

Robert McBride appointed as South Africa police watchdog: The ANC's "answer" to police brutality

By Thabo Seseane Jr.
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The ruling African National Congress (ANC) government is deliberately encouraging the South African Police Service (SAPS) to take a hard line against protest, amid a spike in the number of incidents staged by communities on the eve of the general election.

As part of its response to the 13,000 protests in 2013, which show no sign of abating this year, the government has nearly concluded the process of appointing Robert McBride as head of the SAPS watchdog, the Independent Police Investigative Directorate (IPID).

Last week, parliament's oversight committee approved his nomination for the job. The National Assembly is likely to confirm this just after President Jacob Zuma opens parliament on February 13. Democratic Alliance (DA) parliamentary leader Lindiwe Mazibuko said Police Minister Nathi Mthethwa had nominated in McBride a "controversial and politically connected" individual to protect Mthethwa and the SAPS from scrutiny.

McBride, former chief of the Ekurhuleni Metropolitan Police Department (EMPD) in the municipality just east of Johannesburg, first came to prominence in the anti-apartheid struggle. He was arrested in 1986 as leader of an uMkhonto weSizwe cell that bombed the Why Not Restaurant and Magoo's Bar in Durban. The attack resulted in the deaths of 3 white women and injuries to 69 people.

Though convicted and sentenced to death, he was ultimately released in 1992 following the unbanning of the ANC and ongoing multiparty negotiations for democracy. His actions having been classified as politically motivated, he was later granted amnesty by the Truth and Reconciliation Commission (see "ANC paves way for a travesty of justice").

On December 21, 2006, having taken up the position of EMPD chief, McBride was involved in a single-car crash

near Centurion outside Pretoria, after attending a Christmas party with colleagues. Although the scene of the crash was some 40 kilometres outside their jurisdiction, EMPD officers arrived, threatening to shoot witnesses if they called the SAPS. The Ekurhuleni contingent then removed the inebriated McBride from the scene.

Three EMPD officers--Patrick Johnston, Stanley Segathevan and Itumeleng Koko--originally supported their boss's version of events on December 21. However, they later gave statements to the SAPS that incriminated McBride.

On July 4, 2007, McBride and a number of other EMPD officers accosted and intimidated Johnston at a filling station in Ekurhuleni. The pretext for the confrontation was that he was driving a car with tinted windows, which is against South African traffic law. Segathevan then joined Johnston, after which members of the Boksburg (Ekurhuleni) SAPS Task Force (SWAT) arrived on the scene.

McBride allegedly heaped scorn on the SAPS members. The EMPD then arrested Johnston and Segathevan.

Boksburg senior prosecutor Henk Strydom later refused to prosecute a case "totally without merit". Johnston and Segathevan obtained protection orders against McBride, whom they say threatened to kill them, and against the EMPD.

McBride was charged with fraud, obstructing the ends of justice and driving under the influence of alcohol. As part of his defence, he contended he was hypoglycaemic and produced an allegedly false medical certificate from Dr. Joseph Moratiao purporting that he was medicated, not drunk, during the events of December 21, 2006. Moratiao died on July 23, 2010, before he could testify.

In September 2011, Pretoria regional magistrate Peet

Johnson nevertheless sentenced McBride to five years' imprisonment. McBride appealed to the North Gauteng High Court, where he was acquitted in March 2013 and his sentence set aside on the grounds that the state had not proved its case beyond a reasonable doubt. The state applied for leave to appeal to the Supreme Court of Appeal on technical grounds, but the Supreme Court ruled in May 2013 that the state had not raised any question of law that should be considered.

McBride will have his hands full if appointed to the IPID job, as incidents in just two provinces over the past few days show. Parts of the R41 Randfontein Road in Gauteng were closed on January 23 when protesters from the community living adjacent to the Durban Deep gold mine barricaded the road with rocks and burning logs and tyres. Community leader Anthony Makana explained that they were protesting the plans of the property company that bought the land they live on to evict them without providing the alternative accommodation to which they are legally entitled.

On January 24, four policemen were arrested and charged with defeating the ends of justice, while one of these was also charged with murder. This followed the shooting death of one of the Durban Deep protesters, Tshepo Babuseng, aged 29. The *Mail & Guardian* on January 28 reported that the officer facing the murder charge was granted bail against the wishes of Babuseng's neighbours, who had earlier demonstrated at the Roodepoort Magistrates Court. IPID is investigating the murder.

In a standoff with the SAPS, the residents of Relela and Kubjana in Limpopo province were last Friday still charging motorists to use the roads leading to their villages. Protesters manning the checkpoints outside Tzaneen, 420 kilometres northeast of Johannesburg, said they were collecting funds for the families of protesters who died in clashes with police beginning more than a week ago.

The protests followed the discovery on January 24 of the mutilated corpse of 15-year-old schoolgirl Khomotso Raolane in Mandlakazi, some 8 kilometres from Relela. Two people taken in for questioning in the case were quickly released by the SAPS. Residents burnt their homes down on January 25. In that protest, police shot dead 15-year-old Tshepo Baloyi.

A crowd then descended on the Relela satellite police station. On January 28, Clearance Molele and Stanley Selowa were killed when police opened fire during an attack by residents armed with petrol bombs and stones.

Further inflaming the situation, the corpse of a three-year-old who went missing with two other children (who were unharmed) was discovered in a businessman's car in Kubjana on January 29. "The three had locked themselves in the car while playing for hours and they were found by the owner when he got back from work," *Times LIVE* quoted SAPS Lt-Col Motshe Ngoepe as saying. The dead child suffocated in the boot of the car. Residents torched the businessman's car, shop and home.

Rural Limpopo is an area still in the grip of superstitious beliefs. These inseparably attached themselves to the news of Khomotso Raolane's mutilation. There is no question in the minds of many locals that her hands were cut off to be used as ingredients in muti, or potions for witchcraft. Mobs in the area still lynch women accused of being witches. Without condoning provincial backwardness, one might have expected the SAPS to at least show some attunement to local feeling. They might, for instance, have delayed freeing the pair questioned in the Raolane case, as much for their own safety as for the community's. Some of the death and destruction subsequent to their release could then have been avoided.

Instead, we have Minister Mthethwa lecturing the country that when brutality is directed at police, "it is seldom brutality [in that] the reporting is very selective... That should be condemned."

Mthethwa was speaking at a Pretoria conference for senior officials responsible for public-order policing that was also addressed by national police commissioner Riah Phiyega. The day before, he had defended SAPS training methods as benchmarked to the best in the world. When challenged on the wisdom of appointing McBride head of IPID, he pointed out that the conviction against McBride had been overturned.

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