

## **Police Brutality in South Africa**

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The Special Assignment telecast by the South African Broadcasting Corporation on November 7, 2000 showed six white policemen setting their dogs on three black persons suspected to be illegal immigrants. The video footage showed that while the dogs were savagely mauling the unarmed defenceless suspects, the policemen were laughing and cheering sadistically and simultaneously kicking the victims. The savagery of the ferocious dogs combined with the sadistic barbarity of the policemen and the supine defencelessness of the victims made it a gruesome and a pathetic sight. Even to the South Africans, who are attuned to witnessing very high levels of violence, brutality and criminality, the sight must have been shocking. The South African Minister of Safety and Security, Steve Tshwete, said he was “*horrified and outraged*” on seeing the footage.

The incident is reported to have taken place in 1998. The fact that the BBC in 1999 showed film footage of police officers beating suspects and stubbing a cigarette on one man’s head shows that torture in its worst form continues to be practised by the South African Police Service (SAPS) against hapless persons in their custody. The Amnesty International in its reaction to the incident involving six members of SAPS’ East Rand Dog Unit mentioned that the alleged abuses by the security forces in South Africa include the “*use of electric shock, suffocation tortures, forced painful postures, suspension from moving vehicles and helicopters, and severe and prolonged beatings*”.

Police brutality in South Africa is a legacy of the past. The apartheid regime had built up for its support and survival a system of policing which was militaristic in its structure and training and highly authoritarian in its culture. The police functioned as an instrument of control, guided essentially by the main consideration of meeting any challenge to the apartheid structure. That is why in 1994, when the change occurred, 74% of the police stations were situated in areas inhabited by whites or business districts. Even the limited police resources stationed in black areas were meant more to deal with law and order problems than to provide security to the citizens. The majority of South Africans looked upon the police as an “*oppressive enemy*”, while the police also viewed some communities as a source of major threat.

The mindset resulting from this legacy should have been changed as a result of various initiatives taken by the government as well as the police themselves. The Police Act of 1995 concretized the policy directions stated in the Green Paper

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\* Commonwealth Human Rights Initiative

issued by the new Government in 1994, which put emphasis on three key areas- “*democratic control, police accountability and community participation in issues of safety and security*”. The Constitution of the country in 1997 made it a part of the “*political responsibility*” to *inter-alia* “*promote good relations between the police and the community*,” and investigate any complaint of “*breakdown in relations between the police and any community*.” By this time, the SAPS had declared the adoption of “*community policing*” as its operational philosophy, with emphasis on building partnerships between the police and communities. In 1998, the government came out with a White Paper on Safety and Security (1999- 2004), suggesting how it proposed to meet “*the*

*challenge of enhancing the transformation of the police so that they are able to function effectively within the new democracy; and enhancing social crime prevention activities to reduce the occurrence of crime.”*

It is obvious that the desired transformation of the police has not occurred. The new philosophy of policing has not been fully internalised. There appears to be a resistance to change from many in the 1,30,000 strong police force. This is not surprising. There are hardly any examples in history where the police forces have succeeded in making the type of “radical transformation that the police in South Africa are being asked to make” and that too in so short a period. After all, the new democratic system is only six years and the SAPS in its present form only five years old. It has taken much longer than that even in the democratically advanced countries to break resistance to reforms in their police forces.

A very heavy barrier to change is the increasing trend of crime, particularly violent crime in South Africa. The failure of the criminal justice system to deal effectively with the problem has given rise to public fear of crime and criminals. Citizens are increasingly taking law in their own hands and delivering instant ‘lynch justice’ to those who commit crime or are suspected to be criminals. The public fear of crime and criminals and the climate of lawlessness, which it produces provide a license to the police to sometimes indulge in vigilante activities themselves.

Public vigilantism in any form, organised or spontaneous, should never be tolerated. This is a major threat to the establishment of rule of law in South Africa. The White Paper on Safety and Security is unfortunately silent on this issue.