

ALLEGED POLICE VIOLENCE IN THE PORT ELIZABETH/UITENHAGE AREA

This paper deals with the violence reportedly perpetrated by the police against the people in the Port Elizabeth/Uitenhage area and at the same time, an attempt has been made to identify a pattern based on the study of reports, statements and affidavits in the Port Elizabeth Advice Office files.

The underlying cause of violence of any kind is conflict. Violence is counter-productive. Repression instead of resolution of the conflict in the townships can only lead to an escalation of the ideological violence that is raging on both fronts, namely that of the forces of the State defending apartheid and suppressing all forms of opposition to it and that of the township residents who aspire to a greater equity in human rights.

Brian Pottinger of the Sunday Times (as quoted by N. Kemp in the E.P. Herald of September 19th 1985) clearly demonstrates the escalation of violence following the use of force in an attempt to suppress unrest:

- February 12th - S.A.P. in Port Elizabeth requested extra fire power.
- March 5th - extension granted for the use of extra fire power.
- March 9th & 10 - six "rioters" killed.  
Corresponding increase in the attacks on policemen's homes.
- March 14th - Uitenhage police stopped issuing minimum-force riot control equipment.  
The following weekend six people were killed in police action.  
More fire bombings of policemen's homes.
- March 21st - LANGA. 20 people killed by police.  
An explosion of mob violence with 17 policemen's homes being fire bombed and a Town Councillor and his son gruesomely killed.  
A further four people were killed by police action.  
2 Police Casspirs were fire bombed.

The deployment of force to repress conflict in the area has, in the view of many, demonstrated the Government's decided ignorance of or lack of sensitivity to the high level of urbanisation, education and politicization of the black people of the Uitenhage/Port Elizabeth area. (Profs. P. Vale, R. van der Merwe and M. Whisson - E.P. Herald 17th April 1985).

The State President ...

The State President invoked the state of emergency because "a minority are directing acts of violence and thuggery at the property and persons of law-abiding people." (Cape Times July 22nd 1985) This implies that the large police and army presence in the townships was to quell the violence and to protect the "law-abiding black people". However these self-same law-abiding people have been the victims of alleged police aggression, apparently as a result of the indemnity conferred by Regulation 11 made under the Public Safety Act of 1953. By powers delegated to them by the State President, the Commissioner and Divisional Commissioners of Police were empowered to issue regulations which made them law-makers, judges and executive officers - a formidable prospect. As G. Gordon Q.C. and D. Davis, associate professor, Faculty of Law, University of Cape Town state: "The emergency regulations and rules have attempted to create a police power totally out of control of the legal process and in violation of all that is involved in the rule of law". (E.P. Herald, August 14th 1985).

In many instances the indemnity granted to the police was alleged to have been abused. Dr Wendy Orr in her application for an interim order against the police stated that the police were "engaged in a pattern of daily assaults upon detainees". (E.P. Herald September 26th 1985).

The police denied all of Dr Orr's allegations. The Divisional Commissioner of Police in the Eastern Cape, Brigadier E.S. Schnetler, said that they were an attempt to create the impression that the police were waging a war of unbridled force against black residents, an impression, he said, that was "unjustified and unfair", in his replying affidavit (E.P. Herald February 5th 1986). The Brigadier further stated that the police had, at the start of the state of emergency, been instructed to behave in a manner above reproach and to use force only in emergencies such as the resisting of arrest, to protect lives and property and to disperse trouble-makers. He also claimed that the applicants had tried to create the impression that the police acted as if the state of emergency protected them and enabled them to ignore the rights of others. Yet a high ranking official of the Prisons Department, Brigadier J. Hills, was reported to have told Dr. Orr that the police were not investigating complaints of assault because "they were taking refuge behind (hulle skuil agter) a regulation which he showed to be Regulation 11 of the Emergency Act (E.P. Herald September 27th 1985). Yet another official of the State, a policeman who claimed that he was "always aware that we could not use violence against people other than was reasonably necessary to overcome persons resisting arrest and in the event of force being necessary to gain entry to houses" (E.P. Herald February 5th 1986), was mentioned time and again by Advice Office clients as the perpetrator of violent acts of aggression against them or their relatives and it is understood that he is now facing charges on two counts of murder, four counts of attempted murder, one of assault and one of attempting to defeat the ends of justice by committing perjury and misleading a superior officer. (E.P. Herald January 22nd 1986).

A study of ...

A study of Advice Office files revealed that violence was reportedly directed not only at a physical level but also at a psychological level towards both individuals and groups and was allegedly manifested by acts of physical assault, unnecessary and indiscriminate shooting, harassment, verbal abuse, the causing of mental anguish and creating obstacles in the way of enquiring or visiting relatives of detainees. The following pattern appears to emerge from the reports, statements and affidavits in the Advice Office files:

1. Arrests were usually said to be of a violent or brutal nature. This reported violence and brutality was not only directed towards the individual being arrested but also towards relatives and/or friends at the scene of the arrest. For example, a young man, a member of PEYCO was allegedly beaten about the head and body with a sjambok and butt of a rifle. He had not tried to resist arrest. His concerned and alarmed mother asked why he was being beaten and was promptly also allegedly assaulted with a sjambok. An application was successfully made for a provisional interdict restraining further assaults on this man while he was in custody.
2. Arrests were often apparently of an indiscriminate nature. These involved innocent law-abiding people, whom the state of emergency was ostensibly meant to protect, allegedly being arrested or detained just because they happened to be at or near the scene of a disturbance or because the police wanted to question them, or because they happened to be related to a wanted person or were taken in lieu of that person. For example, a jogger, wearing jogging clothes, was jogging past the house of the Mayor, Mr Linda. It had been petrol-bombed and was burning when he jogged past and was shot and assaulted with kerries and sjamboks. He was admitted to hospital with severe injuries, a fractured skull, tibia and fibula and had pellets lodged in his head and right leg. Later the charges against him were withdrawn.

A father came in to report that the police had come to look for his eldest son and because he was not there and had in fact gone into hiding, they allegedly took his two younger sons.

3. Irresponsible and unwarranted use of firearms.

It was reported that firearms were unnecessarily used in built-up areas, in confined space of homes and among crowds. A youth, 19 years, was fleeing from the police and ran into a house. The police chased after him, firing pellets and the housewife was hit with four pellets in her forehead above her eye, in her cheek, below her eye, and in both legs. A black policeman came in allegedly carrying a gun: he pulled the youngster out from underneath the bed, put the gun to his temple and pulled the trigger. This policeman then reportedly boasted to the woman that he was not the one responsible for shooting her because had he been responsible then she surely would have been dead. Later a white policeman appeared on the scene. They reportedly took no notice of the wounded woman but praised the policeman for his shooting the youth telling him that he was very good at shooting.

An eyewitness standing at the bus stop waiting to board a bus was watching an orderly funeral procession passing by. He took off his hat to show respect. There were police vehicles at the bottom of the road and another closer to the procession. This motor vehicle was then driven up to the middle of the procession and the policeman in it allegedly stopped and shot three marshals and a girl. The police then fired tear-smoke into the crowd which dispersed in panic. The policeman doing the shooting then turned around, saw the man at the bus stop, who had his back turned as he was watching the fleeing people and allegedly shot him in the back. This was the policeman who was quoted as being aware that he could not use violence against people.

4. Intimidation and harassment of relatives of detainees or of those people laying charges.

Three Zulu policemen woke a family in the early hours of the morning and apparently asked where the "comrades" were. The man explained that there were no boys in his house, only girls. The policemen are alleged to have pushed past and entered the children's room and to have beaten the eldest daughter. The father tried to grab the sjambok and asked why they were hitting the girl. One of the policemen then allegedly shot him in the leg and the stomach. The man fell to the floor, dead, his wife and daughters having witnessed this brutality. The policeman is alleged to have walked out leaving the man lying on the floor. The woman laid a charge. Many weeks later at 4 am three police vehicles pulled up in front of her house and a black and a white policeman approached her, saying that they had come to take a statement. Their manner was alleged to be aggressive and abusive. They wanted to take the daughter away for a statement. The mother, fearful for her daughter, told them that it was not possible as the girl was not well. They warned her that they would come again to fetch the girl and are alleged to have stated that if she was not there they would shoot her, the mother. When five nights later, at midnight, three hippos once again pulled up in front of the house, the mother and her daughters fled in terror.

5. The use of Zulu policemen to perpetuate the Government's policy of ethnic division by sowing strife and dissension among the different ethnic groups. As in the above example.
6. Insensitivity to the mental anguish and concern of relatives of detainees.

This included obstacles being put in the way of people enquiring about missing or dead kin, verbal abuse and threats to these relatives and unnecessary obstacles being placed in the way of people from outlying districts to visit their kin in prison.

A boy saw ....

A boy saw his 17 year old brother being allegedly shot by the policeman who has been referred to above as being aware of the need to avoid violence. He and his relatives searched all over for the shot youth, in the hospitals and the mortuary. There was no record of the youth. They continued to search and 8 days later his body was discovered at the mortuary that had been searched earlier. The police then refused to release the body to the undertaker and permission was granted only two days later. At no time were the family notified of the youth's death, nor were they assisted in their search. Very often it is the very young children that disappear temporarily. For example, three young boys, two of 12 years and one of 9, were last seen being taken away in a Casspir. The 9 year old was later allegedly released in a section far from his home after a policeman had apparently ascertained his age. The father of one of the detained boys searched for three days before seeking advice. It was discovered that the boy was at one of the police stations being held in safe custody. The Child Welfare were approached to assist in obtaining his release but declined to do so. Eventually, through an attorney, the Police Liaison Officer was contacted and the boy released that same day.

7. Provocation of individuals and especially of crowds at funerals. As in the second example of 3 above and the tragic Langa incident.

The above are but a few examples of numerous similar cases that have been reported. However, the pattern appears to have been repeated consistently. In the above examples the facts have been spelled out but in the limited space available it has been impossible to describe the human aspect of pain and suffering, fear and frustration but those who have experienced similar manifestations of such acts in other areas are aware of the emotions that accompany these examples. Although the police are certainly not the only ones responsible for violence in the townships, every police violation is one too many. These should be stopped before all respect for law and order is totally eroded.

G. Gordon Q.C. and D. Davis, associate professor, Faculty of Law at the University of Cape Town (E.P. Herald August 14th 1985) are reported as saying:

"The effect of the unrestricted powers of the police in the 36 magisterial districts can only be to undermine the last vestiges of confidence of the majority of the population in the advantages of due process and legal protection. It is this brutal legacy which will be bequeathed to the children of this country."

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