

Unlike in the past, mass demonstrations and political meetings are being allowed to take place and police restraint, especially in crowd control situations, has been evident. This should have been acknowledged by Amnesty.

THE ALLEGATIONS contained in the report are not novel. But now that the point is made by a credible international organisation the authorities appear to feel a need to respond.

However the shortcomings have provided a convenient excuse for authorities to dismiss the report as one-sided and partial. Amnesty's basic proposition that the failure of the police force to reform long established traditions will seriously threaten the state's wider reform process should not be underestimated. The organisation's unfortunate failure to provide a more balanced view of the dynamics surrounding the violence should not prevent recognition of this and other important questions raised in the report.

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