



VIGILANTISM IN THE WESTERN CAPE

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1. Introduction

Vigilantism - the assumption of responsibility for community safety and values by self-appointed custodians prepared to use lethal force - has become a permanent feature of South Africa's political landscape since the country's emergence as a modern state in 1910. However, it has alternately advanced and receded as a factor impinging on the lives of South Africans and mutated and changed in form and direction.

The aim of this report is to give a brief overview of the origin of vigilantism internationally (Annexure A) and in South Africa (Annexure B). Special attention is given to the "necklace" method of vigilante action, which is synonymous with South Africa. The main focus, however, is to analyze the current vigilante situation in the Western Cape, especially on the Cape Flats. Khayelitsha is singled out as a case study due to the high number of vigilante incidents that are taking place.

Special attention is also given to the motives behind vigilantism. The danger of taking the law into own hands will also be dealt with, as well as the best practices to deal with it.

2. Definitions

The word "vigilante" is of Spanish origin and means "watchman" or "guard", but its Latin root is *vigil*, which means, "awake" or "observant". When it is said that someone is taking the law into their own hands, this means that they are engaging in vigilante activity, or vigilantism. (<http://faculty.ncwc.edu/tconner/300/300lect10.htm>).

Vigilantes was the name given to self-appointed law enforcement groups which appeared...occasionally in older communities where law officers and courts were non-existent, inefficient or corrupt, where municipal institutions were disorganized, or where established authorities seemed unable to cope with lawlessness and disorder.

"Six elements" that characterize vigilante activity are:

- Minimal planning, preparation or premeditation
- Private agents acting in a voluntary capacity
- Activity undertaken without the state's authority or support
- Force is either used or threatened
- A reaction to the real or perceived transgression of institutionalized norms

- Aims to offer people the assurance that established order will prevail (Johnston, 1996).

Various definitions for vigilantism (taking the law into own hands) have been posited in South Africa. However, three main characteristics are regarded as important for the understanding of vigilantism:

- Acts of severe violence including serious assault and murder of alleged criminals.
- Punishment that often exceeds the crime allegedly committed and is meted out in the absence of any form of evidence.
- Engaging in illegal acts such as kidnappings, 'crimen injuria', sjambokking, and malicious damage to property, theft, robbery and sabotage (ISS Monographs, 72: 8).

3. Vigilante methods

The necklace method (burning tyre filled with petrol around the neck) became synonymous with South Africa during the 1980's and throughout the 1990's. It apparently originated in the townships surrounding Uitenhage and Port Elizabeth in the Eastern Cape in 1985 as a method of getting rid of political opponents, specifically unpopular town councilors of the Black Local Authorities Councils. It is a particular painful death and the victim suffers excruciating pain in the process with death sometimes being caused not only by the burns but by asphyxiating either from the fumes released by burning rubber or the sudden extraction of the oxygen surrounding the tyre as it burns into flame (Minnaar, 2001:49).

The method of vigilante action differs from area to area and from situation to situation. When a suspect steal, rape or rob a person and the angry community get hold of the suspect, vigilant people beat him to death or leave him in a serious injured state. The community in some instances also damage or burnt the family's home of the suspect down to chase the suspect and his family out of the neighbourhood.

The sheer ferocity and savagery of the popular mob justice that is taking place does little for the maintenance of law and order or of upholding any vision of community justice. In its crudest sense it is simply individuals in a community taking the law into their own hands and dispensing their own punishment on alleged criminals, who they see not being caught, convicted and sentenced.

In essence the current vigilantism in South Africa is a brutal indictment of the whole criminal justice system and an expression of its failure and the inadequacies of the policing that is or is not occurring. (Minnaar, 2001:4). The danger of vigilantism is that it not only leads to an increase in the overall level of crime, but also influences how government responds to crime generally and most importantly, undermines the rule of law.



The activities of vigilante groups like People Against Gangsterism and Drugs (PAGAD) in the Western Cape and Mapogo-A-Mathamaga in the Northern Province are cases in point. The activities of both these groups have seen a rise in gang related violence in the case of PAGAD, and many instances of assault in the case of Mapogo. (see Annexure B).

4. Vigilantism in the Western Cape

The crime statistics for certain crimes in the Western Cape for the 2002/2003 financial years shows an increase. Crimes such as murder, attempted murder, robbery with aggravated circumstances, public violence and common assault are on the increase. Vigilante activities mostly occurred out of the above-mentioned crimes. According to statistics on Khayelitsha, Phillipi East and Nyanga Community Service Centre (CSC), there has been an increase of vigilante incidents since 2001.

In Mfuleni, not to mention other places like Khayelitsha, Phillipi East, Nyanga and Delft, daily incidents of vigilantism occur. These incidents range from one to three per day to seven per month (Gopge, 2002:3).

However, it is difficult to determine the exact number of vigilante activities, because there are no sufficient procedures or statistics available at station level to give the exact vigilante incidents. The following hotspots areas in the Western Cape were identified by the focus groups as well as the crime threat analysis (SAPS Vigilantism Prevention Strategy Western Cape, 2002: 4):

Western Metropole

Athlone	-Community versus gangs
Gugulethu	-Street Justice
Nyanga	-Bundu courts
	-Vigilante street committees
Mitchells Plain	-Vigilante Neighbourhoodwatches
	-Religious influences/elements
Ocean View	-Site 5, local community takes law in own hands
Bo-Kaap	-Community versus drug dealers
Manenburg	-Gangs
Grassy Park	-Community versus Gangs
Muizenburg	-Vigilant Neighbourhoodwatches

Eastern Metropole

Khayelitsha	-Pretending to be Neighbourhoodwatches
	-Street committee destroying houses
	-Self defence organisation
Bishop Lavis	-Gangs



Elsies River	-Gangs -Protest action
Ravensmead	-Gangs
Kraaifontein	-Community versus Shebeens
Kuilsriver	-Protest Action

Boland

Bredasdorp	-Community versus gangs
Hermanus	-Community versus gangs -Protest action
Napier	-Protest action
Grabouw	-Taxi owners versus farmers
Vredendal	-Community versus shebeens

Southern Cape

Mossel Bay	-Farmers take law into their own hands -Religious group versus liquor outlet protest action
Albertina	-Community action versus gangs
Knysna	-Protest action
Riversdal	-Protest action

The Khayelitsha case study

It is important to understand the history of Khayelitsha. At first Khayelitsha was mainly a shack settlement. During the 1980's many people moved into that area from different places, especially from the Eastern Cape. Most of the people in sections A, B, C, E and F of Khayelitsha came from Crossroads, which have a history of violence and killings. Young people who grew up in Crossroads were exposed to extreme violence and are now living in Khayelitsha. As children they were separated from their parents and witnessed a lot of trauma. Young children watched their mother's been raped and saw their father's been killed by the necklace method. They did not receive any counseling to deal with the violence and family trauma they had experienced. These children are now living as adults in Khayelitsha, with no tolerance, forgiveness, gratitude or kindness for other human beings.

There are also many homeless people living in Khayelitsha. There are no factories or other jobs in the area and workers and jobseekers have to travel long distances. The area is plagued by poverty, unemployment and social dislocation and the HIV/Aids rate is high. Many lost their homes due to financial problems and were evicted by the Banks. They are financially ruined and through vigilantism taking other people's property or evicting other people illegally from their property. The age-old principle of "an eye for an eye" still exists in Khayelitsha. It is in human nature to get even to make right what was wrong. Revenge attacks and vigilante activities occur thus on a regular basis.



Before April 2002, no record was kept of reported vigilantism, because vigilante action was sporadic. On Sunday 2002-01-13, an incident occurred in Khayelitsha where three suspected perpetrators were killed through the necklace method by some of the community members in Site C. High delegations of investigation officers were appointed by government to investigate the incident.

After the incident the police management of Khayelitsha implemented a register in the Client Service Center where all vigilantism incidents should be book staffed in the future. Since then, the Khayelitsha Police Crime Intelligence Analysis Centre (CIAC) started reporting vigilante activities. For example, 78 vigilante activities were reported from April 2003 - December 2003. Since January to July this year alone 43 vigilante incidents occurred in Khayelitsha (Khayelitsha CIAC)

There exist a number of well-known vigilante groups in Khayelitsha:

- *PEACA* (Peninsula Anti Crime Agency) was established in 1998 and consists of old MK and APLA soldiers with more than 2 800 members strong. They operate against illegal shebeens and take the law into own hands (killing or assaulting people they believe did wrong).
- *CATA-CODETA* conflict (different taxi associations). Most of their vigilante activities are focused against other taxi organisations, fighting over taxi routes and boundaries.
- *SANCO/Street Committees*. People form committees on street level; consist mostly of elderly, act against any form of criminality without having any consideration for anybody else or consideration for any law whatsoever.
- *Anti-Eviction Campaign*. They are involved in illegal convictions. The banks, for example, will take houses back from people who can't pay and put other people in the houses. Members of the Anti Eviction Campaign will then forcefully removed the new inhabitants of the houses (Witbooi: 2004:6).

5. Causes of vigilantism in the Western Cape

The focus group identified the following as the causes of crime (SAPS Vigilantism Prevention Strategy Western Cape, 2002:3):

- Perceptions of no or poor service delivery by service providers and lack of resources like housing, transport, education, health and poverty.
- Lack of trust in the SAPS due to the political history, poor service delivery, rumours of corruption.
- Lack of trust in or understanding of the Judicial System due to insignificant



- sentences, bail granted, insignificant witness protection, lengthy court trials and non-transparency in the parole granting process.
- Lack of knowledge of the functions of the Justice System.
 - Perception of the increase of crime.
 - Inadequate laws.
 - Uncertainty by community members.
 - Aspirations of some people like PEACA or CORE.
 - Fear or sense of unsafe by communities. A culture of fear has developed.
 - Inadequate communications with regard to successes of Justice System.
 - Social/economical dissatisfaction with regard to Housing, Education, Health Services, Transport and control of illegal immigrants.

Causes of vigilantism in Khayelitsha

Captain Jan Witbooi of the SAPS in Khayelitsha interviewed individuals and focus groups (SANCO, PEACA, Neighbourhoodwatches, Public Prosecutor, Church leader, Disaster Manager, Regional Magistrate, Community Police Forum, SAPS, CODETA, Khayelitsha Development Forum, Khayelitsha Business Forum and a Youth Church Leader) to establish the possible causes of vigilantism in Khayelitsha (M-Tech student in Policing).

The respondents from the different groups mentioned the following causes of vigilantism in Khayelitsha:

Easy bail conditions

The members of SANCO, PEACA, Provincial Legislature, Social Services, Public Prosecutor and Church Leader felt that criminals are out on bail too soon. Criminals are arrested for serious crimes and are out on bail the following day. This led to a lot of anger and frustration in communities. The fact that the perpetrator will be out on bail to commit other crimes resulted in people taking the law into their own hands.

Lack of trust in the SAPS

The members of SANCO, PEACA, Provincial Legislature, Social Services, Public Prosecutor, Church leader, Neighbourhoodwatch, Disaster Manager, CODETA, SAPS Khayelitsha and Business Forum felt that the slow reaction time of the SAPS contribute to vigilante activity. Some of them mentioned lack of trust in the SAPS, weak statement taking, poor detective work, no follow-up on cases, no communication between the detectives and community, as well as corruption of SAPS members.

Lack of trust in the prosecution system

The members of SANCO, Provincial Legislature, Social Services, Public Prosecutor,



Church Leader, Regional Magistrate, CODETA and CPF felt that people do not understand how the courts operate. They mentioned a general mistrust in the legal system, do not understand how the courts operate and felt that the criminals should receive more harsh penalties. They also felt that many cases are withdrawn due to lack of evidence and then the criminals are back on the street. There is a general feeling that the entire prosecution section in Khayelitsha is unable to prosecute criminals efficiently and appropriately.

Other causes

Some of the respondents also mentioned the fact that people borrow money from *micro-cash loaners* and most of the time can't meet the paying back requirements. The micro cash loaners then turn to vigilante action to get their money back.

Other respondents felt that *politics* also contribute to vigilante action. In times of elections political parties rally over votes and many people turn to vigilante action to win people over.

Some respondents felt *The Constitution* is too lenient (human rights) in the sense that criminals know they will get easy bail and be back on the streets to commit the same crime again.

Some respondents felt that *unemployment, poverty, drug and alcohol abuse* turn young people to crime and gangsterism. It is those young people's criminal activities that turn the community against them, resulted in vigilantism. Furthermore, there are hundreds of shebeens in Khayelitsha, which are open 24 hours a day. People get angry and frustrated, because a lot of crimes occur in and around shebeens.

A number of research projects have corroborated these findings in Khayelitsha. Communities ravaged by lawlessness and with a minimal police presence, see community vigilantism as a legitimate effort to maintain a semblance of law and order. Many residents suffering from criminal activity strongly feel that if the police were more effective against crime, then vigilantism would not occur. But very often vigilante action involves a conspiracy of silence.

There have been incidents of vigilante action where a group of residents kill a suspect but often they are never reported, nor do any witness come forward. The first indication that police have of a crime is when they find a body lying in the streets, burnt or beaten to death. In some instances, police merely receive an anonymous phone call telling them where they can find the necklaced body (Minnaar, 2003:2).

These actions are not only an expression of people's anger and frustration, but also of their fear. These communities are often faced with either organizing their own policing or facing the threat of being swamped by criminal gangs. In combating vigilantism, the police have consistently called for communities not to take the law into their own hands,



but rather to hand suspects over to them. Unfortunately, this just will not happen so long as the high levels of frustration and fear continue to be fuelled by the lack of success in apprehending, convicting and effectively imprisoning criminals.

6. Preventative measures to combat vigilantism

1. Role of Community Safety Forums in the prevention of vigilantism

The Community Safety Forum (CFS) project is facilitated by U Managing Conflict (UMAC), a non-governmental organisation with 19 years experience working in the field of policing and conflict resolution. The project was launched in the Western Cape in October 1998 under supervision of UMAC and with financial support from the British Department for International Development. The goal of the project was to establish a vehicle for facilitating the implementation of multi-agency crime prevention initiatives at local level.

Since the project's inception in the late 1998, the CFS have been established and are functioning in eight localities in the Western Cape, namely George, Robertson, Khayelitsha, Wynberg, Mitchell's Plein, Elsiesrivier, Nyanga and Atlantis (Pelser et.al.2002, 103).

UMAC organised workshops in Khayelitsha throughout 2001/2 between the police, CPF, community to combat vigilantism. The SAPS Community Relationships Building Project was entered into in March 2002 between the Department of Community Safety, the East Metropole Area Board, UMAC and the SAPS as a complimentary intervention to this process. Following a scooping workshop in Khayelitsha, six potential areas of intervention were identified:

- Training of the CPF in respect of roles and responsibilities with a view to developing and consolidating the CPF identity,
- Conflict resolution training with a view to establishing a conflict intervention team at the station,
- Local level community training on the Criminal Justice System and on Human Rights,
- The development of Community Outreach Programmes by various CJS role players such as the Non Support Forums and Community Corrections,
- Evaluation, development and communication of the Khayelitsha crime combating strategy to ensure community participation.

During 2003 it was decided that the nature of intervention would be one of training with much of that focused on the CPF and general community. UMAC facilitated the idea of a training manual, which led to the development of a Community Police Forum Toolkit Phase 1. The Toolkit is a training manual, which focus on the different processes to follow to establish CPF's. The CPF Toolkit Phase 2, which followed during 2004, is a



training manual for the SAPS, the CPF, the community, Neighbourhoodwatches, street committee's etc in combating vigilantism. The Toolkit deals with Human Rights (What are human rights, democracy and human rights and cultural diversity, etc), the Criminal Justice System (What is the CJS, role and functions of the police, courts and prisons, parole conditions etc), Problem-Solving for the CPF's (problem areas, criteria for problem-solving and the process, etc) and Conflict Resolution (understanding conflict, conflict resolution processes, analysis etc). (CPF Toolkit Phase 2, 2004, 1).

The idea with the Toolkit Phase 2 is to train the different sectors in the community on issues related to conflict resolution and to combat vigilantism. Most of the respondents interviewed in Khayelitsha stated that there is an urgent need to educate the community on issues such as Human Rights, the Criminal Justice System and problem-solving.

2. Respondents in Khayelitsha's views on how to prevent vigilantism

The different respondents interviewed in Khayelitsha gave some recommendations on how to prevent vigilantism.

Communities need education

Members of SANCO, Neighbourhoodwatch, Provincial Legislator, Social Services, Public Prosecutor and Church Leader, Disaster Manager, Regional Magistrate, SAPS and CODETA, felt that communities in general need education on how the Criminal Justice System works. People need workshops to educate them on how the courts work, the role of the prosecutor and magistrate. There was also a suggestion that people need to be educated on how to conduct self-control and to deal with anger and frustration effectively.

Improve SAPS service delivery

Members of SANCO, PEACA, Disaster Manager, CPF Khayelitsha, SAPS Khayelitsha, CODETA and Khayelitsha Development and Business Forum felt that the SAPS' service delivery should improve. The respondents mentioned that the SAPS reaction time should improve, more SAPS on the streets (increased visibility) and more resources available for SAPS.

Other

Respondents also mentioned the following preventative measures:

- Government must look at job creation,
- Better co-operation between Justice, SAPS and community,
- Parents must be more involved in children's activities,
- Improve rehabilitation programmes in jail,
- Severe penalties for serious crimes,



- Community should take ownership of streets again,
- Shebeens should be closed down,
- More recreation facilities for the youth,
- More reservists and Neighbourhoodwatches on the street.

Peter Herklaas found in his research on “Community Police Forums to combat Cape Flats vigilantism” poor communication between the community, SAPS and the CPF’s. Communities complained that the CPF’s are not visible in their areas and that not many people know about the CPF’s. Some respondents felt that it is the responsibility of the CPF’s to restore the confidence in the SAPS (M Tech. Studies in policing).

3. *SAPS Vigilantism Preventative Strategy: Western Cape*

During 2002 the SAPS Vigilantism Prevention Strategy for the Western Cape was drafted and circulated to the various Area and Station Commissioners for implementation. The following action steps in the strategy were:

- Effective Community Police Forums at stations in the Western Cape,
- Effective management of the CPF by a CPF chairperson,
- Effective management of CPF by Station Commissioners and Area Commissioners as prescribed in Section 18 to 23 of the SAPS Act, no 68 of 1995, the SAPS Interim Regulations for CPF’s and Boards,
- Effective implementation of Sector Policing,
- Effective community based crime prevention by means of partnership policing has to be launched in the community (SAPS Vigilantism Preventative Strategy).

It is clear that Community Police Forums can play a major role in combating vigilantism. However, lack of co-ordination, effective oversight and necessary involvement of relevant Departments seem to be the reasons for failure of CPF’s in certain areas.

8. **Conclusion**

Vigilantism can only occur if vigilante organisations and ordinary citizens are given the space to act because of the perceived failure of the state to deal with the issues of the criminal violence. Therefore the state needs to assert its authority, enforce its laws effectively and efficiently and put functioning systems of criminal justice and policing into those areas that need it most, namely the poorer urban neighbourhoods, informal settlements and deep rural areas such as the former homelands.

Furthermore, the state needs to be seen to act swiftly to counteract vigilante actions, and to prosecute and convict perpetrators. However, the flip side of the coin remains that the whole criminal justice system needs to be unclogged, speeded up, corruption stamped out etc. so that criminal cases can be dealt with, in their own right, quicker. The public needs to see justice happen to criminals caught and handed over to the authorities. In terms of



the functioning of criminal justice system ordinary citizens need to be socialized into and made aware of the fact that everyone, irrespective of whatever crime they may be accused of perpetrating, has the right to assessing a court of law to have his or her case heard in a fair and public hearing.

It is therefore incumbent on the authorities to provide better access to courts to the general public. All accusations must be tested in an independent and impartial setting. Vigilantism patently denies this right. The Constitution also protects the rights of arrested, detained and accused persons requiring that they be subjected to due legal process. Again the spontaneous and premeditated acts of community justice happen so quickly that they circumvent this right.

9. Recommendation

It is recommended that the public and the Community Police Forums should be educated and trained to fight crime within the boundaries of the law. Furthermore, that the efforts and activities of anti-crime groups in communities should be harnessed in line with the provisions of the law. Moreover, those vigilante actions should be deflected into positive crime prevention programmes regulated by local police and more effective Community Police Forum supervision. With regard to the latter, an urgent evaluation is recommended in relation to:

- Resources,
- Training and skills,
- Infrastructure,
- Community awareness of and access to CPF's,
- Police-community relations,
- Government policies,
- Local politics and dynamics

Furthermore:

- CPF's must be more structured and visible in the community,
- Street committees must also be included in the CPF's crime prevention programmes,
- Mobilize more volunteers to help with CPF's programmes,
- Improve relationship between SAPS and CPF.
- Improve neighbourhoodwatches' visibility and strengthen co-ordination between them and the CPF.

Such a study would be particularly useful not only in identifying gaps and weaknesses of CPF's but also identifying instances where CPF's are successful in combating crime and vigilante violence. It is hoped that the CPF Toolkit Phase 2 will enable the SAPS, the CPF and the community to fully understand the complexity of vigilantism and assist in combating this evil.



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Annexure A: International trends

Vigilantism is not a new phenomenon. Some historians see it a peculiar “American” phenomenon, tracing it back to the Deep South and Old West during the 1700’s when in the absence of a formal criminal justice system, certain volunteer associations (called vigilante committees) got together to blacklist, harass, banish, “tar and feather”, flog, mutilate, torture or kill people who were perceived as threats to their communities, families or privileges. By the late 1700’s, these committees became known as *lynch mobs* because almost all the time, the punishment handed out was a summary execution by hanging.

During the 1800’s, most American town with seaports had vigilante groups that worked to identify and punish suspected thieves, alcoholics and gamblers among recently arrived immigrants. The state of Montana, however, holds the record for the bloodiest vigilante movement from 1863 to 1865 when hundreds of suspected horse thieves were rounded up and killed in massive mob action. Texas, Montana, California and the Deep South, especially the city of New Orleans, were hotbeds of vigilante action in American history.

Vigilantism seemed to die down after the 1909 in America, but was resurrected in what some experts call neo-vigilantism in the 1920’s and pseudo-vigilantism in the 1970’s. Neo-vigilantism includes the anti-abortionist movement, subway and neighborhood crime patrols, border security groups, and what might be best described as a variant of bounty hunting for criminal activities. The lynching of Mexicans and African-Americans during the 1920’s as well as more recent vigilante activity against immigrants is a type of neo-vigilantism. Pseudo-vigilantism technically refers to controversial cases of self-defense, like the Bernhard Goetz incident, in which a citizen kills somebody in self- defense in anticipation of an attack.

In the 1980’s, and to some extent before then, vigilanism arose in Third World countries in the form of “death Squad” paramilitaries. In the 1990’s, cyber-vigilantism emerged where so-called “ethical” or “white hat” hackers go after sexual predators, terrorists, spammers, auction frauds, and copyright infringes on the Internet. (<http://faculty.newc.ecdu/toconnor/300>).



Annexure B: Vigilantism up to the early 1990's in South Africa

African communities have a long history of developing their own systems of policing, dispute resolution and punishing offensive behaviour. As early as 1910 the South African government sought to control indigenous African systems of policing and justice through the appointment of chiefs in rural areas and representatives of homelands in urban areas. In 1940 the state sanctioned the establishment of Civic Guard units for protection in the townships. However, these units were banned in 1952 due to continued public disorder and the lack of government protection, communities organized themselves against criminals. (ISS Monographs, 2002: 1).

The origins of vigilantism in South Africa have also been linked to other community structures established in the 1970's under the concepts of Makhotla. Although controversial because of their association with tribal or homeland representatives in the townships, the purpose of Makhotla was to rebuild and care for the community. They functioned as alternative systems of township justice alongside the formal legal system. However, then they began transgressing boundaries of legal behaviour they were no longer tolerated by government or by the communities where they operated.

The country at the same time began to experience political upheavals in the form of the Soweto riots and the period of resistance that was to follow. Vigilante groups started to emerge in both the 1970's and 1980's encouraged supporting the aims of the apartheid government. Vigilantism became a form of social control over township residents who resisted the apartheid system, particularly the homeland system and the Black Local Authorities.

During the township uprisings of the 1980's, structures such as the Black Local Authorities and the homelands came under increasing attack from the ANC-aligned United Democratic Front (UDF), youth and civic organizations. The homeland leaders were seen as puppets of the apartheid government, which inevitably created tensions between them and the liberation movements. Clashes involving these vigilante groups left thousands dead and others homeless. Violence related to vigilante activity intensified during the 1980's and by October 1988, over 90% of unrest-related deaths were caused by vigilante and counter-vigilante violence in South Africa.

In response to the number of attacks by vigilante groups and in an attempt to replace official state structures with ANC structures, many communities under the direction of their local civic associations formed street committees and people's courts. Street committees were set up primarily to protect communities and to alert them to pending attacks from vigilante groups, particularly when these were aimed at leaders' homes. People's courts on the other hand were set up to try alleged police informers, criminal elements within the liberation movements commonly known as "comtsotsis" and common criminals. At times the people's courts also intervened in family disputes.

The development of vigilantism up to the early 1990's was influenced by:



- The repressive nature of the state during apartheid and the reactions and counter-reactions that this drew from various political and community based groups.
- The fact that the state did not provide services, particularly in respect of safety and justice that the communities needed.
- The fact that institutions of the state were inaccessible to local communities. (ISS Monographs, 2002: 4).

Vigilantism in the post 1994 era

In the post 1994 era in South Africa vigilantism can be explained in terms of high crime levels, public perceptions that the government is unable to respond, the poor delivery of services associated with safety and the inaccessibility of justice to most South Africans. Two vigilante groups, PAGAD (People Against Gangsterism and Drugs) in the Western Cape and Mapogo-a-Mathamaga in the Northern Province, established themselves since 1994 as the most prominent vigilante groups in the country.

PAGAD

PAGAD was launched towards the end of 1995 in the Western Cape, particularly drawing support from the conservative religious neighbourhoods of Cape Flats of Cape Town. In August 1996 PAGAD burst into the public consciousness with the very public execution of Rasaad Staggie, a well-known leader of the Hard Livings Gang on the Cape Flats. His murder had occurred after a PAGAD march on his house. Staggie had come out to confront the marchers and had been set alight and shot in full view of the police and the TV cameras.

The PAGAD modus operandi in the Western Cape was to organise anti-crime campaigns during which marches are held to the houses of persons believed to be involved in criminal activities, in particular drug dealing and other gang-related crime (extortion, prostitution, burglary and dealing in stolen goods). Typically violent PAGAD actions involved bomb attacks (pipe bombs), drive-by shootings or stand off shootings at the residents of alleged drug lords. For example, during the first six months of 1996 there were sixty-one pipe bomb attacks in Cape Town alone. The increasing militancy of PAGAD members was fuelled by the refusal of the police to talk or deal with PAGAD. This led to individuals within PAGAD becoming frustrated and their activities becoming more covert like assassinating known criminal leaders. The establishment of cell structures and the so-called G-Force drove the covert actions. Although PAGAD never hesitated to use force against gangsters and drug dealers they viewed the police as fair game if the latter got in their way (five policemen were shot and wounded in a skirmish at the Belville Magistrate's Court in Cape Town on 17 December 1996).

Police statistics for 1998 showed that out of 667 violent attacks recorded in the Western Cape, 188 were blamed on PAGAD with 28 suspects being arrested (all linked to



PAGAD). The PAGAD campaigns against identified drug lords and gang members continued throughout 1999 and 2000.

However, one of the problems in the government's crackdown on PAGAD activities has been their inability to produce accurate intelligence for successful arrests and hard evidence with which to prosecute PAGAD members. By April 2001 less than 20 PAGAD members (of which only two were from PAGAD's G-Force) had been successfully convicted and sentenced. In addition, a number of cases against PAGAD members have recently collapsed with the murder of several witnesses who were either in the Witness Protection Programme or had left their safe houses to return to their homes or visit family (Dixon et al, 2001, 3).

Mapogo a Mathamaga

The "Mapogo a Mathamaga", a vigilante group initially originating from the central and southern area (the former Lobowa homeland region) of the Northern Province was established on 25 August 1996 in the Sekhukhuneland Village near the provincial capital Pietersburg. It got its name from a Sotho proverb meaning the leopard can change its colours and become a tiger when provoked. Mapogo a Mathamaga also has an English name-"Business Shield". In December 1996 the word "community" was added to the Mopogo logo, i.e. Business and Community Shield. Businessmen in the area set it up after the murder of eight local businessmen and a spate of burglaries of business premises during the two- month period of July and August 1996.

Mapogo soon grew from 1 000 paid up members to more than 2 000 operating in townships in areas such as Sekhukhune, Tafelkop and Groblersdal in the Northern Province. Members pay up to R 440 monthly membership fee (this amount is usually for a business or large-scale farming operation wishing to have their protection). Most members give the same kind of reasons for joining: desperation about the crime rate and a belief that the police are either unwilling or unable to deal with the problem.

The group initially arrested suspects and handed them over to the police, but changed tactics after police released a number of suspects. They started apprehending suspects after dark taking them by surprise and beating confessions out of them before handing them over to the police. Throughout the Northern Province region the Mapogo vigilantes soon became synonymous with sjambokking (whipping with long stockwhips) their victims before dumping them on the doorsteps of police stations, or worse, on the steps of funeral parlours-a routine commonly referred to by members as "Mapogo medicine". By July 1997 the police had arrested 82 members of the group on various charges but this did not put an end to their anti-crime activities.

By May 1999 the group claimed a total membership of 35 000 in the four northern provinces of South Africa (Northern Province, Mpumalanga, Gauteng and Northern Cape). Regardless of efforts by the authorities to stamp down on their activities Mapogo continued throughout 1999 and 2000 with their brutal activities.



The year 2000 saw the increasing fragmentation of the organisation and a slowdown in momentum if not actual stagnation. However, Mapogo still remains a force of considerable impact in the rural areas of the Northern Province (Minnaar, 2001:25). Although both PAGAD and Mapogo's activities seem to slow down, vigilantism continues to constitute a serious threat to the rule of law and in fact the central principle of democracy.



Annexure C: Popular explanations for vigilantism

- *Fighting crime*

According to official statistics of the SAPS, levels of recorded crime in South Africa began to increase in the mid 1980's dramatically so in the early 1990's. The high crime rate and the subsequent public perception that the criminal justice system is inadequate, led to the popular believe of taking the law into own hands. "Punishment typologies" and "punishment to fit the crime" became popular responses to justify the fight against crime.

- *Filling the police gab*

Another popular motivation for vigilantism suggests that the police are reluctant to address crime, that they are inefficient and unhelpful. For these reasons people felt they are forced to take the law into their own hands to deal with crime. Rather than being viewed as a considered choice, vigilantism is presented as a necessary and inevitable reaction to police lethargy. Thus, the argument here suggests that community mistrust fuels perceptions about police inability and opens a space for community members to take the law into their own hands.

- *Apartheid history*

South Africa's policing history are offered as the reason for poor community relations with the police. History creates a space for vigilantism today because people "don't want to work with the police" and would rather take the law into their own hands. The perception exists that during apartheid the police did not take action when black people reported crimes. Black people then used to take the law into their own hands.

- *South Africa's political transition*

Vigilantism is conceptualized as a consequence of expectations about democracy, specifically, disappointed expectations (unemployment) about the political change. It is portrayed as a form of empowerment, as a way to take control, unfettered by state intervention and policy.

Vigilantism is also seen as a product of criminals "getting away with it" in the new order due to negligence, overcrowded jails, easy parole conditions, badly trained prosecutors, corruption and poor investigations.

- *Vigilantism as a crime*

It is important to acknowledge the ulterior motives beyond the pursuit of crime fighting (vigilantism), whether in the form of service fees (Mapogo), payment to kangaroo courts, losing a house, and belongings or cattle to the plaintiff. Rather than seeking to eradicate



crime, vigilantism in this vein is motivated by personal benefit and in certain instances, by crime itself. (Harris, 2001: 26).

For example, an overview of 267 cases brought against members of Mapogo between 1996 and mid-2000, reveals charges that include murder, assault, robbery, stock theft, kidnapping, housebreaking, theft and arson. These are all criminal charges. (South African Police Service, 2000).

