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OUR REF.:
YOUR REF:

DATE: 9/3/92

FACSIMILE TRANSMISSION

TO: The Secretariat CONESA Management Committee

NO: 011-397 2211

FROM: MR. E. MOOSA

MESSAGE: _____

THIS TRANSMISSION CONSISTS OFPAGES (INCLUDING COVERSHEET).

SHOULD THIS FAX NOT BE CLEAR, PLEASE TELEPHONE OUR OFFICES AT 6971500.
THANK YOU.

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YOUR REF:

The Secretariat
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Dear Sir

We act for the POLICE AND PRISONS CIVIL RIGHTS UNION (POPCRU) and have been instructed by its Executive Committee to communicate with you in connection with the issues relating to the creation of a climate for negotiations and the role of the Security Forces in a new South Africa.

AIMS OF POPCRU

Popcru was formed in 1989 to represent the interest of members in the Police and Prison Service. The aims and objects of Popcru are:

1. To remove all forms of discrimination in the Prison and Police Service.
2. To foster recognition and respect for basic human rights of its members and those with whom they deal in the performance of their duties.
3. To strive towards the equality of treatment of and facilities for all employees of the services.
4. To strive towards the equality of treatment of and facilities for all prisoners respectively.
5. To do all such other things which may be conducive to the attainment of the above objects.
6. To affiliate, co-operate and/or associate with other organisations with similar aims and objects to that of Popcru.

The motivating force for the creation of Popcru was the fact that people of colour both in the Police and Prison Services had long-standing grievances dealing particularly with discrimination, unfair labour practices, etc., which were either not addressed at all or not adequately addressed.

PROTEST ACTION

In order to bring the matter forcibly to the notice of the authorities, Popcru decided to embark on strike action on 21, 22 and 23 March 1990. The action took place nationally at various prisons and police stations. As a result of such strike action, the following steps were taken by the State:

1. Members of the Police Force taking part in such protest action were dismissed immediately.
2. Prison Warders who were on probation and who participated in the protest action were also dismissed immediately.
3. Other Prison Warders who participated were suspended, subject to an enquiry in terms of Prison Regulation 77(1), to determine whether they were fit to remain in the Prison Service.
4. There were approximately 834 members of Popcru who were affected by such action at the following places: Cape Town, Worcester, Mossel Bay, George, Oudtshoorn, Port Elizabeth, Kirkwood, East London, Fort Beaufort, King Williamstown, Grahamstown, Queenstown and Johannesburg.

After the suspension and dismissal of members of Popcru, Dr Nelson Mandela and Dr Allan Boesak were called in to negotiate with the Minister of Law and Order and the Minister of Justice for the reinstatement of those members of Popcru who were dismissed and suspended.

Following such negotiations, all suspended members of the Prison Service were reinstated, subject however to the condition that enquiries against them in terms of Prison Regulation 77(1) proceed. Members of the Police Force who were dismissed, were given an extension of time within which to make application for their reinstatement. Out of 54 members of the Police Force who were dismissed, only 2 members were reinstated.

Dr Nelson Mandela, the President of the African National Congress, had meetings in order to resolve the matters with both the Minister of Law and Order namely Minister Adriaan Vlok, and with the Minister of Justice responsible for prisons, namely Minister Kobie Coetzee. Although the Ministers undertook to look into the matter, the members of the Police and Prison Service who were dismissed, have not been reinstated and the enquiries instituted against members of the Prison Service to determine whether they are fit to remain in the service, have continued.

DISMISSALS

The following policemen were dismissed:

Western Cape:

Lt Gregory Rockman; Serg. George Johnson.

Border Area:

Constables V H Kock; J Hlanganyana; E Nelani; T Senti; P Witbooi; A Mtshengu; S A Gennette; F Meyers; Z Sowazi; G Fraser; L Mabi; M Mackay; M Majiya; X Raphael; M Tumani; A Davids; K L Appel; N Boma; N S Bongani; Z C Booie; N P Dlepu; N T Funde; L M Hlalatu; J Joubert; M E Majamana; J Makasi; A M Mazomba; M Ntshingwa; L M Quse; M B Swartbooie; L K Witbooy; M G Xaso; T Jafta; S Jacobs; J Alie; A Richards; G Clack; S James; B Prince; J C Smith; W C Ricketts; T Anthony; S Bangisa; K Botyeni; J Poella; D Trollip.

Sergeants F M Sidzatane; M Kota; A C Jacobs; I Newton.

DISCIPLINARY ENQUIRIES

The status of members of the Prison Service who were affected are as follows:

1. Cape Town (Pollsmoor Prison)

70 Members appeared before the Board of Enquiry and the Presiding Officer recommended that 63 of them be dismissed and 7 to be demoted.

2. Worcester (Brandvlei Prison)

9 Members faced the Board of Enquiry and the recommendation of the Presiding Officer was that 3 members be dismissed and 6 be demoted.

3. Mossel Bay and Oudtshoorn

10 Members were subjected to a Prison Regulation 77(1) Enquiry and the Presiding Officer recommended the dismissal of 6 and 4 to be demoted. The Commissioner, however, is considering the dismissal of 3 and the demotion of of 7 members.

4. Port Elizabeth (St Albans)

28 Members have been subjected to a Prison Regulation 77(1) Enquiry and the matter is due to be heard on 16 March 1992.

5. Grahamstown

27 Members were subjected to the Enquiry and the Presiding Officer recommended that 2 members be dismissed and 25 members be demoted.

6. East London

67 Members were subjected to the Enquiry, of which 13 members were dismissed and the rest demoted.

7. King Williamstown

36 Members were subjected to the Enquiry, of which 2 were dismissed and the rest demoted.

8. Fort Beaufort

13 Members were subjected to the Enquiry. 1 Member was dismissed and 12 were demoted.

9. Stutterheim

8 Members were subjected to an Enquiry and all of them were demoted.

10. Kirkwood (J C Steyn Prison)

7 Members were subjected to the Enquiry and their matter is to be heard on 14 April 1992.

11. Johannesburg (Diepkloof)

103 Members have been subjected to an Enquiry and the hearing against them is still pending.

12. Queenstown

26 Members were subjected to the Enquiry and the recommendation is that 6 members be dismissed and 20 be demoted.

MOTIVATION

1. The Police and Prison Service forms an important and integral part of the Security Forces. Popcru was formed in order to address genuine grievances which existed in the Police and Prison Service. The normal channels to air grievances within the respective departments were used, but these grievances were not properly addressed.
2. Grievances revolved around racial discrimination practiced by the respective departments within the workplace. The members of Popcru decided to take drastic steps in order to highlight their grievances and embark on strike action on 21, 22 and 23 March 1990. This resulted in many of its members being dismissed from both the Police and Prison Departments, others suffering the fate of being demoted either in rank or seniority.

3. The action resulted in the State seriously addressing their grievances, removing the discriminatory practices from the Departments and improving the working conditions of members of colour.
4. There has also been a change in attitude between white members of the respective departments and members of colour. The action also resulted in the Prison Department addressing collective grievances through the establishment of work stations at the places of work.
5. The action of Popcru also focused attention on the shortcomings within the two departments and which resulted in such shortcomings being addressed at the highest level within the respective departments.
6. Since the action was taken, there has been considerable changes in the political situation in the country. The reform process has been accelerated. Apartheid which was the cause of these grievances, have since been dismantled and Codesa has been convened to effect reconciliation in the country amongst its citizens and to bring in place a new constitution for a democratic South Africa.
7. The members of Popcru suffered human indignities within both the Police and Prison Departments and became victims of Apartheid. No steps have been taken against those responsible for such indignities suffered by members of Popcru. The Department, however, has taken steps against members who had resisted Apartheid through Popcru and therefore became victims of circumstances.
8. Most of the members who were dismissed, were active and leading members of Popcru and it appears that they have been singled out particularly because of the prominent role they had played in highlighting these grievances within the respective departments.

RECONCILIATION

Presently in the country, there are efforts being made to effect national reconciliation and remove the indignities of the past. All sectors of our society are affected by this particular process. It is a pity that members of Popcru who stood for these ideals have been victimised for their noble efforts to bring about reconciliation, justice and humanity at their workplace and by so doing, brought about improvement in the image of these respective departments.

If the Government is sincere in trying to effect national reconciliation and to make the Security Forces more acceptable to the different stratas of society, then it is imperative that the Government

- (1) reinstates all those members of Popcru who have been dismissed;

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- (2) promotes those members who have been demoted to the positions which they held before such demotion; and
 - (3) stop all enquiries against members of the Prison Service which is presently pending.

REQUEST

In the light of above factors, we have been instructed by Popcru to place the matter on the agenda of Codesa. The objective is two-fold, namely to remedy the injustices meted out to these members in the past, and secondly to make the Security Forces more acceptable to a new South Africa.

In the circumstances, kindly place the matter on the agenda of Codesa and also on the agenda of the working groups dealing with the creation of a climate for negotiations and the working group dealing with Security Forces in a new South Africa.

Popcru is prepared to give viva voce evidence before any working commission in order to substantiate their motivation and furnish such other information that may be necessary to enable Codesa to make an informed decision on this particular issue.

Pending the consideration of this matter, an appeal is made to Codesa to ask the Government to stay all proceedings against members of the Prison Department.

Kindly acknowledge receipt and let us hear from you hereon in due course.

Yours faithfully
MOOSA, MOHAMED & WAGLAY

per: 

E. MOOSA