

# Editorial

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## Resolution delayed

By the time you read this edition of *South African Crime Quarterly* the report from the Farlam Commission of Inquiry into the police massacre of mineworkers at Marikana will finally have been made public.

The Commission's report was handed to President Jacob Zuma on 31 March but he refused to make it public until 30 June, claiming that he needed time to consider the findings and recommendations before tabling it in Parliament. Injured mineworkers and the families of those who died were deeply frustrated but the slow pace of progress. They were concerned that the delay would affect their ability to lay civil claims against those in the police who were to be found responsible for the shootings. They were supported by civil society organisations, such as the Right To Know Campaign, which shared their concerns.

There was much suspicion that the president was delaying the report to give himself enough time to make deals with those who are found responsible, and to protect them from justice. He laid the basis for such suspicion by paying out National Prosecuting Authority (NPA) head Mxolisi Nxasana an amount of R17.5 million to leave office after Zuma abandoned an inquiry into his fitness to hold office.<sup>1</sup> There were also deep concerns about who Zuma would appoint as the new head of the NPA, given his weak choices to date and the 783 corruption charges that may one day be reinstated against him. His appointment of Adv Shaun Abrahams have allayed those concerns for the time being. But increasingly the ability of citizens in South Africa to hold political leaders to account is being called into question, as is trust in parliament and political leaders. Despite the Farlam Commission having concluded with damning findings against the Commissioner of Police we are far from the end or from final resolution.

Given the crises of leadership affecting the SAPS, it seems ironic that this edition of *South African Crime Quarterly* focuses on regular policing matters – but despite the growing uncertainty in South Africa about whether citizens, or even the courts, are able to hold elected politicians to account, the daily grind of criminal justice must go on.

In this edition, Christa Roodt and Bernadine Benson write about the challenges faced in tracking down art thieves. The image on the front cover of this edition of the journal, Gerard Sekoto's painting 'Street Scene', was stolen from the Pretoria Art Gallery in 2012. It joins the host of other works of art and heritage items stolen in South Africa that are likely making their way into the hands of unscrupulous collectors. The authors make the case for an accessible, searchable database of stolen items that can be used by dealers in art and antiquities as well as by the criminal justice system, to enable the identification of stolen art when it surfaces.

Dr Francois Steyn, Annika Coetzee & Harriët Klopper contribute to the small but growing South African literature about the working conditions of the men and women who guard your car when you park at a shopping centre or in the street in any urban area in South Africa. Their research shows that car guards are often exploited by shopping centre managers while trying to earn a living performing what can be a dangerous job.

David Bruce's article looks at the possible contribution of the Community Work Programme to crime prevention. He is careful to note that the purpose of the programme is not primarily to prevent crime, and nor should it be, but rather to provide an income to people who would otherwise be unemployed. Nevertheless, his analysis helps us to think through how such programmes could, or may not, help prevent crime and violence, and what can be done to enhance that without changing the programme's objective.

In the Case Note in this edition Emma Lubaale addresses the issue of how courts consider DNA evidence, and what needs to be done to ensure that such evidence is assessed properly to avoid miscarriages of justice. Finally, Trevor Budhram proposes a model for intelligence-led policing that he argues would aid the investigation of organised crime and corruption.

The September edition of *Crime Quarterly*, guest edited by Erena van der Spuy, will be a special edition dedicated to the state of policing in South Africa, and the contribution that commissions of inquiry can make to improving policing.

**Chandré Gould (Editor)**

## Notes

- 1 Kwanele Sosibo, Zuma strikes deal with NPA head Nxasana, *Mail & Guardian*, 31 May 2015, <http://mg.co.za/article/2015-05-31-zuma-reaches-settlement-with-npa-head-nxasana> (accessed 8 June 2015).