

Document 4

Working Group 1 - Sub-Group 2  
17.2.92

SACP submission on the issues of:

- \* political intimidation (d)
- \* the prevention of violence-related crime (h)
- \* fostering of a spirit of tolerance among political parties (n)

As one of the signatories to the National Peace Accord of August 1991, we believe that the signing of the accord and its implementation should provide a foundation on which we in Codesa must build.

But we cannot build unless and until those foundations are in place.

The NPA emerged out of a recognition that the police could not, on their own, control the violence ripping apart our country.

The objective of its various structures is to establish who is responsible for specific acts of violence and to impose a political sanction on those responsible. This is in addition to any legal or punitive sanction imposed by the judiciary.

In response to almost universal accusations of police partisanship, it also introduced a police code of conduct which bound the police to impartial policing, minimum use of force and to abide by the law. Every single policeman and woman was to have signed the code and a declaration that they had read and agreed to abide by the accord.

But the NPA cannot achieve its objectives unless it is implemented fully and in good faith by the signatories. This has not been the case.

The Goldstone Commission investigation into the violence in Bruntville at Mooi River found:

- 1 that police used unnecessary force - Mr Justice Goldstone refers to "the injudicious use of strong-arm tactics on the part of the police."
- 2 that in doing so police created a perception in the eyes of the public that they were not bound by the law.
- 3 that the police were biased in favour of the IFP.
- 4 that police were unaware that the law prohibits the bearing of lethal weapons - "cultural weapons" - except at strictly ceremonial occasions. According to Mr Justice Goldstone: "The law obliges the police to confiscate such weapons and prefer charges." These are not allegations from the SACP. They are the findings of a judge all parties to the NPA agreed should be given the responsibility of chairing the commission of inquiry into violence and intimidation.

By their own use of what the judge called "injudicious strong-arm tactics" police were themselves responsible for intimidation - thus setting an example for others.

By their bias towards one party to the conflict, and by turning a blind eye to the bearing of lethal weapons, the police further encouraged intimidation as a political method, they encouraged violence-related crime, and they discouraged the development of political tolerance.

It is our submission that the issue of ensuring that the National Party government fulfils its obligations under the National Peace Accord must be resolved before we can engage in any meaningful discussion on how to take these matters forward.

We further submit that the government's negligence with regard to its NPA obligations, and the Goldstone Commissions's findings on Bruntville demonstrate the urgency of placing the police force under impartial control.

With specific relation to the homelands:

- 1.1 The homeland governments are using pensions, education departments, etc. as an important weapon to coerce certain organisations or parties or individuals to support the ruling parties in the homelands.
- 1.2 The chiefs are abusing their powers by preventing people who belong to other organisations from staying in their areas and are going to the extent of forcing people who are still prepared to stay in their areas to join certain organisations/parties.
- 1.3 In KWAZULU and BOPHUTHATSWANA other political organisations/parties are banned in these territories. This is contributing to the violence, tensions and political intolerance that is existing in these areas.
- 1.4 Other organisations/parties are continuing with forced recruitment regardless of the code of conduct for political parties in the National Peace Accord.
- 1.5 Some elements in the police force continue to look at certain political organisations/parties as enemies. Hence their actions are usually biased. This contributes to political intimidation of certain organisations or communities. This re-enforces the picture that the security forces are private armies of certain organisations/parties.
- 1.6 Displaying of dangerous weapons in public in the townships and cities (eg Mooi River). These are the same weapons that are used to force people to meetings. It is disturbing that up to now the government is deliberately dragging its feet to pass the law in parliament prohibiting carrying of dangerous weapons for the sake of peace. Even Judge Goldstone has made an important remark in his findings on the same issue of dangerous weapons.

## SOLUTIONS

- 2.1 Welfare, housing and development departments of self governing states should be incorporated to the central government/interim government or we should come up with guidelines that will control or ensure proper functioning of those departments and have a mechanism at a central level to monitor those guidelines.
- 2.2 The chiefs should play a neutral role in the unfolding political process. As they belong to political parties we need to work out a clear role and or guidelines for the chiefs to ensure that they serve the people not their masters.
- 2.3 For the sake of peace in our country, the government should immediately promulgate a law banning the carrying of dangerous weapons.
- 2.4 The homelands and self governing states should scrap all laws and regulations that are prohibiting the organisations and opposition in their territories.