



## African Policing Civilian Oversight Forum

The African Policing and Civilian Oversight Forum is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF takes the view that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community. APCOF achieves its goals through undertaking research; providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa.

The issue of police brutality in South Africa is one of national and international public interest and concern. Despite the legal obligations on South Africa and on the South African Police to protect human rights, and the existence of domestic oversight mechanisms including the Independent Police Investigations Directorate (or, IPID), police brutality, and impunity for acts of brutality, continue in the South African Police Service.

In 2011/2012, IPID reported an average of five cases of police brutality every day, which is an increase of 313 percent in 10 years. In 2011/2012, there was evidence of police criminality in 162 deaths reported to IPID. The South African Police Service is facing R8 41 512 000 civil claims in relation to assault and R1,1 billion in relation to shooting incidents, with total claims having doubled in last two years. In terms of public perception, 41% of population do not trust the police at all (HSRC), and that 35% of South Africans in 2012 admitted to being “scared of the police”. (ISS Submission to South African Parliament 26 March 2013)

The challenge of addressing police brutality, and impunity for police brutality, was highlighted to South Africans, and the world, this month when seven police officers were acquitted of the murder of Andries Tetane. Mr. Tetane was killed by police two years ago during service delivery protests in Ficksburg, South Africa. Mr. Tetane’s death was captured on camera, and the footage clearly showed the police first firing rubber bullets at Mr. Tetane at point blank range, and then assaulting him. Amongst the many officers recorded as being at the scene, seven were identified and charged. Their acquittal was on the basis that the court was unable, beyond reasonable doubt, to place the defendants at the scene.

The investigation and trial of these seven police officers for the murder of Mr. Tetane highlighted some of the barriers to the successful prosecution of police officers, which are relevant not just to South Africa, but to other police agencies on the continent. These barriers include a code of silence which characterises many police cultures and see members protecting their colleagues; the ability of police, who have expertise in the investigation process, to manipulate crimes scenes;

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the skills deficits of our oversight mechanisms; and prosecutorial services who see conviction rates drop by half in cases involving the police.

South Africans are asking many questions of their police, not only following high profile events like the killing of Tetane, Macia or the miners of Marikana, but also in the experiences of many people's day to day interaction with the police. Following the trial of Mr. Tetane's killers, they are now also asking questions of the oversight architecture which is, on paper, among the best and most well resourced in Africa.

What we take away from these events is a point made earlier in a panel discussion that APCOF co-facilitated at the NGO forum: that the structural advances in promoting oversight do not necessarily translate into meaningful and positive results in police oversight at the practice level.

What is clear is that we cannot rely on external oversight mechanisms only to change police behaviours and culture. Evidence across the world shows this has limited impact. Rather we need to look across our systems of criminal justice and governance and seek a more holistic response. Police lack of compliance with Human Rights Standards, problems of brutality, misconduct and ill discipline and corruption need to be prioritised and addressed across all sectors of society. Our oversight mechanisms need to be strong independent and robust. Our politicians need to be unambiguous in their rejection of police violence and our prosecutorial services need to prioritise cases of serious police misconduct and put their best forward. Failing this we risk ever declining faith in our criminal justice system.

Most importantly, it is our police organisations themselves that need to prioritise adherence to human rights. Police training on human rights needs to be reviewed and strengthened. Police managers need to review all incidents of use of force and learn from these incidents.

Police organisations that work with partners in and outside of government to achieve our human rights aspirations have demonstrated significant benefits and we encourage these partnerships.

We are there encouraged by the increasingly active role of the Commission in promoting human rights and policing

We call on the Commission to deepen its role in ensuring human rights are respected by the police and to:

1. Emphasise the issue of policing and human rights as a priority in its protection and promotion of human rights engaging with its partners including the police on how best this can be supported.
2. Reaffirm commitment to earlier resolutions of the Commission to encourage states to establish civilian oversight mechanisms and deepen respect of human rights by police organisations.
3. Systematically review state reports to ensure relevant means are being employed to promote the functionality of oversight mechanisms, where they exist, and to encourage adoption of oversight mechanisms where they are absent from the policing frameworks