**SAFETY AND SECURITY CHALLENGES IN FARMING COMMUNITIES. SUBMISSION TO THE NATIONAL HEARING OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC).**

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| **Abstract**-The acts of violence against members of the farming community in 2013/2014 was only 1,3% of house and business robberies in SA and only 0,3% of murders. -Murders of members of the farming community decreased with 62,1% from 153 in 1998/1999 to 58 in 2013/2014. It did not show the same increases in murders which was experienced amongst the general population in 2012/2013 and 2013/2014(see section 2b).-Acts of violence against the farming community first increased with 29.3% between 1998/1999 and 2001/2002 and then systematically decreased with 54,0% between 2001/2002 and 2013/2014, which was an average annual decrease of 4,5% over the 12 years. In contrast with this, house and business robberies together in SA increased with 160,3% (from 14 561 in 2002/2003 to 37 899 in 2013/2014) which is an average annual increase of 14,6%( see section 2b). -In section 2c the author of this document describe in detail how crime statistics are generated (crime incidents become crime counts) and then look at possible ways in which counts of violence against the members of the farming community can be established separately. In the proses he scrutinised a) the use of a separate crime code/sub-code, b) the use of operational analysis, c) and the use of function 8.1.1.1 on CAS combined with docket analysis. He comes to the conclusion that a separate crime code goes against all validity principles of the registration of crime and are to dependant on the police station to generate reliable statistics. Operational analysis at station can only generate reliable statistics if the CIAC/CIO offices at all approximately 1137 police stations in South Africa are fully functional. Docket analysis combined with CAS function 8.1.1.1. analysis will be very dependent on the docket quality and can be very labour intensive and expensive. **In the end it seems that the stand alone database on acts of violence and murders against the farming community of the Rural Safety Strategy/National Priority Committee for Rural Safety which exists since the late nineties are really** **the only alternative for relatively reliable statistics on this subject and that the reason why it was not published in the annual reports of SAPS since 2006/2007 actually had more to do with the fact that it was not auditable to the same extent as CAS.** -In section 3a it is indicated that proper research is needed to come to the conclusion that violence against the farming community is more brutal then violence in the rest of South African Society and in section 3b it is indicated that the ratio calculations to indicate that farmers have a higher risk to be murdered then police officers and the rest of SA society are in all probability based on the incorrect denominator or farming population (see table 4).-On pure logic grounds a case can be made out that farming communities on farms and small-holdings are probably more unsafe than the residents of suburbs and townships.  |

1) INTRODUCTION AND ORIENTATION.

In this submission to the South African Human Rights Commission, Chris De Kock will try to cast some light on the subjective and objective dimensions of the security situation of farming communities in South Africa. He will also explain how crime statistics are generated and the technical dilemma of too many sub-categories of crime versus the essence of analysis to disaggregate phenomena like murder. Attention will also be given to the view that crime in the farming communities are different from crime in the suburbs and townships of SA.

When the SAHRC refers to farming communities it seems they refers to all farming communities in SA., which basically includes commercial farms (both companies and individuals), small holdings and small farmers on traditional, communal land. It basically refers to people who make a direct living from farming. This opens another dilemma because in all probability there are quite a number of people living on especially smallholdings and also farms which does not make a direct living from farming at all, while some of the real farmers are not living on their land. So in this submission the focus will be on what is described in the definition of the National Priority Committee on Rural Safety as “Acts of violence against farms and smallholdings are those acts aimed at any person or persons living on, working at or visiting farms or smallholdings with the intent to either murder, rape, rob or otherwise inflict bodily harm or to intimidate (see van Zyl .2014. Farm murders: TAU SA’s analysis-which is a submission to the SAHRC hearing on safety and security in farming communities.). So in this submission the departure point is everybody living, working and visiting farms and small holdings. For more than a decade at least there are some statistics and analysis on these farming communities. On the safety and security challenges of the traditional/communal small farmer community there is even less information although we know that there are very high stock-theft figures and disproportionate murder figures in some rural areas of the Eastern Cape and KZN and that these two may be linked through vigilante action.

The issue of what is commonly referred to as farm attacks and murders is a very emotional and highly politicised issue. This author shortly after he joined the SAPS experienced these emotions in a meeting of leaders of the agricultural unions when one of the delegates asked him how much time did he need to do research before he realise that the farmers are under attack and are dying. How many more farmers have to die before he will have an answer? Given his own background of roots going back to the farming community it made an lasting impression on him, but also motivate him to put emotions aside, stay as objective as possible and try and find answers to why crime is so violent in SA. Emotions like raw statistics would never provide answers. Answers can only be provided through objective scientific research.

2) WERE THERE A DETERIORATION OR IMPROVEMENT IN THE SUBJECTIVE AND OBJECTIVE SECURITY SITUATION ON FARMS AND SMALL HOLDINGS IN SOUTH AFRICA?

One should distinguish between objective and subjective security. The JCPS-Cluster (Justice, Crime Prevention and Security Cluster) of Government strive towards a strategic objective outcome, namely: “All people in South Africa are and feel safe.”(see SAPS.2012. p.1 and p.3. Annual Performance Plan-2013/2014. SAPS Strategic Management, Pretoria.). This priority also refers to the feeling of safety (subjective security) and the fact that in reality somebody is safe or not (objective security). These two dimensions of security does not necessarily have a direct relationship. So it is not a case that an increase of objective security (i.e. a decrease in violent/contact crime) will immediately or even soon result in subjective security (an increase in feelings/perceptions that it is safe.). From 2004/2005 to 2010/2011 there was quite significant decreases in more police able crimes in South Africa( see **Table 1**), but despite this, many surveys done in the same period still indicate an increase in feelings of insecurity or at least no decrease in the levels of insecurity. This author, because of his nearly 20 year of experience in the field of perceptions during his time (1976-1995) at the HSRC (Human Sciences Research Council), when he was still in the employ of the SAPS(1995-2013) on various occasions wrote that perceptions is not always based on all the facts. Actually it is mostly based on only some of the facts. So objectively the security situation because of a decrease in contact crime may have improve, but because of some facts the public may still experience subjectively that the security situation had deteriorated or at least did not improve.

a)Subjective security situation on farms and small holdings.

A Victim of Crime Survey (VOCS) done in January to March 2012 (with a reference period of the 2011 calendar year) amongst a representative sample of 13 423 households by Statistics South Africa (Stats SA) found that 57, 0% of the respondents felt very safe when walking alone in their area during the day, while 28, 7% felt fairly safe, 9, 4% a bit unsafe and 5, 0% very unsafe. When night falls the situation literally swings around. Now 14, 0% felt very safe and 22, 5% fairly safe, while 20, 7% felt a bit unsafe and 42, 9% felt very unsafe (see Statistics South Africa .2012.Victims of crime survey-2012. Reference period January to December 2011.Statistical release P0341. Stats SA, Pretoria.p.10-11. So to put it differently where in daylight hours only 14, 4% felt unsafe walking in their area during the day, it changed to 63, 6% during the night. Over the past 16 years five national VOCS were done, namely: 1998 by Stats SA, 2003 AND 2007 by the Institute for Security Studies and then in 2010 and 2011 by Stats SA. These five surveys established the feelings of unsafety when walking alone in their area during the night as follows:

 -1998-44, 0%

 -2003-77, 0%

 -2007-77, 0%

 -2010-63, 0%

 -2011-63, 5%

The year with the lowest level of feelings of unsafety (44, 0%) was 1998 which had the highest real levels of contact/violent crime. Between 2003 and 2007 most crimes with the exception of house robbery, business robbery, carjacking and truck hijacking **(see Table 1)** decreased but the feelings of unsafety stayed at a high of 77, 0%. The only time that levels of safety/insecurity dropped in step with the reality of decreasing crime was in 2010 and 2011 when objectively crime decreased quiet dramatically during the World Cup and more people actually felt save. In the last two years, 2012/2013 and 2013/2014 violent contact crime like aggravated robbery, murders, attempted murder and all property crimes increased very significantly. Unfortunately the national VOCS 2013/2014, which was this time done over the whole year, is only expected during March 2015. There is a probability that an objective increase in crime, of the magnitude of 2012/2013 and 2013/2014, as an equal significant decrease during 2010/2011, which was really experienced by the people, will have an increase in the subjective security of the same magnitude as the decrease in 2010 and 2011. But with the 2013/2014 survey not yet out it is too early to speculate.

The fact that a decrease in the objective crime situation in the period 2003 to 2007 did not result in a decrease in the feelings of insecurity can in all probability be explained as follows:

* The 2007 national VOCS done by the ISS (Institute for Security Studies) (see Pharoah, R.2008. National victims of crime survey. Overview of Key findings. ISS Paper 175.) was done during October to December 2007 which was just after the 2006/2007 crime statistics release which show quite concerning increases as a result of the security guard strike in 2006. So although the medium to long term crime trend may show a decrease or even an increase a victim survey may be influenced by the short term trend or the debate on crime during the survey. That is *inter alia* one of the reasons why Stats SA since 2013/2014 changed their methodology from a VOCS done during the first three months of a calendar year with a reference period of January-December of the previous year to a continues survey through a whole financial year. For example the 2012 VOCS was done in January-March 2012 with the reference period of 2011 and the 2013/2014 VOCS was done during that whole year but the report will in all probability only be released by March 2015.
* It is a well-known fact amongst survey experts that the image/”culture” of survey organizations has a very profound influence on survey results. Everybody knows that the ISS is a non-governmental research organization which operate mainly with donor funds and which at least some times can be critical of Government and that Stats SA is basically a Government Department although it is regulated by the law and statistical and scientific standards to ensure objectivity and data-integrity (which the ordinary respondent would not no know). A respondent may respond very differently when a fieldworker introduce him/herself as from Statistics SA or ISS and that collectively may have led to the 77, 0% unsafe response in both the 2003 and 2007 ISS surveys, versus the lower levels of insecurity in the “Government” Statistics SA surveys of 1998, 2011 and 2012. It is preferable to use the same survey house/organization in trend measuring over time. Strictly speaking it is essential to keep everything constant in the longitudinal measurement of perceptions (e.g. survey organizations, questionnaires, fieldworkers, training of fieldworkers etc.)
* Media reporting and interpersonal communication can also create perceptions of crime and security which does not correlate fully with the reality. This author just want to emphasize that he is a devoted supporter of media freedom and their right to report crime and violence to the public, which after all is the victims of crime and as such the holders of crime information. Also of crime statistics.

 On a daily basis the media and especially certain newspapers report incidents of crime to the public without any distortions. Logically the focus will be on the incidents were excessive violence were used and where there was a fatality/s and/or rape. It is also a universal phenomenon that this reporting is slightly biased towards the more well-known and the better to do, especially if they are the victims of crime in the privacy of their very own home. As this paragraph is been written the Senzo Meyiwa incident is playing itself out and all the news headlines refers to this. It would actually be strange if there is a very large proportion of the South African population who does not know about it, while a few days ago many people who are not interested in soccer/football would not know who Senzo Meyiwa is. One should remember that on a daily basis in 2013/2014 there were an average of 53 incidents of house robbery per day in South Africa, while also daily there were an average of 714 residential housebreakings/burglaries. The first is a contact crime where there is contact between the perpetrator and the victim/s and where coercion of some form or another is used against the victim (e.g. a gun is pointed or the victims are pushed around and assaulted). In the case of burglary there is no contact since the victims are not at home during the incident or they are not aware of it because they are asleep or in another room far removed from the point of entry and they don’t hear anything. But the media also mix the two crimes together to the point that they have now grouped it together in an Australian-US concept called house invasions. At this stage this concept which refers to an invasion of privacy should actually, as mall-attacks and although far too late farm-attacks, be avoided since it will just contribute to further confusion based on the incorrect assumptions. The media often refer to the fact that there was a robbery at the home of a well-known singer and a beloved Arch Bishop while they were not even in the country during the incidents or not at home. In the mind of South Africans house breakings and house robberies actually became one and if you are a victim of house breaking you just lucky that you did not wake up or you were not at home otherwise the same, as what happened to Senzo, could have happened to you. In short as long as there is one or two violent house robberies per day and hundreds of house breakings South Africans may feel more unsafe even if the objective security situation improved dramatically.

The question should be asked if people living on farms and smallholdings feel safer or more unsafe than their city/town compatriots, since this is as important as the objective crime situation. People’s daily behaviour are influenced even determined by their perceptions of crime and feelings of security and insecurity. A fear of crime and insecurity will at least affect the quality of life (inhibit free movement to any place of choice at any time of the day and night) and in more serious cases lead to an orientation where people protect themselves to the point of vigilantism, and vigilantism in itself can become a serious security threat to the State (e.g. PAGAD in the late 90’s in the Western Cape)

Just before the author of this submission retired from SAPS in April 2013 he had various discussions with Statistics SA on the possibility of multivariate analysis of the 2011 and 2012 VOCS’s. Also to during the multivariate analysis disaggregate the samples to specific subgroups, which can in all probability include people living on farms and smallholdings to establish if there is a difference between the perceptions and feelings of insecurity between the subgroups and how it is explained in terms of other perceptions and the objective security situation. If this was not done since then by Statics SA, with or without the SAPS, it will really be of importance for the SAHRC to analyse the 2012 VOCS and if necessary the 2011 VOCS to at least answer the question if the levels of insecurity on farms and smallholdings are higher than in towns and cities. But also to come to an understanding of the dynamics between the objective and subjective dimensions of security. It should be remembered that our Constitution guarantees that the people in South Africa will live free of fear and especially while sleeping peacefully in your own bed in your own bedroom . This is a basic human right which is been trampled on a daily basis.

b) Objective security situation on farms and smallholdings.

When I presented to the SAHRC I stipulated that there is actually only three unique indicators of the security situation on farms and smallholdings, namely: farm murders and acts of violence against farms and smallholdings as defined by the National Priority Committee on Rural Safety and which is kept on a separate stand-alone database and stock-theft—which is kept on CAS of which only a fraction does not occur on farms. Although it is technically possible to draw crime statistics for all crimes registered on CAS which occur on the premises identified as farms and smallholdings, it will be impossible to establish which of these was committed by the inhabitants of the farms and smallholdings themselves and between themselves like social murder which is actually assault which went wrong. A docket analysis will be necessary to really establish which of these crimes are complying with the definition of the National Priority Committee.

A few days after I presented my evidence to the SAHRC the 2013/2014 crime statistics was released and on the 6th of October 2014 the National Commissioner of SAPS provided the Commission with statistics of farm attacks and murders for the previous four financial years. All of this just confirmed what I already testified to the Commission. In **Table 2** the number of farm attacks and murders for the periods 1998/1999 to 2006/2007 and 2010/2011 to 2013/2014 are provided. The figures for 1998/1999 to 2006/2007 are the same as provided in the annual reports of 2003/2004 to 2006/2007 and was provided in slide 5 to the SAHRC. The only difference between **Table 2** and slide 5 is that the first column of slide 5 was not included in table 1 since it actually, as indicated during my presentation on the 16th of September, only include figures for part of that year. The figures for 2010/2011 to 2013/2014 were presented to the SAHRC on 6 October 2014 by the National Commissioner. . **Table 2** indicates that since 1998/1999 (the first full year that figures for the acts of violence and murders against the farming community were available) to 2013/2014 murders of members of the farming community decreased with 62.1% from 153 in 1998/1999 to 58 in 2013/2014. That is an average annual decline of 4, 1% per year over a 15 year period. This was actually in line with the national murder trend except for the last two years when nationally murders increased with 4,2% and 5,0% during 2012/2013 and 2013/2014. From **table 2** it is clear that acts of violence against the farming community first increased with 29, 3% between 1998/1999 and 2001/2002 and then systematically decreased with 54, 0% between 2001/2002 and 2013/2014- that was an average annual decrease of 4,5% over the 12 years. If it is accepted that by far the most of these acts of violence against the farming community are house robberies and business robberies, this decrease is especially positive in the sense that in the same period with the exclusion of 2001/2002(2002/2003 to 2013/2014) house and business robberies together in SA increased with 160, 3% (from14 561 in 2002/2003 to 37 899 in 2013/2014), which is an average annual increase of 14, 6%. This was only calculated for an 11 year period (2002/2003 to 2013/2014) since separate figures for these subcategories of aggravated robbery were only registered since 2002/2003. But it must be emphasized that where house and business robberies on farms and smallholdings decreased with 54, 0% over the past decade, it increased with 160, 3% in the suburbs and townships. This taken together with the fact that acts of violence against members of the farming community in 2013/2014 was only I, 3% of house and business robberies in SA and only 0, 3 % of murders in SA makes it very difficult to make the acts of violence and murders on farms a priority on the basis of the extent and trends of the phenomena.

Nearly immediately after the National Commissioner presented the statistics on acts of violence and murders on farms and smallholdings to the SAHRC, on the 6th of October 2014, the Deputy President of TAU SA, Mr Henry Geldenhuys according to the Beeld newspaper (Wednesday 8 October 2014:p.4) reacted by saying that they can’t believe what the National Commissioner is saying that the farm murders and attacks is decreasing and that SAPS figures must be wrong. According to Geldenhuys there was 53 murders and 210 attacks in the first 9 months of the 2014 calendar year compared with 43 murders and 164 attacks in the same period in the 2013 calendar year. This indicate a 23, 3% increase in murders and a 28, 0% increase in attacks. But Mr Geldenhuys does not compare apples with apples. Included in this period of 9 months is six months of a new financial year (2014/2015) of which six months is still outstanding and the statistics for this current year will only be released in September of 2015. In the nearly 20 years that I work with crime statistics specifically, I have learned that a halve a year’s statistics can be a good indication of where the year is going, but that this trend can still change quite significantly. It is quite possible that 2014/2015 will see an increase in both farm murders and attacks given the fact that murders and aggravated robberies amongst the general public increased during the past two financial years already, while on the farms and smallholdings it continued to decrease. The murders Mr Geldenhuys refer to are probably figures from the Priority Committee since the TAU SA is on this committee and are part of the verification process that occurs there. TAU SA’s attack figures are always much lower than the figures of the Priority Committee and the explanation for this can only probably be that their definition and criteria for attacks is not comparable and/or that when it comes to attacks they only include their members. So for example the SAPS (and thus Priority Committee) figure for acts of violence against the farming community are 492 for 2013/2014 and the figure that Mr Geldenhuys is mentioning is 210 and 164 for the first nine months of the 2014 and 2013 financial years respectively. Although these are only for 9 months it is clearly much lower than those of SAPS.

**Table 3** provides the ratios (per capita figures —number of stock-theft cases per 100 000 of the population) and the raw statistics for stock-theft over the past decade. Although it is preferable to use the ratios it will not be used in this document because SAPS since September 2013 refuses to historically adapt the ratios of the previous decade to the 2011 census data. So the crime ratio trends of the past decade as provided on the SAPS website [www.saps.gov.za](http://www.saps.gov.za) is not correct and that is the same ratios reflected in table 3. Furthermore when it comes to stock-theft it would be more correct to calculate the per capita ratios on the basis of stock-theft figures. While the author of this submission was still at the SAPS his team at various occasions tried to obtain up to date correct stock theft figures, but they were never successful. Also as with all property related crime categories stock- theft reflects the number of cases registered and not the number of animals which was stolen or the monetary value of such cases.

Despite all of the above qualifications table 3 show a stock-theft trend which deceased with 32, 1% from 41 273 cases in the baseline year of 2003/2004 to 28 026 in the 2013/2014 financial year. The average annual decrease was 3, 2%. But it is necessary to again highlight the fact that these figures refers to cases and not animals. If in 2003/2004 more small-stock( sheep and goats) for the purposes of “potslag”(which is usually one animal) were stolen and in 2013/2014 more groups of cattle with the purpose of selling it( the more organized form of stock-theft) then despite the decrease in cases, stock-theft may be much worst in 2013/2014 then in 2003/2004. The more sceptical/critical analyst will also say that the decrease in stock-theft is due to a decrease in the stock figures because of theft more than a decade ago and that farmers move from stock farming to game farming.

In conclusion of this section it can be said that it seems that the objective security situation on farms and smallholdings improved over the past decade or at least did not deteriorate. What is very clear is that the very significant deterioration of the crime situation in SA during the previous two financial years did not affect the farms and smallholdings to the same extent.

c) The separate public release of crime statistics on acts of violence and murder against the farming communities.

Before and during the SAHRC hearings quite an issue was made of the fact that the publishing of statistics on violent acts and murders against the farming community was stopped with the publishing of the 2006/2007 SAPS Annual Report and some commentators went so far as to see a sinister reason for it. Within a day after the National Commissioner presented the previous four financial years murders and violent acts against the farming community at the hearing, Dr. Pieter Mulder the leader of the Freedom Front + reacted to say that is strange that the National Commissioner released separate crime statistics for farm murders because parliament were told that the SAPS don’t keep separate statistics for farm murders.

Now in my presentation on the 15th of September 2014 I gave the reasons why the publishing of statistics on farm murders and attacks in Annual Reports of SAPS was stopped with the 2006/2007 SAPS annual report.

The National crime statistics which is usually released annually, within six months after the close of a financial year, in or together with the annual report of SAPS, are generated as follows (in short):

* A crime incident occur on the farm of mr. A and during this incident the farmer (mr. A), and his son are murdered, while his daughter are raped by three of the five perpetrators of the incident and his wife as well as the daughter are beaten/ virtually tortured( e.g. burned with an iron). The perpetrators then tie up the mother and the daughter, take two 4x4 vehicles, three hunting rifles and a handgun, two laptops and three cell phones and drive away. One of the 4x4 vehicles and the one laptop are those of a family friend who are visiting, but who is busy horse-riding a few kilometres from the homestead. He only discover when he return an hour later that there was an incident.
* A case docket will be opened and the incident will also be recorded in the Incident Book/Register with reference to the CAS number (Crime Administration System number) and in the statements of the mother and the daughter on the docket the incident will be described. All the crimes committed, defined in the definitions of crime, will be listed on the front page of the docket. The definitions of crime are provided in a document titled: SAPS.2011. Crime Definitions to be utilized by police officials for purposes of the opening of Case Dockets and the registration thereof on the Crime Administration System. Crime Definitions (2012). Issued by Consolidation Notice 2/2012. After all the crimes which were committed during the incident are listed on the front-page of the docket the count for each crime have to be determined on the basis of the statements and indicated next to the crime. The counting rules which is used is that crimes against the person which *inter alia* include the following contact crimes, 1) murder, 2) attempted murder, 3) sexual offences, 4) assault GBH, 5) common assault, 6) kidnapping and 7) culpable homicide are counted according to victim, with the exception of rape where if one victim is raped by more than one perpetrator the number of perpetrators are counted. In the case of property crime (e.g. burglary: residential, burglary: non-residential, theft of motor vehicle, theft out of and from motor vehicle and stock-theft) each incident count one. So if five vehicles is stolen at the same time at the same address one docket with one count will be opened. The same apply to stock theft. It should be mentioned that aggravated robbery and common robbery although they are contact crime will count under the property crime rule which will be one incident of aggravated robbery or common robbery will count as one count.
* Now to go back to the example of the farmer Mr. A which are murdered together with his son during an aggravated robbery on his farm, while his daughter was gang raped, both his daughter and wife were tortured and two 4x4 vehicles plus firearms and laptops were taken, how will it be registered? As follows:
* Murder—2 counts (so CAS will count it as two murders).
* Rape (under sexual offences)—3 counts (the daughter was raped by three of the five robbers).
* Aggravated robbery—1 count. Because although various items were taken and also taken from the farmer and his family, and at least one 4x4 and laptop were taken from a friend who was visiting one would think that various counts should be opened. Under the counting rule only 1 count of aggravated robbery per incident can be registered.
* No assault GBH counts will be registered for the torturing of the mother and the daughter since violence committed during an aggravated robbery are seen as part of the coercive force which are used during the act of robbery. If the mother and or daughter is injured to such an extent that the injuries is live threatening it may be registered as attempted murder per victim and if one of the two die as a result of these injuries a murder count will be added to the front page of the docket and be recorded on CAS.

The crimes that were committed during the incident (determined according to the definitions) and each crime’s counts (determined by the counting rules) will be listed on the front-page of the docket and then be entered on CAS (the Crime Administration System) against the correct code.

 So when CAS count the crime incident on the farm of the late Mr. A it will add 2 murders, 3 rapes, and 1 aggravated robbery to the crime statistics. The aggravated robbery will be registered under sub codes for carjacking, truck hi-jacking, house robbery, business robbery, Cash-in-Transit (CIT) robbery and bank robbery. If it is not registered as one of those six it is accepted that it is public /street robbery. Most acts of violence against the farming community is actually house robbery, or business robbery.

It should be emphasized that all crimes are registered according to the categories of crime based on the legal definitions of crime (see SAPS.2011.Crime Definitions to be utilized by police officials for the purposes of the opening of Case Dockets and the registration thereof on the Crime Administration System. Crime Definitions (2012) V.001 Issued by Consolidation Notice 2/2012). So each crime category has a crime code and when a count of that crime category is registered on CAS it is registered against the specific code.

When this author joined the SAPS, as the head of the CIAC, in August 1995, data validity were seriously questioned even by Government itself. In 1997 the then Minister for Safety and Security, Minister Mufamadi appointed a committee of inquiry into the gathering, analysis and dissemination of crime statistics. It became known as the Orkin committee of inquiry because it was chaired by Dr. Mark Orkin who was the DG of Statistics SA at that stage. He later became the President of the HSRC. There were also three international experts on the committee. One of the most important findings of that committee was that the very extensive crime code list with codes for every possible subcategory of the main categories was one of the largest generators of invalid data. A recommendation that the crime code list should be substantially shortened and simplified by returning to the legal definitions and categories of crimes to ensure higher levels of data validity was accepted and two committees which followed years later reconfirmed this. In 2000/2001 there was the moratorium on crime statistics and a task team to implement more than 50 action steps to improve the validity of crime statistics who finally shorten and simplify the crime code list. From 2010 to 2013 this author, as in the previous two committees on crime statistics, were part of the National Commissioner’s Task Team on crime statistics and again it was reconfirmed that the crime code list should if possible even be simplified more.

As a member of each of these three investigations into the validity of crime statistics I had to accept the constant shortening of the crime code list to just the legally based crime categories( with the exception of the sub-categories of aggravated robbery). This was a serious catch-22 situation for the author of this document who as a crime analyst would like to deconstruct/disaggregate every crime category to its smallest parts to understand it. The essence of analysis is to take things (phenomena) apart and to integrate it again to understand how it work, but as the person responsible for both crime statistics and the analysis/research of crime (which include statistical analysis) I was torn apart by the validity of the statistics and the usefulness of statistics to come to a understanding of crime. Even today my personal view is that here should be a more balanced view of the two. I personally don’t think that data validity would be seriously compromised by at least allowing-as in the case of aggravated robbery- a small number of subcategories in the case of murder attempted murder and rape.

Notwithstanding all of these definitions, counting rules and systems, manipulation of the statistics can still occur, but at least it can be checked and manipulation can be identified and the necessary remedial steps can be taken. In short the statistics generated from CAS can be audited and are indeed audited regularly. All statistics including the crime statistics which is included in the Annual Report of SAPS should be auditable.

Now if one is interested in a specific subcategory of murder (e.g. murder as a result of domestic violence, aggravated robbery (including murder as a result of an aggravated robbery on farms and smallholding), taxi violence etc.) or rape (e.g. gang rape, date rape, hate rape like so called corrective rape of gays etc.) the only way to obtain data on these sub-categories are:

-***Operational Analysis at station level***: Supposedly, if the SAPS say that they are an intelligence led police service, there should be an office at each police station(either called the CIAC or the CIO) which should be responsible to answer the following question of the operational management of each station on a daily basis. The question is “Which crime – category as well as subcategories- occur where (spatial distribution of crime); when (time distribution); how (modus operandi); why (why does it occur at that point at that time) and if possible the who of the crime. The CIAC/CIO analyse primarily all the information on the case dockets using crime mapping, linkage analysis and fieldwork to answer the which, where, when, how, why and who question of the station management. Now for the purposes of this submission it should actually be clear that if there is an act of violence on a farm or small holding the CIAC/CIO should be aware of it within the next 24 hours and check if it was correctly registered and if it comply to the definition of the National Priority Committee. If it comply it will be analysed as part of the other crime in the precinct to inter alia establish if it does not link up with other house- or business robberies in the precinct, but it should also be escalated to the cluster level which cover the 5 to 8 neighbouring/surrounding stations to see if it link up to other acts of violence and murders against the farming community. If it link up(through similarities in Modus Operandi, targets and suspects) with other cases of acts of violence against the farming community the cluster commander should form a task team to investigate but should also activate a prevention plan which will inter alia warn farmers and the small holding dwellers of the threat. All acts of violence and murders against the farming community which are identified on the station level will automatically be escaladed to cluster level and then to provincial level and to national level even if there is no linkages found on station and then cluster and then provincial level. Following this process will ensure that each appropriate level will continue with their own operational action but that there is a check on the level of organization of the threat and that all statistics on acts of violence and murders will eventually reach the Priority Committee.

The above short description is how the CIAC/CIO should work theoretically. Thousands of analysts were trained during the past 15 years and more to do the analysis on all the levels of policing and ensure that crime information flow upwards in the SAPS. But at the beginning of this section the word “supposedly “and now “theoretically” were use. The reason for this is not that this author and his team at the SAPS (in the nearly 18 years that he was there) did not spend a very large proportion of his time on the training and development of the capacity especially at station but also the other higher levels of policing. The problem is that given the very peculiar structure of SAPS the national office in cooperation with the provincial offices train and develop members to do specific work in a specific way, but from the day that they return to their station, cluster and province there is actually no control over if they perform their functions at all and if so in line with the training and prescripts. This author recently made a submission to the Khayelitsha Commission of Inquiry into allegations of police inefficiency and a breakdown in relations between SAPS and the community of Khayelitsha ( see: Justice C. O’ Regan and Advocate V.Pikoli . August 2014. Towards a Safer Khayelitsha.) This analysis basically cast very serious doubt over if the CIAC/CIO in the three stations which form the Greater Khayelitsha area namely: Khayelitsha, Site B; Harare and Lingeletu West are fulfilling their functions. If they are fully or partly fulfilling it, which could not be established, it should be stated that the operational management of the three stations were either not interested in it or did not know how to operationalize it or did not have the resources to operationalise it. In short this left this analyst with no other choice than to inform the Khayelitsha Commission that policing in the Greater Khayelitsha area policing by chance and not intelligence led policing. This raises a very serious question: “ If the very same analysis is repeated in the approximately 1 137 stations in SA today what will the proportions be for those which are intelligence led and those which is based on policing by chance.

To conclude the above it can be stated that the analysis at station level and the roll-up of the identified linkages to the higher levels can generate the statistics on violence and murders in farming communities but if the CIAC/CIO is dysfunctional in a proportion of the stations at least the statistics on violent attacks and murders will be incomplete and unreliable. The more station CIAC/CIO offices are not functional the more incomplete the crime picture will be which make this an unreliable source of crime statistics.

***-Function 8.1.1.1 and docket analysis.***

Another alternative method of generating statistics on violence and murders against the farming community is to draw all murder, attempted murder, rape, and aggravated robbery docket numbers (CAS numbers) which were registered on the premises attribute as farms and small holdings and then work through their function 8.1.1.1 descriptions to filter those cases which comply with the Priority Committee definition of violence and murders. The possible obstacle here is that many of the 8.1.1.1 fields may just be blank or that the information is so inadequate that it is impossible to determine if it really comply with the definition of the Priority Committee. It will also be quite labour intensive. During the time that this author was in SAPS he never had enough human resources capacity to do such analysis to generate regular statistics on these issues.

A better option when it comes to this method of generating statistics is to do a full docket analysis of say all murder dockets. So for example all the 17 068 murder dockets which were registered on CAS in 2013/2014 are taken to the nine Provincial Offices and a team of analysts visit each office and work through the dockets, transferring all relevant information onto a standalone database which will then provide the number of murders and other information which can be analysed to try and explain the phenomena. To do this only for farm murders, which is only 0, 3% of all murders will not be cost effective at all so it should actually be done for all murder dockets to get a fresh disaggregation of murder dockets because analysts still even today refers to the results of a 2007 murder docket analysis and this may be totally outdated. So the deduction is still made that 68 % of all murders is social in nature and the police can actually not prevent murders while that may not be true.

It should be emphasized again that docket analysis is a very expensive undertaking because of the traveling and subsistence costs. It can definitely not be used to just generate crime statistics.

-***A stand-alone database similar to the one which is currently been used by the National Priority Committee on Rural Safety.***

When the author of this document arrived at the SAPS in August 1995 he found a lot of stand- alone databases. Most of these were actually started because of a lack of trust in CAS and in a search for more detailed information. The official policy of SAPS was that all data should be fed into the corporate systems like CAS, ISIS and PERSAP and that stand- alones were actually unauthorized. The author also found that definitions of what was measured was not always clear and that it was a very labour intensive exercise, but on the other hand at least some of these stand-alone databases developed out of operational needs. This author already during the oral submission told the SAHRC that he lost some memory of what happened nearly 20 years back. So he can’t remember if the database for farm attacks and murders already exists when he arrived in SAPS in 1995 or it was first created in 1997 when a joint Rural Safety Strategy was compiled by SAPS and the SA National Defence Force or as a result of the National Summit called by the late President Nelson Mandela in 1998.

The fact of the matter is that according to table 2 incidents of acts of violence and murders against the farming communities were kept since 1997/1998 for at least a part of the year and then for 1998/1999 for the full year according to the definition of the Rural Safety Strategy/National Priority Committee for Rural Safety.

This stand-alone database was as all such databases dependant on the members down at station level to report incidents. If they don’t report it will just not reflect anywhere. But this database was managed by a very dedicated team of people which actively monitored the media and if they read or saw anything which indicate a possible farm or small –holding incident they inquired directly from the station. Furthermore there were weekly meetings by the different role-players to “compare notes” on the number and location of incidents. The role-players where the Defence force, SAPS and the agricultural unions.

Sometime in 2002/2003 it was decided by the Visible Policing Division as the division responsible for rural safety that the violent acts and murders against farms and small-holdings will be indicators of the performance of the Division and it was then included in the Annual Reports of SAPS between 2003/2004 and 2006/2007. The reasons why, despite the fact that the database still exists today, it was not published in the annual reports after 2006/2007 was a) the fact that this database is a stand-alone manual database which can’t be checked to the same extent then CAS and this in the end led to constant audit inquiries and b) the publication of operational data led to rising expectations among other vulnerable groups that they should also get their own databases.

 3) IS MURDER AND ARMED / AGGRAVATED ROBBERY WORST ON FARMS AND SMALL-HOLDINGS THAN IN THE SUBURBS AND TOWNSHIPS?

On many occasions in the past and now again in evidence led at the SAHRC (South African Human Rights Commission) various issues are presented to make the point that so-called farm attacks and murders committed during such attacks are more frequent and more brutal then aggravated/armed robberies and murders committed during such robberies in SA suburbs and townships. This author had already in his oral submission to the SAHRC made the point that it would be very difficult and even impossible to objectively and based on scientific fact make this findings.

a) **Degree of brutality.**

Over the past decade and more it became common knowledge without any real scientific basis that the so-called farm attacks and the resultant murders are exceptionally violent and brutal. Much more so then the armed house robberies in the cities. If this is factually correct it may indicate that there is a motive of terrorism behind these “attacks”. Strictly speaking it will then confirm and legitimise the use of the word farm attack since it will be a terrorist attack. Terrorism which is the use of terror to instil psychological fear and insecurity amongst the target population to obtain certain strategic objectives is a method of warfare. Terrorism can be used to convince a population or a subpopulation that they are powerless against the attack of the terror group and that the government can’t protect them. The ultimate goal of terrorism is to convince the population that the Government should be rejected and the terror group is actually the saviours.

The only scientific way to determine if aggravated robberies on farms and small holdings are more brutal and fatal than those in suburbs and townships will be to do a cohort study over a period of time, say for a year. When this author presented his evidence to the SAHRC he referred to the possibility of docket analysis, but this will not be an appropriate method for a study on brutality since aggravated robbery and murder dockets does not usually contain the detail of all the assaults and other crimes committed during the aggravated robbery and before the murder. As the aggravated robberies on farms and small holdings occur it would be necessary to randomly draw control groups in suburbs and townships. The control group in the suburbs should as far as possible have the same biographical characteristics as those on farms and small holdings( for example if the farm/smallholding victim group consists of 79 percent white, male, Afrikaans speaking, mostly sixty years and older respondents then the suburban sample should reflect exactly the same composition. Basically the only difference between the two groups should be the fact that the one is located in the city and the other on farms and smallholdings, which is the explanatory variable. If differences in percentages of mortality/fatality, seriousness of injuries, degree of torture, and the use of rape as an additional instrument of power, which is the **degree of brutality (the dependant variable)** are identified, then it is in all probability as a result of the **explanatory variable(the** **farms/small-holding versus suburb/township difference**). The township (which would include informal settlements) victim group, where there is a growing tendency of house and business robbery, would not have the same biographical characteristics as the farm/smallholding victim group or the suburb victim group, but will be a very useful **control** **group** to test the hypotheses that racial hatred play a role in crime against the farming community and the suburb community. This is actually the study which the Minister for Safety and Security requested from the CSVR (Centre for the Study of Violence and Reconciliation) nearly a decade ago, but then received the results of another study. If it is done correctly it will contribute in a major way to our understanding of the role of racism in our violence. Strictly speaking it will provide for more explanations to the violent nature of SA’s crime.

b**) The ratio for so-called farm attacks and murders is much higher than that for the general population and even SAPS members.**

This author in his evidence to the SAHRC referred to the farm attack and murder ratios which is thrown around for the last two years as evidence that farmer’s per capita murder and attack rates are far higher than that of the general population and even SAPS members. The deduction is then usually that farming is more dangerous than policing. Several of the witnesses who gave evidence after this author refer especially to the ratio calculated by Dr. Johan Burger of the Institute for Security Studies. So retired Maj Gen Chris Van Zyl (Assistant General Manager: Policy Liaison, TAU SA) refer to 132.8 per 100 000 farmers murdered as calculated by Burger (Van Zyl.2014. Farm murders: TAU SA’s analysis.). Now this ratio of Burger as provided to the SAHRC differ from the one mentioned by James Myburgh on 9 October 2012 on Politicsweb where he refers to “98.9 killings per 100 000” Myburgh writes in an article with the title “Why the SAIRR is wrong about farm attacks.”: “One alternative approach is to compare the farmer murder rate with the national murder rate. Drawing on TAU SA’s more complete statistics on confirmed farm murders Johan Burger of the Institute of Security Studies wrote that of the 50 victims in 2011 32 were farmers, 14 were direct family, three were workers and one was a visitor. He noted: “According to Statistics South Africa’s Census of Commercial Agriculture, there were 32 375 farmers (i.e. people farming either full-time or part-time) in South Africa in 2007. Therefore, the murder of 32 farmers (exclusive of their families and workers) in 2011 provides a ratio of 98. 9 killings per 100 000.” This is three times the national murder rate.” Now this calculation raises many questions, inter alia:

-Why the difference of 25.5% between the 132.8 ratio that Van Zyl refers to and the 98.9 ratio that Myburgh refers to, since according to them both were calculated by Dr.Johan Burger. It seems that the one that Myburgh refers to was for the 2011 calendar year and the one that Van Zyl refers to is for the 2012/2013 financial year but it is still such a difference which may not solely be explained by the difference in time period. The other possible explanations may be that in the 98.9 ratio Burger used a different numerator and/or denominator then in the 132.8 ratio. From the citation of Myburgh it is clear that in the 98.9 ratio he used as numerator only the 32 farmers (exclusive of their families, visitors and workers) and that he used the 32 375 part-time and full-time farmers according to the Census of Commercial Agriculture for 2007 as a denominator. Van Zyl is not clear on what Burger used as numerator and denominator and this analyst don’t want to speculate. What this analyst can say is that the fact that the families of farmers, workers, and visitors were not included in the 98.9 ratio calculation is not in line with the definition of the 2001 Committee of Inquiry into Farm Attacks which read “ Attacks on farms and smallholdings refers to acts aimed at the person of residents, workers and visitors to farms and smallholdings….” and the National Priority Committee on Rural Safety which read “ Acts of violence against farms and smallholdings are those acts aimed at any person or persons living on, working at, or visiting farms or smallholdings with the intent to….”(see van Zyl ,2014.Submission to SAHRC hearings.). The operational statistics which was provided to the SAHRC by the National Commissioner and the statistics published in the annual reports until 2006/2007 are gathered strictly in terms of the National Priority Committee on Rural Safety’s definition and the agricultural unions (including TAU SA) are part of this. So any calculation of a farm murder and so-called farm attack ratio/rate should include the total population of all commercial farms and small holdings in SA or the provinces. If not it should be clearly stipulated that this ratio does refer to the murder of commercial farmers etc. The denominator in the calculation should include either exact or scientifically estimated population figures for the farming community which in the case of the existing murder and attack figures are commercial farmers and their family members which reside on the farm and/or those who visited the farm during the crime incident and the workers and their families who reside on the farm and their visitors during the crime incident. Just looking at this raised more questions than answers which can virtually not be answered. For example how are we going to determine how many visitors visited farms and smallholdings during the calculation period. It should be remembered that the farm stay, lodges (especially on smallholdings) and b&b business is also growing in South Africa and to determine the farming visitor figures will need an annual survey. Then there is the farmworker figures. Here there are issues around seasonal workers, workers which are on farms and small holdings during working hours, but live in the towns and cities at nights and weekends as well as people living on farms and especially small holdings, but work in towns and cities during the day or who are unemployed. Even when it comes to how many commercial farmers and their family members reside on farms and small holdings it seems to be a near impossible task to determine. The whole debate around ratios as an indicator of the degree of seriousness of farm murders and so-called attacks gathered momentum, in October 2012 when the South African Institute for Race Relations (SAIRR) issued a statement titled: “Farmers not uniquely vulnerable to armed attack.”( see Myburgh 2012 ) and that according to the SAIRR the ratio for attacks aimed at commercial farmers and farmworkers in 2011 were 16.8 and if only the commercial farmers and their families are included the rate went up to 45.8 per 100 000. Myburgh 2012(with constant reference to Burger) immediately criticised the statement and argued that the SAIRR’s denominator (farming population) should be smaller (excluding workers and only 32 375- although there is reference to an Agri SA estimate of 37 000- farmers compared to the 46 400 of SAIRR. Furthermore that the average household size of commercial farmers is not the four that the SAIRR used in their calculation but should be 2.6. In the end in the calculation of the 98.9 Burger ratio only the commercial farmers themselves were include.

To conclude the argument about the use of ratios to prove that farm murders are more prevalent then murders amongst the general population it should be stated that this can only be of value if all those participating in the debate use the same numerator (murders in this case) and the same denominator( farming population). Now everybody should agree that the farm murders should be the figures which appear in table 2 because these murders comply with the definition of the National Priority Committee and are scrutinized on a weekly basis and are revued by all the relevant role-players, including the agricultural unions. The 2013/2014 farm murders according to the National Priority Committee is then 58. When it comes to a realistic denominator (population) it should according to the definition be the farmers (which should be for this calculation the commercial farmers, but also all smallholding owners, even if they don’t farm at all), their families, workers and visitors. Actually those people who are not farmers, family, workers, or visitors to farms and smallholdings but who rent a building or part of a building on farms or small-holdings as accommodation should also be included. This author will not try to come to a population figure within this document, but in table 4 provide the effect of different population scenarios on the ratio outcomes. From the table it is very clear that as the population (denominator) become larger and the murder figure (numerator) stay 58 the ratio become smaller. Somewhere between a population of 120 000 (30 000 farmers and 3 dependants each) and 240 000(30 000 farmers, 3 dependants each and 4 workers each) the ratio starts to fall below the national ratio for 2013/2014 of 32.2 according to the SAPS.

**c) The vulnerability of the farming community.**

On pure logic grounds, without using any ratios, a case can be made out that farming communities on farms and small-holdings are probably more unsafe than the residents of suburbs and townships. The reasons are:

* Homesteads are far from each other, which decrease the risk of the robbers, that neighbours will become aware of the crime incident. It also decreases the risk that if one of the victims succeed in getting away the distance to the next homestead is so far that the robbers will be gone by the time the neighbours react. The fact that especially farms but also small-holdings are so isolated from each other provide more time to the robbers to execute their crime and to commit more crimes.
* If it is so difficult to obtain population figures for farms and small-holdings, it will be even more difficult to obtain demographic information on the farming and especially small-holding community. There is a high probability that this community like in many other countries are very rapidly ageing. It seems that when one reads about somebody who were robbed and/or murdered on a farm and small-holding it is mostly elderly people (this makes these deeds even more abhorrent). Now again without any scientific base it seems that as people grow older they trust other people more and they also become more fatalistic and less vigilant which leaves them more vulnerable to crime. It is also probable that the older farmers and small-holding population are less economically active and either experience more financial strain and/or become parsimonious (want to leave something for the children) with the result that they spent less on security and security upgrades. Which together with their trust in their fellow citizen leaves them very vulnerable.
* Another explanation which is often mentioned why farms and small-holdings are very vulnerable when it comes to robberies is that stock and other produce are sold for cash and that this cash accumulate on the farm and smallholding and that the robbers are looking for cash. This is exactly why medium and small cash based businesses in the CBD’s ,suburbs and townships are the main target when it comes to business robbery( especially foreign owned spaza shops in the townships of the Eastern Cape and Western Cape, because they can’t bank money and accumulate it in the shop).
* There is at least the perception that farmers have quite a number of firearms and that it even include submachine guns (e.g.uzzis), because at a certain stage farmers could apply for licences for these type of firearms for self-defence, while city and town people could only apply for handguns and hunting rifles. Robbers will never say no to firearms because it can be used by themselves, it refreshes the ammunition pool, and those weapons which can be used in other crimes, in which their more advanced “Brothers” are involved in, like poaching( hunting rifle) and CIT- and Mall robberies (submachine gun) will go for quite a bit of money.
* It is physically just much more difficult to secure farms and smallholdings to the same extent as standalone houses and especially town houses in security complexes. Even when a farm or small- holding is secured to the maximum, the farmer and his family still have to go to town for school activities, sport activities, shopping, cultural and religious events etc. The biggest risk is when they return and the robbers pounced at the security gates in the perimeter fence or are waiting for them in the house. On a daily basis they have to move on their farm and even at night they may be called to attend to their sick animals and workers who have a crisis.

4) MOTIVES BEHIND ACTS OF VIOLENCE.

This author in his verbal evidence made it clear that all the face value case docket analysis of acts of violence and murders against the farming community up to now reveals that by far the majority of acts of violence and murders are motivated by pure criminal intent to obtain property. So in short it is robbery. Most dockets of these acts of violence against farms and smallholdings, as those of aggravated robbery in the suburbs and townships, does not carry enough additional information to make any further deductions. It should be remembered that the definition of aggravated robbery automatically include all kinds of assault (even torture) as part and parcel of the coercive force used in aggravated robbery so that will not be registered as separate crimes with their own details. Furthermore where the victim is found dead and there is no witnesses to provide the detail of the incident it will virtually be impossible to determine any more motives then that it was in all probability an aggravated robbery – as the media liaison officers often say these days a robbery that went wrong like in the Senzo Meyiwa case (strictly speaking a robbery is already wrong so how can it go wrong?)

So docket analysis of dockets which does not contain detailed enough information on how the crime incident developed, what was said by the perpetrators, what triggered specific violent reactions etc. cannot provide answers about the real motive/s that play a role in violent acts and murders against the farming communities. Several other research methodologies will have to be used to come to more final answers. The study referred to in section 3(a)combined with in-depth interviews of victims/survivors of attacks and perpetrators, will in all probability provide answers to the question if aggravated robbery is the motivating/initiating factor, but that during the incidents certain hate feelings(like for example racism) are triggered which then lead to the use of excessive violence or that the original attack is triggered by factors such as racism and xenophobia and then the perpetrators use the opportunity to rob money, fire arms, other valuables and vehicles. This question should not only be answered when it comes to farms and small-holdings but also for the suburbs and townships. It has become a matter of urgency that the question should be answered why is our robbery so violent. Why somebody should be killed if the robbers could just take the valuables:

* Because he/she is white or black?
* Because he/she may recognises me or help the police to identify me?
* Because he/she is a foreigner?
* Because he/she is gay?
* Because by pointing the fire-arm and pulling the trigger I decide about life and death?
* Because these people are descendants of those who stole our land and they stole it through the barrel of a gun so we do the same?