

CHAPTER 8

INVESTIGATING OFFICERS AND PROSECUTORS

INTRODUCTION

Focus group interviews were carried out with police officers involved in the investigation of farm attacks in eight provinces, namely the Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Province. Typically these groups consisted of six to eight investigating officers. Although the commanding officers were usually present, the other members were encouraged to participate in the interviews. Many telephonic interviews were also conducted with various investigating officers from the North West Province and various other provinces.

Members of the Committee also conducted interviews with some fifteen prosecutors during the course of 2002. They were all state advocates attached to the Offices of the Directors of Public Prosecutions in Bloemfontein, Cape Town, Kimberley and Pretoria. Some of the state advocates were interviewed in groups, others individually. A few were contacted telephonically because they were not available. Two previous senior state advocates, now in private practice as an advocate and attorney respectively, were also interviewed.

INCIDENCE AND NATURE OF FARM ATTACKS

History of farm attacks

Most of the investigating officers interviewed state that they began to notice farm attacks as a specific phenomenon round about 1993 or 1994. Some of them are not sure when farm attacks started to occur, but they all agree that farm attacks have increased over the last four or five years. According to them, farm attacks as described by the official definition used to be rather rare, but all the investigating officers are of the opinion that farmers had not been immune to crime previously.

Investigating officers in the North West Province say that there has been a substantial increase in the growth of informal settlements as a result of high unemployment, and many farm workers who are unemployed move to these areas. They are of the opinion that some of these unemployed farm workers go back to the various farms to rob them. Due to the media attention that these attacks received, the SAPS began to record statistics.

Investigating officers in the Western Cape are of the opinion that 'farm attacks have always been with us'. According to them such crimes on farms were previously labelled as common law crimes, such as murder and robbery, rather than as farm attacks, but after 1994 these crimes acquired a political connotation and came to be called farm attacks.

Northern Cape investigating officers have a different perspective. According to them the increase in farm attacks 'is not out of the ordinary'. What has changed in their opinion is that perpetrators now use firearms and their victims are killed. However, they aver that crimes in general are more violent than they used to be. They remark upon the fact that previously perpetrators used to steal food and valuables lying around. This has changed, however: perpetrators have now turned to acquiring firearms and items kept in the safe. For this they often require the farmer to be present to open it, which is the reason why they wait for the farmer to return.

Geographic and racial distribution of farm attacks

All the investigating officers interviewed are able to identify those areas in their provinces where farm attacks mainly occurred.

In Limpopo province the vulnerable areas are Naboomspruit and Warmbaths. Mpumalanga investigators identify areas such as Nelspruit, Whiteriver near the Kangwane Trust, Groblersdal, Marble Hall, Witbank and Greylingstad as susceptible to farm attacks. Investigating officers in KwaZulu-Natal think farm attacks take place 'all over', although the Highflats area was the 'worst', followed by the Eshowe, KwaMbonambi and Estcourt areas. (This latter area is difficult to police because it is 'wide and desolate'. Furthermore, the local police station is 'not working well'). Other problem areas listed are Weenen, Camperdown and Richmond.

In the North West the investigating officers estimate that 90% of the farmers are white whilst 10% are black. They feel that farm attacks are not confined to specific areas, but the areas worst affected are Focheville, Bloemhof and Mooi River.

In the Free State according to investigating officers there is a 'small percentage of black farmers'. Farm attacks occur 'all over' the province but they appear to take place mainly in Bethlehem and the border with Lesotho. However, in the northern and eastern Free State farm attacks are not confined to a specific area.

According to investigating officers in the Eastern Cape most farm attacks took place in the East London area.

Although black farmers do not constitute a large percentage of the farming population, investigating officers are not able to provide exact figures for their areas. Investigating officers in the Western Cape estimate that coloured farmers number less than 5% in their area. They add that there are 'very few' black farmers in the region. Farm attacks occur mainly in the Klapmuts area. In the Riemvasmaak, Richterveld and Mier areas of the Northern Cape there are 'lots of coloured farmers', who are described as 'poor'. Investigating officers say that there are a 'few black farmers' in the Hartswater area. In the Northern Cape farm attacks were prevalent in the Hartswater and Jan Kempdorp areas. In the more arid and far flung areas there are fewer farm attacks.

Characteristics of farm attacks

The characteristics of farm attacks listed by the investigating officers corresponded with those found in previous research studies. Nothing to the contrary was found in the present study.

The investigating officers are of the opinion that perpetrators generally obtain information from either a former employee or a current worker on the farm. Some investigating officers say that where a former employee is involved he or she is usually the 'brain behind' the attack. Perpetrators usually spend time beforehand to observe the movements of the inhabitants of the farm. The daily routine that farmers follow provides the perpetrators with information about their movements. Some perpetrators go to the farms on the pretext of looking for work or wanting to buy livestock. Despite this, investigating officers are adamant that the perpetrators are neither professional nor highly organised. There may be a degree of organisation, but not to the extent observed with other serious violent crime, such as cash-in-transit heists or bank robberies.

The farm attackers typically arrive on the farm on foot and steal the farmer's vehicle in order to make a getaway. However, others flee the scene of the crime on foot. The perpetrators commonly work in groups of three or four and are aged between 18 and 35. Some perpetrators travel great distances, perhaps 200 or 300 kilometres, to their intended target. Many of the attacks take place on a Sunday when the farmers return from church.

Some of the investigating officers describe the bedrooms of farmhouses after a farm attack as 'chaotic', because the perpetrators ransack the place, looking for money, firearms and the keys to the safe. Telephone wires are often cut and safes raided. Farms are easy targets because the nearest police station is often far away. Investigating officers remark that it is 'rare' for perpetrators to flee without taking anything. If they do so they are either disturbed or they panic and flee. They continued by saying that the crimes committed on farms were 'ordinary crimes' such as murder and robbery, and not farm attacks per se. According to them the term farm attacks had a political connotation. Furthermore, they thought that the definition of a farm attack was particularly problematic with regard to smallholdings.

Investigating officers in Empangeni, however, are of the opinion that each farm attack is 'unique'. They add that victims are often tied up. They also indicate that two rapes have occurred lately during farm attacks. However, investigating officers in Pietermaritzburg said that, although rape is uncommon, indecent assault sometimes takes place.

Motives of perpetrators of farm attacks

All the investigating officers interviewed are of the opinion that the primary motive for the greater majority of farm attacks is robbery. They estimate that robbery is a motive in

90% of the cases. According to investigating officers in the Eastern Cape, Northern Cape and the Western Cape, farms where there is a shop or stall, or where livestock are being sold, are specifically targeted for the money. More importantly, the investigating officers are adamant that the attacks are not politically motivated and that there is no evidence that an organised political structure is behind farm attacks. Investigating officers generally blame the agricultural unions for persuading farmers that the attacks are politically motivated, despite there being evidence to the contrary. Revenge is a motive in only a very small number of cases.

The investigating officers also say that there is a perception amongst perpetrators that farmers are wealthy, therefore they rob them for their money. Some farmers keep large sums of cash at home instead of depositing the money in the bank. Firearms are also a favourite object. According to investigating officers in the Free State 'a gun is a cheque book', meaning that it is a sought after commodity. In addition, perpetrators rob cell phones, electrical equipment and vehicles. Vehicles belonging to farmers are stolen and used by the perpetrators to make a quick getaway. Investigating officers in the North-West Province state that perpetrators steal diamonds as well.

Perpetrators also specifically target farm shops, and investigating officers in the North-West Province estimate that 20% of the farm shops have been robbed. In the Eastern Cape, some farm shops are used as pension payout points, and this is a further attraction for perpetrators. Investigating officers in this province say that signs on farms advertising chickens, sheep or other farm produce for sale, create the impression that there is money on the farm. Furthermore, because farmers have safes in their homes, perpetrators think they have large amounts of money. Investigating officers in the Northern Cape express similar sentiments. The investigating officers in the Eastern Cape cite the example of a farming couple who live close to an informal settlement and who have been the victims of farm attacks five times. Some farmers have stopped farming, but are unable to sell their land because of the high risk of farm attacks. Clearly, according to the police, they were being attacked for economic reasons.

Investigating officers in Mpumalanga think that prior to 1990 the attacks might have been politically motivated because perpetrators arrested said they were members of APLA or MK (the armed wings of the PAC and the ANC respectively). Since 1994, however, they have found no evidence that perpetrators arrested for farm attacks have been members of either APLA or MK. According to the respondents in the Eastern Cape the researchers at the provincial CIAC office found no evidence to suggest that farm attacks were politically motivated. However, the investigating officers know of one case where a perpetrator told them that he was a member of APLA.

Where revenge was found to be a motive the investigating officers generally are of the view that a labour dispute triggered the incident. Investigating officers in the North West province cite the example of a farmer who had accidentally killed the father of a worker. The worker then murdered the farmer in a robbery attack. The respondents in the Free State say there have been three revenge attacks in that province over the last few years. According to investigating officers in the Eastern Cape the number of revenge attacks is

low.

Investigating officers in KwaZulu Natal cite examples of cases where the motive did not seem to be robbery. Empangeni investigating officers are unsure about the motive in one case because the farmer's bakkie was not taken, but they found no other evidence to suggest a different motive. Their colleagues in Pietermaritzburg, however, list three cases, namely, that of Redinger, Kirby and Buys as examples of complex motives. The attack on Redinger case might have been as a result of a land claim but, on the other hand, the father of one of the suspects had worked on the farm for some years making other motives a possibility. In the Kirby matter there was also a land claim by a township resident. However, the deceased went missing and the suspect in the case was a *sangoma*, also leading the investigators to suspect other motives. Investigating officers aver that in the Buys matter hit men were hired by a local shopkeeper to kill or attack Mr Buys, because he was 'undercutting him and taking customers away'. The hit men were convicted, but there was not enough evidence against the shopkeeper to convict him.

The victims of farm attacks

According to the investigating officers victims of farm attacks include farmers, both black and white, as well as farm workers and domestic workers, as described in the official definition.) The investigating officers are unable to provide accurate figures on the number of black and white farmers residing in their police station area. The farmers who have been attacked are mainly elderly people living alone and regarded as soft targets. Some of the investigating officers say that black farmers have not been victims of farm attacks in Free State, Limpopo, Mpumalanga or the Western Cape. They speculate that farm workers are injured or killed because they are an obstacle in the way of the perpetrators.

Investigating officers from Limpopo province know of six incidents over last three years where farm workers have been victims of farm attacks. In addition, a domestic worker has been raped on a farm in the Vaalwater area. The investigating officers estimate that 30% of the victims are farm workers, while 70% are farmers or their families.

In KwaZulu-Natal the investigating officers cite examples of both black and white farmers being killed. The same applies to the North-West Province, where two black people have become victims of farm attacks of late. In the Northern Cape a coloured farmer and the wife of a farm worker have been victims of a farm attack in two separate incidents. The former was killed because of a wage dispute and the latter raped. Investigating officers in the Free State speculate that black farmers were not attacked because they 'don't have the same amount of valuables as white farmers' and 'they don't have enemies'. The Eastern Cape investigating officers cite examples of black farmers who have been robbed.

The victims' perception of farm attacks

According to the investigating officers the reaction of victims to farm attacks vary. Most of the victims are shocked, angry and in a state of disbelief, and some of them think that the attacks were politically motivated.

A few of the victims are puzzled about the experience they endured. Consequently, they ask searching questions such as 'why us?' in order to make sense of their experience. Some cannot understand why they were targeted and say: 'We have done so much for them'. They also express a loathing for the perpetrators.

According to investigating officers in KwaZulu-Natal, a few of the victims acknowledge that they are soft targets. Some say that they were victims of broader socio-political circumstances. A few victims perceive the farm attack as a racist incident. Some victims in the Western Cape think that the attacks are politically motivated and become bitter. Since the victims associate the colour of the perpetrators with the investigating officers, this results in the latter being chased away whilst trying to do their work, although the victims usually change their attitude once the investigation is under way.

Investigating officers in the Northern Cape find that the perceptions of victims vary from one farm attack to the next. Some think there was a political motivation behind the attack, while others feel it was merely robbery. According to the investigating officers, it is often the 'outsiders' who label the attacks as political, rather than the victims themselves.

The perpetrators of farm attacks

The investigating officers have found that the perpetrators are normally aged between 18 and 35. They usually work in groups of three or four. In general the perpetrators are not regarded as professional and well-organised. When apprehended, some perpetrators admit to committing the farm attack, but others deny any involvement. Perpetrators generally have previous convictions for various crimes.

In the Limpopo Province, the investigating officers estimate that in 50% of the cases the perpetrators have previous convictions for crimes such as house breaking, armed robbery and serious assault GBH. According to them, where Mozambicans or Zimbabweans are involved, the cases are characterised by extreme brutality.

Mpumalanga investigating officers find the perpetrators to be inexperienced since they often make mistakes. However, they acknowledge that individual perpetrators are not easily caught. Furthermore, perpetrators from outside the area are more difficult to apprehend since there is no information network.

Investigating officers in KwaZulu-Natal relate how a perpetrator congratulated them on 'a job well done' after his arrest. They feel that the perpetrators were well organised, e.g. they would talk to a worker who assisted with the installation of an electric fence to find out how it could be bypassed. The investigating officers have also found it rare for perpetrators to tell the truth. Investigating officers estimate that in 50% of the cases perpetrators have previous convictions, but some had never been caught before. Many have stolen firearms during other house breakings, without being caught.

Although investigating officers in the North West Province have not drawn up a profile of perpetrators, they say that they are typically young, unemployed, uneducated black males. They add that the perpetrators have previous convictions for various crimes.

Investigating officers from the Southern Free State area say that the perpetrators in their area are aged between 27 and 33, and usually have previous convictions for crimes such as stock theft and house breaking. They would typically steal firearms, money, food and valuables, and they usually eat food during the farm attack. If blankets and food are stolen then the investigating officers know that the perpetrators are unemployed people from the area. The investigating officers are of the opinion that the perpetrators kill their victims since they do not want them to be able to identify them.

In the Eastern Cape the perpetrators have previous convictions for crimes such as serious assault and housebreaking. According to the investigating officers it is rare for a perpetrator to have a previous conviction for a crime committed during a farm attack. Perpetrators are generally from the province and, where the perpetrators are known to the victim, they would wear balaclavas. This would also increase the victim's chances of being killed.

The investigating officers in the Northern Cape draw a distinction between the perpetrators in different areas in their province. According to them perpetrators who targeted the Hartswater area are from Gauteng and have committed serious crimes before. These attacks are well planned and they keep the farms under observation for a period. In the more arid and spread-out regions the perpetrators are locals and the attacks in these areas are not well planned.

Conversation between perpetrator and victim

Some perpetrators have a limited conversation with their victims, confining themselves to requesting information on the location of high value items, such as money and the keys to a safe. Other conversations are tinged with racial or political overtones, however.

Investigating officers in the North West say there is nothing unusual about the conversation between victims and perpetrators. In the main perpetrators ask where the money is or where the key to the safe is. They may also order the victims to 'lie down and keep quiet'. The experience of investigating officers in the Eastern Cape has been the same, but they add that the perpetrators also enquire about the vehicles.

In the Free State the perpetrators tend to speak Sotho, a language which the farmers generally understand.

Investigating officers in KwaZulu-Natal aver that the perpetrators often use language with racial overtones. They said that racially abusive terms such as 'white bastard' or 'white bitch' are used by the perpetrators. However, the investigating officers think that the language may sometimes be 'provoked (by the victims) because they treat their workers badly'.

According to investigating officers in Limpopo perpetrators say they are members of APLA to intimidate their victims or mislead investigating officers.

Farmer and farm worker relationship

Most of the investigating officers interviewed are of the opinion that this relationship changes in one way or another after a farm attack. In some instances farmers either harbour feelings of hatred towards their workers or have lost faith in people. This is more the case if there is suspicion that a worker was involved in the attack.

In Mpumalanga investigating officers say that after an attack the family usually move away. In their experience in many of the farm attacks the perpetrators have inside information, and often the farm workers give information to perpetrators after being paid or promised money.

Investigating officers in KwaZulu-Natal aver that farmers threaten to take the law into their own hands if they are not protected by the police. They add that some farmers do not treat their workers well. Some investigating officers cite the example of a manager on a government farm who was killed because, it was said, he had ruled his workers with an iron fist. Other investigating officers are of the opinion that relationships between a farmer and his workers 'do not necessarily deteriorate' after a farm attack, although farmers become 'more wary of their workers'.

In the Western Cape the investigating officers say that the relationship between a farmer and his workers varied from one farm to another. However, they feel that these relationships are generally good, and that relationships are particularly good between the younger generation of farmers and their workers.

According to investigating officers in the Northern Cape the relationship between some farmers and their workers became closer after the farm attack. This could be seen, for example, in the reaction of the people at the funeral of a victim.

Investigating officers find that relationships between farmers and workers vary from one farm to the next. In general they describe the relationship between a farmer and his workers as 'good', but added that this was particularly so with 'younger farmers'. In the Northern Cape investigating officers noticed that this relationship varies after a farm

attack. If there is suspicion that a worker was involved in the farm attack in some way, there is distrust. Investigating officers in the Northern Cape also remarked that farmers were making use of casual seasonal workers.

Security on the farms

In general most of the investigating officers describe security measures on farms as 'inadequate'. Not all farmers are able to afford security features such as burglar bars and alarms. Most of the farmers have marnet radios, however, and Commandos also provide protection in some of the areas. Some investigating officers concede that even sophisticated security measures will not always guarantee that the farmer will be immune from attacks.

Investigating officers from Limpopo say that security is 'virtually non-existent' on farms in their area. The reason is that farmers operate under the misconception that farm attacks 'happen to others'.

In the North West the investigating officers also think that security is inadequate. Farm houses do not have burglar bars on the windows, or even fences on the perimeter.

Investigating officers in the Free State also say that security measures on most farms are 'inadequate'. They say that the farms that are attacked often have no security at all, for example, doors are often not even locked.

In the Eastern Cape investigating officers aver that security measures on farms are 'non-existent'. They say that there is no burglar proofing on the windows. However, they concede that farm security is a complicated issue because even farms with the 'best' security have been attacked. They cite the example of someone who was killed despite having excellent security, including bullet proof windows.

Investigating officers in the Western Cape also find that doors are often not locked. There is a lack of burglar proofing in front of the windows as well. They add that there are in fact very few instances where break-ins actually occur in the sense of a door or window being broken.

In the Northern Cape, on the other hand, investigating officers reveal that although there may be some form of security, it is usually not used. For example, they found gates were left open, thereby making it easier for strangers to access a property. Furthermore, they feel that the selling of liquor on a farm posed a security threat to the farmer. However, in the Hartswater area private security companies were hired to safeguard properties, and Mapogo a Mathamaga was active in some areas too.

Investigating officers in KwaZulu Natal agree that that some of the farmers have good security. Only a few can afford to pay for the services provided by private security companies. In some parts of KwaZulu Natal, such as the Port Shepstone area,

investigating officers are of the opinion that the Commandos and Farm Watch members operate as if they were 'a law unto themselves'. In other areas such as Empangeni, the Commandos are not active but the Farm Watch and police work together. Investigating officers from the Pietermaritzburg area aver that the Commandos have 'made a difference in areas such as Weenen and Muden, where they do patrol'. In an area such as Estcourt, both the Commandos and a Farm Watch exist. In the Drakensburg area armed guards of the Parks Board patrol in the vicinity of the farms, since they are on the border of the nature reserve and Lesotho.

Comparison between urban and rural crime

There has been a great deal of debate about the violence used in a farm attack. Some people believe that farm attacks are more brutal than crimes committed in the urban areas. However, the investigating officers have a different opinion. The investigating officers generally agree that there is no difference in the level of violence used in crimes on farms and those in urban areas. The same crimes that are committed in the rural areas are also being committed in the urban areas. They reiterate that 'there is no difference between a murder in a city and on a farm'. All the investigating officers are of the opinion that rape was unusual during a farm attack.

Some investigating officers in the North West feel that the violence against farmers is more gratuitous, perhaps because the perpetrators have 'more time to assault and torture their victims'. The investigating officers say that some victims 'fight back' and this may result in violence being used against them.

Limpopo Province investigating officers feel that the level of violence in farm attacks is 'severe'. However, as mentioned earlier they are of the opinion that where Mozambican or Zimbabweans are involved the attack is often brutal. (It is not clear what proportion of perpetrators in Limpopo are Mozambican or Zimbabwean nationals.) According to investigating officers these perpetrators 'throw out their inhibitions'.

Investigating officers in KwaZulu Natal refer to a particularly brutal farm attack, where the victims were assaulted with bricks and shot, but all survived. According to the investigating officers the perpetrators were former workers on the farm. Some investigating officers in KwaZulu Natal feel that the victims in a farm attack are ill-treated more than other victims and that these victims are terrorised for a long period of time. They attribute this to the amount of time perpetrators have at their disposal. Other investigating officers, however, say that although farm attacks are brutal, the same applies to cash-in-transit heists. They define brutality in terms of hacking and stabbing of the victim. However, they are of the opinion that race does not play a role in such matters. According to them the 'more experienced the perpetrator, the less violence there is'. Mpumalanga investigating officers felt that violence has increased since the moratorium on the death penalty came into effect. They find offenders to be 'more opportunistic'.

According to investigating officers in the Western Cape, robberies such as café robberies are just as brutal as farm attacks. The victims are killed equally easily in both instances. Furthermore, they added that there is no difference between an armed robbery on a farm and one in an urban area, because gangs are involved and they intimidate the victims. Most of the victims in the Western Cape have been killed. Only a few women have been raped, however, and post mortem examinations carried out on deceased victims also showed no evidence of sexual assault in most cases. They reiterate that there have been only a 'couple of rapes over the last few years'. In 2001 there was one rape in six or seven farm attacks.

The Northern Cape has also had a 'few rapes' according to the investigating officers. They cite the example, however, of a farm worker who was raped several times by an attacker. They indicate that out of the eight farm attacks in the Hartswater area there has been one rape of a farmer's wife. In other areas there has been none.

Investigating officers in the Western Cape and Northern Cape aver that crime in the rural areas of their provinces is mainly social fabric crime. They are of the opinion that these crimes are related to alcohol abuse. Other crime prevalent in their areas is common robbery and stock theft. They also conclude that fatalities during farm attacks are often due to the aggressive attitude displayed by victims, particularly elderly people. In contrast those in the Northern Cape attribute murders and excessive violence to the fact that crime has become more violent. They are of the opinion that victims are murdered to prevent identification of the perpetrator.

There has been one case where a corpse was 'decorated'. This occurred in Christiana in the North West province. None of the investigating officers in the other provinces had similar cases.

INVESTIGATION OF FARM ATTACKS

Investigating officers

It appears that farm attacks are generally investigated by specialised units. These are mostly the Serious and Violent Crime Units, which have largely replaced the old Murder and Robbery Units. The members interviewed investigate not only farm attacks, but also other serious violent crime. Irrespective of the name of their units, however, these members are all well-trained and seasoned investigating officers, most with many years of experience.

Investigative techniques

All the investigating officers agree that the first 48 hours after a farm attack are the most crucial for the investigation. None of them have received specialised training in respect of farm attacks. Many say they have learnt on the job and gained experience in this way.

Furthermore, the case management approach is used to manage the investigation. Some of the units prioritise the investigation of farm attacks whilst others do not. The techniques used in investigating farm attacks are no different to other similar serious violent crime. However, there are additional resources available to some of the investigating officers in the various provinces under scrutiny. This is in the form of Commandos and Tracking Units.

The investigating officers usually work from the crime scene outwards. This means that they question all the inhabitants of the farm, and then do the same at neighbouring farms. Farm workers are therefore crucial to the investigation. The investigating officers follow any leads emanating from their discussions with the victim's family, farm workers and neighbours, but they also place heavy reliance on informers. Experts such as the Forensics specialists, ballistics experts, fingerprint experts and crime scene technologists, are typically called to the crime scene, as they would in other serious cases. In some instances a helicopter is used to track down the suspects.

In Mpumalanga a crime scene manager is appointed who directs the investigation and makes decisions about the deployment of additional resources. The crime scene manager then appoints an investigating officer who manages the crime scene. Three investigating officers are left to comb the crime scene whilst the others undertake fieldwork. This entails gathering information in the area that may be pertinent to the crime.

Investigating officers in KwaZulu-Natal admit that they 'go into more detail for farm attacks than for other cases', because they interview all the people on the farm and spend more time at the crime scene. After the first 48 hours they form a team, known as the 'call group', and they are responsible for the investigation for the first seven days. The docket is then handed over to specific investigating officers for further action. The case at hand is discussed at regular staff meetings. Furthermore, the investigation of a farm attack is 'intensive for the first two weeks' and this results in the other cases on hand being put aside. Some indicate that their docket load consists of 30 cases each.

In the North-West Province the police make use of helicopters to track down the suspects. The investigating officers in this province describe farm attack investigations as 'labour intensive' but they do not make use of any special investigative techniques. They generally use the same techniques as their colleagues in other provinces. However, they find that farm workers are usually quite scared to say too much because they fear the perpetrators. They also find that some victims do not want the police to use black detectives, although this sentiment usually falls by the wayside once the investigation gets under way.

Investigating officers in the Free State examine the crime scene to determine what kind of perpetrator they need to find. For example, the investigating officers are able to ascertain if the suspect is a violent person by the number of shots fired at the crime scene. Furthermore, the wounds on the victim may also indicate if the suspect is a violent person. They form a team comprising of up to seven investigating officers, who interview farm workers and go to the neighbouring farms. If a vehicle belonging to the farmer was

stolen the media is contacted so that the perpetrators are apprehended more speedily.

In the Bushveld area of Limpopo Province a contingency plan has been drawn up. In it the Area Operational Co-ordinating Committee (AOCOC) has spelt out what should be done at the scene of a farm attack. In sum, a Joint Operations Centre (JOC) is set up, from which the investigation of the farm attack is co-ordinated. Any information emanating from the investigation must be relayed to the JOC, which then sends it on to the relevant person. In this particular area a Tracking Unit, Disaster Management Team, Commando Unit and Airwing are mobilised for the investigation. Each of the stakeholders has a clearly defined role in the contingency plan, hence there is no confusion when the plan is put into action and valuable time is not lost. The plan also states who will be in command of the investigation. Investigating officers leave their existing work to concentrate on the farm attack concerned. Some investigating officers are even said to sleep at the crime scene or work throughout the night to apprehend the suspects. The informer network is also a valuable source of information. Investigating officers comb the crime scene to determine whether or not the attackers fled on foot or by car.

Investigation techniques are not the only tool at the disposal of the investigating officers. They are also able to rely on the assistance of SANDF commandos, which play a constructive role in some areas.

Commandos

The investigating officers are of the view that the commandos, where they work together with the SAPS and the SANDF in terms of the Rural Safety Plan, play an important role in farm attacks.

The investigating officers report that, in respect of crimes on farms, a commando system is in place in several areas. These commandos are tasked with assisting the police with rural safety and security, but their effectiveness varies from one area to the next. The commandos are often made up of local farmers who may or may not be former members of the SANDF. They are issued with weapons from the state. Many farmers in the rural areas are linked to each other and to a control centre via a shot wave radio system (usually the so-called marnet system). The commandos are often the first to receive a call for assistance from the farmer under attack, since the police station is frequently far away. The commandos then call the police and inform them that a crime has been committed. The commandos set up a roadblock or start looking for the suspects.

The commandos are both being praised and criticised by investigating officers for their role after a farm attack. In some areas, such as Limpopo, the commandos are drawn into a structure such as the Joint Operations Centre (JOC) and play a useful role. In other provinces, such as the Eastern Cape, the investigating officers have found that members of the Commando who arrive at the crime scene sometimes destroy vital evidence by trampling on it. Ideally the commandos should either cordon off the area or maintain a

distance from the crime scene.

Tracking Units and other assistance

Although the investigation techniques used by the investigating officers in the various provinces are very similar, those in the Eastern Cape, Free State and Northern Province have additional expertise in the form of the Tracking Units. Often the members used to belong to the 'Koevoet' reconnaissance and tracking unit of the former SADF, used in Namibia and Angola to track down SWAPO guerillas during the Angolan war.

The Eastern Cape has a Tracking Unit based in Grahamstown. It has nine members who work for other units in the SAPS. When they are notified of a farm attack the nine members join forces and set out to track down the suspects. They set their other work aside in order to do the tracking. Unlike the Tracking Units in the Free State and Limpopo, these are not ex-Koevoet members, although they have been trained by ex-Koevoet members. They usually meet the investigating officers at the crime scene where a JOC is set up. The JOC is made up of the Commando, SANDF, SAPS, Airwing and Farm Watch. The members of the Tracking Unit follow the tracks of the suspects on foot. Although they work on the perimeter of the crime scene they consult the locals of the area. They have been able to track a suspect down in 24 hours. In one case they followed the tracks of a suspect right to the place where he was sleeping. Unfortunately this unit only works in the Grahamstown area, and the other areas in the province have not called upon their expertise.

The Tracking Unit in the Free State is usually called in to assist the investigating officers. This unit comprises of three members, based at Theunissen, and endeavours to assist at most of the scenes of farm attacks. All the members of this unit are former Koevoet members, two being from Ovamboland in Namibia. The members go to the crime scene to determine how the suspects gained entry and to examine the path they followed after their departure. From the size and nature of the tracks they normally deduce the height and weight of the attacker. The tracks also show how the person moves, e.g. whether he is walking, running or limping. According to members of the Tracking Unit, perpetrators generally run away from the scene of the crime but stop running after about 100 metres in order to avoid arousing suspicion.

In Limpopo Province a Tracking Unit as well as a Dog Unit is called in to follow the tracks, where the attackers fled on foot. In this area the Tracking Unit has 12 former Koevoet members, who are originally from Ovambo in Namibia. According to the commanding officer of the detectives interviewed, the success rate of the Tracking Unit is 90%. In addition to having the expertise of former Koevoet members, the Airwing is of the SAPS is mobilised. The commanding officer also states that since the plan was put into place, the investigation of farm attacks has been very successful.

The value of the Tracking Units cannot be underestimated. They have made a significant contribution to the apprehension of perpetrators of farm attacks. The investigating officers complain, however, these units have limited resources (both human and logistical) and are considered a 'dying breed'.

Response by the security forces

Once the alarm is raised on a farm all stakeholders, that is the SAPS, Commandos, Farm Watch and neighbours who can assist, try to react in the shortest possible time. The response time of the various units of the SAPS varies, but if Commandos are active in an area they will usually be the first to arrive at a crime scene. All the investigating officers agree that distance plays an important role in response time - the further the farm, the slower the response time.

Limpopo Province investigating officers estimate that the response time for the SAPS range between 20 to 45 minutes, depending upon the distance between the police station and the farm concerned. In Mpumalanga, in order to speed up the response times the roads are clearly marked. The main roads are allocated a letter of the alphabet whilst the farm roads are numbered. This ensures that the farms are easily identified and the local police station personnel can find their way easily.

In KwaZulu-Natal investigating officers say that the rural police stations do not have appropriate vehicles for the rugged terrain, and it can take the Murder and Robbery Unit more than three hours to reach a crime scene in the northern part of the province. In addition, they complain that ballistics and fingerprint evidence takes a long time to process. They also raise the issue of witness protection, in the light of witnesses refusing to testify due to intimidation. Some potential witnesses are scared to come forward and to provide information. Furthermore, the investigating officers are concerned about the safety of witnesses and advocate the need for special courts and *in camera* proceedings. The investigating officers also mention a serious case in Highflats, where exhibits were stolen and the Commandos ruined evidence on the crime scene.

Investigating officers in the Empangeni and Pietermaritzburg area are of the opinion that the criminal justice system is 'quick' to respond. This is attributed to the farmers, however, because they are 'well organised' and they 'work together with the police'. The farmers also assist the police by providing vehicles for their use. According to the investigating officers, the sentences handed down are 'better than before', although they have different opinions as to whether or not sentences have any deterrent value. A few of them are of the opinion that young people are 'uneducated' and 'do not understand the implications of their acts'.

The problem of vast distances was reiterated by investigating officers in the North- West Province. To get to the furthest point in that province requires two hours of travelling. However, they describe the local police station response as 'rapid - within 30 minutes'.

Investigating officers in the Free State describe the SAPS response time as 'immediate'. However, where the perpetrators have cut telephone lines, the reporting of the attack is delayed.

In the Eastern Cape the investigating officers are of the opinion that the response time depends on who receives the call first. According to them there is 'chaos' if the

commandos and the local police officers are the first to arrive at a crime scene, rather than the specialist units. If a farm attack occurs after hours the specialised units would arrive at the scene of the crime in less than an hour, although if the telephone lines are cut they may be the last to arrive at the crime scene.

Investigating officers in the Western and Northern Cape also acknowledge that long distances between farms and the local police station have an impact on the time it takes for the SAPS to respond. Those from the Western Cape add that because of the distance, the Forensics Unit based in Cape Town takes a long time to get to the scene of a crime in a rural area. Although the use of helicopters contributes to a speedy reaction, there has been an instance where the helicopter had to return to base due to insufficient fuel.

Battle indicators

Most investigating officers interviewed are rather sceptical about the battle indicators theory. None of them have come across any of the signs that could be termed battle indicators in respect of a farm attack.

In Mpumalanga the investigating officers feel that the theory of battle indicators 'do more harm than good', because it creates 'fear and suspicion'. Despite this, they seem to think that there are signs or markers that carry a specific meaning. For instance, a bottle in the road may mean people have been poaching animals and would return later, and plastic bags on a fence may indicate that stock theft will take place in that area.

Investigating officers in the North West do not have much faith in battle indicators. They say many so-called signs have innocent explanations, e.g. knots in the long grass may be markers for people cutting grass in the area.

In the Free State signs or markers are used mainly for stock theft and dagga smuggling.

Only one investigating officer in the focus group in KwaZulu Natal has heard of the battle indicators, while the others do not know anything about it.

Conviction rate

Most of the investigating officers are of the opinion that the conviction rate was rather high, their estimates ranging from 50% to 90%. The high conviction rate is attributed to various factors, such as good police work (including investigations), the fact that the more experienced prosecutors deal with farm attacks, and the fact that the cases are well prepared. Furthermore, the investigating officers state that the arrest rate is 'good'. It is apparently 'extremely rare' for prosecutors to decline to prosecute in such matters because of insufficient evidence. Some investigating officers say that 'tough sentences, usually the maximum' are imposed on the perpetrators. According to investigating officers in the Free State perpetrators of murder are not given a sentence of 'less than 40

years'. However, they complain about perpetrators of stock theft being released too early. Despite the stiff sentences, some investigating officers say that these do not act as a deterrent to potential criminals. A few of the investigating officers think that capital punishment is preferable to long terms of imprisonment.

Unsolved cases

Most of the investigating officers are of the opinion that there are examples of cases that have not been solved over the last few years.

In the Western Cape investigating officers claim that all their cases have been solved or are still under investigation. The Northern Cape cite one case where there has been no arrests due to a lack of evidence, while the Director of Public Prosecutions has declined to prosecute in another matter. Limpopo investigating officers aver that only the 'very recent cases' are unsolved because investigations have not been completed. North West province investigating officers indicate that out of the 81 cases in 2001 there have been arrests in 31 of those matters.

THE PREVENTION OF FARM ATTACKS

Many of the ideas put forward by investigating officers involve the farmers taking more responsibility for their safety and security. Investigating officers interviewed made the following suggestions:

Farmers should get full particulars of their workers, carry out background checks on their staff, and take fingerprints and photographs.

If the farm is sold and the workers remain on the farm, the new owner should be given the afore-mentioned information.

Workers, and especially foreign workers, without documentation should not be employed.

Communication between farmers and their workers should be improved and farmers should strive for better relations.

Workers should be regarded as informers. They should be made part of the security system on the farms.

Security needs to be improved on the farm. No security system is infallible, but it should be implemented as far as possible.

Farmers need to be more vigilant and vary their daily routine.

Sector policing needs to be introduced in the rural areas.

Community Police Forums should be established in the rural areas.

Some investigating officers in KwaZulu Natal and the Eastern Cape feel that the

moratorium on the death penalty should be lifted. Their view is that this would help to address the crime situation. They complain that the Constitution gives ‘perpetrators many rights’ which protect them unduly.

INTERVIEWS WITH PROSECUTORS

Their ranks included junior state advocates, senior state advocates and deputy directors of public prosecutions. All of them were either experienced or very experienced, and some of them have conducted many prosecutions in farm attack cases. Many of them conducted the prosecution in some of the more prominent farm attack cases, including some of the cases discussed in the chapter on case studies, such as those of Cross, Delafield, Holder, Marais, Steyn, Van Vuuren, etc.

The most notable features emerging from the interviews are the following:

The state advocates were unanimously of the view that all or almost all farm attacks were not political in nature. Some state advocates have come across a few instances where there was some inconclusive evidence pointing towards a political motive. Even cases where there had been some *prima facie* evidence of political motives, such as the Delafield case, had turned out to be cases of ordinary armed robbery and murder. Apart from the evidence admitted in court, the police dockets did not contain other information concerning political motives, although the victims or other witnesses often perceived farm attacks to be politically inspired.

At the same time, all were of the opinion that the degree of violence and cruelty exhibited during farm attacks was exceedingly high, and they referred to what can only be described as horrific cases. Almost all also thought that farm attacks were in general more violent than armed robbery. In general, therefore, the opinions of the state advocates differed from the opinions of most investigating officers that other types of armed robberies were equally violent. (It should be pointed out that, in general, state advocates deal with the more serious kinds of farm attacks in the High Court, the less serious ones being disposed of in the Regional Court.)

Most white state advocates attributed this extreme violence to racial hatred. One black state advocate thought it was rather the result of brutal criminality. Some had also found that the high degree of violence had been caused by the victims (usually the elderly ones) being aggressive, verbally or otherwise, and resisting under circumstances where they should rather submit. They pointed out, however, that in many cases the violence was quite gratuitous.

All confirmed that relatively few cases of rape occurred during the course of farm attacks, although it was not uncommon. (Again it should be mentioned that cases where rape has occurred are more likely to end up in the High Court, rather than being disposed of in the Regional Court.)

They thought that the farm attacks were generally well-planned and often preceded by reconnaissance of the particular farm or smallholding. They were firmly of the opinion that farm attacks were not being carried out with ‘military precision’.

They all agreed that on many farms the security arrangements were inadequate or even non-existent.

The state advocates were of the opinion that there was a high success rate for solving crimes relating to farm attacks (about 90%), and an even higher success rate for prosecutions of those cases that did go to court (about 95%). They were unable to provide specific statistics, however.

The points below were raised by the state advocates as possible counter-measures for farm attacks. It is noteworthy that they all relate in some way to matters of security.

There should be visible policing at irregular intervals. In this regard the sector policing plan holds some promise. Movements between farms should be monitored, even by establishing control points.

Security on farms in general should be stepped up. Farm workers also play an important part in this regard.

Potential victims should be trained on how to handle farm attacks when they do occur. This may well save lives.

CONCLUSIONS

The most important finding emanating from the interviews with investigating officers and prosecutors is that the main motive for farm attacks is robbery. More specifically, there is no evidence to suggest that farm attacks are politically motivated.

As to the violence involved, there is some divergence of opinion. The investigating officers think that there is no difference between the type of crime committed in a rural area and an urban area. Investigating officers describe urban crime and rural crime as equally brutal. The prosecutors, on the other hand, think the farm attacks tend to be more violent than comparable offences in the cities and towns.

Both groups describe the security arrangements on most farms as inadequate or totally inadequate.

Both groups regarded the conviction rates for farm attacks as high. Investigating officers attribute this to hard work and dedication. The prosecutors also think that a very high percentage of farm attack cases are solved and successfully prosecuted. It is clear that all the investigating officers and the prosecutors interviewed are dedicated officials and very experienced as far as farm attack cases are concerned.