

Defenceless Driefontein scores a victory over tardy police

The SAP regularly protest that they are falsely accused of inaction by communities that fall victim to violence. However, this article – on the fate of a small community terrorised by a political/criminal gang – bears out claims of police ineffectiveness.

By Charles Talbot

On the last night of March this year the peace was rudely shattered in the small community of Driefontein on the Natal North Coast. Khela "Wise-man" Ntshingila was the victim of an attack which left his home almost completely destroyed. This signified the start of a forced recruitment campaign by "renegade" Inkatha Freedom Party activists.

The Driefontein community, which includes both ANC and IFP supporters, responded to this crisis by contacting the SAP and hoping that the perpetrators would be brought to book. This was not the case, and the violence just seemed to escalate. The Community Conflict Monitoring Service (CCMS) operating from the Idasa office in Durban was asked to assist in trying to deal with the problem.

During the ensuing weeks and until mid-May, the community was witness to four murders and numerous other offences including kidnapping, arson and intimidation. An attempt was made to deal with the problem through the political parties within the sentiment of the January "Peace Accord" between the ANC and IFP leadership. A meeting was organised, addressed by prominent local leadership of the ANC and the IFP; both spoke out strongly against this violence.

But the violence continued. On May 16, CCMS staff along with members of the Black Sash and the Community Research Unit (CRU) visited the Umhlali police station. This visit was as a result of the community's ongoing complaints of police inaction. Having spoken to the station commander and members of the Central Investigation Department (CID) it was established that 13 vio-

lence-related dockets emanating from the Driefontein area had been opened. (One of the cases for attempted murder had been thrown out of court for lack of evidence.)

This didn't add up – so much smoke and so little fire?

With the assistance of a major agricultural interest in the area, Idasa was able to bus 98 "complainants and witnesses" to a neutral venue where a legal team from the University of Natal, Durban's Legal Aid Centre and members of the Legal Resource Centre were on hand to process the complaints. This information was compiled in a memorandum which was handed over to the police.

The memorandum has resulted in the opening of a further 35 dockets. (Nearly three times as many as recorded by the local police station.) The investigation was carried out by the Durban-based Unrest Investigation Unit, who also took over seven dockets from the Umhlali CID, and another four from the Tongaat CID. Of all the cases reported, one individual, Pasha Khuzwayo, has been implicated 19 times and his brother Musa 15 times. In fact, Pasha Khuzwayo was the person whose attempted murder charge had been withdrawn due to lack of evidence.

In a matter of two weeks 14

people have been arrested and at least three have been refused bail. Peace has since returned to Driefontein.

That first attack on March 31 was allegedly carried out by Pasha Khuzwayo and his associates; the same people have been charged with the attempted murder of Musa Cebisa on 1 April, as well as the assault and intimidation of Rose Ntibane on the same day.

Until the intervention of Idasa and the action of the SAP Unrest Investigation Unit, the community was left in the hands of this well-armed political/criminal gang.

There are three theories as to why this situation was allowed to develop:

- In these times of political violence a policeman's job is made much more difficult.

In some cases this may be true, but in Driefontein both the ANC and the IFP in the community were united on the issue of stopping this violence in Driefontein. There was an obvious willingness to co-operate with the police.

- Many people from Driefontein believed that the staff of the Umhlali police station may have taken a political decision to support the perpetrators of this violence.

According to this theory, the reason cases never developed into prosecutions and the apparent impunity with which

these criminals were allowed to operate, was perceived to be the result of a hidden political agenda of certain individuals within the police force. Members of the community complained of the absence of any follow-up investigation. This theory is supported by the fact that a police officer based in Umhlali told members of the community that they should

try and report their problems to the SAP in Durban because the cases would be shelved in Umhlali.

- The third theory would merely be to say that the Umhlali police responded unprofessionally.

In discussions with a local police officer the concerned community leaders were advised to chase this small group out of the area. At later meetings it was alleged that the same officer advised the leaders to burn down the houses of the gangsters, and later to form a secret group to kill these criminals. The leaders argued that this was a police matter and declined.

For whatever reason, the Umhlali police were ineffective in dealing with the crisis in Driefontein, and this illustrates the need for the creation of mechanisms which will make justice more available to the general public. These mechanisms will need to play a dual function of building community trust through increasing police accountability to the communities. The violence will continue for as long as the police are perceived as political players and not as public servants. □

Charles Talbot is a CCMS Co-ordinator in Durban.