AfriForum

Report to the South African Human Rights Commission

for the

National hearing relating to safety and security in farming communities

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1. Introduction

AfriForum has compiled this report for consideration by the South African Human Rights Commission (SAHRC) at the national hearing relating to safety and security in farming communities. The hearing is scheduled for 15 and 16 September 2014 at the SAHRC head office in Braamfontein, Johannesburg.

AfriForum is a civil rights organisation that forms part of the broader Solidarity Movement.[1] The organisation is registered in terms of the Companies Act of South Africa and functions as a non-governmental organisation without motive of profit. It was founded in 2006 and is funded by its individual members, who make monthly contributions to support the work in which AfriForum is involved. At the time this report was drafted, AfriForum had approximately 105 000 individual members and 125 branches in local communities across the country.

Although the majority of AfriForum's members are based in urban areas, and despite the fact that AfriForum is not involved with organised agriculture, a significant number of AfriForum's members reside in rural areas. Also, many of AfriForum's members live on farms across South Africa. As a result, AfriForum is particularly concerned about the wave of violence that has plagued rural areas in recent years.

The issue at hand is not merely a concern for AfriForum because of the fact that many of its members have also become victims of violence, but because AfriForum's members across the board regard farm attacks, and the South African government's failure to in curb this phenomenon, as one of the

[1] The Solidarity Movement consists of eighteen civil institutions. These include the trade union Solidarity, AfriForum, the Solidarity Helping Hand, the Federation for Afrikaans Cultural Organisations (commonly referred to as the FAK), the tertiary institutions Akademia and Sol-Tech, the Solidarity Research Institute (SNI), Maroela Media and others. Solidarity, AfriForum and the Solidarity Helping Hand have a joint membership base of over 250 000 South Africans.

country's most pressing concerns. Consequentially, campaign for the prioritising of farm attacks is one of AfriForum's main campaigns.

Various victims who have either survived farm attacks or who have lost loved ones as a result of such attacks have also approached AfriForum in recent years. Many of these victims requested assistance in dealing with a local police department that did not properly investigate the crime in question, and many of them asked to become involved with AfriForum's campaign for the prioritising of farm attacks.

This is also the reason why AfriForum approached the SAHRC on 30 May 2013.

It is AfriForum's respectful submission that both the South African Police Service (SAPS) and the department of police are grossly negligent in addressing the issue of farm attacks and farm murders.

This report will elaborate on the reasons why AfriForum is campaigning for the prioritising of farm murders and why AfriForum is of the opinion that the department of police in particular is negligent in the matter. This report also considers the volatile political climate that is contributing to farm attacks, the attitude of the government towards those campaigning for the prioritising of farm attacks, and particular obstacles in addressing the problem. A list of relevant case studies is also included for consideration by the SAHRC.

Finally, ten decisive recommendations are made that could significantly contribute to safer rural communities across South Africa.

2. Why farm attacks are unique

At a meeting that took place between AfriForum and a senior representative of the department of police (among others),[2] the representative explained to AfriForum that farm attacks are in fact a priority of the police, but that these crimes are regarded as 'normal crimes'. The context of this statement was an explanation that there was not enough merit in AfriForum's argument that farm attacks should be treated as a so-called priority crime. The representative's point was that the department of police was looking into farm attacks, but that there was no sufficient argument as to why these crimes should receive 'preferential treatment'.

This argument is, with due respect, flawed. It is a basic policing principle that unique crimes should be countered with unique counter-strategies. It would be an enormous blunder if the poaching of rhinoceroses in the Kruger National Park, for example, was depicted as 'normal poaching' that should be dealt with in exactly the same way as all other (and less extensive) forms of poaching are dealt with across the country. The point is that the poaching of rhinos is not only unique in the way that it occurs, but also in the consequences. This particular phenomenon within the crime of poaching requires a unique counter-strategy, despite the fact that it can still be narrowed down to 'normal' poaching.

The reality is that farm attacks and farm murders are very unique. This uniqueness justifies a unique counter-strategy. Farm attacks are not only unique in the circumstances surrounding these attacks and the way in which these crimes are committed, but also in the consequences thereof. Broadly speaking, there are four reasons why farm attacks and farm murders are unique. These reasons are explained briefly.

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[2] The said discussion occurred during a meeting with the Tshwane Metro Police in November 2012, in preparation for a protest march that was scheduled to take place on 1 December 2012. A representative of the department of police attended the meeting on behalf of the minister. AfriForum is not in possession of the name of the said representative.

2.1. Unique frequency

The exact frequency of farm murders is a subject that is often hotly debated. Some estimates give the number of farmers who have been killed in the past two decades as far more than 3 000. Others argue that this is a small number, especially when compared to the large number of people who are killed in townships across the country. This debate can be polarising and often leads to racial friction, especially in the social media. The existence of this debate can be attributed to the fact that the South African government has deliberately limited the release of any official statistics on farm murders. Previously these statistics were included in police crime reports, but during 2007 farm attacks increased by approximately 25%, after which the government took a decision that no further statistics on the matter would be released.[3] AfriForum's approach to this debate is more conservative and the organisation consequently only uses data that has been verified. That is why the book *Treurgrond*[4] is usually referenced by AfriForum. The second edition of *Treurgrond* contains the detail of 3 319 verified farm attacks that occurred between 1990 and 2012. During these attacks 1 610 people were murdered.[5]

Acknowledging the lack of sufficient data, a leading authority on crime research, the Institute for Security Studies (ISS), made a conservative calculation in 2012 that puts the level of farm murders at 98,8 per 100 000 murders per annum.[6] The number was recalculated in 2013, using newer data and was put at 120 per 100 000 per year.

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[3] Burger J 'From Rural Protection to Rural Safety: How government changed its priorities' in Report by the Solidarity Research Institute *An overview of farm attacks in South Africa and the potential impact thereof on society* November 2012, 60 – 61.
[4] Kraal Publishers. The English version is entitled *Land of Sorrow.*
[5] See Feiteblad, Treurgrond: Die realiteit van plaasaanvalle, 1990 tot 2012.
[6] Burger J 'From Rural Protection to Rural Safety: How government changed its priorities' in Report by the Solidarity Research Institute *An overview of farm attacks in South Africa and the potential impact thereof on society* November 2012, 62.

During 2014 the agricultural union, TAU SA, calculated the farm-murder rate for 2013 at 130 per 100 000 per year.[7]

These rates are more than alarming and should be seen in context. It is noteworthy that, according to these figures the number of murders on farmers is more than twice as high as the murder rate of police officials in South Africa, which is put at 55 per 100 000 per year.[8] This is already more than four times the South African murder average, which is one of the highest in the world at 31 per 100 000 per year, and more than 17 times the world average for murder, which is put at about 7 per 100 000 per year.[9] It should be noted that the abovementioned calculations were made to determine the rate at which commercial farmers are murdered in South Africa, while commercial farmers are not the only victims of farm attacks.

Although it is true that more murders are committed in South Africa's informal settlements than on farms, the point often neglected is the fact that these crimes have to be viewed in proportion. Farm murders should be seen within the context of the fact that there are only about 35 000 commercial farmers in South Africa.[10] Thus, proportionately speaking, it is safe to say that murders on commercial farmers are excessively higher than murders within other communities.

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[7] *Die Burger* 'Plan vir plaasmoorde' 22 July 2014.
[8] Considering that South Africa's murder rate is almost five times higher than the international average, one can expect that the levels of police killings would be quite high. Policing is a high-risk occupation. Farming, however, is not, and the fact that it is more dangerous to be a South African farmer than a South African policeman raises serious concerns.
[9] *Beeld* 'Boere het meer risiko's as polisie: Dit is dalk Malema se skuld– *TLU SA'* 24 October 2013.
[10] Speech by the Minister of Agriculture, Forestry and Fisheries at the First African Farmers Association of South Africa (afasa) Annual General Meeting, 22 October 2012.

2.2. Unique levels of brutality

The extreme brutality of farm murders is in many cases totally unrelated to the value of the items stolen in such attacks, leading one to suspect that robbery is often not the motive in these crimes. The brutality of these attacks can be illustrated by many examples. On 16 December 2010, for instance, Johan Schoeman, a 40-year-old farmer from the North West province, was tied behind his pickup truck and dragged over a farm road until he died of a burst liver. His cellphone, wallet and vehicle was stolen.[11]

On 1 December 2010 the Potgieter family was killed on their farm in the Free State Province. Attie Potgieter (40) was stabbed 151 times, while his wife, Wilna (36), and daughter, Wilmien (2), witnessed the killing. Thereafter, little Wilmien was executed in front of her mother and thrown in a box. During the clean-up of the crime scene the body was found in blood that half-filled the box. After having witnessed the brutal murder of her husband and daughter, Wilma was then also executed. A note, written in Sotho on a piece of cardboard saying "We have killed them. We are coming back", was found on the gate of the farm.[12]

On 22 October 2013 Dawid and Rallie de Villiers (both 87) were murdered on their farm in the Eastern Cape Province. The attacker(s) wrote ‘666’ on the walls in the victims’ blood. Their son, Dawie (53), was also on the scene. His eyes were gouged out and a machete (a sharp-edged blade) was left in his throat. He survived.[13]

These references serve as examples. It is possible to quote many similar incidents that left even hardened crime investigators reeling. More examples are provided in the case studies that form part of this report.

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[11] Volksblad ‘Boer wreed vermoor’ 17 May 2010.
[12] News24 ‘Farm murderers leave chilling note’ 3 December 2010.
[13] Rapport ‘666 geskryf op plaas by lyke’ 19 October 2013.

In fact, the levels of violence and the inexplicable need of attackers to torture their victims is a cause for grave concern.[14] The well-known South African 'Blood Sisters' from the company Crime Scene Clean-up have dedicated a chapter in their book on South African crime scenes to farm murders.[15] In the book they state that the expression 'farm murders' is misleading. According to these individuals, who have dealt with all kinds of violent crime, including hits ordered by organised crime, the terms 'farm torture' or 'farm terror' would be more appropriate.

2.3. The role of farmers in the South African community

South Africa is an agriculturally rich country, ensuring employment to thousands of workers in rural areas where employment opportunities are scarce. The state president has repeatedly stated that job security and job creation should be at the top of the government's agenda. Farmers are employers and play an important role in terms of job creation, food security and the economy. The National Development Plan has set a goal for the agricultural community to create one million jobs by 2030.[16] This goal was repeated by the state president during the 2014 State of the Nation Address.[17] AfriForum responded, stating that this will remain an unreasonable and unrealistic objective as long as no acknowledgement is given of the fact that the creators of employment on farms are being plagued by a wave of violence and as a result are forced to abandon the sector in growing numbers.[18]

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[14] Claassen L 'Investigating the psychological aftermath of farm attacks' in report by the Solidarity Research Institute *An overview of farm attacks in South Africa and the potential impact thereof on society.* November 2012, page 39.
[15] De Jager E and Schutte R (2012) *Blood Sisters*.
[16] See also http://www.gov.za/issues/job_creation/index.html.
[17] 17 June 2014.
[18] AfriForum Media statement 'State of the Nation speech shows lack of insight into challenges faced by South Africa – AfriForum' 17 June 2014.

2.4. Unique circumstances

The most important motivation for the AfriForum campaign for the prioritisation of farm murders, however, is the fact that farmers live in unique circumstances. Farms are isolated, usually far from the nearest town or city and often only accessible by gravel roads. Intervention by the local police and even by concerned neighbours cannot take place within a matter of minutes. The circumstances of farmers certainly cannot be compared to those of citizens living in urban areas. Even if the other factors that contribute to the uniqueness of farm attacks were irrelevant, this factor alone is sufficient reason to acknowledge that farm attacks should be countered with a unique counter-strategy.

3. The deprioritisation of farm attacks

One of the tragic ironies regarding the farm attack phenomenon is the fact that the South African government viewed and treated farm attacks as a priority in the past. It appears, however, that while the problem has escalated (at least in the minds of the community) the South African government has in actual fact embarked on a process of deprioritising farm attacks. It appears that the reaction of the government to farm murders has declined as rapidly as the magnitude of the problem has increased. Where in the past the government admitted that farm murders were particularly savage and that they constituted a crisis that should be addressed, the magnitude of the crisis is to a great extent denied today.

A few milestones in this 'process of deprioritisation' can be highlighted:[19]

- In 1997, under the leadership of former president Nelson Mandela, the South African government officially stated that farmers appeared to be uniquely targeted in violent and murderous attacks. Statistics on farm murders were released annually and the government even appointed a task team with the aim of compiling a plan to deal with farm attacks.

- In 1999 the Joint Operational and Intelligence Structure Priority Committee was convened with the aim of escalating rural safety to national priority.

- In 2001 the minister of police directed the SAPS national commissioner to establish a committee of inquiry into farm attacks.

[19] See Johan Burger 'Farm attacks remain a concern' 17 October 2012 (Institute for Security Studies) as well as Johan Burger 'From Rural Protection to Rural Safety: How government changed its priorities' in report by the Solidarity Research Institute *An overview of farm attacks in South Africa and the potential impact thereof on society* November 2012, pages 64 – 65.

- In 2003 former president Thabo Mbeki announced against all expectations that the commando system would be abolished. The ruling ANC argued that this system, which provided a platform for members of the agricultural community to become involved with safety initiatives in rural South Africa, represented the security interests of the white farming community only.[20] Mbeki stated that the structure would be replaced by a structure that would be controlled by the police (this promise has to this day not been fulfilled). Statistics on farm murders were, however, still released.

- Not long after the abolition of the commandos, farm attacks were on the increase. In 2007 attacks on farms had escalated by almost 25%. The reaction of the minister of police was that statistics on farm murders would not be released any more. According to this policy farm murders were, in spite of the sharp increase, officially no longer a priority.

[20] Many black South Africans were, however, also involved with the commando system.

4. Government reaction to farm attacks

In recent years, it has been AfriForum's experience that there was a deliberate attempt by the ministry of police to oppress voices calling for the prioritising of farm attacks. Although it is AfriForum's experience that the newly appointed minister of police, Nkosinati Nhleko, is more approachable than his predecessor, Nathi Mthethwa, this report would be incomplete if we were to omit reference to our experiences in communicating with the department of police in the past few years.

On at least eleven different occasions AfriForum's attempts to communicate with the minister of police were scorned. The details of some of these events are provided in brief:

1. On 24 May 2012 AfriForum, together with the victims of farm attacks whose loved ones had been murdered on farms, held a wreath-laying ceremony in front of the office of the minister of police in Pretoria. A total of 1 445 roses were laid, representing the number of murdered farmers recorded in the first edition of the book *Land of Sorrow* (1 610 were recorded in the second edition). A memorandum was handed to Col Simon Chabangu, the minister's personal secretary. The memorandum contained the appeal for farm murders to be declared a priority crime and for specialised units to be created for rural security.[21] After the action an acknowledgement of receipt was issued. No further action followed and no further feedback was received.

2. In collaboration with several artists, AfriForum held a protest march to the office of the state president at the Union Buildings on 19 June 2012. More than a thousand South Africans participated in the march. A memorandum was handed to president Zuma's representative. The memorandum lodged a protest against the high levels of violent crimes and brutality and called for the president's intervention. Among other

[21] See *Memornadum to the Minister of Police, Nathi Mthethwa* 24 May 2012.

things the memorandum demanded the prioritisation of investigations into farm murders. The president was requested to react to the memorandum before 31 July 2012.[22] An acknowledgement of receipt was issued after the handover, as was a letter from the president's office that the matter had been referred to the minister of police. To make sure there was no misunderstanding, AfriForum sent the memorandum to the minister as well. The minister ignored the president's referral to his office and never responded to AfriForum's appeal for action.

3. On 2 July 2012 AfriForum addressed a letter to the newly appointed national commissioner of police, Riah Phiyega, to congratulate her on her appointment. In the letter AfriForum also specifically requested on behalf of its members, who are often affected by farm attacks, that the commissioner, in collaboration with the minister of police, take active steps to address the farm-murder crisis.[23] The minister's office was also informed of the letter. The commissioner of police acknowledged receipt of the letter, but no further communication was received. However, Mthethwa and the commissioner of police both neglected to respond to the letter.

4. On 4 October 2012 AfriForum addressed a letter highlighting the reality of farm murders to a number of international organisations. A copy of the letter was also delivered by hand to a representative of the state president. The memorandum provided a brief summary of a number of facts about farm murders. The president's intervention was requested.[24] Receipt was acknowledged, but no reaction to the letter was ever received.

5. In the light of the continued lack of concern from the department of police regarding farm murders, AfriForum informed the minister's office

[22] See *Memorandum: March Against Violence* 19 June 2012.
[23] See *Letter to the National Police Commissioner* 2 July 2012.
[24] See *Letter to the President of the Republic of South Africa* 4 October 2012.

that the organisation proposed to hold a demonstration together with victims of farm attacks in front of the minister's office. During a phone conversation on 23 October 2012 the minister's spokesperson, Zweli Mnisi, told AfriForum's deputy CEO, Ernst Roets, that he had no knowledge of the complaints about farm murders. Roets subsequently addressed a letter to Mnisi on 24 October 2012, attaching details and documentation on the above actions.[25] The letter was sent to Mnisi's personal and official email addresses, as provided by him. Although the spokesperson for the ministry of police had requested the information, he never responded to the letters.

6. In the light of the fact that the president and the minister of police had failed to react to the requests set out in the memorandum, AfriForum, in collaboration with various artists and victims of violent crimes, arranged a follow-up action during which a march to parliament was held on 21 November 2012. The memorandum that had earlier been handed to the president and the department of police was on this occasion handed to the speaker of parliament, Max Sisulu.[26] Receipt of the letter was acknowledged, but no further response followed.

7. AfriForum has declared 1 December to be a national day of protest against farm murders. In a coordinated effort in the run-up to 1 December, AfriForum's local structures and victims of farm attacks submitted more than 100 memorandums to police stations across South Africa on 30 November 2012. The memorandums demanded stronger intervention against farm murders.[27] The department of police was informed of this, but failed to respond.

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[25] See *Letter to Mr Zweli Mnisi, Spokesperson for the Minister of Police* 24 October 2012.
[26] See *Memorandum to Members of the National Assembly* 21 November 2012.
[27] See *Memorandum to Police Stations Across South Africa* 30 November 2012.

8. The Potgieter family was murdered on their farm near Lindley in the Free State on 1 December 2010. In the light of this, AfriForum, together with victims of farm attacks and persons who had lost loved ones in farm murders, held a protest march to the department of police in Pretoria on 1 December 2012. The minister initially tried to prevent the march from taking place, and later even went so far as to declare it to be an illegal gathering. AfriForum was informed telephonically by the Tshwane metro police that the march could not take place and that it may not be postponed either. No reasons could be given for this decision, except that the instructions had come from top management. AfriForum approached its legal team to intervene.[28] After AfriForum received an urgent order in the North Gauteng High Court that there was no legal impediment to the march and that it may continue, the minister ignored the court order and continued treating it as an illegal march.[29] No police escort was provided to ensure the safety of the marchers (the few police officers who were on the scene were in the area by accident and said that they had not been informed of the march), and the minister refused to accept the memorandum. The memorandum was then read out in the street. After the event, AfriForum filed complaints for abuse of power and politcal blackmail against the minister of police.[30]

9. The father of Belinda van Noord, Gerhardus Rudolph (65) and her brother, also Gerhardus Rudolph (31), were murdered on their farm near Brits in December 2012. Ms Van Noord personally handed over a volume containing letters from 100 victims of farm attacks to the secretary of the minister of police, Simon Chabangu, on 17 January 2013.[31] AfriForum assisted her in this, and informed the minister beforehand of the handover. Almost half an hour before Van Noord handed over the volume of letters, the ministry issued a media

[28] See *Letter of Attorney* 21 November 2012.
[29] See *Metro Police Decliging Letter* 30 November 2012.
[30] See *Filing of a complaint with the Public Protector* 7 January 2012.
[31] See *Brief van Belinda van Noord* 17 January 2012.

statement in which he described the victims' attempt to share their pain with him as a publicity stunt and stated that he did not take the initiative seriously.[32] Except for the minister's media attack on her, Van Noord received no feedback from the department of police.

10. On 19 June 2013, exactly one year after more than a thousand South Africans had marched to the president's office to demand intervention, AfriForum hoster a conference during which cases gross negligence of police officers in their investigation of farm murders was exposed. The minister's spokesperson attacked this initiative in public too by stating that it was was racist, and then made no further comment on it.

11. On 4 September 2014 AfriForum wrote to the newly appointed minister of police, Nkosinathi Nhleko, requesting an urgent meeting with the minister to discuss preventative measures against farm attacks. The minister was kindly requested to respond to the letter within seven days.[33] The minister's office did not respond to the letter.

The only reasonable conclusion that AfriForum can make from these events is that there is a complete lack of political will within government to pay attention to the public's outry for intervention regarding farm attacks.

[32] See *Statement by the Office of the Minister of Police* 17 January 2013.
[33] See *Letter to the Minister of Police* 4 September 2014.

5. A volatile political climate

AfriForum is convinced that the hostile political climate is contributing towards farm attacks in general, but attacks on white farmers in particular.

5.1. Irresponsible political statements

Unfortunately farmers have also become easy targets of electioneering politicians trying to win the support of the unemployed poor by suggesting that access to land will cure the country's economic woes. It has become a popular pastime of leaders of the ruling party and certain opposition parties to abuse public platforms for the purpose of launching verbal attacks on South African farmers. A few of the many examples are included here.

- During 1993, then president of the ANC Youth League, Peter Mokaba, became known for his repeated singing of a song in which the words 'Kill the Boer, kill the farmer' were chanted. In July 2003 the SAHRC declared the song to be hate speech.[34]

- On 4 February 2008, AfriForum officially requested the SAHRC to investigate the relationship between murders and politicians' abuse of politically charged events to incite racial hatred. This request by AfriForum was filed after Mrs Rinda Abraham had been murdered in her home in Pretoria on the same day that the victims of the Skielik-murders were buried. AfriForum was also aware of two farm attacks during the same weekend, respectively in Vrede and Bronkhorstspruit.[35] The SAHRC did not investigate the matter.

- On 8 May 2011 Peter Mokaba's successor, Julius Malema, stated during an election campaign (and with particular reference to white farmers) that 'white people are criminals and should be treated as

[34] *Freedom Front v South African Human Rights Commission and Another* 2003 (11) BCLR 1283 (SAHRC).
[35] News24 'AfriForum to protest murders' 3 February 2008.

such'. This statement was made in the presence of president Jacob Zuma.[36] Malema was neither reprimanded nor contradicted.[37]

- In 2011 Malema was charged with hate speech for his repeated singing of another so-called struggle song called *Dubula iBhunu* (directly translated as 'shoot the boer').[38] Malema's singing of the song was officially supported by the ANC.[39]

- On 5 June 2012 the president of the ANC Youth League, Ronald Lamola, stated in a public speech that farmers should give up their land voluntarily and that the safety of what he referred to as 'the Van Tonders and the Van der Merwes' (two common Afrikaans surnames) cannot be guaranteed as long as they refused to hand over their land to black South Africans.[40] A few hours later Arina Muller (29) was shot point-blank on her family smallholding just a few kilometres from where Lamola had made the statement.[41]

- In February 2013 the provincial leader of the Congress of South African Trade Unions (COSATU) in the North West Province, Solly Phethoe, issued a press statement in response to reports about retrenchments around Lichtenburg. Phethoe described the news as an act of war by farmers in the province.[42]

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[36] IOL News 'Malema: White people are criminals' 8 May 2011.
[37] Note that Malema's expulsion from the ANC in the following year was in response to his public criticism of Zuma and not for his remarks about white people or farmers.
[38] AfriForum and Another v Malema and Others 2011 (12) BCLR 1289 (EqC) (12 September 2011)
[39] The ANC and Malema filed an appeal against the judgment. Before reaching the Supreme Court of Appeals, the matter was settled when both the ANC and Malema agreed that they would refrain from singing the song again and would encourage the members of the ANC to also refrain from singing the song.
[40] City Press 'Hate speech charges laid against Lamola' 9 July 2012.
[41] Maroela Media 'Rowers skiet Centurion vrou voor haar ouers' 7 June 2012.
[42] COSATU Media Statement 'Statement by Solly Phetoe, Congress of South African Trade Unions North West Provincial leader, on farmers' attitude' 20 February 2013.

- In November 2013 the deputy president of the ANC, Cyril Ramaphosa, warned disillusioned voters at an election rally that they had to vote for the ANC, stating that the 'Boers' would come back to rule over them if they did not do so.[43] This derogatory reference to fellow South Africans exposed Mr Ramaphosa on face value as a racially biased individual, and fuelled racial tension in South Africa.

As is explained elsewhere in this report, it would be irresponsible to generalise on any issue relating to this very complicated crime. It would be erroneous to claim that attacks on farmers in general occur because of incitement by political leaders, simply because there is not sufficient evidence to substantiate such a claim. On the other hand, it would be equally erroneous to conclude that hate speech and political rhetoric are irrelevant when it comes to farm murders.

One case in point is that of 28-year-old Ntuthuko Chuene who was found guilty of the murder of Godfrey Frederick Lanz Heuer. Chuene admitted his guilt to the murder of Heuer, but attempted to justify his deeds by claiming that he was influenced by the former ANCYL president, Peter Mokaba's chanting of the slogan 'Kill the boer, kill the farmer'. Chuene even went so far as to say that he could have killed any other white man he came across at that time and that Heuer 'just happened to be a white farmer at the wrong time'.[44]

As a result of the fact that no official statistics on farm attacks exist, there are different calculations regarding the average age of a farm attacker. However, all attempts to determine an average age conclude that the average attacker is a youth. In many cases teenagers or men in their early twenties are involved in these attacks. Other than statements by Chuene, as referred to above, no credible research exists regarding the relationship between farm attackers and membership of radical youth organisations such as the EFF and

[43] Mail & Guardian 'Ramaphosa warns against the return of "boers"' 11 November 2013.
[44] IOL 'Kill the Boer slogan led to murders', 15 October 1999.

the ANCYL. AfriForum is of the opinion that this is a matter that should be investigated further.

5.2. The land reform debate

AfriForum is also concerned that sweeping statements and generalizations regarding land reform is contributing to the volatile political climate that may lead to farm attacks. A recent statement by Andile Mngxitama (MP), commissar on land for the Economic Freedom Fighters (EFF) is one such example. "It's about land, all land," he said. "All of it belongs to us (black people), all of it is stolen."[45] This sweeping statement is not only void of nuance, but factually incorrect.

It is a historical fact that large parts of the country were left unoccupied as a result of the Mfecane genocide that occurred during the decades that preceded the Great Trek.[46] The matter is also sufficiently dealt with by Pringle EL in his assessment of the 1913 Natives Land Act. Pringle explains the issue land land occupation at the time of the Great Trek as follows:

> "Looking dispassionately at the history, there is also no doubt that the Mfecane cause very large areas within the 30% arable zone of the country to become unoccupied or, at most, severely depopulated. Information that land in such areas was available for occupation was undoubtedly the main driving force behind the Great Trek. As has been pointed out, the reality of South Africa is that roughly 70% of its surface area is unsuitable for permanent agriculture and habitation, unless technology is available for the extraction of sub-surface groundwater. Much of this type land is in the Cape, from where the Voortrekkers emanated. It is, moreover, unlikely that they would have risked taking their families and livestock into areas that were already visibly occupied by rival and potentially hostile groups. All historical accounts make it clear that the central plateaux of South Africa, as well as the southern

[45] ENCA 'All land is stolen, says EFF's Mngxitama 20 June 2014.
[46] See for example Changuion L & Steenkamp B *Disputed Land* (2012).

area of Natal, were largely unoccupied at the time, and so available for use by nomadic groups. In taking advantage of the situation, the Voortrekkers and the Trekboers before them, were simply applying an age-old African tradition of making use of an unutilised asset. Before them, every indigenous inhabitant of the continent had been doing the same thing, and an ethnically selective approach should therefore not be applied here."[47]

[47] Pringle EL *An Assessment of the 1913 Natives Land Act* 31 January 2013.

6. Obstacles in the fight against farm attacks

It cannot be denied that farm attacks are an extremely complex phenomenon. While there is much speculation and debate regarding the motives and causes of these attacks, the significant impact thereof on the victims themselves, the workers employed by the slain farmers, as well as their families living on the property and, undeniably, the effect on the future production on the relevant farms, are extensive.

The following factors are identified as obstacles with which we are confronted in our fight to curb farm attacks. These factors include, but are not limited to:

- **A lack of clear and concise definitions**

  Agreement is necessary on whether or not smallholdings form a part of any rural safety initiatives, as it may be considered by some as urban areas. However, the high frequency of attacks on smallholdings forces us to include these properties in any rural safety initiatives. In AfriForum's experience, the debate on the exact definition of a "farm attack" can be paralyzing to the cause.

- **Risk of generalisation**

  Although there seems to be certain characteristics present in all farm attacks, each case is unique and should be regarded as such. Key role players should avoid generalisation and the making of sweeping statements and assumptions on these complex crimes. The argument often raised by politicians and activists that farmers mistreat their workers cannot be used as a means to justify these crimes. The report of the committee investigating farm attacks published in 2003[48] found that the apparent motive for attacks that took place between 1998 and 2001, was labour related in only 1,6%

[48] Report by the Committee of Inquiry into Farm Attacks (2003).

of the cases. Another assumption is that only farmers are harmed during attacks, which is often not the case. Farm workers are also attacked, assaulted and murdered during attacks. They are often their families' breadwinners of and are then sometimes unable to provide for their families due to injuries sustained during attacks, should they survive at all. AfriForum has taken a firm stand for the rights of farm workers as well.[49]

- **Moral deterioration**

  It is evident from daily news reports that there is a troubling lack of respect for the lives and property of our fellow citizens. Moral decay could contribute to the justification of the mistreatment of others and the committing of crimes against other people. Lack of accountability for our actions could motivate involvement in future criminal acts if an offender was successful in committing a crime without being apprehended.

- **Corrupt officials from state departments**

  Corrupt officials who offer and accept bribes and provide information to criminals, or those who do not effectively perform their duties in order to protect an individual from being apprehended and arrested, should be dealt with as a matter of great urgency. The citizens of our country rely on government officials to protect us and to be concerned with our wellbeing. Officials who make themselves guilty of criminal acts by either directly or indirectly aiding criminals in any way should be dealt with justly and with zero tolerance.

[49] AfriForum Media Statement 'Prioritise farm murders like rhino poaching' 5 July 2012.

- **Obstacles within the criminal justice system**

  Police stations should be allocated with sufficient resources in order to effectively investigate and finalise cases. This includes additional equipment and trained staff to address the current backlog that our country's forensic laboratories are facing.

- **Underreporting**

  There are still many farm attacks that are not reported to the authorities. Reasons for this need to be investigated and adequately addressed in order to obtain the correct statistics from all the regions. Difficulties arise when attempts are made to validly address these (or any) crimes when the true extent thereof is not clear.

- **Reckless and ignorant statements by political figures**

  This matter is discussed elsewhere in the report, but can also be seen as an obstacle in effectively addressing farm attacks.

- **Insufficient communication between relevant departments and role players**

  A joint effort should be made by all relevant role players and departments to work collectively towards the same goal, which is ensuring safety in rural areas. There are numerous safety programmes being run nationally, and the need arises to discuss the problem and share information and resources.

- **Jurisdictional issues due to rural and isolated properties**

  Farm attacks are often committed across district, provincial and national borders. This causes jurisdiction issues concerning police stations and the allocation of resources to cases. Valuable information and time are often lost due to the lack of communication between jurisdictions.

- **A national specialist unit to investigate farm attacks could eliminate various logistic problems as mentioned.**

  Such a unit may be able to effectively gain intelligence on attacks and suspicious activity on a national scale. With the correct procedures and protocols in place, a specialist unit could prove to be a valuable asset in curbing farm attacks and other crimes in rural areas.

7. Community involvement with safety initiatives

South Africa is losing the fight against crime because government is disempowering communities that could help. With regard to rural communities there is little or no empowerment of communities from the side of the government. The usual answer from the South African Police Service is that a community should get involved with the Community Police Forum (CPF).

The problem that AfriForum encounters regarding CPFs is that they have no power to truly put criminals behind bars. A CPF member also has little or no formal training. Rural communities want to feel that they have the power to stop and drastically reduce crime. Very often the SAPS explains that crime simply needs to be reported; especially in rural areas, and that they will act. In many cases this is simply impossible, or where possible, does not happen.

An example is the Elliot police station in the Eastern Cape. They only have one vehicle to cover more than 1 600 km^2. They have to patrol and attend cases with this one vehicle. This surely cannot be effective.

The commandos were disbanded and the promise to transfer commando members to the police as reservists was not kept. This means there was a massive void in the policing of rural areas throughout the country. In 2001 there were approximately 59 000 reservists on the SAPS system and, according to the police secretariat, by 2011 only 30 000 active reservists performing at least 16 hours of duty per month were left. This means that although communities have grown and developed, community involvement in combating crime jointly with the government has not.

AfriForum encourages communities to take part in ‘crime stop’ activities as much as is legally possible. We advise rural communities to patrol their farms, roads and streets and close towns in order to create visibility. Through this kind of visibility we can see crime reduced in remote areas. The problem is that crime is simply moving on to neighbouring rural communities. With a civil

policing capacity, like a good reservist service, criminals can be removed from the public sphere as a whole. Communities are encouraged to have active patrol systems complemented by communication structures that enable different parts of the community to be informed of criminal activities.

8. Case studies

On 26 June 2014, AfriForum released a report entitled *The reality of Farm Tortures in South Africa*[50], which included ten case studies graphically depicting extremely violent and brutal attacks where the victims had been tortured. The unnecessary extent of the injuries inflicted is worrisome considering that the main motive of these crimes is monetary gain.

In 2012, Solidarity and Kraal Publishers initiated the *Vertel jou storie* (Tell your story) campaign to encourage members of the public to share their experiences with violence in rural areas. The information was published in the second edition of the book *Treurgrond* (Land of Sorrow). The following instances are some of the cases submitted to Solidarity during the campaign:

1. **27 July 2012**
   Maclear, Northern Cape

   Mr Jordaan was ambushed by two attackers in the cornfields on his property. He was hit over the head and sustained various knife wounds during the attack. He was then shot through the head. His body was only removed from the scene more than 36 hours later. His son was also threatened after the attack and a part of their property was destroyed in a deliberate fire.

2. **1 November 2011**
   Brits, North West

   Mr Joubert, his wife and his mother arrived home after Bible study and was ambushed upon entering their home through the back door. An attacker yelled "*You f***ing white trash!*" and shot Mr Joubert from behind through his shoulder and in his lower back. The attackers

[50] AfriForum's report *The reality of Farm Tortures in South Africa* 26 June 2014, formed a part of an event for the International Day for Victims of Torture.

proceeded to gather items of value after their weapon failed and fled the scene after locking the victims in their house.

3. **12 November 1995**
   Warden, Free State

   Mr and Mrs de Villiers were ambushed by three men on a Sunday morning upon their return from church. Mr De Villiers (71) was assaulted with water pipes and he succumbed to his injuries. Mrs De Villiers (71) was also severely assaulted, but survived the attack. The three attackers were arrested and found guilty of murder and assault. They were given a sentence of 25 years each, plus an additional 10 years for two of the attackers who had assaulted Mrs De Villiers.

4. **18 August 1994**
   Muden, KwaZulu-Natal

   At approximately 10:00 Mr Burger was shot in the back and then through his head with an AK 47 while he was putting up fences on his property. Workers ran to the house to alert Mrs Burger, who was expecting a baby in two weeks. Mr Burger's mother was on the farm at that stage to help prepare for the new baby and she and Mrs Burger drove to the scene. Their vehicle got stuck not far from where Mr Burger's body was and his mother went further on foot to look for her son. She found his body shortly thereafter.

5. **30 May 2012**
   Mooinooi, North West

   Mr and Mrs Van der Westhuizen became suspicious after their dogs did not return home, and they left their house to investigate. Five men attacked the couple and shot Mr Van der Westhuizen in the stomach, back and finger. He survived the attack and returned to his duties after two months. Their dogs had been poisoned in the attack.

6. **9 October 2008**
   Harrismith, Free State

   Mr Spies was fatally shot with an AK 47 upon investigating why his dogs were barking. The attackers fled after he was able to return fire and he died of severe blood loss shortly thereafter. His wife was not harmed during the attack.

7. **16 August 1995**
   Kestell, Free State

   Mr Swart was shot three times while he was home alone. He died of his wounds later that day. Two suspects were arrested and sentenced to 25 years and 18 years respectively.

8. **15 December 1993**
   Ramsgate, KwaZulu-Natal

   Mr Worthmann (41) was fatally shot by two of his workers, aged 17 and 18 respectively. His body was loaded on the back of a vehicle and was set on fire. The attackers were arrested and sentenced to 23 and 27 years respectively. Mr Worthmann was burned beyond recognition and he had to be identified through dental records.

9. **13 August 2000**
   Paulpietersburg, KwaZulu-Natal

   Mrs Engelbrecht (63) survived a brutal attack. She was overpowered in her home by five attackers. She was hacked with a panga and suffered various deep wounds on her arms, face and head. Two of her fingers were cut off. The attackers were arrested and received sentences of between 15 and 18 years each.

10. **2 December 2010**
    Koster, North West

    Mr and Mrs Erasmus were attacked on their farm by four men. Mrs Erasmus' hands and feet were bound behind her back and she was severely beaten. She was then fatally stabbed with a knife. Mr Erasmus was also bound and beaten and tragically died more than one month after the attack.

11. **23 February 1994**
    Paulpietersburg, KwaZulu-Natal

    Mr Hedder was approached by three men while he was working on his farm. He was told that they wanted to buy chickens and they proceeded towards the house. He was just outside the kitchen door when he was shot at close range through the heart with a shotgun. He died on the scene. Mr Hedder's mother was able to raise the alarm before the attackers cut the telephone cables, and she was able to lock herself in a room. None of the attackers were apprehended.

12. **13 December 1996**
    Vaalwater, Limpopo

    Mr Schoeman (66) was overpowered on his property by two men. He was hit over the head with a blunt object and was then strangled with a piece of nylon rope. He fell to the ground, unconscious, and was then covered with soil. Mr Schoeman died of suffocation and his body was later found by scent dogs.

Nantes Kelder, the Head of Investigations at AfriForum, found that cases were dealt with in a negligent manner by the SAPS. For the purpose of this report, one of these cases was identified to be discussed:

Mr Van der Westhuizen was attacked on his farm in the Rustenburg area on 28 June 2006. During the attack, Mr Van der Westhuizen suffered several blows with a hammer to his body, as well as stab wounds from a sharp object. His hands and feet were bound behind his back and he was left for dead. He was found five hours later by his wife. By that time he had lost a lot of blood.

While investigating, his wife found trousers that did not belong to her husband and that were covered in blood. The clothing was identified by neighbours as those of one of their workers. Mrs Van der Westhuizen handed the clothing to the investigator. More than a week later, on 7 July 2006, the investigating officer came to the farm, and Mrs Van der Westhuizen noticed that the clothing was still lying in the police vehicle. The clothing was not in an evidence bag, nor was it registered as evidence.

The police never took possession of the items (knife, pipe and a hammer) with which Mr Van der Westhuizen had been assaulted. Various investigating officers worked on the case and the suspect was released on bail. The case was later struck from the roll because the docket was apparently not at the court. Numerous complaints were filed afterwards. The victim did not receive any feedback from the police and the case is still not solved.

9. Conclusion

It is clear from this report that farm attacks are clearly a unique crime that requires a unique counter-strategy. Farm attacks are unique for four reasons, namely:

1. The high frequency at which these attacks occur;
2. The extreme levels of brutality and torture that often occur during these attacks;
3. The unique role that farmers have to play with regard to job creation and food security; and
4. The fact that farmers live in remote areas.

This uniqueness justifies the need for a unique counter-strategy.

Despite the wave of violence that has plagued rural areas in recent years, it appears however that government has embarked on a process of deprioritization of these crimes. Where it was recognized that farmers appeared to be uniquely targeted in violent and murderous attacks in the past, there is a large degree of denial about the true extent of the problem today. This is worsened by government's lackadaisical attitute towards those who are asking for decisive intervention, as clearly illustrated in this report.

Furthermore, the volatile political climate regarding South African farmers is of great concern for AfriForum. AfriForum's concern is that South African farmers have been rendered the punching bag of South African politics, often without merit. Evidence is also provided in this report that hate speech has led to murder in the fairly recent past. The debate about land reform and sweeping statements made by radical politicians and activists in this regard is also a cause for concern.

There are also certain obstacles in the fight against farm attacks that should be noted. These include the lack of proper definitions, the risk of generalization and corrupt government officials.

AfriForum's experience is also that community involvement can make a difference and that co-operation between the police and local community safety initiatives is crucial. In cases where this has happened, it has been noted that not only farm attacks, but crime in general has dropped dramatically.

Consequently, the only sustainable sollution to the problem is one where the crisis is confronted from both sides. On the one hand, government should prioritise farm attacks and take the necessary preventative measures. On the other hand, communities should come to the table and do their part in the fight against crime.

AfriForum has already started to organize its members to become involved with the fight against crime and is prepared to work with the SAPS and the department police in this regard.

10. Recommendations

In the light of the issues raised in this report, AfriForum hereby submits a list of ten recommendations for practical steps that could be taken to comprehensively address the issue of farm attacks in South Africa.

1. **Recognition of the problem and accountability**

   The crisis will never be sufficiently addressed as long as the South African government, and the department of police in particular, remains in denial about the true extent of farm attacks in South Africa. The minister of police needs to do more than simply state that the lives of farmers are also important. The minister needs to acknowledge that farm attacks are entirely out of hand. Only when such an acknowledgement is made will it be possible to address the problem adequately.

2. **Farm attacks should be treated as a priority crime**

   Farm attacks should not be treated as ‘normal crimes’. From this report it is clear that we are dealing with a very unique crime and that the only way in which the phenomenon of farm attacks can be addressed with due attention, is to develop and implement a unique counter-strategy, not only to react to farm attacks, but also to investigate these attacks with due regard and to implement the necessary preventative measures.

3. Transparency regarding statistics

One of the most concerning issues regarding farm attacks is the fact that the department of police has decided since 2007 that no further statistics on this particular crime should be released, despite the fact that there was an increase in farm attacks in the said year. No reasonable explanation can be provided, which leaves it to the public to draw their own conclusion on the motives of the government. This leads to suspicion and distrust in the SAPS, the department of police and government in general. The release of statistics should be considered as the start towards a solution and not the solution in itself.

4. Replacement of the commando system

As explained earlier in this report, the commando system was shut down in 2003. No reason was provided for the disbandment of the commando system other than the fact that it should be replaced with another structure. At the announcement former president Thabo Mbeki explained that the commando system would be replaced with another, similar structure that will form part of the SAPS. More than eleven years have passed since then and the South African government is yet to fulfil its promise in this regard.

5. Politicians should be called to order

The SAHRC should make a clear and unequivocal statement regarding irresponsible political rhetoric. Electioneering politicians have contributed to making farmers the punching bag of South African politics. Farmers are frequently blamed for many of South Africa's problems, without proper evidence to substantiate the claims. Racist political statements, such as those mentioned in this report, not only contribute to a hostile political climate in which violence towards farmers is romanticised, but have in certain cases even directly resulted in the killing of innocent farmers.

6. The Rural Safety Strategy should be revised and implemented

In broad terms, the Rural Safety Strategy, as developed by the SAPS, is a good strategy. However, the strategy is lacking in at least two respects. In the first place, the strategy makes no reference to the phenomenon of farm attacks, despite the fact that these attacks are at the heart of the rural safety crisis. It appears that political correctness played a role in the drafting of the strategy. In the second place, the strategy is lacking in the one crucial matter in that it does not mention the necessity of a proper counter-strategy to curb farm attacks in particular.

Other than the content of the Rural Safety Strategy, AfriForum is also concerned that the strategy is not being implemented by die SAPS. The strategy is a strategy on paper, but not in practice. The existence of a strategy on paper can never be used to justify the lack of proper countermeasures by the department of police and the SAPS to prevent farm attacks .

7. Support for victims

AfriForum has started to develop a programme to support the victims of farm attacks. Many of these victims not only struggle to continue with the farming business, but are also victim to severe psychological pain and suffering. Almost all of the victims with whom AfriForum has been in contact have complained that the local SAPS did not sufficiently support them through these difficult times.

8. Establishment of specialist units for rural safety

A specialist unit for rural safety should be established and implemented efficiently. This unit should have the power to duly investigate and act on farm attacks. At the moment farm attacks are dealt with by local police stations. These police stations do not investigate issues that fall outside of their jurisdictional territory. As a result the possibility of farm attack syndicates operating in various territories are not investigated properly. A specialist unit will be able to investigate and reduce farm attacks on a holistic level.

9. Support to local safety networks

AfriForum's experience is that the most effective way to address farm attacks in communities is to establish community safety networks, through which the community can become involved with the fight against crime. In areas where such communities are operating efficiently and in cooperation with the local police, a significant drop in crime levels has been witnessed. There are, however, communities where the local SAPS is hesitant to cooperate.

10. Completion of prosecutions

A particular issue of concern is the fact that the SAPS is frequently negligent in the investigation of farm attacks. This often leads to a situation where the attackers are never arrested, or where the accused appear in court on counts of murder, only to find that the state did not prepare a proper case against them. The problem therefore lies not only with the SAPS, but also with the department of justice.

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