

Interim Report

Verification Process

To Determine Whether the Recommendations

of

Ralushai Commission of Inquiry has been Implemented

**Research Unit
September 2010**

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1. Background

The period 1985 to 1996 was a turbulent one – several parts of the country were affected by some of the most horrendous forms of crime. The crimes committed were related to witchcraft and ritual killings. There were widespread media reports on the incidents and community members expressed shock and horror. Communities in the affected area lived in fear of attacks and the police were unable to stem the incidence of witchcraft related crime.

The Department of Safety, Security & Liaison, under the leadership of Adv Seth Nthai, and the Office of the Premier, commissioned an inquiry into the spate of killings and witch purging, and to establish the root causes and ways of restoring stability in the affected communities.

This period should also be contextualized – it was a period of, firstly widespread resistance to the 'Homelands'; and to the Apartheid state, and secondly, the transitional processes leading to the release of Mandela, and the unbanning of the liberation movements, etc.

It was a period of change both politically and in terms of social dynamics. It was a transitional period – a period of trauma and excitement.

The Office of the Premier [Premier (Adv) Ngoako Ramathlodi] established the Ralushai Commission of Inquiry¹. The Commission was established sometime in March 1995 and the final report was presented to the Office of the Premier in 1996.

¹ The official name of the commission was: **"Commission of Inquiry into Witchcraft Violence and Ritual Murder in the Northern Province"**

DSSL, in terms of its mandate to protect vulnerable communities in the province, conducted site visits to the affected police stations in order to monitor and verify the implementation of recommendations contained in the Ralushai Commission of Enquiry.

During the period August to September 2010, the Research Unit conducted site visits to the affected police stations in order to monitor and verify the implementation of recommendations contained in Ralushai Commission of Enquiry on witchcraft violence and ritual murder.

2. Objectives

The objective / aim of the verification project/ process was to:

- To verify whether the recommendations have been implemented;
- To establish whether there are outstanding issues for consideration and implementation;
- To determine the current status of the case docket related to witchcraft and ritual murder.

3. Methodology

The Ralushai Commission of Enquiry Report was assessed and monitoring indicators were identified and used as a guideline to collect data from the affected stations. Interviews were conducted in six of the affected police stations namely: Seshego, Mankweng, Bochum, Vuwani, Tshitale and Thohoyandou.

4. Limitations

- i) Six out of the ten listed stations [as mentioned in the Ralushai Report were visited by the Research Unit;**
- ii) Four stations were not visited – these include: Motetema; Mutale; Dzanani; and Maleboho;**
- iii) Statistical data has been requested [for the 10 affected stations] from the SAPS Provincial Office; Based on this information, we will be in a position to conclude that witchcraft related crimes is no longer a threat to our vulnerable rural communities;**
- iv) Once this information becomes available, the Research Unit will be able to establish the outstanding issues in terms of the implementation of recommendations of the Ralushai Commission of Enquiry.**

5. Verifications Findings

5.1 Case dockets

Police stations	Number of case	Crime Detail reported	Findings
Seshego	14	Indicating other as witch / wizard	<p>Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding</p> <ul style="list-style-type: none"> ▪ The participants indicated that, all 14 cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] was resolved and they are no outstanding cases. ▪ The participants add that, amongst 14 cases all accused who was found guilty by court, were sentenced and those who found not guilty, court released them. ▪ The participants further add that in this financial year 2010/2011, only one [1] case related the contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard] was reported. ▪ The docket was opened and sent to court for further management and the accused was found not guilty by court.

Case dockets [cont.....]

Police stations	Number of case	Crime Detail reported	Findings
Mankweng	22	Indicating other as witch / wizard	<p>Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding</p> <ul style="list-style-type: none"> ▪ The participants indicate that, all 22 cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] was resolved and they are no outstanding cases. ▪ The participants further indicate that, amongst 22 cases all accused who was found guilty by court were sentenced and those who found not guilty, court released them. E.g. sentenced 3 month imprisonment or R300. ▪ The participants add that, in this financial year 2010/2011, no case related to the contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 reported.

Case Dockets [cont.....]

Police stations	Number of case	Crime Detail reported	Findings
Bochum	19	Indicating other as witchcraft / wizard	<p>Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding</p> <ul style="list-style-type: none"> ▪ The participants indicate that, all 19 cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder as reported on Ralushai report have been resolved and there are no outstanding cases. ▪ The participants add that from October 2008 to December 2009, 06 cases of indicating other as witch/ wizard has been reported. ▪ Dockets were opened and send to magistrate court for further management. ▪ The case was resolved and there are no outstanding cases.

Case Dockets [cont.....]

Police stations	Number of case	Crime Detail reported	Findings Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding
Tshitale	<p>5</p> <p>4</p> <p>18</p>	<p>Arson</p> <p>Murder</p> <p>Indicating other person as witch / wizard</p>	<ul style="list-style-type: none"> ▪ The participants indicate that all 27 cases related Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] arson, murder as reported to Ralushai Report was resolved and there are no outstanding cases. ▪ The participants further indicate that currently they are no case related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard]. They add that case of murder, arson has been reported previous years, but not linked to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder.

Case Dockets [cont.....]

Police stations	Number of case	Crime Detail reported	Findings
Vuwani	15 6	Arson Murder	<p>Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding</p> <ul style="list-style-type: none"> ▪ The participants indicate that all 21 cases related Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard] arson, murder as reported on Ralushai report was resolved and there are no outstanding cases. ▪ The participants further indicate that currently they are no cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder reported. ▪ They add that case of murder, arson has been reported previous years, but not linked to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder.

Case Dockets [cont.....]

Police stations	Number of case	Crime Detail reported	Findings
Thohoyandou	<p>4</p> <p>8</p> <p>1</p> <p>1</p> <p>9</p> <p>30</p>	<p>Assault</p> <p>Arson</p> <p>Extortion</p> <p>Kidnapping</p> <p>Murder</p> <p>Indicating other person as a witch / wizard</p>	<p>Aim: To determine the current status of the case docket whether the case has been resolved/ outstanding</p> <ul style="list-style-type: none"> ▪ The participants indicate that all 53 cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] Assault, extortion, kidnapping, arson, murder as reported on Ralushai report was resolved and there are no outstanding cases. ▪ The participants further indicate that currently they are no cases related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard] and ritual murder reported. ▪ They add that case of murder, arson, extortion has been reported previous years, but they are not linked with Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder.

4.2 Recommendations as per Ralushai Commission of Enquiry

Recommendations	Findings
<p><u>Legislative measures to combat witchcraft violence and killing</u></p> <p>Legislation to regulate the practice of Traditional Healers [& Traditional Medicine]</p> <ul style="list-style-type: none"> ▪ To avoid destructive actions traditional healers should emphasize the curative and preventative aspect of medicine, instead of pointing out so called witches 	<p>Aim: To verify whether Legislation has been promulgated</p> <ul style="list-style-type: none"> ▪ In all stations visited, participants indicate that they don't know any thing about the legislation to control the practice of traditional healers and they are not sure that the legislation has been implemented or not, because the legislation has nothing to do with Police. ▪ During interview session participants indicates that traditional healers are one of their stakeholders and they are working together in the fight against crime on their area. ▪ While in one police station, participants indicate that traditional healers / are not part of their stakeholder. ▪ The participants add that according to their knowledge, traditional healer use herbs to prevent and cure the disease.

Recommendations as per Ralushai Commission of Enquiry [cont.....]

Recommendations	Findings
<p><u>The Traditional Medical Practitioners Council / Association</u></p> <p>To establish a Traditional Medical Practitioners Council, to provide for the registration and regulation of the practice of Traditional Medical Practitioners</p>	<p>Aim: To verify whether Legislation has been promulgated</p> <ul style="list-style-type: none"> ▪ In all stations visited, participants in 5 police stations indicates that, they are aware of Traditional Medical Practitioner council/ Association. ▪ The participants further indicate that they are working together with Traditional Medical Practitioner Council / Association and their relationship are good. ▪ While in one [1] police station participants indicate that they are not aware of the traditional medical practitioners council/ association and their roles ▪ The participants add that they do not know anything about the criteria used by Traditional Medical Practitioner Council / Association to register Traditional Healers on the Traditional Medical Practitioner Councils / Association.

Recommendations as per Ralushai Commission of Enquiry [cont.....]

Recommendations	Findings
<p><u>The Traditional Medical Practitioner Act</u></p> <p>The purpose of the Act is to regulate Traditional Medical Practitioners, to treat, identify, analyze or diagnose, without the application of operative surgery, any illness of body or mind by traditional methods</p>	<p>Aim: To verify whether Legislation has been promulgated</p> <ul style="list-style-type: none"> ▪ In all police stations visited, participants in five [5] police stations indicated that they are aware of Traditional Medical Practitioner Act. ▪ The participants further indicated that the role of Traditional Practitioner is to treat, identify and diagnose without the application of operative surgery. ▪ While in one [1] police station participants indicated that they are not aware of the Traditional Medical Practitioners Act
<p><u>The role of police</u></p> <p>Investigations of cases involving belief in witchcraft should be intensified so as to gather enough and convincing evidence that would lead to the successful prosecution of diviners and traditional healers who have committed criminal offences</p> <ul style="list-style-type: none"> ▪ The language efficiency of police with specific reference to English be improved; ▪ Statements should be taken by police who are conversant in the English language; 	<p>Aim: <u>To determine whether this has been done:</u></p> <ul style="list-style-type: none"> ▪ In police station visited, participants indicated that they are able to talk different local languages. ▪ They further indicated that all police officer are conversant in English and all the statement are taken in English. ▪ They add that in case were the officer experience difficulty on understanding complainant language, they assist each other by translating the complainants' statement from complainant's language to English.

Recommendations as per Ralushai Commission of Enquiry [cont.....]

<p>Recommendations</p>	<p>Verification of findings</p>
<p><u>Educational measures to be undertaken by government to combat commission of criminal acts related to witchcraft</u></p> <p>The government should organize a music completion in which composers would be showing the futility of witchcraft purges and ritual murders. For example, in the case of workshops both experts in witchcraft and ritual murder and the judiciary [judges, magistrates, prosecutors and lawyers should be invited</p> <ul style="list-style-type: none"> ▪ Eminent local and international scholars should be invited to come and address people on witchcraft and killing 	<p>Aim: To determine whether this has been done</p> <ul style="list-style-type: none"> ▪ In all police station visited, participants indicate that educational campaigns/ awareness & workshop are conducted on the regular based with the aim of reducing crime. ▪ Participants further indicated that their awareness campaigns covered different types of crime, causes of crime and preventive measures for all types of crime. ▪ Participants add that community members, local traditional chiefs, sector departments, schools, traditional healers and university management form part of the awareness campaigns. ▪ Participants further add that they are getting support from different media [University of Limpopo FM, SABC, and Capricorn FM] and sector Departments to address people on crime in the area.

Recommendations as per Ralushai Commission of Enquiry [cont.....]

<p>Recommendations</p>	
<p><u>The importance of reliable statistics</u></p> <ul style="list-style-type: none"> ▪ Police should submit witchcraft violence and ritual killing statistics to the Office of the MEC for Safety and Security on a regular basis 	<p><u>Verification of findings</u></p> <p>Aim: To determine whether this has been done</p> <ul style="list-style-type: none"> ▪ In all stations visited police stations participants indicate that, the crime statistics are submitted on daily, weekly, monthly and quarterly to the Provincial Office. ▪ Participants further indicate that Provincial office is responsible for the submission of crime statistic to MEC Office. ▪ They were not sure whether crime statistics related to witchcraft violence and ritual killing was submitted to MEC's office.
<p><u>The role of research</u></p> <p>Research on the witchcraft violence and killings must be conducted</p> <ul style="list-style-type: none"> ▪ Historically Black Universities should embarked on the intensive research programme dealing with witchcraft and killing ▪ In the area where lightning is more prevalent, experts should be appointed to do research on the causes of lightning 	<ul style="list-style-type: none"> ▪ In all visited police station, participants indicate that , they don't know anything about the research conducted in the police or community research. ▪ The participants further indicate that they don't have capacity to conduct research. ▪ Participants added that they are furthering their studies with UNISA

6. Analysis

- a) In general, the results of the verification process indicates that all cases reported in the Ralushai Commission of Enquiry, namely: assault, arson, extortion, kidnapping and murder related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard] and ritual murder was resolved and that there are no outstanding issues for intervention. For example the accused were arrested, dockets were opened and sent to the Courts for further handling, and those who were found guilty by the Courts were sentenced e.g. some perpetrators were sentenced to 3 month imprisonment or R300 depend on the nature of the crime, and those who were found not guilty, the Court released them. This implies that the South African Police Service is fulfilling their mandate as stipulated on the Constitution of Republic of South Africa, Act No 108 of 1996 which is to investigate public crime, to maintain public order, uphold and enforce law.
- b) The results, further indicate, that in this financial year [viz. 2010/2011], only one [1] case related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch / wizard] was reported. This implies that crime related to Contravening Section 1(a) of the Suppression of Witchcraft Act (3) of 1957 [indicating other as witch] and ritual murder has drastically reduced.
- c) With regards to recommendations as per the Ralushai Report, the verification process indicates that some of the recommendations were not implemented in the police stations because the recommendations have nothing to do with South African Police Service Mandate. E.g.
- the establishment of **Traditional Medical Practitioners Council**, which provides for the registration and regulation of the practice of Traditional Medical Practitioners;

- the establishment of Legislation to control the practice of Traditional Healers such as the **Traditional Medical Practitioners Act**. This implies that those recommendations were not relevant to South African Police Service mandate.
- d) What is interesting is that educational awareness campaigns and workshops are conducted on a regular bases with the aim of reducing crime and their awareness campaigns and workshops covered different type of crimes, and preventative measures. This implies that, South African Police Service is fulfilling the mandate as stipulated on the Constitution of Republic of South Africa, Act No 108 of 1996 which is to prevent and combat crime through awareness campaigns.
- e) The result further indicates that all police officers are conversant in English and all the statements are taken in English. What is interesting is that, in cases where the officer experiences difficulty in understanding the complainant's language, they assist each other by translating the complainant's statement from complainant's language to English. This implies that the police officers are working as a team with the mind to serve the community.

7. Recommendations

- Follow up on the submission of the statistic report on crimes related to witchcraft violence and ritual killing must be done.
- All police stations must continue with educational awareness campaign and workshop. Issue related to witchcraft violence and ritual killing must be addressed.
- Traditional Medical Practitioner Act must be distributed to all police stations, so that the police officer can familiarized themselves with the content and provisions of the Act because Traditional Healers/ Traditional Medical Practitioners are one of their stakeholders.

**Research Unit
September 2010**