

VOL.

ONDERWERP • SUBJECT

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VERWYSING • REFERENCE

TYDPERK • PERIOD

BESKIKKING • DISPOSAL

TOT • TO

KANTOOR • OFFICE

DEPARTEMENT • DEPARTMENT

LÊER • FILE No.

VOL.

LÊER • FILE No.

LÊER • FILE No.

81/30381

WC:Legal Services:Pro-active

From: [REDACTED]@telkomsa.net]
Sent: 06 February 2012 09:56 PM
To: WC:Legal Services:Pro-active
Subject: Fw: SAPS MEETING WITH NGO / CPF CHAIRPERSON ON 2011-12-06 @ 11:00
Attachments: COMPLAINT KHAYELITHSA SAPS.doc

Good day Brigadier [REDACTED]

Herewith the response of Khayelitsha Cluster regarding the complaint by the NGOs. I discuss the matter on Friday with Maj Genl [REDACTED] telephonically and she request that I respond to your office e-mail.

Kind regards

[REDACTED] COLONEL
DETECTIVE COORDINATOR
KHAYELTISHA CLUSTER

----- Original Message -----

From: [REDACTED]
To: [REDACTED]@saps.gov.za
Sent: Monday, February 06, 2012 9:47 PM
Subject: Fw: SAPS MEETING WITH NGO / CPF CHAIRPERSON ON 2011-12-06 @ 11:00

Good day Brigadier

I discuss this matter with Maj Genl [REDACTED] on Friday and she request that i prepare a letter for legal services as their office need to provide a report for the PC signature for the Nasional office.

My letter regarding this matter is attach. Hope ypu find it in order.

[REDACTED] COLONEL
DETECTIVE COORDINATOR
KHAYELTISHA CLUSTER

----- Original Message -----

From: Khayelitsha Cluster
To: [REDACTED]
Sent: Monday, February 06, 2012 10:39 AM
Subject: FW: SAPS MEETING WITH NGO / CPF CHAIRPERSON ON 2011-12-06 @ 11:00

[REDACTED]@saps.gov.za

From: Khayelitsha Cluster
Sent: 02 December 2011 14:10
To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Cc: [REDACTED] Major General
Subject: SAPS MEETING WITH NGO / CPF CHAIRPERSON ON 2011-12-06 @ 11:00

ENQUIRIES: COL [REDACTED]
021 360 4841

ATTENTION: NGO / CPF CHAIRPERSON

Kindly be advised that there will be a SAPS meeting with NGO's at Khayelitsha Lecture Room. on 2011-12-06 @ 11:00

Kind Regards

From: Nyanga Operational Room
Sent: 02 December 2011 12:16
To: Khayelitsha Cluster
Subject: SAPS MEETING WITH NGO / CPF CHAIRPERSON

2011-12-02

ATT : MAJ GEN [REDACTED]

1. With reference to our verbal conversation on 2011-12-02.
2. Free Gender was informed was informed about the planned meeting at your office on 2011-12-06 at 11:00.
3. The following organizations e-mail address were obtained :
 - Equal Education – [REDACTED]@gmail.com contact person [REDACTED]
 - Free Gender – [REDACTED] is on our e-mail available.
 - [REDACTED] – contact person [REDACTED]
 - Social Justice Coalition – [REDACTED] / [REDACTED]@gmail.com contact person [REDACTED]
 - Treatment Action Campaign – [REDACTED]@tac.org.za / [REDACTED]@tac.org.za / [REDACTED]@tac.org.za contact person [REDACTED]
 - Triangle Project – intern@triangle.org.za

Regards

Col [REDACTED]

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Verw. / Ref.	
Navrae / Enq.	Colonel [REDACTED]
Tel. nr. / no.	021 3604842
Fax nr. / no.	021 3602391
E-Pos / Mail	Khayelitha Cluster Khayelithacluster@saps.org.za

OFFICE OF THE CLUSTER COMMANDER
KHAYELTISHA CLUSTER
WESTERN CAPE

2011.02.06

The Provincial Commissioner
South African Police Service: Western Cape
Private Bag X 9004
CAPE TOWN
8000

**COMPLAINT IN TERMS OF SECTION 206 (5) (a) OF THE CONSTITUTION OF THE
REPUBLIC OF SOUTH AFRICA AND SECTION 66(2) OF THE CONSTITUTION OF THE
WESTERN CAPE: SOCIAL JUSTICE COALITION AND OTHERS**

1. This office was requested to comment on the above mentioned complaint in which the Provincial Commissioner, S A Police Service, Western Cape is one of five respondents.
2. Comment herewith, as follows:
 - 2.1 This Cluster office, Khayelitsha was made aware of the existence of the complaint and the subsequent request for the establishment of a commission of inquiry in December 2011.
 - 2.2 Pursuant to this steps were taken to engage the applicants in an attempt to identify the exact nature of the complaints, as well as to agree to an interim solution to the alleged problems that exist.
 - 2.3 In furtherance of this objective an invitation was extended on 2011-12-02 to the applicants to attend a meeting at Khayelitsha Cluster on 2011-12-06 so that the allegations contained in the report could be made more specific, as it is difficult if not impossible for the S A Police Service to comment on or defend itself against the vaguely framed points in the complaint. It would have been particularly useful if specific cases in which problems were experienced could be singled out, or certain problematic individuals or instances be identified, or a specific time period or geographical area of the greater Khayelitsha area be identified. As it stands, the complaint is loosely worded, without mention of specific cases or dates, times, places or complainants.
(Attached copies of invitation as per annexure A)

- 2.4 Not one of the applicants attended the envisaged meeting and as a result the points were never discussed. Although the Provincial Chairperson of the Community Policing Forum and the Provincial Head: Legal Services, Brigadier [REDACTED] were in attendance, as were representatives of this office, Major General [REDACTED], Brigadier [REDACTED] and Colonel [REDACTED] it did not take the process forward at all since nobody in attendance had an inkling of what the complaints actually entailed.
- 2.5 The Community Policing Forum chairman (Provincial) confirmed that they, as the official channel between the community at large and the S A Police, were uninvolved in the compilation of the complaint and unaware of the exact and specific nature of it.
- 2.6 As things stand at the moment this office, and indeed the organization as a whole, find themselves unable to defend itself against the vague and generally framed allegations contained in the report. Moreover, the report appears to be inconsistent with itself, for example in paragraph 55 it is stated that "crimes such as burglaries, theft and robberies are rife and are often not reported to the police because they do not receive the necessary attention." This is an interesting example of circular logic, as it stands to reason that unreported crime will not receive police attention, for the simple fact that it is UNREPORTED. In Paragraph 59, however, the drastic increase in reported crime is highlighted, and is cited as proof of the "breakdown of policing in Khayelitsha". The applicants therefore appear to rely on conflicting and irreconcilable points of view to support their contention that policing has broken down.
- 2.7 In the absence of specific reference to cases this office finds itself unable to meaningfully comment on the complaint. Given the absence of a time frame in which these alleged problems were experienced, it is also uncertain whether the current management structures at Khayelitsha SAPS and Cluster are the ones responsible for the perceived problems. It is important to know whether it is alleged that the current management or its predecessors were the cause of the problems, not only for this office to meaningfully comment on the allegations but also for the intended commission of inquiry to be able to adequately assess and investigate the state of affairs both 'before' the problems appeared, and 'after' new management came into effect.

COLONEL
DETECTIVE COORDINATOR: KHAYELITSHA CLUSTER
[REDACTED]

AW/

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Verw. / Ref.	
Navrae / Enq.	Colonel [REDACTED]
Tel. nr. / no.	021 3604842
Fax nr. / no.	021 3602391
E-Pos / Mail	Khayelitha Cluster Khayelithacluster@saps.org.za

OFFICE OF THE CLUSTER COMMANDER
KHAYELTISHA CLUSTER
WESTERN CAPE

2011.02.06

The Provincial Commissioner
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Private Bag X 9004
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COLONEL
DETECTIVE COORDINATOR: KHAYELITSHA CLUSTER
[REDACTED]

8

the Administrative Adjudication of Road Traffic Offences (Aarto) 'in the near future' and that it was willing to argue its point in court if it needed to. **A Road Traffic Management Corporation (RTMC) spokesperson denied that the Aarto system would be coming into effect on 1 April** and said the instruction from the RTMC was that 'the state of readiness of local traffic authorities to implement the system should be completed by the end of next month'. He said an announcement of the commencement date would be made by Transport Minister [redacted] after a national transport summit on the Aarto system had been held.

Full Cape Times report (subscription needed)

to. 2966

General: [redacted] urges just use of state power

Public Protector [redacted] wants state power and resources to be used justly and fairly in the public interest, according to a report in *The Citizen* on her speech at the Public Sector Awards function in Sandton this week. 'For this dream to be realised the country needs a people-centred and performance driven culture.' [redacted] also said public funds should be used to advance the prospects of citizens. 'People should use the money prudently. Public power and public money should be used for public interest. People who serve in the public sector should work toward creating a better life for all our people,' [redacted] said.

Full report in The Citizen

Criminal: L lesbian killers get 18 years

Four men were jailed for 18 years for stabbing and stoning lesbian [redacted] (19) to death in 2006, says a report in *The Times*. [redacted] and [redacted] were sentenced by the Khayelitsha Regional Court to 18 years, four of which were suspended for five years. The NPA had asked for the men to be sentenced to 15 years each. 'They committed a heinous crime, killed a young woman because she was living openly as a lesbian, never showed any remorse or accepted responsibility for what they have done,' an NPA spokesperson said. 'Only their parents apologised on their behalf and we believe rehabilitation stands a small chance of being achieved.' Another five accused were acquitted.

Full report in The Times

Activists were particularly satisfied that Magistrate [redacted] took into account the accused's reasoning for the murder, chiefly that they were intolerant of [redacted] choice to live openly as a lesbian. [redacted] noted that while the accused had a right to not agree with [redacted] lifestyle, it was wrong to resort to violence in showing their disagreement of it. 'Life is about choice. [redacted] didn't have the freedom to live out her choice. Violence will not go unpunished.' The Triangle Project's [redacted] is quoted in a report on the *News24* site as saying the sentencing was groundbreaking. [redacted] said there were four more LGBTI (lesbian, gay, bisexual, transgender and intersex) hate crime cases still to be heard in Western Cape courts. [redacted], founder of Free Gender, said she was 'very happy with the sentence' as she thought the four accused would get less than 10 years' imprisonment.

Full report on the News24 site

Legislation: Engineers want same rules as SOEs

State-owned entities (SOEs) should comply with the same procurement code as private companies, Consulting Engineers SA President [redacted] said yesterday. A report in *The Citizen* quotes him as saying: 'It has come as a major shock to the industry that SOEs do not have to conform to this code and have been given free rein to implement their own approaches to black economic empowerment.' In December, the regulations of the Preferential Procurement Policy Framework Act (PPPFA) came into effect. However, SOEs were exempted from the regulations' provisions. These include Eskom, the water boards, Transnet, Coega and the Industrial Development Corporation. 'The private sector is compelled to abide by these regulations, but state-owned entities do not have to satisfy their own or government's regulations with respect to transformation,' [redacted] said, according to the report.

Full report in The Citizen

Preferential Procurement Policy Framework Act

General: Estates backlog cleared - Master's Office

Officials in the office of the Master of the North Gauteng High Court claim that the backlog in estate cases has been cleared, although the Department of Justice has not made an official announcement. A *Sake24* report claims it has been inundated with complaints that lawyers and estate administrators get no response to queries from the Master's office. The office relocated at the beginning of November to the SALU building in the Pretoria CBD. It is still experiencing problems with telephone and fax lines and many documents still have to be unpacked, according to the report. Officials said the office's e-mail system would be operational again from this week.

Full Sake24 report

Butterworths Arbitration Law Reports
- November 2011
Advance Notification -
Butterworths Constitutional Law Reports
- January 2012
Advance Notification -
Butterworths All SA Law Reports
- January 2012
Advance Notification -
Butterworths Labour Law Reports
- November 2011

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