



THE BLACK SASH

5 LONG STREET · MOWBRAY · 7700 · TEL. 685-3513 · 9 a.m. - 1 p.m. MONDAY - FRIDAY

MONITORING COORDINATOR

ANNUAL REPORT

(March 1992 - February 1993)

This report reflects the combined effort of several Sash members. Although it has been compiled and written by the monitoring coordinator, the work described is a product of many hours of dedication of all the volunteer monitors. In particular, the work of those who form the core of the monitoring group, is acknowledged:

Rosalind Bush, Val Goldschmidt, Jean Goode, Anne Greenwell, Lu Harding, and Val Rose-Christie.

Other people, who also assisted in monitoring activities reflected in this report (with special thanks to those who helped monitor the hearings of the Goldstone Commission) are also acknowledged: Candy Malherbe, Noel Robb, Sue van der Merwe, Sue Cook, Penny Sacks, Muriel Crew, Scotie Morton, Margaret Nash, Anne Hill, Mary Burton, Birga Thomas, Tish Haynes, Domini Lewis, Mairie Brimble, Karin Chubb and Sandra Haydon. Apologies to anyone whose name has been omitted by negligence.

Paula Cardoso.

ABSTRACT:

The work of the monitoring group during 1992 involved monitoring political events related to different issues: education and the occupation of unused "white" schools, evictions, demolitions, "mass action" periods, marches, courts, strikes, funerals, taking affidavits, etc. These were reported in monthly reports and this report will only focus on a few areas in which our involvement was continuous throughout the year : the Goldstone Commission, the Joint Forum on Policing and the Network of Independent Monitors.

The Goldstone Commission hearings on the Inquiry on the Taxi War in Cape Town started in March 1992 and are still continuing. The lengthy period and protracted nature of the hearings have resulted in declining public interest and has given the opportunity for the South African Police to be seen as peace makers, contrary to the perceived notion that they were fuelling violence at the height of the conflict.

The Joint Forum on Policing has managed to get recognition from, and establish formal links of communication with, the Complaints Investigating Unit (set up under the National Peace Accord), in the Western Cape; some small victories were achieved through the work of the J.F. but it has failed to analyse the progress and outcome of cases reported to the police for investigation, as to assess its own effectiveness. It also has had no significant effect on policy changes and at this stage it seems fair to say that our role has been largely symbolic.

The Network of Independent Monitors was formally launched in the W. Cape in January 1993 and the process took a lot of time and energy from monitors away from Sash. Sash's original involvement in monitoring was when the focus was to monitor the actions of state forces and its allies against communities. With ongoing political changes the role of monitors has and will continue to change to some extent.

LIST OF CONTENTS:

- 1 - Introduction
- 2 - Goldstone Commission
 - 2.1 - Some of the submissions presented
 - 2.2 - Some perceived problems in the procedures of the Commission
- 3 - Joint Forum on Policing
- 4 - Network of Independent Monitors
- 5 - Looking Back
- 6 - Looking Forward

1 - INTRODUCTION:

During the period March 1992 to February 1993 the monitoring group was involved in several activities that ranged from monitoring struggles over land, housing and education, to monitoring marches, funerals, strikes, periods of mass action, the hearings of the Goldstone Commission, courts and the taking of statements/affidavits whenever we were called upon. We organised and coordinated a public stand in the city centre, protesting against death squads and government corruption. We also worked closely with other organisations in the Joint Forum on Policing and in the setting up on the recently launched Network of Independent Monitors.

The monitoring group also assisted the Black Sash Advice Office in monitoring payout points of pension/disability and maintenance (non-support) grants.

Regular monthly reports on the activities of the monitoring group were issued by the monitoring coordinator and therefore only a few areas of our work, in which we were continuously involved during the year, will be looked at in some more detail in this report.

Due to the nature of our work, of largely responding to unpredictable needs and mostly unrelated requests for assistance from either individuals, communities or other organisations, there has been a lack of continuity and planning in our activities. This means that over the last year we have been mostly "reactive", rather than "pro-active", in contrast to other Sash interest groups. We have recognised that the two are not necessarily mutually exclusive and have tried to define some areas of focus for the coming year, as will be discussed later.

2 - GOLDSTONE COMMISSION (COMMISSION OF ENQUIRY INTO THE TAXI WAR IN CAPE TOWN):

The hearings of the Goldstone Commission have been one of the focus of our monitoring efforts due to our historical involvement in monitoring some of the violence that broke out as a result of the conflict in the taxi industry in Cape Town: Rosalind Bush wrote an article that appeared in SASH magazine in 1991 and our monitors, together with monitors from other organisations, monitored taxi ranks, took statements, and kept records of events related to what became known as the "taxi war". Some of these have been used by the lawyers (Mallinck Ress Richman & Cloenberg Inc.) making submissions to the Goldstone Commission on behalf of Black Sash, UMAC, ANC Women's League and the Cape Town Peace Committee, and by Hellen Zille, giving evidence as a consultant for the Cape Town City Council (who is part of the CTPC).

The hearings are scheduled to restart in Cape Town on the 17th of February and to finally come to an end on the 31st March/93. So, even though the outcome of the hearings and recommendations will only be known in the future, we can briefly look at two aspects of the hearings up to the

present: some of the submissions presented so far and some problems perceived in relation to the procedural aspects of the Commission itself.

2.1 - Some of the submissions presented - a brief summary:

So far evidence by officials of the Cape Town City Council, Department of Transport, Local Road Transportation Board, Traffic Department, South African Police, taxi associations and some witnesses on all sides, has been heard.

Many of the arguments so far point to gross negligence and a prevalence of chaos in administration on the part of the LRTB in the issuing of permits to taxi operators (eg: H. Zille). H. Zille reports that, with the abolition of influx control and the decision to legalise "pirate" taxis (ie, those without permits) it seems that the LRTB started a systematic granting of permits to applicants that could prove that they were "pirates" already in operation. Since these were historically represented by WEBTA, the irregular practice of submitting applications with a WEBTA stamp was successfully practiced, with the exclusion of other applicants (ie, mostly LAGUNYA taxi operators). According to the Chief of Traffic Department in C.T., the LRTB continued issuing permits despite advice to the contrary, due to the inadequacy of ranks and facilities available. Also, on request from the City Council, the LRTB has been unable to provide any records with details of the number of taxi permits issued, taxi operators and owners, nor any records of applications refused.

H. Zille also queried why WEBTA kept on renouncing agreements reached in mediating forums set up with the cooperation of community organisations and the lack of action on the part of the SAP and LRTB when the conflict assumed such violent proportions that it spread to the burning of houses and the loss of life amongst communities. Police failed to disarm taxi operators, oppose bail of suspects and to successfully prosecute perpetrators of violence.

The SAP's position seems to be that people were scared to come forward and testify against guilty parties and that therefore they could not conduct investigations or make arrests. It must be noted that at that stage, there were not any attempts by the SAP to provide a witness protection programme.

During the last session of the Commission's hearings (November 1992), witnesses for Sash, UMAC, ANC and CTPC who alleged that white men wearing balaclavas and camouflage uniforms were actively involved during violent attacks on communities, were hardly cross-examined by police lawyers and their evidence was almost unchallenged. It is thought that the SAP will respond to these allegations in the forthcoming session. Our lawyers (J. Snitcher) also report that witnesses for the SAP contradicted each other when cross-examined.

Unfortunately the hearings were then suspended and are only resuming on the 17th of February/93.

Should anyone be interested in reading the full report made by H. Zille, it is available at the office.

2.2 - Some perceived problems in the procedures of the Commission:

The following is a short summary of the Commission's suggested time table and of the postponements and cancellations effected:

16/03/92 - 3/04/92 : sat 23/3 - 26/3 - other sessions cancelled;
21/03/92 - 30/04/92 : sat 21/3 - 24/3 - other sessions cancelled;
20/07/92 - 30/07/92 : sat 20/7 - 30/7;
31/08/92 - 11/08/92 : ???
29/10/92 - 11/11/92
16/11/92 - 20/11/92 : session of 18/11 cancelled.

CODETA (Convention for a Democratic Taxi Association), an attempt to negotiate peace between the rival taxi associations, was launched on the 20th of March/92. The Goldstone Commission of Inquiry into the Taxi War in Cape Town was due to have started its hearings on the 16th of the same month but was postponed till the 23rd. The reasons given on a press release by the Commission were that the postponement was due to the "white" referendum (17/3/92) and because WEBTA and LAGUNYA had not yet made representations to the Commission. However, a preferred interpretation by monitors and our lawyers was that the postponement was linked to the launch of CODETA, where members of the SAP (and it later became known, the Internal Stability Unit, "the very elements perceived by many to be a key part to the war" - H. Zille, in press) were acting as mediators. This presented an opportunity for the police to offer an image of peace makers, contrary to the perceived notion that they were fuelling violence.

During the period May-June/92 representatives of Sash, UMAC, ANC and the CTPC became concerned with some of the procedures of the Goldstone Commission investigating taxi violence in C.T. Hearings were being continuously interrupted and postponed, often to accommodate individual's private arrangements, and venues were being changed without prior and adequate warning to the public. The Commission was also claiming that submissions by Sash and other concerned organisations reporting and documenting police bias, were not evidence of the causes of the violence. It was felt the Commission were trying to screen submissions before the hearings.

Further concerns followed the release of an interim report by the Goldstone Commission in June/92 that stated that the roots of the conflict were in commercial competition and that members of the police had not participated in violence and had "tried to mediate in the war on a continuing basis". Although the report also stated that the role of the SAP had "not been fully explored and will be the subject of further investigations" it was felt that the findings of the interim report were premature and preempted evidence not yet heard. The interim report also referred to submissions made by police as "evidence" and to submissions made by other parties as "allegations", and referred to evidence given by taxi operators but none had yet been heard to the knowledge of our lawyers. Lastly, the interim report also referred to "private hearings" (with witnesses who are unwilling to testify in public) of which our lawyers had not been notified.

in breach of an agreement that all legal representatives would be present should these happen. Objections were formally lodged with the Commission.

An overall effect of the lengthy period and protracted nature of the Commission's hearings has been a declining public interest in what by now is looked at as past history, while the events that took place with the taxis in Johannesburg at the beginning of February clearly indicate that it is an unresolved national problem.

3 - JOINT FORUM ON POLICING:

Sash has been continuously involved in the activities of the Joint Forum, which is a group of 12 organisations that came together because of their concern about allegations of police involvement in various acts of violence in black residential areas between July and October 1991 (some of which related to the "taxi war"). The aims of the J.F. are to arrive at a system of accountable and impartial policing, improve investigations of police misconduct and monitor police action. This is compatible with one of the aims of the National Peace Accord which stresses the need of achieving police accountability and impartiality to the communities it serves. With the launch of the Network of Independent Monitors (see below), who will take on the monitoring role, the J.F. will concentrate its efforts on lobbying, inform policy and work within the field of police community relations. The J.F. is a member of the Regional Dispute Resolution Committee in the W. Cape.

During 1992 the J.F. submitted regular complaints to the police investigation unit encharged of dealing with allegations of police misconduct and involvement in conflicts (Complaints Investigating Unit-CIU), a unit that falls under the N. Peace Accord structures. A big shortcoming of the unit is that the police end up investigating itself! So far, the procedure to deal with reported cases is lengthy and very time consuming since each case has to be referred to the Headquarters in Pretoria, which then decides whether or not a case falls within the ambit of the unit.

With the recent (late January, 1993) appointment of Police Reporting Officers (P.R.Os.) it is hoped that the procedures will be streamlined, speeded up and make the police somewhat accountable to non-police structures. P.R.Os. are appointed by the Minister of Law and Order from a list of names proposed by the Association of Law Societies and General Council of the Bar, and their role is to ensure proper investigation of complaints against the police and recommend to the Commissioner of the Police on action to be taken against policemen found guilty of misconduct. However, P.R.Os. still fall under SAP headquarters in Pretoria.

Mr. Christoffel Pauw (a former prosecutor and advocate with the office of the attorney general, now in private practice - Cape Times, 26/01/93) has been appointed P.R.O. for the W. Cape.

While members of the J.F. feel that our work let to some "victories" during the past year our biggest shortcoming, in the author's opinion, is that we

did not carry out an analyses of the cases submitted to the police for investigation.

A victory was achieved for example when a minor was assaulted by the police in Port Nolloth and the station commander refused to allow a para-legal to accompany him during statement taking by the police, when the youth layed a charge of assault. After the J.F. reported the case to the RDRC, the matter was finally resolved. We have also recently heard that two policemen have been prosecuted.

But, at the moment there are approximately xxx cases on the SAP regular (bi-monthly) reports to the J.F., dealing with cases referred by the J.F. members for investigation. At least ten of the cases, ranging from accusations of murder, to mistreatment of a detainee during detention, to failure to wear name tags while on duty (as agreeded by the N. Peace Accord) have now been disposed off, since Pretoria found that there were no grounds for the institution of either criminal or departamental steps against the policemen accused. While we cannot yet make a firm statement on the outcome of these cases, at this stage it seems plausible to say that either the J.F. members who submitted the cases for investigation have a very poor sense of judgment or that the same old pattern of the police absolving itself is still prevalent.

A subcommittee of J.F. and NIM has recently been formed, in which I will be participating as Sash representative, to carry out analyses of all the cases and SAP follow up, and evaluate our liaison with the police complaints investigation unit.

The Joint Forum has emphasised throughout that there is no hope of improving community relations with the police, that could lead to a build up of trust, unless the police are seen to act and that justice is being done.

We also succeeded in establishing some formal lines of communication with the CIU and had a joint workshop to enhance the mutual understanding of our structures; perhaps the knowledge that they were being watched may have led to some restraint on police behaviour during mass action periods, although in outlying areas, where our psresence is not significant, police behaviour seemed not to have changed significantly. But, we had no success in trying to bring about changes areas of longstanding contention, for exmple: that the Internal Stability Unit should not be allowed to move into conflict areas, assume control over local commanders and practice unacceptable violent methods of policing.

Overall, while we might say that it is still "early days" to evaluate the effectiveness of efforts like those of the Joint Forum, we must remain vigilant to whether the police code of conduct under the Peace Accord, and our own role will remain largely symbolic! ,

Susan Collin (Centre for Intergroup Studies, UCT), the J.F.'s coordinator, has recently written a paper entitled "For Better or for Worse - Alliances and an NGO Response to Conflict). In it she highlights the role that non-government organisations, based on values of "inclusiveness, justice and sustainability", can play in the transformation of South African society, "in contrast with the business and political sector which are based on

profit and power, respectively". But will NGO'S, precisely because of their lack of power, be able to successfully bring about significant transformations? Her paper is available at the office should anyone be interested.

4 - NETWORK OF INDEPENDENT MONITORS (NIM):

Working towards the establishment of NIM both at a regional and national level took a lot of energy and time from Sash's monitors. There has been detailed input about NIM in the monitoring coordinator's monthly input in the regional newsletters and in the National Newsletter (Jan/93) by Rosalind Bush, and therefore there is no need to expand much here. But overall, the Cape Western region of Sash (Sash decided that accreditation to NIM should be on a regional not national basis) has, together with other 9 organisations, become accredited to NIM since November 1992. Since each accredited organisation is responsible for its own monitors, Sash has put forward the name of five experienced monitors; new members wanting to become accredited to NIM will have to go through a "training" period by going out with other Sash monitors. All accredited organisations and monitors have to abide by a code of conduct, committing themselves to independent monitoring which does not work for the advancement of a particular political party or state structure. NIM was formally launched in the Western Cape on the 28th of January.

NIM will also take over from the Joint Forum the function of monitoring and reporting cases of politically related violence in which police involvement is alleged. NIM will from now liaise with the CIU, and the Joint Forum will only follow up general policing issues that may/will arise from the reports of monitors.

The belief behind the monitoring efforts is that monitoring can make a difference and contribute towards reducing the levels of violence and bring perpetrators to justice. It is also thought that the effective presence of international monitors/observers (eg: United Nations, Ecumenical, Commonwealth) is to a large extent dependent on the existence of domestic monitors, and that this will be crucial during the preparations for the first democratic, non-racial elections in South Africa.

I think that with political developments, the role of monitors has to some extent, and will continue, to shift. Many of us originally became involved, to monitor action of state forces and its allies against communities. More recent developments might force some of us to question our own perceived role as "impartial" and "neutral" observers. An example that comes to mind is the monitoring of political meetings in "black townships"; a meeting of the Democratic party in Guguletu at the end of 1992, brought out in private, that there were divergent views amongst monitors on the merits of such initiatives, and therefore affects availability to monitor such events.

Recently NIM's National Council decided that it is not NIM's role to monitor the election process, but only situations of potential or actual violence. The Western Cape region is of the opinion that the two cannot always be distinguished, and since the levels of violence in the W.Cape are

much lower than in the Transvaal and Natal, NIM in our region should motivate to also include election monitoring in its programme.

5 - LOOKING BACK - ASSESSMENT OF OUR WORKING METHODS

At the end of Novembre 1992, there was a meeting at Sash where members of the monitoring group, Regional Council, Advice Office, Advice Office Committee and National discussed what we felt we had achieved, what we failed to achieve and what we would like to achieve in the future.

As far as the monitoring group was concerned we felt we had succeeded in: establishing good networks with other organisations (Joint Forum and NIM); furthering the cause of independent monitoring (especially through NIM); carrying on monitoring the taxi war and the Goldstone Commission; contributing to the visibility of Sash's monitoring role in "black" townships and also contributed to Sash's knowledge of (some) current events.

We thought that :

- we had done little A.O. monitoring and little to build a bridge between the Advice Office and the region (Cape W.);
- had worked without goals and done little analysis and research (recognising the difficulty of doing so because of responding to circumstances beyond our control and to events/crisis that are not directly related) ;
- not enough information was shared with regional council (Anne Greenwell challenges this!!) and that individual rather than organisational knowledge was gained. I find it interesting to note that when talking to different people, there were different perceptions of the role of regional council: some thought it is an information sharing body while others thought it is a decision making body - these different perceptions may give rise to confusion if seen as mutually exclusive!
- that outside networking took a lot of energy away from Sash.
- a clear job description for the monitoring coordinator was not drawn up.

It was also felt that the monitoring coordinator, as a paid worker, should spend more time working with the Advice Office, since the job description makes provision for her to assist the Advice Office coordinator.

6 - LOOKING FORWARD:

At the same meeting we decide to meet again (in January 1993) and define some goals for the first few months of 1993, especially for the monitoring coordinator. This must be seen in light of discussions around management in Sash's structures, that were brought to us at the end of last year and the outcome of the Novembre's meeting .

At the January meeting the volunteer monitors chose to focus their work mostly in NIM-type activities, training (of monitors and voter education)

and a few volunteered to help with the destitution campaign being initiated by the Advice Office. Ongoing work from 1992 will be continued.

The monitoring coordinator's , is to assist the three and spend at least one or two mornings a week working on Advice office issues. This will include helping in the preparation of a booklet on Maintenance (non-support).

Note: We are aware that one of Black Sash's resolutions is to look at how women are affected by each area of our work. Although this was discussed by monitors, it was felt that given the nature of our work and with 5 or 6 active volunteer monitors we could not even hope to address this question.