



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

MEDIA STATEMENT

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CASAC welcomes HRC report on Andries Tatane

The Council for the Advancement of the South African Constitution (CASAC) welcomes the Report of the Human Rights Commission (HRC) into the killing of Andries Tatane during a service delivery protest in Fickburg in April 2011. The Report states that behaviour of the police violated a number of provisions of the Bill of Rights.

The HRC finds that the South African Police Service (SAPS) used 'excessive force' which was 'disproportionate in the factual circumstances of the case', and they were not 'suitably equipped to quell public disorder'.

The HRC recommends the following actions:

- that the SAPS improves the 'training of police officers in managing and regulating gatherings to ensure that future police interventions in public protests result in a more peaceful and non-violent outcome';
- that the SAPS together with the HRC develop a training manual for the SAPS Public Riot Unit;
- the SAPS to actively engage with communities where there are popular protests;
- That the Minister of Police and Minister of Cooperative Governance & Traditional Affairs (COGTA) report twice a year on measures put in place to address the phenomenon of increasingly violent community protests. COGTA is also required to report on measures to ameliorate systemic failures in local government and interventions to avoid service delivery protests.

The Report constitutes a damning indictment of the SAPS and in particular its capacity for public order policing. It would seem that a pattern of unlawful conduct is taking root in the SAPS and that a culture of impunity prevails. This lack of accountability of the SAPS is creating zones of illegality where police brutality is becoming the norm. Council for the Advancement of the

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We note with dismay that the Ministry of Police and SAPS failed to cooperate with the HRC in defiance of its obligations under section 41 of the Constitution to cooperate with other state institutions.

It is the failure of the SAPS and the Minister of Police to heed the warning signs from the murder of Andries Tatane that has led to the Marikana massacre. The SAPS has lost its public order capability and instead reacts with maximum force against civilians. The Report notes that there is a 'growing policy inclination of the (SAPS) in post-democratic South Africa towards the use of force to maintain public order'. This is a matter that needs to be urgently addressed.

Responding to the HRC Report, CASAC Chairman, Siphon Pityana said:

"We call on Parliament to urgently consider this important Report of the HRC and to exercise meaningful oversight over the executive and a seemingly unaccountable police service".

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