

## CHAPTER 9

### SUBMISSIONS TO THE COMMITTEE

#### INTRODUCTION

The Committee invited interested bodies and individuals, through the media, to make submissions on the question of farm attacks. The response was disappointing, and the Committee had to resort to send out invitations to specific bodies and individuals. All of them responded, with the notable exception of the Pan Africanist Congress, and the Committee wishes to express its appreciation for the effort many put into their submissions.

The Committee heard submissions from about 32 persons, on behalf of an organisation or themselves. Many of them submitted written submissions as well, while written submissions were also received from other persons not appearing before the Committee. Lack of space does not allow them all to be included here, but the more generally relevant ones are dealt with below. The other mostly relate to specific cases, and where necessary are referred to in other parts of the report.

It will be seen that the submissions came from a wide variety of bodies or individuals who have an interest in the matter of farm attacks, expressing extremely diverse opinions on the subject. That was arranged deliberately by the Committee. The submissions can be divided into four broad categories, viz. those by organised agriculture, by the security forces, by other Government Departments and non-governmental organisations, and by individuals.

#### SUBMISSIONS BY ORGANISED AGRICULTURE

##### **Agri SA: Mr J.M.J. Visser and Mr J.J. Ferreira**

Mr. Kobus Visser is Director of Agri SA Governmental Services and Mr. Kiewiet Ferreira is Chairperson of the Law and Order Committee of Agri SA. They made a joint submission to the Committee on 2001-07-04. This was followed by a further meeting with Mr Visser and Adv Amanda Crosby, a Legal Adviser at Agri SA, on 2001-07-10. Agri SA also submitted a written submission entitled 'Submissions to the Independent Research Committee as to possible motives for farm attacks'.

##### *Agri SA as an organisation*

Mr Ferreira describes the background to the appointment of the Committee. Because the situation regarding farm attacks had deteriorated so much, Agri SA requested Mr Steve Tshwete, Minister of Law and Order, in February 2001 to appoint an independent

research committee on farm attacks. That resulted in the appointment of the Committee.

Agri SA consists of three chambers: the Provincial Chambers, the Commodities Chambers (e.g. NAMPO, Grain SA), and the Agri Business Chamber (17 chambers, including SentraSure, KWV, etc). Agri SA has a federal structure. No individuals can be members of Agri SA; people belong to Agri SA through affiliations such as Kwanalu, Agri Western Cape etc.

The individual farmers belong to local or District Agricultural Unions, which in turn make up the Provincial Agricultural Unions, which form part of Agri SA. Agri SA represents 31 000 large-scale and 30 000 small-scale commercial farmers. A large-scale farmer can have more than one farm. Smallholders with the motive to generate a profit out of their agricultural activities can affiliate with Agri SA (e.g. flower producers through the Flower Growers' Association). Provincial associations have the autonomy to categorise farmers into small- and large-scale farmers. About 50% of Agri SA's members (for both small- and large-scale farmers) are black. The Transvaal Agricultural Union left Agri SA on 2000-05-01, taking 2 663 members with them.

Part-time farmers' unions (co-opted with Agri SA) cater for people who engage in farming on a part-time basis. Their members are not included in Agri SA figures for commercial farmers, but many part-time farmers also associate with provincial farmers' unions and as such they would be included in Agri SA's figures for the farmers they represent.

Commercial farmers are farmers who produce with the motive to make a profit out of agriculture. This excludes farmers who farm for self-sustainability or subsistence farmers. Agri Free State decided 4 years ago that a person who registers with the S A Revenue Service as a farmer can affiliate as a commercial farmer.

There are many farmers who are not associated with any farmers' organisation/union, but about 60% to 70% of large-scale farmers are members of farmers' organisations. Ferreira does not know what the proportion for small-scale farmers is.

According to Statistics SA there were 52 000 large-scale farmers in 1996. AgriSA estimates that there are about 45 000 large-scale farmers in SA. There are probably around 800 000 farm workers in SA. As far as Agri SA is concerned, however, the farming community includes everyone on farms - farmers, farm workers and their dependents.

### *Reasons for farm attacks*

According to Mr Visser, there are more motives than simply criminality in respect of farm attacks. It is important to look at what lies behind a robbery, for example the culture of violence, statements politicians have made against farmers, etc. The following 'underlying' reasons require further investigation:

Culture of violence. South Africa's history of confrontation, conflict and forced

removals has left a culture of violence.

Culture of self-enrichment (due to inequalities and frustrated expectations).

Poverty, unemployment and disparity of wealth contribute to crime.

Revenge and hate. This factor has been shown up in the Action: Stop Farm Attacks research. There is circumstantial evidence, such as letters to the press and a television interview with two perpetrators. Mr Visser also refers to specific farm attack cases. Political leadership is not disputing perceptions that injustices were committed by white farmers in the past.

Working relations on the farms. The perception has been created the farm attacks are the result of farmers ill-treating their workers and that white farmers can be blamed for the murders. These perceptions are incorrect and must be removed.

Racism. This is the perception of farmers. Judge Johan Els of the Pretoria High Court said in early 2001 in his judgement that racism was the motive in that particular attack.

Inflammatory statements. Several instances of such statements are cited.

The land claims process needs to be sped up. Only 10 000 out of 76 000 claims have been dealt with.

The Rural Protection Plan is well designed and sound, but there are many districts where the farming community does not get involved enough in the plan. Nationally, for example, only 25% of farmers are commando members - many left after the 1994 election. However, farmers are now coming back. Some farmers do not get involved for political reasons - they argue that it is the responsibility of the Government to protect them.

The SAPS has got infrastructural and resource limitations, and the same applies to the SANDF. In areas where there is visible policing in co-operation with Farm Watches and Commandos, there are fewer farm attacks. Where there is a lack of resources from the side of the security forces such patrols do not take place.

The criminal justice process is too slow: Witnesses go to court a number of times and cases are often postponed. Trials take too long to be finalised, with the result that the community have to wait too long to see justice being done.

Agri SA wants to implement a national security system with Telkom, which is connected to all farmers in the country.

### **Transvaal Agricultural Union: Col J.J. Niemann and Mr J. Loggenberg**

Col Boela Niemann (Manager: Rural Protection) and Mr Jack Loggenberg jointly made submissions on behalf of the Transvaal Agricultural Union to the Committee on 2001-06-20. They also submitted a written submission, entitled 'Voorlegging deur die TLU Kol.

Boela Niemann & Mnr Jack Loggerenberg aan die spesiale ondersoek na plaasaanvalle & moorde'. The two persons also had several follow-up meetings with the Committee, and the Committee also had many informal discussions with Col. Niemann. The Committee was also shown a video clip of a farm attack in Naboomspruit, during which the farmer and his wife had been killed and the wife raped as well.

The TAU is a national organisation with a membership of 6000 to 7000. There are many farmers not affiliated to any agricultural organisation, however, and TAU wishes to speak also on their behalf. The TAU also gets a lot of enquiries from the broader (non-farming) community about what the TAU is doing about farm attacks.

The TAU estimates there are approximately 40 000 commercial farmers in SA, excluding subsistence farmers and smallholdings, and excluding farm managers who manage a farm for someone else, as they are employees. The figure is based on the 1991 census, which counted about 60 000 commercial farmers, and since then numerous farmers have been sequestered or have died, while young people are less likely to become farmers. If communal or subsistence farmers are included, then there will be 150 000 to 200 000 'farmers'.

The TAU is not saying that 'genocide' is being committed against farmers, but rather that it is the perception of farmers on the ground. Perceptions are important, and the Committee should look at all kinds of perceptions that exist. The media tends to sensationalise farm attacks, instead of trying to assist in getting to the bottom of the phenomenon of farm attacks.

The Committee might not be able to make findings on facts only, but should look at circumstantial evidence as well. It needs to look beyond the symptoms, to the causes of farm attacks.

One should ask the question: 'Who is benefiting from farm attacks?' It might be criminal gangs and warlords, but it could also be people in favour of the land redistribution. It need not be the Government, but it could be people who support the Government's policy and want to speed up the process.

One must take cognisance of the emotions that arise from the farm attacks. Farmers argue that scenes of farm attacks are not shown to the public but that, for example, the dog unit incident is. The TAU has a problem with the argument that farm murders should not be publicised, as this might encourage copy-cat attacks. Farm attacks are too serious for the country not to be informed about.

The President needs to say that farm attacks should stop. Some ministers have made such comments, but these comments are not strong enough. It is important to do so in the light of slogans such as 'Kill the farmer, kill the Boer'.

All poor people do not commit crime, but poverty can be a cause of crime (as some people cause crime). Thus, poverty is a cause of crime. All farm attackers are not poor. However, poverty is a contributing factor. What needs to be established, therefore, is

what the causes of poverty are. One has to be able to answer that question to stop the 'poverty-farm attack' link.

The security forces need to do more than simply respond to farm attacks and have a high prevention rate. We need effective crime prevention, which prevents farm attacks in the first place. The legal system is equally ineffectual.

The police are investigating some NGO's, including Nkuzi Development Association, regarding the involvement of NGO's in fostering divisions, labour disputes, and hatred between farmers and their workers. Especially foreigners have nothing to lose.

Because of cultural differences it is easier for someone with an African culture to accept socialism, than for someone from a European / Western culture. This is especially the case among tradition-bound and illiterate people living on farms. As a result it is relatively easy to persuade a black person in a rural environment to disrespect private property and consequently engage in theft or robbery.

Prominent politicians have made themselves guilty of hate speech. There is an element of racism involved in the attacks - something the Committee has to look at. This element of racism in farm attacks is usually revealed in court cases. Even the media contribute in this propaganda campaign against farmers.

The TAU is satisfied with CIAC and NOCOC statistics. The TAU does not verify any of the statistics. There is some concern, however, that the definition could be changed and that there could be an undercount in the number of attacks.

### **National African Farmers Union (NAFU): Mr M. Mothabela**

Mr Mokela Mothabela, the Acting Chief Executive Officer of the National African Farmers' Union (NAFU), made submissions to the Committee on 2001-07-23.

NAFU formed in 1991 as an agricultural committee of the National African Federated Chamber of Commerce (NAFCOC). NAFU is a politically non-aligned body for farmers - mainly subsistence farmers from the former homelands. It is represented in the whole country, except the Western Cape. They only have contact persons in the Northern Cape. There are not many white members, but there are a few white members in Gauteng and KwaZulu-Natal. NAFU is affiliated to Kwanalu.

NAFU is a federal organisation. Farmers form their local commodity groups. These groups form regions and provinces. The provinces then affiliate to NAFU. In 1998 there were 45 000 NAFU members. Because NAFU cannot not provide all the services which farmers need, NAFU membership is decreasing. In 1999 NAFU had in excess of 20 000 members, but of these some have not paid membership dues, and are consequently no longer members. The problem is that many members are illiterate, many being rural, former homeland people.

NAFU has differences of opinion with Agri SA about the land issue and development:

*The Land Issue:* When you sell land you have to take into account the productive value of the land and not the market value. Productive value is less than the market value - and affordable to the State. The supply and demand for land should not determine the price. Agri SA disagrees and argues that land should be valued at its market value.

*Development.* Black people should come out of the communal areas and develop independently and be exposed to market forces like all farmers. Blacks who cannot farm commercially, for example, should get out of farming. There should be no subsistence farmers - people farm on a subsistence basis only because of disadvantaged circumstances and structural problems.

NAFU members have been attacked on smallholdings in Gauteng. These are generally people who live, but do not work, on the smallholdings. No attacks on NAFU members occurred outside of Gauteng. Black farmers, however, also try to carry guns on their farms.

## **Mangete Landowners' Association: Ms P.P. Dunn**

Ms Pat Dunn represents the Mangete Landowners' Association. The Association formed in 1994, and represents the farming community in the Mangete area, irrespective of whether they farm or not. The Mangete area is about 2 700 hectares (the size of one commercial sugar farm), which is divided into allotments of 40 hectares. There are 63 operative farms.

Most of the farmers in Mangete are descendants of John Dunn. In 1820 John Dunn's father came from Scotland as a settler and married his wife, who was also a British settler. John was born in Natal in 1834 and he became an elephant hunter. When he was 16 his father was killed, and John and the daughter of one of the employees (Catherine) left for the Tugela River, where he worked as a hunter and trader. King Hletshwayo met with Dunn and asked him to become his adviser and interpreter, and act as liaison officer with the British. Dunn was later made a chief. He married 48 women and sired 148 children. His main home was in Mangete, where he died in 1895.

In 1902 the Delimitations Commission was instituted by the Colonial Government. This Commission proclaimed several reserves, of which 'Reserve 7' was given to the Dunn offspring. Dunn's *indunas* were appointed as chiefs of the reserve. A friend of Dunn, a Tonga, was appointed as *induna* of Reserve 8. In 1934 the John Dunn Distribution Act was promulgated. A new reserve, named 'Remainder of Reserve 7' was established, from which the Dunns were removed and replaced by 'non-Dunns'. The Act was supposed to distribute title deeds to the Dunn family, but this was not done because of the outbreak of the Second World war. In 1976 the inhabitants of Mangete were removed. The descendants of the *induna* of Reserve 8, who were not related to the Dunns, transferred to State land.

Between 1900 and 1930 there existed much friction between the Dunns and the non-Dunns, regarding squatting and cattle. In 1993 the present chief, Motabe, who is a descendant of Hlatshwayo, started invasions onto the land from which they had been removed. The invaders filed a land claim in terms of the new legislation. By 1995 there were about 1000 squatting units in Mangete, which by now have increased to many more. Unemployment and crime are rife in the area, and around Mangete there exists a high level of political violence.

In 2001 about 90% of Ms Dunn's farm was burnt down. Racist remarks are made about her and she is called an '*impimpi* of the Coloureds'. Because of arson and sabotage she has never had a full crop production. She also receives numerous threatening phone calls, emanating from the squatter community. Just before the commencement of the harvesting season (April and May) arson attacks are carried out on her land. Over the last year 12 productive farms have been burnt down and a further 11 farms affected adversely.

The police have never been able to arrest anyone. During the last arson incident the police arrived, but remained in their vehicles and did not seem to do an investigation. Many of Metaba's affiliates are attached to the local police station in Mangete.

Most of the problems are caused by the ‘opportunistic squatters’. The police are willing to remove them, but Metaba wants them to stay within the Mangete area. Because of limited funds it is difficult to install security systems in the farmhouses. Most farms have telephones, but the regular theft of copper wire puts land line phones out of order for days at a time. All homesteads have burglar bars. Squatters also block the roads to prevent cane from the farms going to the mill. The police have then to be called to remove them.

Since the SANDF moved into the area the security situation has stabilised. Unfortunately the army was moved out again to address more serious situations, and a few days later the farm was burnt down again. The SANDF has since returned and they now conduct frequent patrols of the area.

On the Natal South Coast smaller communities, where white settlers married black women, experience similar problems. Mangete, however, is the largest ‘black-on-black’ land claim in South Africa. A large part of Mangete (10 of the 36 farms) does not belong to descendants of the Dunn family any more. Four black and two Indian farmers have bought land in Mangete. Conflict will be resolved if the squatters are removed and the owners have titles to their land. The opportunistic squatters are the main problem. They are also in conflict with the claimants.

**Action: Stop Farm Attacks / Agricultural Employers’ Association: Mr W. Weber**

Mr Werner Weber is Chairperson of the Agricultural Employer’s Association, as well as of Action: Stop Farm Attacks. He made a submission to the Committee on 2001-08-21.

*Agricultural Employers’ Association*

The Agricultural Employers’ Association was formed in the late 1980’s. It is a national organisation with about 6 000 members. 99% of these belong to either TAU or Agri SA. In the past labour matters were dealt with on the farms as there was no labour legislation dealing with farm workers. With the introduction of such legislation the agricultural sector supported this, because of its close ties with the Government at the time.

Labour matters can become land matters, which can become security matters. Members asked the Association to do something about farm attacks. Weber suggested a petition campaign to unify people in support of the Association’s plea that something should be done about farm attacks, and also to put pressure on the Government by making the international community aware of farm attacks. They succeeded, as farm attacks now enjoy wide media coverage. More than 20 organisations supported the petition, including the PAC caucus, which also signed the petition. Other parties did not support the petition, as farm attacks are almost exclusively perpetrated by blacks on whites, and they were concerned with losing black votes.

*Action: Stop Farm Attacks (ASFA)*

Action Stop Farm Attacks was formed in May 2000. They conducted a campaign, gathering more than 400 000 signatures for a petition, which was intended for the international community. As a matter of good protocol ASFA decided to approach the Government first, but this was declined. ASFA wrote letters to the President and the Ministers of Agriculture and of Safety and Security, but they refused to meet to discuss the matter of farm attacks, without giving reasons. Previous meetings between the President, Ministers and organised agriculture had excluded ASFA. The Government has only met with Agri SA, and not the TAU or the Agricultural Employers' Association. Organised agriculture consists of local farmers associations, district agricultural unions, provincial agricultural unions, and the national union. Some farmers also belong to, say, Nampo, but 99% belong to either Agri SA or the TAU. Agri SA and the TAU represent virtually all commercial farmers in SA.

Action Stop Farm Attacks is an umbrella body for farmers who are concerned about farm attacks. There is an agreement with Agri SA and the TAU that in matters of farm attacks there is only one spokesman, viz. the Chairman of Action Stop Farm Attacks (i.e. Weber). The National African Farmers Union has been approached, but did not want to join ASFA. However, as most farm attack victims are white, ASFA represents virtually all interested persons in respect of farm attacks.

*Why farm attacks are unique:*

They involve almost exclusively black on white violence.

In virtually all cases one or more of the assailants have never seen their victim before.

Only about 5% of farm attacks are carried out by farm labourers on their bosses, therefore the motive cannot be revenge in the vast majority of cases.

In recent cases nothing has been taken.

Culprits in most cases wait for hours for the farmer to return and then rape his wife and kill the farmer.

Culprits shoot on sight, without reason.

There is a high degree of violence.

The motives for farm attacks lie in hatred for whites, hatred for farmers, and to drive whites off the land. A great percentage of farm attacks are motivated by ordinary crime. Mr Werner estimates that 50% of farm attacks are motivated by 'ordinary crime'. But race, political motivation, hatred for farmers and the inflammatory statements of farmers play a role in the motivation. There could be another distinctive generator which motivates people to commit 'ordinary crimes' on farms: it has become fashionable to do so. Minister Mabona, the Mpumalanga MEC for Safety and Security, has made inflammatory statements, and the Labour Minister has said that white farmers have to adapt or die.

To stop farm attacks one must uncover the generator, which could be the cause of 10% of the attacks but which fuels the majority of attacks. If the generator is stopped, most

attacks (both criminally and non-criminally motivated) will stop.

### *SAPS indifference*

The police go out of their way to argue that farm attacks are motivated by ordinary criminality. They do this so that no extraordinary steps need to be taken to counter farm attacks. Investigating officers are not criminologists. They look for victims and perpetrators, and as soon as something is stolen the motive becomes criminal.

Weber is in possession of a copy of a document (which the police deny even exists) whereby people are offered a R2 000 reward per farm attack and defence in court and weapons to commit the attacks. It was published by the 'Black Jacks'.

The ASFA established a commission of inquiry which investigated farm attacks, which has revealed information on 'racially or politically' motivated cases. The ASFA memorandum is in fact the report of the Commission. Dr Chris Jordaan was the Chairman of the Commission.

### *What can be done?*

The President must condemn farm attacks unconditionally, and say that white farmers have a role to play and have a right to their property, and that the Government will combat farm attacks. He should repudiate politicians who encourage hatred against farmers. There should be a series of conciliatory statements and a drive to foster reconciliation.

The farming community should be empowered to defend their lives and their property. For example, there should be curfews with no-go areas on certain portions of the farms at night and over weekends, and it should be a major offence if the curfew is disobeyed.

In Piet Retief and Wakkerstroom farmers were arrested and put in jail. In Wakkerstroom the police killed 21 of one Mr. Greyling's sheep about 10 months ago by stoning them, and they damaged his communication equipment. In the police station there were notices that they did not like the Greyling family. Weber told Amnesty International about it, who released a statement. The police also drove through the township to tell the public that they would arrest Mr Greyling.

Farmers making citizen's arrests are themselves arrested for kidnapping. The farming community are unsure of their rights to self defence. Farmers are not being told of land claims which have been filed against their land. Only a small minority of land claimants actually attack farms.

In the Wakkerstroom area one Mr Gerhard Raabe was killed by his employees as they complained about their working conditions. Thereafter the Transvaal Rural Action Committee (TRAC) said that in cases where farmers are killed, the farm labourers should get the farm. In Greylingstad a farmer was made a low offer for his land. He refused and

he was killed thereafter. Also, one Mr Grobbelaar was murdered in White River in August 2001, and before he died he revealed that the police were behind the attack.

According to the ASFA sponsored Commission of Dr Jordaan, APLA is a major driving force behind farm attacks to drive white farmers off their land to make room for blacks. There are four contingents operating from various areas in S.A., which orchestrate the attacks.

There are TRAC minutes stating that the Greyling and Landman families in the Wakkerstroom areas should be killed. The Greyling family still has an original copy of these minutes.

There have been eight attempts on Weber's own life, and he has been told that the National Intelligence Agency is behind it. Some MPs could be behind some attacks.

## **SUBMISSIONS BY THE SECURITY FORCES**

### **SAPS: Component Operational Coordination: Ass Comm F.J. Burger**

Assistant Commissioner Johan Burger is Head of the Component Operational Co-ordination of the South African Police Service. He is also Chairperson of the Priority Committee on Rural Safety, which is a NOCOC committee. He made submissions to the Committee on 2001-10-17, and he also made a memorandum on sector policing available to the Committee.

#### *Priority Committee on Rural Safety*

The Priority Committee is an inter-departmental committee, mainly supported by the SAPS, the SANDF, and to a lesser extent, the Departments of Justice, Correctional Services and Welfare. With the establishment of the Justice, Crime Prevention and Security Cluster (JCPS) in 2000, the membership of NOCOC were broadened to include about 12 Government departments. NICOC is also included. The Priority Committee members also include representatives of organised agriculture (Agri SA and TAU). NAFU and COSATU were also invited, but they lack the capacity to attend meetings regularly.

In 1997 the Rural Protection Plan was launched. In 1998 a Rural Safety Summit was held, and thereafter the Priority Committee was established.

Initially the Rural Protection Plan was established primarily to protect farmers. Today, the Priority Committee's mandate has broadened to protect and secure the broad farming community. Also, initially the Rural Protection Plan was not responsible for protecting rural communities generally - this was the function of normal policing. The Priority Committee realised that farm attacks cannot be stopped through security force actions alone (there were not enough personnel to blanket rural areas), and the Priority Committee is now thinking of implementing 'sector policing' in the rural areas. The Priority Committee is thus accepting responsibility for increasing the safety of the broader rural community - as this is a prerequisite to successfully combat farm attacks.

In April/May 2001 a task team was appointed by the Priority Committee to look at the Rural Protection Plan in all the provinces. It became apparent that Agri SA and TAU do not represent even 50% of the commercial farmers in the country. There is therefore a problem with implementing the Rural Protection Plan through organised agriculture structures, and this inhibits the effectiveness of the Rural Protection Plan. Many farmers prefer not to be involved in the structures of organised agriculture. Moreover, even many members of organised agriculture are not very active members and neglect to attend meetings. For example, little is understood about the concept of 'home and hearth' protection.

Farmers argue that they have little to gain from being members of organised agricultural

organisations, and that they are running their farms as businesses and thus do not have the time to attend meetings etc.

The SAPS includes farmers and their workers in the definition of 'farm attacks'. But, in most attacks the target is the farmer and his assets. The Rural Priority Committee is mainly concerned with farmers and their workers being attacked by people from outside the farm, and *less* with conflicts between farmers and the workers.

### *Sector policing*

Sector policing should be able to increase the knowledge and involvement of the farming community. Sector policing is in essence the division of a police precinct into smaller and more manageable geographic areas (but quite labour intensive). Sector policing takes a more preventative approach to crime (compared to the present reactive approach, where the one or two available complaints vehicles per police station rush from crime scene to crime scene).

Because of personnel constraints it will not be possible to place permanent staff in all sectors in a station's area. Ideally, each sector should have a 'sector manager' and an 'assistant' (ie two full-time members per sector). Where this is not possible: one full-time member and a reservist; where that is not possible: two reservists specially recruited for sector policing purposes (and with the necessary training).

Members who work in a sector become familiar with the terrain of an area and the people there. Sector police officers must mobilise and organise the whole rural community in their sectors: farm watches, neighbourhood watches. Sector police officers must then create a 'sector crime forum', where all the problems (crimes, causes of crimes) and solutions in that sector are identified, and where it is decided who should take responsibility (the SAPS, farm watches, etc.). Sector police officers then become accountable to their communities via the sector crime forums. They are also more accountable to their superiors - if things go wrong in their sector, then it is they who must answer to that. Sector policing takes community policing down to ground level. Sector police officers liaise with the crime prevention unit at their station.

Revised draft policy on reservists makes provision for a separate category of reservists for rural areas. For example, such reservists would not have to have a standard 10, so that farm workers can also become reservists. Sector policing should give existing reservists a better purpose, as they will be working to specifically safeguard the local community from which they come.

### *Conflict in organised agriculture*

The conflict between Agri SA, TAU and Action: Stop Farm Attacks, and the at times radical views of the latter two organisations, may impede organised agriculture's ability to effectively combat farm attacks because:

If organised agriculture issues conflicting, false or unverified statements, conflict can

be created with the security forces.

Security forces are, at times, portrayed as less than honest, and the SAPS is even accused of working in cahoots with the organisation behind the attacks. This fosters mistrust between security forces and organised agriculture.

AgriSA has to exercise 'damage control' when Action Stop Farm Attacks issues statements on AgriSA's behalf - thus sapping Agri SA's energies.

### *SAPS issues*

The SAPS has serious problems, such as a functional illiteracy of about 30%, unprofessional or lazy members, etc. These problems affect the SAPS generally, and do not specifically apply to the investigation of farm attacks only. Furthermore, the Police Service is also under pressure due to restructuring, lack of resources, and poorly trained personnel. At the same time the SAPS has to deal with exceptionally high crime levels.

At a typical police station there is only one vehicle available to attend to complaints. In bigger cities this might be supplemented by the Flying Squad - for certain serious crimes. At some stations there might also be 1 or 2 'crime prevention' vehicles.

SAPS has got a legal opinion from its Legal Services Component about the rights, duties and responsibilities of the police in respect of illegal evictions. This opinion and an instruction to uphold the law has been distributed to the lowest levels of the SAPS.

### *Allegations against security forces*

There is no basis for alleging that the security forces are hiding the truth about farm attacks, as is alleged by sections of organised agriculture. Moreover, Ass. Comm. Burger himself is white Afrikaner and does not have a motive to cover things up to the detriment of the farming community. He has been a police officer for 32 years (including intelligence and operational experience) and possesses professional integrity - he also does not have any political affiliations. Also, farming organisations have friends in the police who would provide them with evidence of such a conspiracy.

In some cases there may be an underlying political motive connected to South Africa's past, and the disappointment experienced by black youths, which could indirectly lead them to commit crimes against certain people - such as white farmers. This is possible but very difficult to prove. There is no evidence to prove that farm attacks are politically motivated. This does not mean that the attacks are not politically motivated - but there is no evidence to prove this. Until we have proof we have to accept the facts which indicate that attacks are motivated by crime.

*Black Jacks:* There was an allegation by a farm worker that he was approached in Morgenon in a shebeen on 2000-03-20, by an organisation called Black Jacks, who allegedly would pay for every farm murder. A farmer then told the police, and Crime

Intelligence compiled a report, asking that this be investigated further. The original report of the incident leaked to Mr. Werner Weber, and he claimed that the police have evidence of an organisation behind the farm attacks.

The Provincial Head of Crime Prevention in Mpumalanga then wrote a report on 2000-04-06, stating that the witness fabricated the allegations. The vehicle registration numbers of the alleged Black Jacks was false, and other people who were allegedly approached by the Black Jacks denied this. Moreover, the Black Jacks never surfaced again.

*Training video:* On 2001-01-18 Prof Neels Moolman received a cellphone call from someone, claiming that the police in Britz had arrested 6 farm attack suspects and that the suspects were in possession of a training video of how to execute farm attacks. He brought this to the notice of Ass. Comm. Burger. The Britz police, however, knew nothing about such a training video, nor did the Deputy Provincial Commissioner. The Serious and Violent Crimes Unit also followed up on the allegation and found nothing. On 2001-03-29, however, Mr. Weber held an international press conference on behalf of Action: Stop Farm Attacks, giving as proof of politically motivated attacks the 'Black Jacks' and the alleged 'training video'.

*Wakkerstroom area:* Mpumalanga has serious problems with farm attacks, and especially the Wakkerstroom area is problematic. The National Land Committee (to which the Mpumalanga Land Tenant's Committee is affiliated) has a specific interest in this area, which seems strange, and their role in Mpumalanga warrants further investigation..

There are rumours that the local commando is engaged in vigilante activities. (The commando is made up primarily of local farmers.) The rumours are, for example, that commando members shot two labourers. In fact, they were shot by members of the SAPS, who were later acquitted in a court of law.

The people went to Mr. Steve Mabona (Mpumalanga MEC for Security) claiming that the SAPS were not acting against farmers who assault their workers. Mabona then instructed the police to arrest a particular farmer. He was arrested and had to stay in custody over the weekend. Most of the charges alleged against the farmer had already been withdrawn. The way the police arrived on the farm was almost an 'invasion' and caused much unhappiness amongst the farmers. Ass. Comm. Burger cannot comment on the allegation that the farmer's property (21 sheep) were killed by the police.

*Comments on alleged uniqueness of farm attacks*

*Virtually all perpetrators of farm attacks are black.* In almost every single case of serious and violent crimes throughout SA (and not only in the context of farm attacks) the perpetrators are young black males, while victims come from all communities and both gender groups. Young black males are not over-represented as farm attackers compared to other violent criminals.

*Level of violence higher in context of farm attacks.* This cannot be proved. House-

robberies in the cities can also be very violent, e.g. victims are burnt with an iron, victims assaulted and raped for hours in their own homes, victims are urinated on. Brutality today is frequently involved in a housebreaking where victims are at home. In the rural areas, perpetrators have more time. They thus have the luxury to take their time and to make more noise in their reign of terror.

*Culprits wait for victims to return and then attack them without taking anything.* This happens in very isolated cases only. There are many reasons which could explain this: the attackers might hear or imagine a noise and flee. In the overwhelming majority of cases, however, something is robbed.

By waiting for the owners to return, the perpetrators are in the most advantageous position:

Once the owners leave the farm they are likely to be gone for some time - this gives the culprits enough time to enter the home and have a good look around.

As the owners return they are at their most vulnerable as they walk into an ambush. (If the perpetrators attack a home with the owners inside, the owners have a better chance of fighting back from the cover of their home and the owners might have the time to phone for help or activate an alarm. Also, the perpetrators do not know the layout of the inside of the home.)

With the owners present (once they have returned) perpetrators have access to safes and the farmer's vehicle, plus the keys are also available.

### *The Rural Protection Plan*

The Commandos are vital to the success of the Rural Protection Plan - they are usually the first at a farm attack scene. The police's main contribution is to do the investigation, and to ensure that the law is upheld in the State's reaction to a farm attack.

There is a need for a good communication strategy involving all the role players, for which a draft has already been developed.

Organised agriculture must stop their quarrels and co-operate more fully.

There are deficiencies in the security forces, due to a large extent to the on-going process of restructuring and transforming the security forces (a process which seems never ending). A significant number of members are functionally illiterate. Junior officers are also promoted to senior command positions, causing a lot of unhappiness among officers under their command. The adult education initiatives are too slow in making an impact. Both the SAPS and the SANDF need to get their house in order - more should be done to fix the internal problems of the security forces.

Lack of resources available to the security forces.

The issue of rural safety must involve much more than only security force actions. Moreover, rural crime should be seen in the context of crime generally in SA.

### *History of farm attacks*

The phenomenon of farm attacks in SA is a relatively recent one. In the early and middle 1980s there was a complete lack of fear among farmers (except in relation to 'terrorist' attacks in certain isolated areas). Since the early 1990s there has been a significant increase in farm attacks. Also, the media coverage of the attacks has resulted in incredible fear among farmers. Most farmers now walk around armed and have radios and emergency procedures. There has also been a significant change in farmers' way of life. Some farmers no longer go to church on Sundays and they don't go out at night. Many spend large sums of money on security measures.

The increase in crime against farms is part of a national trend of an increase in crime. There has also been a removal of laws which restricted peoples' movements, and a general opening up of society. The media - by giving much coverage of attacks, by telling the public what is stolen during attacks, how poorly the police reacted to the attacks, how little the Government is doing, and how the culprits accessed the farmsteads - in essence make farms sound like easy targets where there is much to rob. Unwittingly farms are advertised as convenient targets.

## **SAPS: Crime Information Analysis Centre: Supt J.C. Strauss**

Superintendent 'JC' Strauss is attached to the Crime Information Analysis Centre of the SAPS. He made formal submissions to the Committee on 2001-08-20 and on 2002-02-07, and had numerous other interviews and informal discussions with the Committee. He also made a large number of CIAC publications available to the Committee.

He describes the CIAC as the custodian of police statistics. The different components are the

- Production Unit, dealing with crime statistics
- Organised Crime Component, dealing with crime threat analysis, and
- General Research Component, which deals with crime tendencies.

There is no specific crime code for farm attacks. If a farm is attacked, it is registered under the crime(s) that occurred. Thus farm attack statistics cannot be drawn from the system but have to be collected 'by hand'. The CIAC is reliant on local police officers to inform them of farm attacks - as per instruction of the National Commissioner. Local police submit incident reports which are then evaluated by the CIAC, National Operational Coordinating Committee, Agri SA, Crime Intelligence Management Centre and the National Intelligence Agency (which attends sporadically). The CIMC has a generic desk that deals, inter alia, with farm attacks. CIMC feeds its information to the CIAC, and the CIAC analyses it.

The instruction to collect farm attack statistics was given during the last quarter of 1997. The CIAC then collected the statistics retroactively from the beginning of 1997. Presently there is a big reporting problem in KwaZulu-Natal and Gauteng. These two provinces are going counter to the national trend, and since the number of the attacks in these two provinces make up a large proportion of all attacks, they have caused the levelling off of the national trends. In Strauss's view there has actually not been a decrease in farm attacks in Gauteng and KwaZulu-Natal during 2001, but rather an underreporting. The CIAC has become aware of numerous farm attacks in KZN, which are never reported to CIAC by the province's CIAC office. Gauteng is also underreporting and, to a lesser extent, the Northern Province. The best provinces in terms of reporting are the Eastern Cape and Mpumalanga. There is pressure on the police to reduce farm attacks, and this may tempt them to underreport farm attacks.

There is a rapid changeover of personnel at stations with the result that the farm attack instructions are not always passed on to the new personnel. Provincial headquarters may also change their daily reporting requirements, and some people then confuse this with the standing instruction regarding farm attacks.

There was a big change in recorded attacks between 1997 and 1998. There might have been an actual increase, but many attacks on smallholdings in Gauteng were not recorded in 1997. The definition has been the same since the beginning, but it seems there was an underreporting in especially smallholding attacks during 1997.

Previously there had been daily crime bulletins, which recorded persons attacked on their own premises: some farm attack statistics could be gleaned from this - but they are unreliable.

The SAPS is in the process of establishing information managers at every police station: first at priority stations, and then eventually at all stations. This will significantly improve the accuracy of the statistics.

*Ad hoc* research by CIAC indicates that most murders are linked to alcohol or drug abuse, domestic violence and inter-social conflict. Others murders (farms, taxis, political) are a small proportion of the total. It is impossible to say which categories of murders are decreasing in South Africa. The Mpumalanga CIAC office took a random sample of 500 murder dockets: 90% occurred in a shebeen or within 50m of a shebeen. According to the Western Cape office, most murders occur on a Saturday. If an outsider attacks a farm worker, it is recorded as a farm attack.

The CIAC has looked at farm attacks at certain dates and looked at how many resulted in prosecutions, convictions, etc. In provinces such as the North-West, Northern Province (Limpopo) and the Free State, virtually all attackers are caught and tough sentences are given, but this does not seem to act as a deterrence.

The incident reports sent to CIAC make provision for investigating officers to fill in the believed motive. But this is not done well. Theoretically it's possible to get a print out of all farm attacks registered by the CIAC where the motive has been registered as 'unknown' or 'political'. CIAC has sent out requests to stations to look at certain cases in greater detail, but the response has been very poor.

There is no evidence of an organised campaign against farmers. In a Magaliesberg case - where two farmers were murdered while going to the aid of a neighbour - all four attackers were members of the same Xhosa-based union from the Eastern Cape, but that is all. In some cases there do seem to be 'battle indicators'. The CIAC has unconfirmed reports that the National Land Committee and the Mpumalanga National Tenants Committee are planning to murder and intimidate farmers. There are also rumours of hit squads, but there is nothing substantial.

Strauss believes that one should not look for an organisation that is behind attacks - it is a waste of time. One should rather bear in mind that there are a lot of unemployed people who will never get work, and it is easy for such people to get involved in crime. One also need to look at climate created which is conducive for attacks. There is tendency to overemphasise differences. On television farmers are portrayed quite negatively and prominent people say negative things about farmers. Thus, one has people ready to commit crimes, and then there is a climate created which makes the attacks on farms acceptable.

It is very difficult to trace the cases given to the Committee by the agricultural unions for special investigation. It is impossible to trace a case on the Crime Administration System database with the victims' particulars only. One needs details on the accused. It is also

very difficult to get cases from before 1998. A further difficulty is that the integrity of the data entered into the CAS at local level is flawed, which makes it very difficult to trace certain cases on CAS, where the information on the case is incomplete.

There is a serious staff problem at station level. The Serious and Violence Crimes Unit in Middelburg has 26 employees, of which 16 are functional members. The 16 deal with all attacks on police, cash-in-transit heists, bank robberies, car hijackings and farm attacks. In January 2002, they received 101 cases to investigate, in addition to 500 cases already on hand. They only give themselves one week to investigate a case, and thereafter they do not have the time to continue with the investigation. When they do catch suspects, they only have the time to get a conviction; they do not have the time to look for underlying motives for the crime.

Strauss has visited scenes where there was strong evidence of 'battle indicators'. A few farm attacks have been prevented through forewarning by battle indicators. It seems, however, that the purpose of indicators is not to direct attackers to the farm, but rather to act as an on-off switch, indicating whether an attack should go ahead.

#### **SAPS: Crime Information Analysis Centre: Supt. R. Pretorius**

The Committee requested the Crime Information Management Centre to give its views on two matters, namely the motives for farm attacks, and whether there were information available that farm attacks were part of an organised campaign. A working group, consisting of Supt R. Pretorius (from CIMC) and Sup J.C. Strauss (from CIAC), reported back to the Committee on 2001-09-26. They also submitted a written report to the Committee, entitled 'Attacks on members of the farming community (including smallholdings)'.

In their submission, the working group point out that NOCOC published a report as long ago as 1997-12-05, in which the two matters were addressed specifically. This led to the appointment of Assistant Commissioner Suiker Britz and Director Errol Seyesi to investigate the matter further. The so-called 'Britz Report' was then published on 1998-08-13, in which it was found that there was irrefutable evidence that the motive for approximately 99% of farm attacks is common criminality, robbery being the primary incentive, and that there was no evidence that sinister forces were responsible for the attacks.

As a result of the Committee's request, all national intelligence structures were tasked to scrutinise their databases to determine the latest trends, and the same conclusions were reached as in the two reports mentioned above. In most cases money, firearms, vehicles, jewellery, television sets, etc, are robbed. Furthermore, the working group could find no substantial evidence of the involvement of either organised crime or political groups in farm attacks. It is possible that there could be indirect or additional political motives in some cases.

Present indications are that robbery is still the primary motive, while a small proportion of attacks have to do with retaliation or revenge. Some of the contributory factors are:

Farmers are known or perceived to have large sums of cash, firearms, etc.

Homesteads are relatively isolated and sometimes poorly secured.

Media coverage may indicate potential weaknesses on farms.

The criminal justice system is perceived as being dysfunctional.

Increased security measures by farmers have caused strain on relationships with workers and visitors.

The perception of political involvement in farm attacks might be the result of the findings by the Truth and Reconciliation Commission that APLA attacks against farmers before 1994 had been politically motivated. The perception is sometimes strengthened by political slogans. In some cases 'battle indicators' have been found, but there is not intelligence or evidence that persons with a military training deliberately planned it.

In some exceptional cases the perpetrators drove long distances to carry out a farm attack. The cases where the attackers waited for the farmer to return, are not unique - there have been cases in urban areas where burglars waited for the homeowners to return, and then attacked them. It is generally agreed that the degree of violence in farm attacks is excessive, but in general farm attacks are not necessarily more violent than violent crime in any other areas.

The Mpumalanga War Veterans' Association was formed a few weeks ago with similar aims as the Zimbabwe war veterans. This - especially in some areas such as the Wakkerstroom area- could in future lead to Zimbabwe-style farm invasions. The PAC and the National Land Committee (and its 9 affiliates) are involved in land occupations in one way or another.

### **SAPS: Serious and Violent Crime Unit: Supt J.H. Vreugdenburg**

Superintendent Tollie Vreugdenburg is the Head of the Serious and Violent Crime Unit in the Bushveld area. He prepared a written submission and addressed the Committee on 2001-09-27. He also made available to the Committee a lecture on the handling of farm attacks at the Area Operational Coordinating Committee level, entitled 'Aanvalle op plase en landbouhoewes'.

His submission deals with the motives for farm attacks, victims and perpetrators. It also highlights what could be termed 'best practice' with regard to farm attacks. The submission is based on the knowledge and expertise gleaned from investigating farm attacks over the last number of years. In his submission Vreugdenburg emphasises that all inhabitants of the farm may be victims of farm attacks, although the majority are white males.

Regarding the motive for farm attacks Vreugdenburg touches on three factors, namely robbery, revenge and political issues. This is further elaborated upon in the

abovementioned lecture. In his view the overwhelming majority of farm attacks are nothing more than robbery. Farms and smallholdings are regarded as soft targets. The risk factors include the presence of farm shops and stalls, the financial status of the farmer, money or firearms on the farm, whether the farm is isolated or near a public road, the lack of security measures, etc.

Factors giving rise to revenge attacks are salary disputes, bad treatment of the workers, evictions and dismissal of workers. Political attacks may be the result of land reform, hate speech by political figures and even political parties.

The technique of investigating farm attacks is described in some detail. The biggest problem is to coordinate the functions of the stakeholders. This is done by establishing a Joint Operations Centre (JOC). In case of a farm attack the SAPS and the SANDF commandos will be notified first. A contingency plan is then set into operation, the idea being to inform all the stakeholders, but also to secure the crime scene. Various other stakeholders come into play, such the Serious and Violent Crimes Unit, Local Criminal Record Centre, Forensic Science Laboratory, Ballistics Unit, Dog Unit, Trackers. The media in the area is also alerted if the suspects are at large.

During 1996 and 1997 the Bushveld area was subjected to a spate of farm attacks. The number of attacks in the area has decreased considerably, however, and Vreugdenburg believes that their methodical way of working has contributed to this success.

**SANDF: Chief Joint Operations: Col B. Schoeman, Lt Col D. C. Moore and Lt Col B. Boshoff**

Col Barry Schoeman, Senior Staff Officer at Chief Joint Operations of the SANDF, and his colleagues, Lt Col Moore and Lt Col Boshoff, jointly made a submission to the Committee on 2001-06-19. Col Schoeman also submitted a briefing document titled 'Farm Attacks: Presentation to the Farm Attack Investigation Commission'. Col Schoeman presented a follow-up submission on 2001-07-04, and also had several informal discussions with the Committee.

The submission looks at causal factors and battle indicators, and does not deal with recommendations on how farmers can protect their environment better.

Because of the way the Rural Protection Plan is conducted, it focuses on the commercial farming community, ignoring subsistence farmers and traditional farmers. Once sector policing is in place the Rural Protection Plan will become redundant.

The farming community has a responsibility to protect themselves and to develop a 'protective shield'. Many causal factors (e.g. socio-economic issues) hamper the effective development of protective shields.

The security forces cannot address the causal factors and motives of crime, but can

reduce 'opportunity' for crime to occur.

### *Statistics, trends and related issues*

All pre-1997 statistics, and to a certain extent even 1997 statistics, are suspect. The present definition of farm attacks was developed at the end of 1997. The 1997 statistics were then reworked in terms of the definition. Even the figures for the first 4 months of 1998 are a bit suspect due to discrepancies. Pre-1997 statistics exclude most Gauteng smallholdings (depending on the investigating officer and station commissioner in charge of investigation). Some KwaZulu-Natal smallholdings, and in the Western Cape the 'estates' (e.g. wine estates) were excluded. The pre May 1998 statistics therefore probably undercount the real extent of farm and smallholding attacks.

The statistics used by Col Schoeman are the same as NOCOC's, which is used by Defence Intelligence, SAPS Intelligence, CIAC and Agri SA. NIA would also broadly agree with these statistics. Amongst these stakeholders there is general agreement as to which incidents constitute 'smallholding attacks'. Smallholdings used primarily for business purposes are excluded from statistics, e.g. smallholdings with full-time businesses on them.

The police stations send incidents reports when they think there has been a 'farm attack'. The joint committee (CIAC, NOCOC, etc.) looks at it and then decides whether it constitutes a 'farm attack'. The commandos pick up an additional 10% of attacks, which are then also referred to the Committee for inclusion in the final statistics. On average there are two problematic cases a month.

Smallholding areas differ: some smallholdings are enclaves in farming areas and the battle indicators are the same in respect of such smallholdings as they are of farms. However, other smallholdings are not to be seen in the context of farm attacks. It is difficult to separate the two types of smallholdings, because it is difficult to distinguish between different types of smallholdings.

### *Risk factors*

Col Schoeman's tentative research has revealed that 91% of 1999 murders were social-fabric type murders; the rest were part of other violent crimes such as robbery, taxi violence, gang-violence, cash-in-transit robberies, housebreaking and inter-group violence. Only 0.56% of the total murders were of farmers and farmers' workers (i.e. farm attacks). In contrast to this, 3.1% of all murders are related to taxi-violence.

High risk farm attack provinces, which account for 70% of cases, are Gauteng, Mpumalanga, KwaZulu-Natal. Then follow the Limpopo Province, Free State and Eastern Cape (25%). The low risk provinces are North-West, Northern Cape and Western Cape (5%). In 2000, Northern Cape and Free State became low-risk provinces, and the North-West a medium-risk province (from low-risk). During the period January to May 2001, Gauteng and Mpumalanga were the only high-risk provinces accounting for 55% of all attacks.

There is some correlation between high levels of crime in an area (especially violent crime) and farm attacks. After high publicity media campaigns there are marked short-term increases in attacks, possibly because farmers are pictured as soft targets. This is an issue which requires further research.

### *Trends*

Farm attacks tend to be below average in January and December; and a bit higher than the average in May. However, in 2001 May was lower than average but June 2001 higher than average. Some farmers argue that they are away in December and January and then cannot be attacked; others say that during that period farmers' families are on the farm and the greater number of people create a greater risk for the attackers.

The absolute number of attacks and murders is decreasing, but the proportion of attacks resulting in a murder or injury is increasing. In 2000 there was a 48.5% chance of being injured, and 14% chance of being murdered. In January to May 2001 the risk for injuries was 52.7% and for murder 17.5%. The percentage is calculated by taking into account the actual number of potential victims on the attacked farm.

During the period 1998-2000 the Western Cape and North West saw an increase in the number of attacks, while KwaZulu-Natal and Free State experienced a decrease. During January to May 2001, however, KwaZulu-Natal experienced a significant drop, while Mpumalanga had a significant increase.

### *Number of farmers*

There are between 60 000 and 80 000 commercial farmers in S.A. This excludes subsistence farmers. Of Agri SA's members about 30 000 are not white. Among farmers' unions there is some duplication of membership.

Farmers, including their labourers and families living on farms, but not smallholders, constituted 6.05% of the total population in 1999, but:

- only 1.7% of crimes were committed against farmers (excluding smallholders) and labourers and their families;
- 0.56% of murders occur on farms and smallholdings; and
- 0.98% of assaults occur on farms and smallholdings.

### *Victims*

Approximately 60% of victims of farm attacks are farmers (or their families) and 40% farm workers (or their families). About half (48%) of the victims of farm attacks (including those not involving physical violence) are black, coloured and Indian. These figures are calculated from case-studies. However, a much higher percentage of murder victims are white and male. The reason may be that some white farmers resist more and tend to be verbally more abusive.. A high proportion of women are raped. That proportion decreased during 2000 but is on the increase again.

## *Motives*

The Committee should look at possible 'racial motives' in attacks. This is relevant, as white, male farmers are more likely to be murdered.

Col. Schoeman has not done any scientific research, but there seems to be a higher level or degree of violence used in violent crime in urban areas, as compared to violent crime on farms.

From Col. Schoeman's research, revenge seems to be the motive in 12% to 13% of farm attacks. In 1999, in 26% of farm attacks nothing was stolen. Taking these farm attacks only (i.e. the 'motiveless' ones), then 38% (of the 26%) had farm claims against them. There is therefore quite a strong correlation. One must look at the 2000 land claim figures, however, as the situation has changed since 1999. It is difficult to get figures from the Land Claims Commission. Of all farm attacks in 1999, only 3.5% involved farms against which there were land claims and nothing was taken. Mpumalanga has the greatest proportion of land claims.

In Col. Schoeman's view, no real land invasions have occurred in South Africa yet - only squatting. Squatting occurs where only a small portion of farm is occupied. Land invasion is where the whole farm is occupied and the owner is prevented from using the land. In the Wakkerstroom area there is a risk that squatting can escalate into land invasions - there are political motives there.

Fifty-six sites where farm attacks were carried out were examined by the SANDF and many of the so-called battle indicators were identified. These are signals used by the perpetrators to identify and select farms. In addition, the battle indicators are used to inform perpetrators whether or not an attack will still be carried out. Consequently, the SANDF has identified 6 types of battle indicators, namely attention drawers, confirmation signs, direction indicators, target indicators, on-off switch indicators and on-off switches. However, the battle indicator theory is rather new and needs further research and verification.

### **SANDF: Chief Joint Operations: Maj L. Moll**

Maj Lucille Moll has been an intelligence officer in the SANDF (previously the SADF) for 20 years. She is attached to Chief Joint Operations, and is tasked to handle the statistics for the NOCOC. She addressed the Committee on 2002-01-10. She also made the NOCOC database on farm attacks available to the Committee.

The NOCOC was established in 1998. Initially it was run mainly by the SANDF personnel, but thereafter more SAPS personnel got involved.

NOCOC has several priority committees. One of them is the Priority Committee on Rural Safety, which also deals with farm attacks. Some priority committees are ad hoc

committees (e.g. census, election); others are more permanent. The other priority crimes are taxi violence, gang violence, bank robberies and cash-in-transit heists. Maj. Moll and her staff compile daily joint situation reports on, inter alia, rural safety and the other priority crimes. They also compile and maintain databases of all the priority crimes, including farm attacks.

The database on farm attacks started in January 1998. Initially the modus operandi of specific farm attacks was not reported on in detail in the database, but this has improved since 1999. The information for the database comes from the serious crime reports from 6 provinces every day, as well as reports from police stations. They also get information from the media on farm attacks, especially in Gauteng, where police information is not always comprehensive. The media is used mainly to cross-reference official sources. They use the 'media express' service from SAPS, as well as a media report from defence intelligence, which contain extracts from media reports in SA.

Maj. Moll is of the opinion that the farm attack database is 'reasonably complete', with about a 90% accuracy. The provinces of KwaZulu-Natal and Gauteng are problematic. There is likely to be underreporting in these provinces by as much as 50%. They manage to uncover some of these cases through media reports, etc. Mpumalanga is 98% accurate and the Eastern Cape 95%. The database is comprised of operational statistics only, which can thus be changed retrospectively on an on-going basis.

Every Thursday NOCOC has an informal inter-departmental meeting with CIAC, where they compare notes and share information with them. Military intelligence also has a representative. Crime Intelligence works on intelligence, while Maj Möll compiles statistics to plan operations.

#### **NIA: Dr K. Klaasen and Mr B. van Zyl: 2001-09-26**

Dr Keith Klaasen from the National Intelligence Agency, and his colleague Mr. B. van Zyl, addressed the Committee on 2001-09-26.

At the time of the National Intelligence Coordinating Committee reports of December 1997 and August 1998, the phenomenon of farm attacks was high on the Government's agenda. Both reports came to the same conclusion, and since then the NIA has adopted the conclusions made in the reports, and has been looking at the possible consequences of farm attacks, such as instability, the reaction of farmers, etc..

The NICOC is a co-ordinating body, so that different security bodies provide joint reports to the Cabinet. Directors-general and heads of departments such as the SANDF, SAPS, NIA and Foreign Affairs, serve on NICOC. NICOC has smaller working groups, dealing for example with land invasions, right-wing extremism, Muslim extremism, Zimbabwe, etc.. Currently there is no working group on farm attacks, but such a group can again be created if the situation should require this.

NIA has a crime desk which focuses on certain crimes, but not farm attacks.

The intelligence community includes the SAPS intelligence, military intelligence, the National Intelligence Agency, the Secret Service and Foreign Affairs.

## **SUBMISSIONS BY OTHER GOVERNMENT DEPARTMENTS AND NON-GOVERNMENTAL ORGANISATIONS**

### **Centre for the Study of Violence and Reconciliation: Ms Amanda Dissel, Ms L. Mkhondo and Mr K. Ngubeni.**

Amanda Dissel from the Centre for the Study of Violence and Reconciliation made submissions to the Committee on 2001-09-03. She was assisted by Lindiwe Mkhondo and Kindisa Ngubeni. They also handed written submissions to the Committee entitled 'Criminal backgrounds of young offenders'.

The CSVR has been working with young people, who constitute a large sector of the population, for some time now. Forty four percent of the population is under 20 years of age. They are often the most at risk of being perpetrators and victims of crime. The most recent available statistics indicate that 22% of people convicted of crime are under the age of 22 years. Young males are more likely to be convicted of violent crimes. Males under the age of 20 were 3 times more likely to be convicted of robbery than males over 20 years. However, the number of children who commit crime is an unknown quantity. The numbers of juveniles (those younger than 18 years) serving prison sentences has increased by 159% since 1995.

#### *2000 figures*

In May 2000, persons younger than 21 constituted 12% of the total population of convicted prisoners (109 930). More than half of the total number of juveniles in prison of 27 638 are awaiting trial. Adult awaiting trial prisoners, on the other hand, constitute 32% of the total adult prison population. This situation conflicts with constitutional principles and the Convention on the Rights of the Child, which require that children should only be detained as a last resort.

In the general population, 44% of prisoners are convicted of aggressive crimes, 34% of economical crimes, and only 12% of sexual crimes. However, in respect of children, a greater number were convicted of economic crimes (43%) than aggressive crimes (39%). On the other hand, 14% were convicted of sexual crimes and only 0.8% of narcotic related and 2.8% of other crimes.

There have been two projects in regard to young offenders in prison, viz. the *Violent Victims Study* and the *Voice of Young Offenders Project (VOYO)*.

### *Violent Victims*

During 1993 and 1994 research was done with 200 young offenders in the United Kingdom convicted of serious offences. Similar research was conducted in South Africa in 1998 with 25 young men, and the results compared with the UK study. Their ages ranged from 16 to 22 years. The length of sentences involved ranged from 8 months (for theft) to 47 years for multiple offences, including murder.

The family backgrounds of the 25 inmates varied considerably. Some lived with their parents, some with the mother only. Others had been brought up by aunts, uncles, step-parents or grandparents. The likelihood is that many of those interviewed were not living in their family home at the time of their arrest.

*Abuse:* Some 68% of the respondents had experienced some form of abuse in their lives. 36% of the sample suffered emotional abuse, which was considerably higher than the 28.5% in the British sample. Some 44% considered that they had experienced physical abuse, compared to the 40% in the British study. Some 25% related their activities to their experience of apartheid or political violence.

*Loss:* Children who experience the permanent or semi-permanent loss of a significant figure to whom they are emotionally attached may suffer serious emotional disturbances. In common with acts of abuse, it may cause considerable childhood trauma which, depending on how it is handled, may contribute to later disturbed, aggressive, or violent behaviour. In the Violent Victims study 84% of respondents had experienced loss via bereavement or cessation of contact with a family member. This was considerably higher than that of the 57% in the British study.

**Overview** The mostly violent young offenders who took part in the study had experienced many traumatic experiences in their personal lives. This was frequently coupled with a severe shortage of money for food and clothing. Many described involvement in gangs where there would be leaders encouraging criminal activity. There were numerous instances when reference was made to what can only be described as a culture of violence and crime in order to obtain money to buy clothing and other status objects, or to feed a drug habit.

### *The Voice of Young Offenders*

In this CSVr project young offenders in prison were asked why they thought they had become involved in crime, and what they thought the State, and themselves should do in order to prevent themselves from going back into crime. Participants of the study were 24 young men between the ages of 16 and 20 years old who had been convicted of violent offences. The sentences they were serving ranged from 18 months to 15 years, although the longest actual sentence was 8 years.

Many of these issues of abuse and loss identified in the *Violent Victims* study were confirmed by the participants. They had experienced loss through death or someone

moving, and also the absence of love or caring. Alcoholism of one or more parents was frequently mentioned, and many grew up with grandparents who could not control them.

Poverty was also a factor mentioned by most of the participants. Most of them came from poor households, where it was difficult for the parents to meet the daily living expenses. This meant that if the boys wanted to comply with peer pressure to conform, they often had to steal.

Most of the participants experienced difficulty at school. The feeling was that if you cannot keep up, you either had to leave school, or become engaged in crime - sometimes both. Many indicated that they did not attend school due to the embarrassment of their poverty. Peer pressure also became more insistent at school. The boys got involved with drugs, alcohol and even crime.

The gang scenario for boys in the townships was different from those in the coloured areas. The African boys got involved with groups of boys who committed crime and sometimes they were part of a larger syndicate where they would steal for other people. However, the coloured boys in the study had joined one of the gangs in the township and immediately became involved in high-risk activities. They also got involved in gang fights or crimes.

Guns are easily come by and were mentioned by almost all the boys.

### *Crime path*

Most of the boys began with petty offences while they were at school. This soon escalated, especially once they left school. Most of the boys were involved in crimes of theft, but a few were convicted of crimes of revenge and, in one case, the senseless murder of a passer-by. In most cases, they had committed other crimes as well.

The participants listed some of the factors that led to their crime path. These included the following:

Their crime often begins with petty theft and naughtiness at primary school and intensified in high school.

There is a history of criminal activity prior to arrest and conviction. These previous crimes were not only petty offences, but also more serious ones such as robberies, hijackings and even murder.

Almost all participants have engaged in rape and gender violence.

Drug and alcohol are often used to gain courage for crimes. Crime is also used to feed substance abuse.

They often steal the weapons or buy them with proceeds of another crime.

They become addicted to a criminal life style.

There is a lack of alternatives to crime.

### *Prevention of crime*

The participants were also asked to suggest what should be done to prevent young people from getting involved in crime. These are some of their responses: Parents should become more involved with their children and encourage them, and shelter should be provided for those who come from broken families. Free education and support should be provided. There must be better discipline at school and at home, and children should not be able to buy alcohol and drugs. Workshops should train people to use their skills, and more job opportunities must be created.

Belief in God and cultural values should be nurtured. Recreational and sporting facilities should be available in townships. Young people should be guided in how to select their friends. Some recommended stiffer sentences for offences, while others thought jails should become rehabilitation centres. There should be job creation for ex-offenders, so that they do not go back to crime.

### *Concluding remarks*

Violence among young people in South Africa is an escalating problem. Many juveniles live in the street and crime is the obvious way to survive. There is also much abuse which takes place in the home, and this abuse within the family can be replayed in the larger society.

It is important to look at building resilience among young people who have not yet become involved in crime, but is also important to break the cycle of crime for those young people who have already followed a criminal path. The important areas to focus on are:

- Developing stable emotional relations.
- Developing an ability to actively cope with stress.
- Developing the ability of the child to think about complex realities.
- Developing self esteem and self worth
- Providing positive social support by people outside for the family.
- Promoting pro-social behaviour.
- Developing a sound concept of sexuality.

## **Freedom Front: Mr P.J. Groenewald (MP)**

The Committee received a written submission prepared by the Chief Spokesperson on Safety and Security for the Freedom Front (FF), Mr P.J. Groenewald (MP), on 2001-09-03.

The submission starts off by saying that the FF is extremely concerned about violent crime in South Africa. Afrikaners, in particular, are murdered, tortured and assaulted, especially on farms. While the national murder rate is 61 per 100 000, farmers are being murdered at a rate of 274 per 100 000. The FF therefore welcomes the appointment of the Committee.

Other reports have described farm attacks as merely part of crime in general, also mentioning labour related issues and land disputes. This answer leaves a great many questions unanswered. The FF criticises the Mistry and Dhlamini report 'Perpetrators of farm attacks: An offender profile', on various grounds. The FF also points to the fact that farm attacks are well-planned and outrageously violent. Crime is decreasing but farm attacks are increasing. Farm attacks are inter-racial, and many black shopowners are not robbed. The FF also refers to various specific cases.

The FF point to the unexplained drastic increase in farm attacks, especially between 1997 and 1998, and say that that was especially the case in provinces with strong opposition to the ANC. Furthermore, there is a strong correlation between the incidence of farm attacks and land lost by blacks since 1936.

The FF rejects the allegation that farm attacks are the result of bad relations between farmers and their workers. The reasons for farm attacks are rather the following:

A climate of intolerance. The Government is instrumental in the racial polarisation. This is also encouraged by public statements and slogans, such as 'Kill the Boer, kill the farmer' and 'Everything Whites own, they stole from Blacks'.  
The issue of land reform. This is borne out by the correlation between farm attacks and land lost by blacks since 1936.

Some attacks may have robbery as a motive, but political motives also exist. This is to be found in the racial tension and polarisation, negative perceptions regarding farmers, victimisation of whites, the mutilation of victims' bodies, political statements, and the continuing revolution.

Recommendations made by the FF include a positive program by the President and other politicians to counter the perceptions about white farmers, the speeding up of the land reform process, the improvement of the criminal justice system, the implementation of the Rural Safety Plan in all provinces, tax relief for farmers to improve security and funding for rural safety.

### **Human Rights Commission: Ms B. Pereira and Mr R. Ramphela**

Ms Bronwynne Pereira and Mr R. Ramphela are attached to the Human Rights Commission (HRC), the former to the Advocacy Unit and the latter to the Research Department . They made a joint submission to the Committee on 2001-06-19.

On 11 June 2001 the HRC launched a national inquiry, looking at human rights violations in farming communities. They appointed 9 researchers to do the research from June to August 2001. The HRC will look at everyone who resides within farming communities: there is no specific target group the HRC will be looking at.

The HRC focuses primarily on human rights, whereas the Committee's primary focus is on farm attacks. However, the HRC will also be looking at, *inter alia*:

- safety and security in respect of farming communities;
- whether farm workers and tenants are members of the SANDF Commandos and, if not, why not;
- to what extent the SAPS serves the needs of the whole community;
- the rate of success in investigating and prosecuting farm attackers and those who attack farm workers;
- the extent to which SAPS is able to enforce court orders in farming communities;
- the extent to which the police's Child Protection Units have access to farms and relevant complainants;
- the accessibility of police stations;
- the regularity of police patrols;
- the extent to which farm workers are able to report crimes committed against them;
- the extent to which policy provides for alternative dispute resolution within communities; and
- the extent to which policy and legislative measures are being implemented in farming communities.

### **Land Affairs Department: Ms T. Yates**

Ms. Theresa Yates is Deputy Director: Tenure Reform, in the Department of Land Affairs. She oversees the provincial implementation of the *Land Reform (Labour Tenants) Act* and the *Extension of Security of Tenure Act*. She made submissions to the Committee on 2001-09-26.

*Land legislation*

Ms Yates submits that there has been widespread violation of the land legislation, and that the SAPS and National Prosecuting Authority have failed to act against those responsible. DLA (Department of Land Affairs) also experiences problems at a provincial level, such as lack of co-operation from State institutions. There is a lack of capacity within provincial offices of the DLA, which has prevented the Department from monitoring illegal evictions and collecting proper statistics on the extent of these evictions. The Department only become aware of illegal evictions if a report is made to it by victims and NGOs. The crisis in the Legal Aid Board aggravates the situation in that many lawyers do not want to work on eviction cases.

Work done by DLA fieldworkers and NGOs shows that there is a need to transform police stations, for in the past the police has protected the interests of land owners. Transformed police stations are the exception rather than the rule. There has to be a change in mindset towards tenants and workers on the part of the police and prosecutors. Not only do police officers need more training about relevant legislation, but management need to be held accountable if they fail to uphold certain laws. The same applies to some prosecutors who use their discretion to decline to prosecute certain cases where the law has clearly been broken. The DLA lacks the capacity to follow up such cases.

#### *Definition of farm attacks*

The DLA opposes all attacks on farms and against farmers, but considers that the definition of a farm attack, and the approach to investigating them, has been focused too narrowly on farm owners. Farm attacks need to be seen in, and addressed within, the broader context of a growing cycle of violence throughout South Africa. The DLA wanted to include illegal evictions in the definition of farm attacks, but the proposal was rejected by the NOCOC priority committee on rural safety.

#### *Possible motives for attack*

Provincial DLA officials have spoken directly with people who have been illegally evicted, but there have been no reports that people wanted to revenge themselves against those who had evicted them. However, illegal evictions invariably causes friction in rural areas, and it is necessary to compile statistics to ascertain the extent of the problem.

#### *Illegal occupation of land*

The *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act*, which criminalises the illegal occupation of land, is not administered by the DLA. The Department is not concerned that the illegal occupation of land will become a crisis in the short term, for farmers have legal mechanisms available to them to evict illegal occupiers. The invasion of land was a result of land hunger, which challenged the Government to speed up the redistribution and restitution process.

## **Lawyers for Human Rights: Mr R. Lesabane**

Mr Robert Lesabane is the education co-ordinator for the Lawyers for Human Rights (LHR) in Pretoria. He addressed the Committee on 2001-09-19, and handed over a written submission entitled 'Presentation on farm attacks / Farming community security'.

LHR has offices in seven provinces, the exceptions being Free State and Mpumalanga. Three offices deal directly with farm worker issues, namely Limpopo, Western Cape and North-West Province. LHR works together with the Human Rights Commission, looking at human rights violations in the farming community. LHR is collecting statistics on human rights violations on farms and has been involved in cases regarding evictions.

The LHR is asking the following questions:

Should we look at farm attacks in isolation, or as part of 'rural security'?

Are murders on the farms an isolated phenomenon, separate from murders generally?

Is rural insecurity motivated by political considerations or socio-economic conditions in the rural areas?

Are 'farm murders' simply murders, or are they murders complemented by robbery or rape, or are they related to questions of land ownership?

In the *Pretoria News* of 7 June 2001 Agri Western Cape claims that farm attacks in the Western Cape are motivated by robbery, but in *The Citizen* of 7 June 2001 Agri SA claims farm attacks are motivated by revenge.

Farm attacks cause the following: job losses, negative economic growth, cycles of tension and violence (revenge attacks), erosion of the culture of human life and the erosion of family life (e.g. where parents are murdered).

Given historical imbalances, Government has a role to play to assist farm workers. There consequently needs to be land restitution. However, the process should be fair and there should be compensation. If there is confusion about legislation, such as the Security of Tenure Act, then people need to be educated about the purpose and functioning of legislation. Land issues could be a contributing factor to farm attacks.

The consequences of private property ownership might be the infringement of the human rights of some people. Such infringements can lead to frustrations, which can lead to (violent) action. Education is required so that there is understanding of human rights issues. However, such education can exacerbate frustrations, as farm workers become aware of their rights for the first time. There consequently needs to be a focus on educating farmers as well, so that farmers do not resist their workers' legal rights which, in turn, can lead to resentment.

Farm attacks are a manifestation of problems on farms and are part of the broader crime problem affecting South Africa.

## **National Land Committee: Mr M. Wegerif**

Mr Marc Wegerif is Secretary on the Board of the National Land Committee, and also the Director of the NKUZI Development Commission. He made verbal submissions to the Committee on 2001-06-19, and also handed over a submission entitled 'Cases of assault - human rights violation of farm workers'.

The NLC programme for the last 2 years have been dealing with issues of security of tenure on farms, and it has been working alongside the Human Rights Watch. The NLC works primarily with workers and residents on farms.

The following has emerged from the work of the NLC:

- workers on farms experience various forms of abuse and attacks by farmers and private security companies;
- the debate should be about farm safety rather than farm attacks;
- the Rural Protection Plan is inadequate as it focuses on farmers, ignoring the majority of the rural population;
- there is no involvement of farm workers in the rural Safety Plan; and
- there is abuse of child labour and illegal immigrants on farms.

The definition of farm attacks is flawed. For example, a farm worker attacking a farmer is defined as a 'farm attack', but farmer assaulting a farm worker, or evicting a worker and causing damage to the latter's property in excess of R10 000 is not recorded as a farm attack. (Almost every illegal eviction should be seen as a 'farm attack', as it often involves the destruction of someone's home.) Consequently the definition of 'farm attack' is racist and should be revised.

One therefore needs to look at *farm safety*, and there should be consistency when looking at offences in respect of farm attacks or farm violence. All violence on farms should be looked at in the same way. Abuse against children and illegal immigrants on farms is part of a broader violence committed in farming communities. Such violence - and the movement of unregulated illegal immigrants - does not help the security situation in the country's rural areas. Violence against, or the abuse of, farm workers makes it difficult for the creation of a co-operative security arrangement between farmers and farm workers.

There is a bias in the criminal justice system, which includes the police, prosecutors and magistrates. The justice system gives more attention to white victims and farmers than farm workers or the broader community. The police, for example, are reluctant to get involved and investigate illegal evictions. While there have been numerous illegal evictions, to date only two farmers have been brought to court. White farmers are a sector in society which gets one of the highest levels of service from the justice system.

The justice system's bias must be addressed, otherwise it will be difficult to develop a co-operative relationship between farm workers and the justice system. This bias reinforces the divisions within society. The Rural Protection Plan has continued this bias and has

collected biased statistics which are misleading. This reinforces the perception of organised agriculture that they are victimised, and allows them to sell their agenda that they need Government assistance to protect their privilege.

It would be in the security interests of farmers if they did not oppose Government efforts to empower farm workers, to give them more rights, to unionise them, etc.

On certain issues and disputes the NLC brings farmers and workers together so that disputes can be resolved through negotiations, and this has been successful in most cases.

## **SUBMISSIONS BY INDIVIDUALS**

### **Mr. J. Geldenhuys: Security Consultant**

Mr Koos Geldenhuys is a farmer from Lichtenberg. He is a consultant in security matters and a self-defence expert, and he takes a special interest in the problem of farm attacks. At the request of the Committee he made submissions on 2002-05-03, for which the Committee wishes to express its appreciation.

His ideas are largely reflected in a series of articles on security on farms, which appeared in the *Landbouweekblad* magazine, starting on 2002-03-22. In the chapter on farm security in this Report, very extensive reference is made to those articles, and it would serve no purpose to repeat them here. Although Mr Geldenhuys is also struck by the extreme violence and cruelty of many farm attacks, he himself has found no evidence of an organised drive behind the phenomenon.

### **Dr. C. L. Jordaan: Geo-Strategist Consultant**

Dr Chris Jordaan is a geo-strategist, which involves a multi-disciplinary - economics, political science, military science, public administration - approach to national strategy. He is also a co-author of the book 'Property Rights in South Africa', reviewed elsewhere in the report. He made a presentation to the Committee on 2001-07-23.

In the 1980s he had done research on land reform in certain Latin American countries (Brazil, Argentina, Chile) in the context of liberation struggles which were taking place. He is the co-author of 'Property Rights in South Africa' and was previously the Director of the Centre for Reformed and Contemporary Studies in Pretoria, which has now been disbanded.

#### *Comparisons between Latin America and South Africa*

Although there were similarities, the political and societal structures were different in Latin America and Africa. In Latin America, development was somewhat more

advanced. There were strong movements on that continent to change society and structures of government, and there were both class and racial (connected with class) tensions. There were noticeable class differences, with the 1980s seeing the growth of the middle class in many Latin American countries (e.g. Argentina), but there was still a large, impoverished class of people in these countries. Although the need for land was around cities, farmers were attacked and murdered.

In South Africa, farm attacks had to be seen as a result of the geo-strategic environment, and would continue until certain geo-strategic developments changed - which was connected to perceptions which had been created that people could have land once change occurred (as in Puerto Rico). Revolutionary movements in the context of low-intensity warfare may occupy a kind of moral high ground in that they promise the poor that they will benefit, and 'will get this and that' once they (movements) attain power.

### *Threat assessment*

One needed to look at risks and probabilities, and to have some insight into the nature of the threat. With regard to farm attacks, how specific was the threat - was it identifiable? How close in space and time was the threat? What would be the consequence of the threat? Were perceptions of the threat amplified by historical circumstances? Who was threatening whom?

Within a geo-strategic environment, farm attacks were based on historical perceptions, linked to Afrocentric (non-commercial, belonging to the community of living, unborn and dead people) and Eurocentric mindsets. However, the Afrocentric view of land only applied to black people up to the early 1990s. If land reform was politicised it evoked much emotion and passion, which was open to exploitation. Perceptions about land and land redistribution remained after 1994, as people were not re-educated, which allowed unscrupulous people to exploit those perceptions for their own reasons. Such perceptions were the most crucial factor in the conflict in which commercial farmers were murdered.

The change of government in 1994 did not change the perception of people, for that took much longer. Thus, race played a role in attacks on white commercial farmers, as certain perceptions of white farmers continued among some segments of society. Criminality was not at the core of some of the farm attacks. In some instances the modus operandi of the attacks was that of a military operation. Within the sea of criminality there was an organised action directed against commercial farmers, seeking to intimidate them and drive them off their land.

In 1994 some 2 269 soldiers had gone AWOL. Over 2 000 trained people, plus handguns and R4s, R5s and AK47s, went missing as well. These people had the training and the weapons to become involved in violent organised crime. Farm attacks were not yet over, for there was a political-psychological environment which allowed the attacks to continue.

Dr Jordaan concluded by offering suggestions for reducing farm attacks:

- The farming community/organised agriculture had to take responsibility for its own security
- The criminal justice system needed to be more effective, making more arrests, securing more convictions, so that people's confidence in CJS would improve.
- The image of the farming community and farm labourers needed improvement.

### **Mr D. Martin**

Mr Deon Martin was referred to the Committee by the Transvaal Agricultural Union as someone with information about the involvement of the PAC in farm attacks. He submitted a memorandum entitled 'Stelselmatige uitmoring van die plaasboere' to the Committee. He made submissions to the Committee at the Leeukop Prison on 2002-04-05.

Mr Martin is 38 years old. He has experience as a policeman, and also in the security industry. He joined the AWB in 1987. In 1993 he and others received orders from higher command to exterminate certain targets who were political activists, which they did. He was arrested on 1994-01-06, together with eight other AWB members. On 1994-06-17 they were convicted of murder and each received four death penalties, which were later commuted.

Mr Martin describes himself as a Boer prisoner of war. While in Leeukop he applied for amnesty but it was refused on the grounds that he had not divulged the whole truth. He is very unhappy about that, since he revealed everything. Martin is presently on a hunger strike, since he was led to believe that he would be released on parole at the end of 2001, but nothing is happening.

He often speaks to other prisoners who are aspiring for amnesty, including members of the PAC. In September or October 2001, while at the prison hospital to see a doctor, he was reading a pamphlet on farm attacks. A member of the PAC saw it and asked him whether he knew where "that thing" (i.e. the farm murders) came from. The PAC member told him that the farm murders were organized from a house in Boksburg.

What happens is that there are several cells involved in farm murders. A cell would receive instructions from the command in Boksburg to become active. That cell would then identify a farm and plan the attack. They are paid for each murder they commit. The weapons as well as the reward come from the police. He forgot to mention the police's involvement in his memorandum. Martin says that he himself is somewhat doubtful over the allegation that the reward for the farm murders comes from the police.

Apparently the PAC itself does not have funds. The Secretary-General of the PAC (Plaatjes) is the chief organizer and he secures the funding. The money comes from the National Lottery. Martin cannot explain how that is being achieved in the light of the fact that that lottery funds are strictly audited.

That fact that criminals are also carrying out farm attacks actually helps them in their objective to drive the farmers off the land.

The PAC group involved in farm murders is called the Tupac, named after a Negro rap singer who has a huge following among the black population in this country. Their members consist mainly of ex-APLA fighters, and their aim is to kill farmers. They want them dead because they want the land.

Martin does not know what the PAC-member is in prison for. It is clear, however, that the PAC looks after him and his family very well. They give his wife and children money. He told Martin that the attacks were going to escalate in 2002 and 2003.

Martin thinks that the reason why the threats against farmers are not made more directly in order to intimidate them to get them off the land, is possibly because the PAC does not want to appear to be involved. They are making overtures towards the Afrikaners, for example, and they do not want to tarnish their image.

Martin has already asked the PAC-member whether he would be prepared to speak to the Committee of Inquiry into Farm Attacks, but the man says that he can gain nothing by it and he will only estrange himself from the PAC if he implicates them in the farm murders. Martin does not have the mandate to divulge his name so that the Committee can speak to him directly. He will talk to him again but he does not think it will help.

However, the Committee does have Martin's permission to make his statement public without any reservations. They can use it in any way they see fit.

### **Mr R. Roman**

A written submission was received from Mr Roger Roman on 2003-01-14. He takes a special interest in the matter of land reform in South Africa. He works closely with various non governmental organisations.

He says that by 1994 some 90% of the land in South Africa was owned by white individuals and enterprises. The new Government then implemented a land reform program, but the market driven process ('willing seller / willing buyer') has proved to be totally inadequate, and only about 3% of landownership has been transferred over the last 9 years.

The strategic picture that emerges can be summed up as follows:

- Land ownership in South Africa is at a crisis point, and market driven reform is inadequate.

- Land ownership is central to the economy, political freedom and the definition of the nation.

- Land invasions and occupations will continue to accelerate in 2003.

- Government and the farming sector alone cannot deliver adequate land reform.

A partnership between the landless, Government and the private sector is the only way to achieve comprehensive rural transformation.

South Africa is rapidly running out of time to prevent full-blown confrontation and violence in rural areas. Zimbabwe has brought the matter to the fore, and NGO's, political parties and traditional leaders regard land reform as central to their strategies for 2003.

Three steps must be taken immediately:

The private sector must be mobilised and organised to participate collectively in the rural transformation process. The commercial banking sector should initiate and fund this rapid process to identify and engage various private sector stakeholders, such as agriculture, mining and property sectors. The banking sector should be the catalyst because of its own massive investment in land ownership and because of its interaction with other sections of the economy.

One of the most significant factors contributing to crime, violence and insecurity in rural areas is the ongoing practice of evictions. Landowners in South Africa, including the Government, must therefore call a moratorium on all evictions and forced removals for a period of at least 6 months.

A partnership should be built. The private sector, through the banking industry, should contact the many organisations involved in land reform. The stakeholders include NGOs that represent the landless, homeless and poor, traditional and other leaders, academic institutions, development and financing entities, Government, science councils, and parastatals.

### **Mr. J. Steinberg: Researcher**

Mr Jonny Steinberg is a journalist with the *Business Day* and an independent researcher. He made submissions to the Committee on 2001-06-19. He is the author or co-author of several publications on the matter of farm attacks, two of which are reviewed in this Report.

According to Mr Steinberg there are many different motives for farm attacks, including land encroachment and volatile relationships between farmers, workers and peasants. He has spent time in areas where relatively prosperous white-owned commercial farms are next to poverty-stricken and derelict rural areas, with high unemployment levels. Most of the residents of such areas are either young or quite aged.

### *Ixopo and Tzaneen*

In Ixopo there were ten farm attacks, including two murders and four armed robberies, over a short period of time. White farmers are convinced that there was an intimidation campaign to force them off their land, which local black people deny. However, on the other side of the 'border', in the black areas, the same sort of crime is being committed against black people. Those who show some sort of wealth - anyone with disposable income - have been attacked, including a priest, a nurse and school teachers. It is said that

some of the people who commit farm attacks are also involved in the armed robberies of people in black areas.

The white farmers use a theory of intimidation to try and explain what is happening and, because of racial divisions, it does not even cross farmers' minds that similar crime is occurring in black areas. The type of goods stolen varies, but the theft of money and vehicle theft and hijacking affect both whites and blacks. Because of the Extension of Security of Tenure Act, and because of the high levels of violent crime, farmers want to move workers off their land incrementally. This they do by not employing new workers on a full-time basis, once old workers died.

In Tzaneen most attacks have been within walking distance of a village. In the village itself the relatively well off (shopkeeper, shebeen owner, nurses) have also been robbed. It appears that the culprits in both areas are unemployed youths, including those who have recently left school. Such youth might migrate to cities and become involved in crime there, before taking these urban experiences with them when they return to the countryside where they grew up. In essence the culprits are predatory criminals motivated by gain.

### *Statistics*

The manner in which police statistics are collected make it difficult to ascertain what is going on in the relatively impoverished black areas around commercial farms which have been attacked. While statistics are available theoretically, this kind of comparison is not made. There is no mechanism in the CIAC to look at changes in levels of crime in the broader areas in which many farm attacks occur - an apparent methodological flaw in the collection and analysis of statistics. The issue of statistics is an important one, as the statistics for farm attacks influence farmers' perceptions of motives behind attacks. However, even if one had access to such statistics (i.e. to compare crime on commercial farms with surrounding areas) they might still be flawed, for poor township dwellers might be less likely to report when they were victims.

Steinberg offers further general comments on farm attacks:

There is often a mix of motives in attacks - for example, predatory crimes combined with a revenge motive.

Detectives are convinced that politics did not play a major role in farm attacks.

It is very unusual for a farm attack to take place without prior intelligence having been gathered. There are various ways of gathering information, including *shebeen* talk. Where there is a bad relationship between a farmer and his workers those workers are more willing to share information with outsiders about the farmer and his farm, both wittingly and unwittingly.

Of the 70 to 80 cases he has looked at, there are only two in which farm workers have also been attacked, and it appears that they were simply in the wrong place at the wrong time.

There is illegal occupation of land all over South Africa because of land shortage and poverty.

Farmers impound cattle straying onto their land, because often the closest pound is too far away to be utilised conveniently. This type of action creates ill-feeling between farmers, on the one hand, and surrounding communities and cattle owners, on the other.

If relationships between black and white residents in a district were better there would be less predatory crime. The lack of trust between farmers and their workers, and farmers and the communities near them, makes it easier for a predatory criminal to move around the areas and gather intelligence.

Concerning possible ways of changing farmers' perceptions: the Mapogo vigilante group is an example of an organisation which, in a short period of time, has fostered co-operation between black and white middle class people in rural areas and small towns. The police could arrange inter-racial forums where people could meet and communicate.

### **Ms H.C. van Wijk: RAU Traumatologist**

Ms Tessa van Wijk is a traumatologist, and Manager of the Trauma Clinic at the Rand Afrikaans University. She has dealt with 30 to 35 victims of farm attacks, many of whom are from the Northern Province (Limpopo). She addressed the Committee on 2001-07-24.

According to Ms Van Wyk many farmers live on family farms which they have inherited. For many farmers, therefore, the whole family history lies in the farm, and the children grow up knowing that they themselves will one day be farmers. Even their education is directed towards farming. For farmers, therefore, to be attacked and perhaps forced off their farms is especially traumatic. To leave their farm, many farmers have to totally re-conceptualise their life and what they will do with their lives. Often, all they can do is to farm and they have no skills or qualifications to do anything else.

The older Afrikaners may have a self-image problem, because of our history. They subconsciously feel guilty about what they and their peers did during the apartheid era. This guilt adds to the trauma. Many whites are consequently self-imposed victims-in-waiting. They almost expect to be attacked, robbed, murdered, etc., because of their past and their subconscious feelings of guilt. That means that the white farming community is already quite a traumatised community (even without attacks). Many older Afrikaans speaking women are very conservative. Many of them do not even undress in front of their husbands. If they are then raped in front of their husbands they are extremely traumatised. For victims it can be especially traumatic, if at an ensuing court case the defence tries to portray them as incompetent witnesses. Farmers feel oppressed and targeted because they are white farmers.

A person is born with a certain 'essence' or 'package'. Everything one needs is in that package. One then builds defence mechanisms or walls around one's essence, as it may

be damaged during the normal trials and tribulations of life, for example, the breaking up with a boyfriend. Those walls can be self-pity, arrogance, etc. One functions from the perspective of this essence, protected by the walls, every day. During a traumatic incident, such as a farm attack, those walls are damaged. The picture that the person has of life is shattered.

Many farmers concede that farm workers were treated badly some years ago. That is not really the case any more. Farms are increasingly being run as a business, and they have to look after their personnel. Most white farmers do not have any negative feelings about their 'black' farm workers after an attack. Farm workers may also be victims of a farm attack, but even if not, they are often traumatised as well by an attack.

From a professional point of view one can understand why farmers are saying that attacks are political - and most victims say this. Generally, when vehicles, weapons or cell-phones are robbed farmers perceive it to be a politically motivated attack. On the other hand, if items such as electrical appliances or furniture are taken, the farmers see it as criminally motivated.

There have been some very cruel and gruesome cases. Yet Ms Van Wijk herself has not come across conclusive evidence that attacks are politically motivated. Similar types of violence can be seen in hijacking cases. However, farm attackers have more time, and therefore they can do more, such as committing rape or interact with victims in another cruel way. Rape in the context of a farm attack, especially, is not about the sexual act, but about power and subjugation.

It is essential that the damage done by the trauma of a farm attack be limited and repaired. This can be done both reactively and proactively.

*Reactive assistance:* Trauma centres should be established all over the country, where people who have been attacked can be assisted. They can be treated individually.

*Proactive assistance:* The victims, farm workers and their families should be dealt with together and assisted. This is a long-term process. Farmers, specifically, have to detach themselves from the history of apartheid. By doing that farmers can regain control over their lives.

### **Prof Paulus Zulu (Sociologist)**

Professor Zulu heads a University of Natal based research unit, the Maurice Webb Race Relations Unit, and was, at the time of his retirement at the end of 2001, Vice Principal of the University of Natal. Prof Zulu has undertaken many pieces of research in rural areas, and has published on, among other things, land tenure. In 2001 he had been commissioned by the Study Commission Centre for Development Enterprise to conduct research on popular conceptions of land in rural communities in KwaZulu-Natal. He made submissions to the Committee on 2002-02-06

Prof Zulu's research found that land held a variety of meanings for different people, and for different communities. For some there was an emotional attachment to land which was linked to factors such as historical association with a particular area, and with family graves and community identity. People wanted land for residential purposes, as families grew, and newcomers (e.g. evicted farm labour tenants) contributed to population pressure on existing land. Land was also required in order to develop community resources such as hospitals and schools, and for general community development purposes. Security was probably the most important motivating factor in the acquisition of land: People wanted a place to build a home, grow vegetables, and keep a few livestock.

However, some people associated land acquisition with commercial or entrepreneurial goals - either to engage in smallscale peasant farming, producing a surplus for the market, or in larger commercial farming ventures. The latter involved a high degree of planning and organisation, with proposed training of personnel in production and marketing, as well as capital outlay - as with white commercial farming activities. There were also differences of opinion about whether title to land should be communal or individual, and arguments for and against both types of ownership.

Concerning 'Afrocentric' (communalistic) versus 'Eurocentric' (individualistic) approaches to land, Prof Zulu pointed out that individual perspectives were shaped by existential circumstances. For example, in Ixopo, KwaZulu-Natal, as in other areas where black people had been able to purchase land, there was a long history of private land ownership, and an individualistic ethos prevailed. Because of colonial dispossession there were political overtones to land ownership. Expectations had been raised in 1994, and some farm workers had formed Trusts with a view to acquiring land. Land could be seen as a potential source of income because of high unemployment rates.

With regard to linking land to farm attacks, Prof Zulu pointed out that, if that were the case, attackers would need to come from, or be agents of, aggrieved communities. One had to ask what image farmers represented to the wider community, including to the criminal community. One should also ask to what extent farmers were attacked relative to other, similarly resourced, rural people (i.e. a comparative analysis was needed).