Towards peaceful protest in South Africa:
Testimony of multinational panel regarding lawful control of demonstrations in the Republic of South Africa before
The Commission of Inquiry regarding the prevention of public violence and intimidation

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The use of force in the policing of demonstrations

Introduction

We believe that the most difficult questions arise in the area of managing a demonstration after it is under way and not in the area we have just discussed of negotiating the conditions under which demonstrations may be held. Managing a demonstration after it is under way, just as much as planning it, is a joint responsibility of the organizers, the police, and, where feasible, local authorities. Thus to facilitate a change of behaviour of crowds (towards more peaceful actions) we emphasize the crucial importance of negotiation and communication where possible during the course of demonstrations.

This emphasis has various components: (1) Negotiations between police and demonstrators need to be, where possible, continuous and valued, not only "off the record". (2) Establishment of clear channels of communication during the course of demonstrations should be a part of prior agreements. (3) In the event of failure of prior agreements, both police and demonstrators should nevertheless attempt to establish channels of communication during demonstrations. (4) This emphasis on negotiation and ongoing communication between police authorities and demonstrators should be a central component of police training and education.

Still, sometimes shared responsibility breaks down, leaving very troublesome issues as to the use of force by the police. We now turn to these.

It is important initially to recognize that the very real difficulties of handling demonstrations in some particularly troublesome situations would not be reduced by forbidding the exercise of the democratic right to demonstrate. As the South African Police have acted, thousands of unauthorized demonstrations take place now without any substantial violence. Moreover, even if it were possible to tell in advance what demonstrations were likely to result in violence - a very questionable prediction in many cases - prohibiting the demonstration might well not prevent that violence. Indeed, an effort to disperse a demonstration that had not yet become
violent risks encouraging violence by inflating the participants and by
disregarding the important role in managing the demonstration that can be
played by the organizers.

We therefore emphasize that the South African Police have no obligation to
secure the dispersal of a demonstration only because it is conducted without
prior notice or because it obstructs traffic in some other way. The law, as
interpreted in other parts of the world, permits police to use force to
prevent disorders and to restore order when there is a reasonable belief
that the conduct is likely to cause injury to persons or damage to
property and, to the extent that is consistent with recognition of the importance
demonstrations to democracy, interference with the rights of others.

We will discuss our recommendations with regard to the use of force in
demonstrating demonstrations in two sections. First, there are the questions
regarding the rules for the use of lethal force, sub-lethal force, the power to
arrest, and other possible powers. These rules are of great importance, but
we are aware of the great inherent vagueness of some of the rules and of the
fact that the justification for using various levels of force often depends not
just on the activities of the demonstrators but also on prior tactical decisions
made by the police. Thus, in the second section, under the use of force in
policing, we will address what we believe are the most troublesome practical
problems of policing demonstrations, using these examples as a way of
adding clarity to the necessarily vague prescriptions regarding the use of
force.

The applicable legal rules with regard to policing

The use of lethal force

For the use of lethal force, we recommend the rule followed by Germany,
the Netherlands, most jurisdictions within the United States, Australia, and
Great Britain: that lethal force is only justified in policing a demonstration
when the conditions make available the general justifications for the use of
lethal force found in principles of criminal law and criminal procedure. There
should be no additional power to use lethal force simply because the
activities are part of a large-scale demonstration. There should, of course, be
no less justification for using lethal force because a demonstration is
broad-based. Thus in detail, protection of the lives of others, and prevention
of certain very serious violent actions justify the use of lethal force. The
possibility of property damage normally does not, in principle, justify the use
of lethal force. The justification to disperse a crowd, but also when a crowd is
riotous.

The only broadening of that rule which we gave serious consideration
would be to allow the use of lethal force as a last resort, to prevent a crowd
from occupying certain highly symbolic, and therefore crucial government
buildings. This might well correspond to the narrow list of buildings
around which demonstrations can be kept at a moderate distance. On
balance, however, a majority of the panel does not believe that even
providing the parliament or a courthouse from a demonstration that does
not threaten lives justifies the use of lethal force.

We believe it is important to add that preventing deaths caused by the use
of lethal force by the police obviously depends upon two matters that go
beyond stating the rules and ensuring that there are enforcement devices.
Most important, it depends upon the ability of the organizers of
demonstrations to prevent the demonstration from engaging in behavior
that threatens the lives of others. Almost equally important, it depends upon
the careful choice of police tactics and equipment so as to avoid placing
police officers unnecessarily in situations where their lives are threatened.

Adequate physical protection of police officers, rather than the use of lethal
force to define them, should be the first priority. For example, we believe
that the situation of South African Police would be much safer if they made
greater use of smaller, armoured, air-conditioned vehicles to confront
demonstrations that are becoming dangerous. Police officers would not have
to depart from such vehicles and the vehicles could easily be manoeuvred in
ways that could help control the situation. The present tactic of bringing
smaller numbers of riot police in a single vehicle and requiring them to
disembark from it, perhaps under threat of fire, increases the need for
defensive fire and the risk of death to all parties.

The use of non-lethal force

The general rule in continental Europe is that sub-lethal force must be
proportional to the need, reasonable in the circumstances, and minimal to
accomplish what is required. Its appropriateness depends upon what is at
stake. Similar notions are plainly applicable in Great Britain, Australia and
the United States. It is to deal with the inherent vagueness of these
prescriptions that we address certain troublesome situations in the next
subsection. At this point we have only one general observation and one
procedural recommendation.

All the parties agree with the police of the other countries we have observed
that there is a requirement of minimal force in policing demonstrations. But
behind that agreement there is a certain amount of confusion about how to
interpret that requirement, which may have any of several meanings. One
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The use of minimal force is not an end in itself. It is a means to an end, which is the peaceful resolution of disputes. The use of minimal force is not a weapon of aggression, but a tool of diplomacy. It is used to pressure opponents into making concessions, not to force them into submission.

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Arrest and other legal powers

The arrest of individuals engaged in or encouraging violence or the destruction of property is the most preferred alternative for dealing with these dangers during a demonstration. Using this option requires:

- adequate intelligence on the behavior of individuals within the demonstrating group;
- highly trained arrest units able to move quickly into the crowd and seize the individual;
- photographic and other devices for gathering the evidence that will be needed for trial whether the individual is arrested at once or at a later date;
- adequate statutory authority.

In South Africa, for example, there are special units (some militarized, some not) designed to move in quickly and arrest violent elements. Great Britain has similar organizational units. Each of these nations pays special attention to the use of canons to gather evidence that can be used at a trial at a later date. Similarly, each of the countries we have observed permits the use of police dogs and other equipment to assist in the arrest of individuals.

It is important for South Africa to have the same capacity to make arrests. This is a first step in dealing with the dangers that a few individuals can present in an otherwise peaceful demonstration. This is particularly true when the dangerous individuals are beyond the control of the authorities. They may even be provocateurs from a rival group. While we believe that serious questions are raised by the use of government forces, or agents who may try to disrupt political organizations, these serious questions are not presented by using these devices to moderate the activities of the population. As we have already noted, the broader questions about political intelligence gathering are both complex and deserve serious consideration.

In this submission to the Commission of Inquiry, the South African Police Service will review whether it might not be appropriate to use the broader powers to arrest whenever there is, for example, reason to fear a breach of
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the police. It has also suggested that similar needs could be fulfilled by adopting the continental action that police have both administrative or public order powers (which are not premised on efforts to deal with violations of the criminal law) and separate powers to assist in investigations of possible crimes. Relying on section 28 of the Police Act, which falls in the first category, the Dutch Police have, according to the South African Police themselves, detained drug pushers to dry out, briefly incapacitate individuals disturbing the peace without helping criminal charges, detain a disturber of the peace in order to take him home, confine objects involved in public unrest without the intention of using them as evidence, and order a person to leave a certain place, enforcing the order by physically removing him if necessary.

We believe it would be wise to create or use very broadly defined crimes such as breach of the peace to strengthen the range and sophistication of the powers of the police in dealing with demonstrations or public disorder. All crimes should be defined with sufficient clarity. The effects of the American Law Institute to define "breach of the peace" are set out in Appendix C. Moreover, demonstrations are too likely to understand the legitimacy of governmental action taken in the form of an arrest for conduct which was never prohibited with any clarity. It is quite possible to develop clear provisions for most contingencies. Those of Britain and Washington, D.C., are set forth as Appendix F and Appendix I.

On the other hand, we believe that certain specific powers unrelated to prospective criminal prosecution could be safely and wisely given to the police so long as the occasions on which they can be used and the processes through which they must be exercised are defined with sufficient clarity by the legislature. For example, the power to confiscate weapons carried during a demonstration need not be made to depend on the intention to use them as evidence in a criminal trial. Another example is that the police should have the authority to order the demonstrators in any real groups to remain within the limits of a specified area, often a necessary precaution against a violent confrontation. The existence of such "special order" powers should, however, depend upon clear legislative authority. We recommend that the South African Police develop and propose legislation granting powers it believes necessary in that regard.

Methods of enforcement of rules regarding policing demonstrations.

No set of rules is important unless it is taken seriously by the police and no set of rules is likely to be taken seriously unless there are administrative and judicial sanctions for failure to comply with the rules. The problem of review

of police action is an extraordinarily difficult one for almost every police department in the world. Developing improved and more reliable procedures for reviewing police action is a crucial question facing all parties to South Africa and the South African Police. Except in one regard, however, there should not be a separate system for handling demonstrations. We therefore regard it as beyond our mandate to make proposals for general systems and procedures.

Demonstrations differ in only a few respects from other occasions of alleged confrontation by the police. They are often planned in advance and therefore are subject to monitoring by third parties in a way that is impossible for other police citizen interactions. We believe that these possibilities should be explored in every way possible. There should be no right to exclude the press from monitoring demonstrations or the policing of a demonstration, including dangerous confrontations. It would be wise for the South African police to develop procedures for facilitating the presence of the media in situations in which there is likely to be a confrontation leading to accusations of wrongdoing.

In its submission, the ANC has recommended that a commission should be available to provide panels at the request of demonstrators. We believe that recommendation is a very useful one which should be available to all parties and might well be funded as an extension of the responsibilities of the Commission of Inquiry Regarding the Prevention of Public Violence and Terrorism.

In general, we believe that post incident independent review is a powerful influence on police behaviour during a demonstration; for the police are aware that the review will demand to know what options were considered and why some were discounted. It should be borne in mind that police officers are not only influenced by legal instructions, but also and more importantly by political considerations. The same would of course apply to demonstrations. Thus much will depend upon the attitude of influential groups in South Africa. In a political climate that affirms violent disorder, provocative police action, and the use of excessive force, policing will be constrained because officers may be at risk. Where the climate in extremely tolerant of such police actions, there is little incentive to use restraint or to ensure that subordinate officers comply with higher level directives.

We believe that the responsibilities of the commission, first noted, should extend to a post-event review function so that lessons may be learned for the future - mistakes avoided and successes repeated.
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TACTICS IN SITUATIONS OF CONFRONTATION

As we have noted above, the very general statements that police should use only such force as is proportionate, reasonable, and the minimal necessary do not provide adequate guidance for the most troublesome of situations. A great deal of experience has resulted in a great deal of learning and the design of valuable equipment in this country. But, as a group, we have examined. We think that representatives of all the parties in the Peace Accord, including representatives of the police, should be invited to discuss these issues with the police authorities in the United States, Great Britain, the Netherlands, Belgium, Germany, France, Italy, and other countries. We hope that the result would be an increased sophistication among those who have the police in their service and who will be called upon to manage demonstrations in the future. Until that happens, we believe it useful to address several paradigmatic situations of serious importance and involving confrontations between the police and demonstrators.

Before turning to these, we should emphasize that confrontations are frequently inevitable. In many cases, control can be best exercised by self-control, demanded and monitored by the organizers of marches and following negotiations with local authorities and the police.

Equally important, the need for accommodation can be substantially reduced by careful thought about the physical location and path of a demonstration. The route can be chosen so as to avoid hotspots. The presence of police and protesters can be benefited by the use of certain well-established techniques, analogous to Trafalgar Square or Hyde Park in London. These examples are seen enough to the center of the protest, to the protest force, but with substantially increased traffic or outside. Their natural physical features make it unlikely that the demonstration will spread out uncontrollably in the form of a riot, although this happens occasionally. The advantage to the organizers is the availability of a stage, podiums, loudspeakers, and other facilities. When a demonstration moves, its direction can often be controlled through the use of passive means such as fencing and barriers or ordinary traffic in lanes not appropriate for the demonstration. This too decreases the likelihood of confrontation.

Picketing

For several reasons, picketing presents an easy subject of policing. It is generally small, small-scale, and long-lasting rather than abrupt. It is generally carried out by ordinary, law-abiding people who wish to attract public support. This gives the police the opportunity and the pickets the incentive to negotiate and arrive at a mutually satisfactory agreement. The police have an obligation to protect picketers as well as those seeking to cross the picket line. The pickets have an obligation to permit access to the building or location they are picketing. Their right to peacefully persuade people at the point of action not to enter or leave. Peaceful picketing not only be prohibited when its objective is to cause the violation of a valid law.

The difficult question involves the use of threats by picketers against those ignoring the picket line. Threats to take legal action in retaliation against those crossing a picket line are properly be made illegal and lead to the arrest of picketers and those seeking to cross the picket line. The difficulty is that threats are often not explicit, leaving it uncertain whether retaliation is proposed at all and, if it is, whether it is to take the form of perfectly legal actions (such as ceasing or estranging the individual) or illegal actions (such as assault or damage to property). The right to picket as a form of free expression in a democracy is too important to be infringed when there is anything other than a relatively clear threat of illegal action of a serious sort. Thus in most cases the responsibilities of the police are simply to prevent the obstruction of access and to protect the picketers.

A large demonstration intended to disrupt traffic in a central business district

The importance of the right to demonstrate is such that the public must accept inconvenience within reasonable limits. Nevertheless, it is appropriate for local authorities to insist that a demonstration not block a central business district at rush hours. What are the authorities to do if a demonstration takes this form?

The police may be able to prevent the demonstrators from gathering in the city center either by requesting small groups to depart from the area in such a way as to not attempt to assemble or by simply allowing traffic to prevent assembly in, or marching to, the city center. Nevertheless, the demonstration may proceed in occupying a central commercial area, causing substantial irritation and disruption to those who work or shop there. Arresting participants for violation of a statute or ordinance prohibiting blocking traffic would be entirely appropriate. The authorities in the Netherlands, Belgium, Germany, Australia, the United States, and Great Britain would often simply allow the demonstration to continue, not using any force on the large crowd of demonstrators. The non-demonstrating public is likely to become very angry at the demonstrators. That will be important to the demonstrators if they...
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are part of the normal politics of South Africa; such public anger is itself an important sanction. In any event photographs can be taken and evidence gathered so that those violating the law can later be arrested and prosecuted for any offence they may have committed.

None of the countries we have examined would allow street blockades or other activities to prevent government officials from entering certain areas. The declarations by the demonstrators that they control a certain area to the exclusion of the authorities or other citizens would be met with the use of adequate force to obtain free access.

Peaceful demonstrators occupying a government building

In all of the countries we have studied, demonstrators using this very common tactic in areas of government (or private) buildings not open to the public would be subjected to arrest and prosecution for trespass of a水利工程. This tactic would not, of course, be treated as some symbolic form of trespass or obstruction, but rather as an intentional disruption. The handling would therefore depend on the importance of the area occupied or the function disrupted and the behaviour of the demonstrators.

While peacefully executed sessions would generally follow an unsuccessful effort to negotiate the withdrawal of the demonstrators, this is not the only alternative. On some occasions the local authorities would simply attempt to have the utilities cut off and to prevent food from being served. There is little likelihood of violence if the demonstrators are determined to leave on their own, being arrested after they have left the building.

Despite the intervention of a government building the important point is that in no place we have considered would more substantial force be used than is required to arrest and remove the occupants. Any more force than this is likely to appear disproportionate, causing sympathy for the demonstrators and their cause. It would also be likely to invite resistance by the demonstrators or observers and thus lead to a dangerous confrontation with the police.

A potentially violent confrontation between two hostile groups at the nadir of a demonstration

There are two possibilities here. The first, we have already addressed. If a group of peaceful demonstrators is likely to be attacked by a hostile and rival group, the police (in each of the countries we have examined) will make every effort to protect the peaceful demonstrators and arrest those attacking it. There is no effective distinction to be made in terms of whether the peaceful demonstrators intend to provoke violence against themselves or not. In either event they must be protected. Nor can they be denied the right to travel in areas largely populated with members of a hostile group. Freedom to travel anywhere in the country is also their right. The only conditions under which the demonstrators may be prevented from carrying on their demonstration is if the police can satisfy the local authorities and the relevant judge, where applicable, that they are not capable of preventing the demonstration.

In other variations the demonstrators themselves, or some members of their group, are likely to initiate violence against the residents of a neighborhood largely populated by a hostile group. In this case it is the responsibility of the police to disperse the demonstrators and to warn them that anyone using violence will be arrested. If the demonstrators cannot be dispersed, it is appropriate to prevent the march from taking place.

In both instances the police are likely to be required to use significant amounts of non-lethal force. In both cases it is also appropriate to use lethal force if it is necessary to prevent the members of one group against a risk of death or severe bodily harm at the hands of a member of another group. That risk must, however, be imminent. Large groups moving toward a confrontation, even carrying stones and bottles, cannot be segmented by the use of lethal force, save for the circumstances mentioned above.

There are particular dangers when a demonstration breaks up in a place requiring the demonstrators to return home by passing through areas occupied by hostile social groups. The South African Police have described in its second submission several widely accepted procedures for dealing with this problem including: ensuring that a march continues until it is in a safe location for the group to disperse; having the organizers provide adequate leadership, and providing substantial police support during the dispersal period. We strongly endorse these measures.

A police unit under attack with stones and bottles

It is, of course, appropriate to use the police to block the path of a demonstration; the object of which is to exclude other, destigmatize property, or deny access to a government or a private building. In this situation the demonstrators and their leaders are likely to resort to throwing stones and bottles, or even petrol bombs, to displace the police or merely as an expression of frustration and hostility. Assuming the police were unable to prevent the assembly of the demonstrators or to disperse them, for example, by the use of mounted patrols, and assuming that negotiation is fruitless, what should the police do?
Of course, we understand that the police are not to be trusted by the demonstrators. However, they should not be allowed to use excessive force. The situation is dangerous, and the police must be prepared to use non-lethal means to control the situation.

The key to the situation is the use of non-lethal means. These can include tear gas, pepper spray, or rubber bullets. It is important to remember that these are not used to cause harm, but rather to disperse the crowd.

The police must also be prepared to use other non-lethal means, such as water cannons. These can be effective in dispersing a crowd, but only if used properly.

In summary, the police must use non-lethal means to control the situation. They must also be prepared to use other non-lethal means, such as water cannons, if necessary.

The situation in Frankfurt is similar to the situation in other parts of Germany. The police must be prepared to use non-lethal means to control the situation. They must also be prepared to use other non-lethal means, such as water cannons, if necessary.

The police must also be aware of the dangers of using excessive force. They must be prepared to use non-lethal means to control the situation. They must also be prepared to use other non-lethal means, such as water cannons, if necessary.

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have described, they may resort to deadly force if, but only if, they reasonably believe that any substantial delay in using such force would severely endanger the lives of one or more of the police or other people. The difficulty, as so often, is in applying the standard.

The danger and the great fear is likely to arise was well described by Anthony J. Affe in his book, "Riot Police in Perspective".

"Violence in Europe may be vised around a policeman who falls into their hands, but they would rarely swerve into or kill a member of the mass. In South Africa there seems to be no such restraint. Police know, generally, that they will expect little mercy from the mob. This is borne out, for example, by events at Durnam in March 1991 when a policeman, who became isolated from his colleagues and surrounded by an angry crowd, was repeatedly stabbed and beaten to death.

The result is that police contact measures are routinely ordered amongst, among where the police have sufficient numbers to contain against being cordoned off or surrounded or being being themselves damaged by rocks, under any other circumstances, there would be the greatest risk of one or more police being dead by the mob and, quite probably, killed" (page 95).

Facing a hostile crowd is different from facing a hostile individual. A newcomer with a firearm can be enjoined to allow events to develop to the point where he is at risk of the dangerous intervention and escalation of a single individual without a gun before using the pistol to prevent an attack. But the situation is quite the opposite; when a crowd is faced with ten, twenty or thirty angry demonstrators. In that situation, letting the approaching group get close to him will mean that it may be too late to defend himself, although until they come within reach it will often be difficult to tell whether they intend violence to the constable.

The danger of allowing police constables and officers to be divided and surrounded by hostile demonstrators will vary from occasion to occasion. Obviously deadly force is justified in this situation, where failure to use it promptly would severely endanger the lives of one or more of the police. If there, one or more, is not justified if the demonstrators are simply determined, disorderly, or defiant, but not homicidal. The difficulty is in telling the difference and life depends upon it.

The likelihood of the police making a fatal mistake was exaggerated by this situation, by retreating with lethal force too quickly or too slowly. The key is to make the most important communication. Every effort should be made to plan, equip, and train police so that the dangerous situation does not occur. Explicit advance discussion with the organizers, the use of physical barriers, the movement of reinforcements, the availability of sub-lethal equipment, the development of specialized riot control equipment - all these and more must be directed to avoiding the situation we have described. For once it occurs, there is no satisfactory solution. More specifically, we can recommend only the following:

- When there is specific reason to believe that the participants in a demonstration are likely to vastly outnumber the available police and are likely to do grave injury to the police if they are not stopped, units armed with lethal weapons (not merely baton, clubs), including shotguns should be available but at a distance behind the most exposed and endangered frontlines of the police attempting to block the demonstration. Preferably, they should be kept out of sight until needed.
- Under ordinary circumstances police performing duties in connection with a demonstration should not be armed with a shotgun or any other lethal weapon other than a baton or pistol.
- Every effort should be made to develop and disseminate the most effective range of sub-lethal "distancing" devices.
- Lethal force should not ordinarily be used to prevent demonstrators from reaching a location where they are likely to destroy property but not endanger lives.
- Lethal force is never justified to prevent a demonstration leading and overrunning a police blocking position if it is possible to bring forth sufficient reinforcements to eliminate the reasonable and imminent risk of death or serious injury to the police officers.
- Special circumstances may be ruled upon only at the request of the officer in charge of policing the demonstration. Does endanger, use of lethal force should only be on the order of the commander of the special unit who must be satisfied that the lives of officers would be severely endangered by any delay in the use of lethal force.

The Commissioner of Police should attempt to define with greater precision the situations in which lethal force should be used to prevent a demonstration from moving toward its goal despite the likely cost in lives and the damage that may be done by a crowd dispersed into small and angry groups prone to riot. Any resulting directives should be open for comment by interested parties before it is publicly promulgated by the Minister of Law and Order.

Command and control of police

The text is not properly formatted as a table, diagram, or image, but it seems to describe the command and control of police during protests, emphasizing the importance of planning, communication, and the use of non-lethal means to manage demonstrations.
the policing of public order operations is characterised by thorough planning and preparation. Senior officers must consider and make contingency plans for various scenarios from those thought to be highly probable through to those considered possible, however unlikely. Through these measures the police will avoid being surprised by unexpected events and thus retain maximum control over their own officers and the events themselves.

To this end the South African Police should consider the introduction of systems of command and control which confer progressively wider responsibilities for the implementation of tactics. Officers at all levels must be thoroughly briefed as to how their role and the role of those under their command relate to the overall strategy. They must also be clearly aware of the scope of their discretion and limitations on their tactical authority. Only by these means will it be possible not only to control operations effectively, but also to have effective accountability.

Of major significance in this regard is the necessity to ensure that the use of any level of force is properly authorised. Officers on routine patrol may need to use weapons at their own discretion, however in a public order situation, such individual decision-making can have disastrous consequences. In the highly charged conditions of a disorderly or violent demonstration a decision by an individual, say, to open fire, can trigger a massive escalation. Thus, the use of any forceful tactics should only be under the direction of a suitably authorised officer. The more forceful the tactics to be employed, the higher should be the rank of the officer authorised and appropriately trained. For example, authority to use lethal force should be restricted to officers at the most senior levels.
Appendix A:
Members of the multinational advisory panel

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Den Foster
Educated at the Universities of Stellenbosch (B.A. Honours, London (M.Sc.) and Cambridge (Ph.D.) he is currently professor in the Department of Psychology at the University of Cape Town. He is the author/editor of several books including "Defining and Torture in South Africa" (1985) and "Social Psychology in South Africa" (1991) and specifically has published in the area of the psychology of crowds and crowd violence. Professor Foster has also acted as expert witness and consultant in some ten legal trials involving collective violence.

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Clifford Shearing

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Dr. P.A.I. Waddington

Dr. P.A.I. Waddington is Director of Criminal Justice Studies at the University of Reading, England. He is the author of The Strong Arm of the Law (Claredon Press, 1991) a detailed examination of police strategy and tactics in public order situations. For the past two years he has been observing the policing of demonstrations in London, including negotiations between police and demonstrators, the planning, preparations and briefing for the police operation. He frequently lectures at the National Police Staff College, Bramshill.
The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation, chaired by Mr. Justice J.J. Goldstone, established a Committee to inquire into the procedures relating to mass demonstrations, marches and picketing and the role of the police or other security forces. A multinational panel of experts was constituted to submit testimony to this Committee regarding the lawful control of demonstrations in the Republic of South Africa. This book is the testimony of the panel, submitted to the Committee at a public hearing in Cape Town on 9 July 1992. Principles and procedures relating to the proper management of demonstrations that have become characteristic of the current sociopolitical environment are proposed and discussed.

The primary purpose of the Committee was to ensure that the right to demonstrate is a fundamental right of democratic societies as the right to take part in political campaigns. A democratic public has a right to express its views and protests are caused out peacefully.

The Committee proposed that new legislation incorporating the principles and procedures discussed by the panel be drafted in a manner that does not infringe on the right of assembly. Such new legislation is needed to give effect to the new principles and to provide clarity and consistency regarding the rights and procedures for demonstrations.

This book is intended for organizations and individuals involved in managing demonstrations and for those engaged in studying this phenomenon. It also provides valuable insights into a complex subject for the ordinary citizen who may well become involved as an observer or as an affected by any of the more than 5,000 rallies and marches that take place annually in South Africa.