

PART I

THE NATURE OF FARM ATTACKS

CHAPTER 1

THE APPOINTMENT OF THE COMMITTEE

HISTORICAL BACKGROUND

The farming community has been plagued by what has come to be known as farm attacks for many years now. However, most people agree that prior to the last decade of the twentieth century, farm attacks were a relatively unknown phenomenon in South Africa, although during interviews with police officials some have indicated that such attacks did in fact occur from time to time. Some attacks were carried out by the liberation movements, especially in areas along the borders of the country with Zimbabwe and Mozambique. Those attacks consisted mainly of the planting of landmines by Umkhonto we Sizwe, the armed wing of the African National Congress, or by the Azanian Peoples Liberation Army, the armed wing of the Pan Africanist Congress. There were only sporadic direct attacks on farmers themselves. Those attacks formed part of a larger, more general onslaught by the liberation movements, which were still banned at that stage and, statistically speaking, they did not pose a threat to the farming community as a whole. However, those attacks may have had a profound influence on the later perceptions by farmers that farm attacks are politically motivated, especially because of statements by APLA that they regarded white farmers in general as legitimate targets in the liberation war. In fact, even in the late nineteen nineties slogans such as 'Kill the boer, kill the farmer.' and 'One settler, one bullet.' were uttered by prominent politicians which only seemed to confirm the political nature of the attacks.

Since the early nineties there has been a steady increase in the incidence of farm attacks. Unfortunately, until 1997 no official statistics were kept on farm attacks. The reason for this was that there was no specific crime such as a farm attack and farm attacks were registered by the police as crimes such as murder, rape and robbery together with similar crimes in urban areas. Various agricultural organizations did keep some statistics, however. The South African Agricultural Union (SAAU, now Agri SA, the umbrella organisation for most commercial farmers in South Africa) started collecting statistics in 1991. If those are read together with the official figures being kept since 1997, farm attacks increased from 327 in 1991, resulting in 66 murders, to 1011 in 2001, resulting in 147 deaths. In total there were 6122 farm attacks and 1254 killings during those 11 years.

Due to the apparent increasing frequency and brutality of those attacks, it became clear that something had to be done about it. During a meeting of the National Operational Co-ordinating Committee (NOCOC), which co-ordinates the activities of the South African Police Service (SAPS) and the South African National Defence Force (SAND) at national level, on 4 February 1997 the representatives of the then South African Agricultural Union requested that steps be taken to counter the problem. The SAAU felt that the existing security structures were not functioning satisfactorily and specifically that the follow-up actions by the security force after farm attacks were uncoordinated, hampering the arrest of the suspects. These and other similar overtures led to important

developments during the course of 1997.

Firstly, the Joint Security Staff identified farm attacks as a specific crime tendency requiring special operational attention. As a result it became one of the so-called 'priority crimes', which include taxi violence, gangster violence, cash-in-transit and bank robberies. It also meant that proper statistics were to be kept on various aspects relating to farm attacks in future.

Secondly, a task team was appointed, which visited all the provinces and spoke to a great many stakeholders, including farmers, workers, security force personnel, organized agriculture, and business people. As a result of this the Rural Protection Plan was drafted, which was announced by President Nelson Mandela during a meeting with the SAAU on 14 October 1997. The implementation date was 1 December 1997. The object of the plan is to encourage all roleplayers in rural safety to work together in a coordinated manner and to engage in joint planning, action and monitoring to combat crime in rural areas.

The NOCOC requested the National Intelligence Coordinating Committee (NICOC) on 28 October 1997 to compile a report on the incidence of attacks on the farming community, after having received a request from the President and the Minister for Safety and Security in this regard. This resulted in a report titled 'Attacks on members of the farming community' and dated 5 December 1997. One of the recommendations was that an interdepartmental working group, but also involving agricultural unions, should be established to evaluate the phenomenon and make the necessary recommendations. As a result the Farm Attacks Working Group was established as part of the NOCOC system, operating side by side with working groups for the other priority crimes.

In spite of the introduction of the Rural Protection Plan and other steps taken, the official figures now being kept by the SAPS indicated that there was a sharp rise in the incidence of farm attacks, jumping from 433 in 1997 to 767 in 1998. Although, for reasons to be dealt with later, the increase was probably not as dramatic as it would seem at first glance, the situation was serious enough for President Nelson Mandela to convene the Rural Safety Summit on 10 October 1998. The aim was to achieve consensus around a future process to deal with rural safety in general and farm attacks in particular and to improve existing strategies and to develop new plans of action. At the end of the meeting a formal Declaration was adopted. It condemned murders and other crimes affecting farming and rural communities; it recognised the problem as complex and multifaceted; it stressed the importance of effective law enforcement; it recognised the necessity of involving all people in the rural protection plan; it pleaded for cooperation; it referred to improvements of the criminal justice system; it recognised the rights of victim; and it emphasised the necessity for further research, sustained effort, and the need to strengthen moral values. To give effect three task team working groups were established, dealing with communication, information and research, with operational interventions (i.e. the rural protection plan) and with rural safety policy.

In spite of these steps the incidence of farm attacks did not decline, although there were

signs of the situation stabilizing. More and more farmers began to believe that there was more to it than ordinary crime. Organised agriculture, and especially the Transvaal Agricultural Union (the TAU, now the Transvaal Agricultural Union of South Africa), which had split away from Agri SA, pointed at the increasing incidence of farm attacks, the cruelty often exhibited by the criminals, the ‘military precision’ with which many of the attacks were executed, the fact that sometimes nothing was stolen during these heinous assault and murder attacks, and the inability of the security forces to deal effectively with the problem. From that they deduced that farm attacks were politically inspired and that the real aim was to drive the (white) farmers off the land so that the land could be occupied by the (black) majority. Some individuals went so far as to accuse the SAPS of a cover up, and even of complicity in farm attacks.

In January 2001 the then Minister for Safety and Security, Mr. S. V. (Steve) Tswete, indicated that the phenomenon of farm attacks would be researched independently to establish the motives. His announcement, however, was followed by another severe spate of attacks, including some in the North West Province which were particularly gruesome and which drew sympathy for the families of the deceased. The farming community was up in arms, and newspaper reports quoted farmers as saying: ‘Genoeg is genoeg!’ (‘Enough is enough’). Minister Tswete, went to the North West Province to commiserate with the families. He also addressed the farming community at Marikana. During these meetings the Minister promised that he would not leave the farmers in the lurch, and he announced that a committee would be appointed to carry out an independent inquiry to investigate the phenomenon of farm attacks.

In March 2001 Agri SA also had a meeting with the Minister, and he immediately took steps to establish the promised committee of inquiry by calling a meeting in Pretoria on 4 April 2001, where various interested parties were present, including persons who had indicated that they were prepared to serve on the committee. At the meeting he said that there was a widespread perception among the farming community that FA were an orchestrated phenomenon, motivated by the desire to drive farmers off their land. This perception was difficult to dispel under the present circumstances while farmers were being attacked and murdered. He instructed the committee to ‘leave no stone unturned’ to establish the motives and causes for attacks against the farming community. He stressed that the committee should ‘do a thorough job’, even if it took longer than envisaged.

The Minister’s determination to deal with farm attacks has been called into doubt by certain persons and organizations. As will be seen later in this report, some have even accused the Minister and the Government of duplicity and, worse, of somehow being involved in farm attacks. The Committee has absolutely no doubt about the Minister’s sincerity. At no stage did he hinder the Committee in any way, and on several occasions he indicated his desire that the inquiry should be finalized as soon as possible. The Committee regrets that that could not happen before his untimely death. It should also be added that the new incumbent, Minister Charles Ngakula, has been equally eager for the Committee’s work to be finished.

COMPOSITION OF THE COMMITTEE

The Special Committee of Inquiry into Farm Attacks was appointed by the National Commissioner of Police on 2001-04-05, in terms of section 34(1)(l) of the South African Police Service Act, No 68 of 1995. It is therefore not a ministerial commission, but a departmental committee. It would be fair to say, however, that the Committee was appointed at the behest of the Minister.

The members of the Committee are as follows:

Adv. C.F. du Plessis SC (Chairperson), a retired Director of Public Prosecutions in the Northern Cape. He has wide experience in criminal law, including the prosecutions of cases resulting from farm attacks.

Ms M.E.A. de Haas, a senior lecturer at the School of Anthropology and Psychology at the University of Natal. She has done extensive research on, *inter alia*, violence in Kwa-Zulu Natal.

Ms. J. Dhlamini, also a senior researcher at the Institute for Human Rights and Criminal Studies at Technicon South Africa, and co-author with Ms Mistry of the report mentioned above.

Ms. D. Mistry, a senior researcher at the Institute for Human Rights and Criminal Studies at Technicon South Africa. She is co-author of a research report on perpetrators of farm attacks.

Prof. C.J. Moolman, head of the Department of Criminology at the University of the North. He has published research papers on the phenomenon of farm attacks.

Mr . M. Rasegatla, Secretary for Safety and Security, who served as the representative of SAPS on the Committee.

Adv. M. Schönreich, senior researcher at the Institute for Security Studies. He specializes in crime prevention and policing, and is co-author of a research report on attacks on farms and smallholdings.

Ms. H.C. van Wyk, head of the Trauma Unit at the Rand Afrikaans University. She has dealt with many victims of farm attacks. (She was not on the original Committee, but appointed later.)

The Commissioner also made available the services of Superintendent L. Tshayana as administrative secretary.

By virtue of their occupations it would appear that the members of the Committee are quite independent. However, since several of the committee members had previously done research in the field of farm attacks and published reports and monographs in which they expressed certain points of view on the topic, it was of some concern whether they could approach the matter without any preconceived ideas. One person gave that as the main reason for not making submissions to the Committee: 'My main problem is that my evidence will be weighed, evaluated and interpreted by a Committee, the majority of

whose members have already in public expressed views, published reports and taken up positions about the very issues the Committee had been instructed to start investigating. They will not simply be evaluating my evidence which might well be in conflict with their publicized views but will also in a sense be sitting in judgment on their own work.’

The Committee itself was not blind to this problem. In fact, the matter was raised by the members at the very first meeting with the Minister on 4 April 2001. After due deliberation they were satisfied that they would be able to maintain the required objectivity and it was decided that the Committee should continue as constituted. There were two reasons for this: firstly, the committee members are either lawyers or academics who, by training and experience, should be able to be objective and even change previously held opinions in the light of new information which may come to light; secondly, they come from very diverse backgrounds, representing, as it were, a broad spectrum of opinions. The Committee has therefore been able to look at the matter from different perspectives. No single group of persons who have an interest in the matter should feel that their views have not been properly considered by the Committee.

As will be seen later, the methodology adopted by the Committee was not the traditional one of formal sittings where only evidence from witnesses is received and considered. The reality is that much research into the problem of farm attacks has already been conducted, and many reports have already been brought out by various bodies and individuals. The result is that there is a large volume of literature already which the Committee has had to peruse and consider. To do so properly required an acquaintance with the subject matter and, in fact, the knowledge and experience of some members in the field of farm attacks have proved to be invaluable.

The only Committee member who can be said to have any vested interests in the findings may be Mr. M. Rasegatle, the representative of the South African Police Service. The reason for this is that the Police Service has been accused from certain quarters of not doing enough about farm attacks, or even of hiding the true state of affairs. At no stage did Mr. Rasegatle attempt to influence the Committee and he never showed any partiality. He quite rightly kept a very low profile, fulfilling the role of observer. The Committee nevertheless values his contribution greatly.

TERMS OF REFERENCE OF THE COMMITTEE

The terms of reference of the Committee were as follows:

‘To inquire into the ongoing spate of attacks on farms, which include violent criminal acts such as murder, robbery, rape, etc, to determine the motives and factors behind these attacks and to make recommendations on their findings. The inquiry should also include the following:

- review of court cases;
- interviews with sentenced persons;
- interviews with the farming community, including victims;

interviews with investigating officers; and
interviews with any other person or institution which the Committee may
deem necessary for the purposes of their report.’

An interim report on the matter was to be completed within three months after the establishment of the Committee. A final report and recommendation was to be finalized within a time as agreed upon with the National Commissioner after the submission of the interim report.

The Committee submitted a very brief Interim Report on 2001-07-05. At that stage the Committee was still hoping to bring out a final report by the end of 2001. It quickly became clear that that would not be possible. There were several reasons for this:

The task proved to be much bigger than anyone could possibly have imagined. Not only was there a large volume of existing literature on the subject, which had to be perused and evaluated, but the Committee had to receive a large number of presentations from individuals as well as various bodies and institutions. Then it also had to carry out its own research and analyse the statistics.

The Committee asked the various agricultural unions to submit cases which they thought merited special attention. That information was received only towards the end of 2001, and then it turned out that much of the information supplied was inaccurate. After that it took many months to try and trace the police dockets and other relevant information.

Some time after the inception of the Committee the whole question of land invasions suddenly gained prominence. Although not mentioned specifically in its terms of reference, it quickly became clear that, for reasons that will be set out later, it was not something that could be ignored: it was very relevant to the whole question of farm attacks and security on the farms.

To the disappointment of the Committee, it turned out that much of the statistical data on which it had hoped to be able to rely, was both incomplete and unreliable, requiring careful interpretation. On some matters no statistics were available, and the Committee had to try and compile the necessary statistics to the best of its ability. Some very relevant statistics were received as late as February 2003, at a stage when the Committee was busy finalising its report already.

There were also serious practical problems. All the committee members were fully employed somewhere else. Most members were in fact attached to universities or technicons in either teaching or research capacities. The result was that none of them could devote more than a few days per month to the work of the Committee. It also made it impossible to meet for more than one or two days at a stretch.

The Committee members came from various parts of the country: from the Cape in the south to Polokwane in the north, from Durban in the east to Johannesburg in the west. This made it difficult and very costly to meet in Pretoria more than once a month. More importantly, it made it very difficult for members writing specific sections of the report to discuss matters on a regular basis with other members.

The problem of farm attacks has been investigated in the past by various institutions as well as individuals. Many of those inquiries have been unsatisfactory for various reasons. Often, in their reports, researchers relied on unsubstantiated opinions of previous researchers. The Committee therefore decided to make as exhaustive a study of the matter as possible, even if it meant that the inquiry would take much longer than was hoped for.

Not all the work done by the individual Committee members is reflected in this final report. Some of the research that had to be done was really only tangentially relevant, yet they had to be followed up. Some of the investigations led to dead ends.

There is no doubt that the report is not going to satisfy everybody. The Committee members knew that right from the start and they accept it. What they do wish for is that all persons and bodies who have an interest in the matter should acknowledge the *bona fides* of the individual members, and accept that they have not attempted to hide any information or distort any evidence, but have tried to deal with it openly and objectively.

DEFINITION OF FARM ATTACKS

Although most people seem to know exactly what is meant by a farm attack, the definition of the concept has given the Committee considerable problems. There is no specific crime such as farm attack, whether at common law or in statutory provisions. It is rather the manifestation of crimes such as robbery (usually with aggravating circumstances), house-breaking with intent to rob and robbery (usually also with aggravating circumstances), murder, rape, assault with intent to inflict grievous bodily harm, malicious injury to property, arson, etc.

The term farm attack is not defined in the terms of reference of the Committee either, nor is it to be found in a dictionary. The following definition was approved by the National Operational Co-ordinating Committee (NOCOC): ‘Attacks on farms and smallholdings refer to acts aimed at the person of residents, workers and visitors to farms and smallholdings, whether with the intent to murder, rape, rob or inflict bodily harm. In addition, all actions aimed at disrupting farming activities as a commercial concern, whether for motives related to ideology, labour disputes, land issues, revenge, grievances, racist concerns or intimidation, should be included. Cases related to domestic violence, drunkenness, or resulting from commonplace social interaction between people - often where victims and offenders are often known to one another - are excluded from this definition. Specific crimes that are included in the definition are murder, attempted murder, rape, assault with the intent to do grievous bodily harm, robbery, vehicle hijacking, malicious damage to property where the damage exceeds R10 000, and arson. This is also the definition used by the Crime Information Analysis Centre (CIAC) of the SAPS, which also collects statistics on farm attacks.

The NOCOC itself recognises the shortcomings in the definition, and it has also been criticised by various other people and institutions. Human Rights Watch finds it

problematic because of the bundling together of farms and smallholdings, especially since there is no definition of farm' or 'smallholding' either. HRW understands farms to mean 'large commercial farms which provide the sole or main form of income to those who own them', while smallholdings are 'small plots of land mostly surrounding the big cities, where people live and may grow some crops, but which do not form the principal source of livelihood for their owner, who usually work in other employment or are retired'. HRW points out that people living on this type of smallholding are particularly vulnerable to attacks since they are effectively part of the city crime environment. The bundling together of farms and smallholdings has therefore skewed the figures. 'Bundling the figures together generates a picture of remote commercial farms based on information that is in fact derived partly from the very different environment of the semi-rural areas surrounding the big cities.

HRW therefore is of the view that by including smallholdings, the incidence of farm attacks in the narrow sense of attacks on 'remote commercial farms' may appear higher than it is in fact. The Committee is of the view that this is not a valid argument for ignoring attacks on smallholdings. Firstly, there are many smallholdings where commercial farming does take place, e.g. vegetable growing, which is quite common. Conversely, there are some farms - presumably not many - where commercial farming does not take place, e.g. game farms kept for the private use of the owners (often a syndicate). Secondly, smallholders are often subject to the same type of attacks or other forms of intimidation suffered by many commercial farmers but only exceptionally by city dwellers. Thirdly, the statistics now kept by the NOCOC and the Crime Information Analysis Centre (CIAC) do in fact differentiate between attacks occurring on farms and those on smallholdings, and where relevant the distinction between the two can be maintained.

The Committee does not regard the difference between farms and smallholdings as unimportant, however. Because of the different circumstances, such as the relative proximity of the police and the services of security firms, and different dynamics, such as the involvement of urban criminal gangs from nearby informal settlements, a different approach may obviously be called for in dealing with attacks on smallholdings. Furthermore, if one of the motives for farm attacks is the desire to drive the farmers off the land, as many people seem to believe, that motive is more likely to apply to larger farms which can be subdivided into smaller units than to smallholdings. In analysing the statistics the Committee has in fact differentiated between farms and smallholdings whenever it was appropriate.

The second point of criticism that HRW levels against the NOCOC definition of farm attacks is that 'while the definition does not refer to race, in practice racial issues dominate the way the statistics are collected - just as they dominated the decision to start collecting the statistics in the first place'. The organization further allege that violent crimes against farm residents are only taken note of if they are committed in the course of a crime against the (white) farm owner. The Committee itself, however, analysed the NOCOC database on farm attacks, and there are in fact many instances where attacks by outsiders on black farm residents have been recorded in the statistics, without any

indication that they were committed during the course of an attack on the (white) farm owners. HRW also alleges that station commissioners usually have detailed knowledge about violent crime or burglaries against white farmsteads, but they tend to be unaware of violent crime against farm residents committed by unknown outsiders that has come to the notice of HRW. It may be that senior police officers tend to be more aware of crimes associated with farm attacks than other crimes amongst the farming communities. Since many farm attacks, if not most, take the form of armed robberies, often accompanied by serious assault or murder, that may be understandable. The reality is that the (white) farm owner may be seen as a much more lucrative goal for a farm attack than the less well to do workers.

The third point of criticism that HRW raises against the NOCOC definition is that crimes resulting from commonplace social interaction are excluded. Thus, HRW says, 'black-on-black' violence is excluded, whereas in many areas serious assaults among farm workers are the most common violent crime. This creates the impression amongst farm workers that only violent crimes affecting property owners are of importance to the State. Furthermore, the statistics also do not include assaults committed by farm owners against farm workers, which go largely unreported.

This criticism was echoed by the secretary of the National Land Committee (the NLC). He strongly submitted, to the point of ridiculing the Committee, that they should investigate all forms of violence on farms, including violence committed by farmers against farm workers. He submitted that the definition used by the NOCOC was racist, in that it would include an attack of a farm worker on his employer as a farm attack, but not the converse. The Committee should therefore investigate farm safety, and not farm attacks. In his view, an eviction of a farm resident by a farm owner should also be regarded as a farm attack.

The Committee is of the opinion, however, that its mandate is clear and unambiguous. The appointment of the Committee was the direct response of the Minister to the appeals of the farmers in the wake of the 'ongoing spate of attacks on farms which include violent criminal acts such as murder, robbery, rape, etc.', and he tasked the Committee 'to determine the motives and factors behind these attacks'. The reason for the inquiry into motives was the allegation from various individuals and bodies that farm attacks were part of a concerted campaign to drive the farmers of the land. If one looks at the wording of the mandate of the Committee, on the one hand, and the context within which the Committee was appointed, on the other hand, there can be no doubt about the fact that the Minister had in mind farm attacks in the ordinary, narrow sense of the word, and not in the extended sense proposed by HRW and the NLC.

The Committee believes that the type of social fabric crimes that HRW refers to fall outside the mandate of the Committee. A drunken brawl by farm residents who overindulged in liquor can by no stretch of the imagination be described as a farm attack, even if it results in homicide. The same applies to violence committed by farm owners against farm workers, and vice versa. The NLC in its submissions to the Committee alleges that any physical assault by a farm worker on a farmer would automatically be

labelled a farm attack. The Committee came across a case in the North West Province where the police refused to classify an attack by a worker on a farmer as a farm attack, in spite of the protestations of the farmer. In fact, no-where has a simple case of assault by a worker on a farmer resulting from a dispute, for example over wages, been registered as a farm attack.

It may be that violence committed by farmers on farm workers, tenants and other inhabitants on farms merits proper investigation. Several studies, such as the one by the Human Rights Watch itself, have been undertaken in this regard. The South African Human Rights Council organized hearings throughout the country during July and August 2002 where that type of violence was given particular attention. There can be no doubt, however, that this Committee can only investigate violence committed by farmers to the extent that it may have an impact on farm attacks in the narrow sense of the word. That is clear when regard is had to the express statements of the Minister at the inaugural meeting of the Committee quoted above.

The HRW also takes issue with the very term 'farm attack' since it reinforces, 'through the use of the word "attack" the idea that there is a military or terrorist basis for the crimes, rather than a criminal one'. There may be some merit in this assertion. However, it is common to describe a robbery, especially an armed robbery, as an attack, whether carried out against farmers or not. Furthermore, as will be seen later, some of the armed robberies on farmers are in fact nothing less than an attack where, for example, farmers are suddenly overpowered at night and assaulted or killed, or even ambushed while they are returning home from elsewhere and then assaulted and killed.

The Committee has also received complaints from organized agricultural, specifically the Transvaal Agricultural Union, of intimidation and victimization of farmers by certain police officers, who allegedly arrest farmers on the basis of allegedly unfounded complaints of assaults or illegal evictions by farm workers, other farm residents and squatters. Again, it falls outside the Committee's terms of reference to investigate this matter, unless it forms part of a larger and more sinister campaign to drive the farmers off the land, as is alleged by some.

For the purposes of this investigation, therefore, the Committee defines 'farm attacks' in the narrow sense of the word, rather than with the extended meaning referring to all forms of violence on the farms. Furthermore, for statistical purposes the Committee adheres to the NOCOC definition set out above. That definition is not without problems: Although it is fairly specific, it also has arbitrary aspects. The minimum pecuniary damage of R10 000 in the case of arson, for example, is clearly arbitrary and unsatisfactory. It does not take into account cases where the actual damage is less than the set limit, but the potential damage much more. The Committee considered formulating its own definition of farm attacks, but that would have diminished the value of the large volume of statistics already collected by the NOCOC considerably. The Committee is satisfied, however, that the definition used by the NOCOC is sufficiently accurate to collect statistics on the nature and incidence of farm attacks, and to draw conclusions therefrom. The anomalies that may arise from adhering to that definition are

not of sufficient importance to affect the validity of the statistics.

Finally, it should be noted that when the term 'farm attack' is used in this report, it refers to attacks on both farms and smallholdings, unless it is specifically stated otherwise or the context indicates otherwise, in which case the terms 'attacks on farms' and 'attacks on smallholdings' may be used.

METHODOLOGY

Introduction

The terms of reference of the Committee itself partly prescribed the methodology to be followed by the Committee. The Committee was namely instructed in general to inquire into the incidence of farm attacks and to make recommendations, stating that the inquiry should include the review of court cases and interviews with sentenced persons, the farming community, victims, investigating officers and any other person or institution which the Committee may deem necessary.

The procedure for receiving evidence applicable to committees such as the present is set out in the regulations issued in terms of section 24(1)(g) read with section 34(3) of the South African Police Service Act, No 68 of 1995. The regulations are to be found in Government Notice No R.900 dated 4 July 1997 in Government Gazette No 18099. In terms of regulation 5 a committee has the same powers as a court of law to secure the attendance of witnesses and compel them to give evidence. Regulation 3(4), however, authorises a committee to determine its own procedure, and the Committee decided to adopt an informal approach. Furthermore, due to the nature of the inquiry it became clear that receiving oral evidence could not and should not be the only way by which the Committee gathered information.

The Committee had its first meeting in Pretoria on 4 April 2001. There were a total of 18 formal sittings, stretching over some 32 days. However, the members decided right at the outset that it would be impracticable and even impossible to have long sittings as a group, although that would have been very helpful. As mentioned above, not only were the members in fulltime employment elsewhere, but they were also spread throughout the country. Regular meetings would therefore have been impracticable and prohibitively expensive. Most of the work, therefore, had to be done by smaller groups or by individual members on their own.

The Committee gathered inputs and other information in various ways, including

- hearing oral submissions during formal sittings in Pretoria,
- inviting interested persons and bodies to submit written submissions,
- interviewing other persons who could make relevant contributions,
- visiting various areas in smaller groups to obtain firsthand information,

perusing the very large volume of literature on farm attacks already in existence, reviewing and analysing the statistical data supplied by SAPS and other bodies, studying police dockets, files of various Directors of Public Prosecutions and other official documentation relating to court cases, such as court records and judgements, and conducting case studies of specific incidents of farm attacks.

Oral submissions

No person or representative of any institution was formally subpoenaed to give evidence. The Committee rather invited persons or bodies to attend and make submissions. Furthermore, persons making submissions to the Committee were not put under oath, and very often their submissions took the form of informal discussions. Several persons and bodies made submissions more than once and sometimes the Committee asked them for additional information.

With very few exceptions all the persons asked to make submissions to the Committee acceded to the request. The one notable exception was the Pan Africanist Congress, which did not respond to an invitation for their representative to attend a sitting. Prominent officials of the PAC had made pronouncements on the subject of farm attacks on various occasions and the Committee wished to give them opportunity to substantiate the statements. A few other individuals also declined to make submissions, but the Committee did not deem it necessary to compel them to make an appearance.

Although the sittings of the Committee in Pretoria were open, very few members of the public attended. They were usually individuals accompanying other persons making submissions.

Some 32 persons made submissions, either in their personal capacity or on behalf of the institution that they represented, during formal sittings of the Committee in Pretoria. A list is to be found in Annexure A.

Written submissions

Some institutions approached directly by the Committee agreed to prepare written submissions. These included various sections of the South African Police Service, the South African National Defence Force, various governmental departments, agricultural unions, non governmental organisations, etc. Certain individuals were also asked for a written contribution. Some witnesses also elucidated their oral submissions by means of written presentations.

The Committee also invited the general public through the media to submit written submissions on its website or through the post for consideration, but the response in this regard was disappointing.

A total of 23 written submissions were received. (See Annexure B.)

Interviews

Smaller groups or individual members of the Committee visited various parts of the country to conduct interviews with individuals or groups of persons as required by the terms of reference. The reasons for adopting this approach rather than bringing all the witnesses to Pretoria were twofold: Firstly, time and financial constraints made it much more practicable. Secondly, it allowed the Committee to gain first hand experience of the local circumstances.

As part of its qualitative research, the Committee conducted focus group interviews with investigating officers involved with farm attacks, mostly members of the various Serious and Violent Crime Units of SAPS. For these interviews a structured questionnaire was mainly used. Additional interviews were conducted with provincial commanders of SVC Units.

Interviews were also conducted with prosecutors. Those were mainly state advocates attached to the offices of the Directors of Public Prosecutions in the various provinces. The reason for this is that the more serious cases of farm attacks are tried in High Court, where these state advocates handle the prosecutions. They also control some of the prosecutions in the regional courts. Some lawyers who had already left the prosecuting service were also interviewed.

The individuals interviewed included victims of farm attacks or their families in Gauteng, Mpumalanga, North West Province and KwaZulu-Natal. These victims were identified through the agricultural unions and by means of contact persons in the various communities. These interviews were also conducted according to a structured interview schedule. Only those who indicated a willingness to be part of the study were interviewed - no-one was coerced. The victims were assured of confidentiality and anonymity.

Face to face interviews were also conducted with perpetrators of farm attacks. Only perpetrators who had been convicted were targeted for interviews. They were incarcerated in various prisons and specifically identified in order to shed light on their reasons for attacking farms. Again a structured questionnaire was drawn up and administered to the interviewees.

Finally Committee members conducted interviews with individuals, mostly farmers and groups of farmers.

Visits to certain areas

Different members of the Committee visited various parts of the country alone or in small groups to gain first hand information. This included areas where land invasions had taken place, such as Mangete, Nonoti and Enqabeni in KwaZulu-Natal and the Daveyton area in Gauteng. Problems faced by farmers were specifically pointed out by them.

Review of literature

A large body of literature on the topic of farm attacks is already in existence. Much of this is based on previous research, which was of great importance to the Committee. The literature perused by the Committee included academic publications, research reports and commentaries by agricultural and other organisations. (See Annexure D.) There were also quite a number of articles in periodicals that were relevant.

The Committee also had at its disposal hundreds of newspaper clippings on farm attacks. These dealt mainly with specific cases which received publicity rather than general comments. Various members of the Committee went through all the reports to extract those that might be relevant for the purposes of the inquiry.

The perusal of all this literature was an enormous task and in fact probably took up more time than any other of the Committee's activities.

Statistical data

Apart from the statistical data contained in the various publications referred to above, the Committee also had at its disposal the computerised database on farm attacks since 1997, compiled by the NOCOC. The CIAC also provided the Committee with much statistical information.

The NOCOC database contains particulars on some 3544 farm attacks which occurred between 1997 and 2001 inclusive. As will be seen later, this database has some defects, but the Committee found it indispensable for the analysis of certain patterns and trends. Some members of the Committee went through all these cases cursorily, and selected those that required more thorough study.

The database is compiled from various sources, including the so-called daily incident reports, and the Committee also perused many of those reports themselves.

The various agricultural organisations also supplied the Committee with certain statistics.

Official records and other documentation relating to court cases.

Various Committee members visited the offices of the Directors of Public Prosecutions in several of the provinces to peruse the documentation relating to court cases. They were

allowed access not only to official documentation such as court records, judgments, indictments and summaries of the substantial facts of the case, which are all public documents, but also to the internal correspondence and reports of the investigating officers or the local prosecutors handling the cases initially.

Some police dockets were also perused, but the sheer volume of the statements in the dockets and the difficulty in deciphering the notoriously illegible handwriting of police officials made those of limited use as a source of information. Of much more value were the typed summaries of all the witness statements drawn up by the prosecutors (who were familiar with the handwriting!) and kept by the Directors of Public Prosecutions in their own files.

Case studies

Some agricultural organisations submitted lists of cases of farm attacks that they suggested the Committee should look at in detail to substantiate certain points of view that they were maintaining. This related more to cases that were particularly brutal, cases where some political motive could possibly be discerned or cases with a racial undertone. Those came to about eighty cases. The Committee themselves then also identified about thirty cases, mainly through newspaper reports, which they thought deserved further attention, while several more were added during the course of the Committee's investigations.

These cases were then individually considered, and from them a number were selected for detailed case studies. The Committee concentrated on those cases which had actually been brought to trial, on the assumption that the most reliable information would be available on them. Extensive information on those cases were then obtained from various sources, such as the court records, the files of the Directors of Public Prosecutions, the police dockets, prosecutors, investigating officers, provincial offices of the CIAC, victims and other witnesses.