

851

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

CASE NO:

In the matter between:

MINISTER OF POLICE

First Applicant

**NATIONAL COMMISSIONER OF THE SOUTH AFRICAN
POLICE SERVICE**

Second Applicant

**THE PROVINCIAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICE FOR THE WESTERN CAPE**

Third Applicant

**THE CIVILIAN SECRETARIAT FOR THE POLICE
SERVICE**

Fourth Applicant

COLONEL M F REITZ

Fifth Applicant

BRIGADIER Z DLADLA

Sixth Applicant

COLONEL TSHATLEHO RABOLIBA

Seventh Applicant

and

THE PREMIER OF THE WESTERN CAPE

First Respondent

**THE MEMBER OF THE EXECUTIVE COUNCIL FOR
COMMUNITY SAFETY, WESTERN CAPE**

Second Respondent

THE CITY OF CAPE TOWN

Third Respondent

THE HON. JUSTICE CATHERINE O'REGAN N.O.

Fourth Respondent

ADV VUSUMZI PATRICK PIKOLI N.O.

Fifth Respondent

THE SECRETARY TO THE COMMISSION

Sixth Respondent

ADV T SIDAKI

Seventh Respondent

WOMEN'S LEGAL CENTRE

Eighth Respondent

CONFIRMATORY AFFIDAVIT

Handwritten signature and scribbles at the bottom right corner.

I, the undersigned,

HENDRIK SALMON BURGER

do hereby state under oath that:

1. I am a Major General and the Deputy Provincial Commissioner of the South African Police Service, Human Resource Management in the Western Cape. I am stationed at SAPS Provincial Office, 25 Alfred Street, Green Point, Cape Town.
2. The facts deposed to hereunder are, unless otherwise stated or the context indicates the contrary, within my personal knowledge and are true and correct.
3. I have read the affidavit of the Provincial Commissioner of SAPS in the Western Cape, Arno Heinrich Lamoer. I wish to correct factual error in paragraph 62 thereof. The meeting referred to therein was not arranged by the Social Justice Coalition. I arranged it in my abovementioned capacity in order to attend to a complaint by the Premier that had previously been raised and discussed in a management meeting with the Provincial Commissioner.
4. I stated there that I was not aware of an increase in complaints in Khayelitsha. I undertook to attend to the matter. To that end I arranged a meeting with the station commanders and the representatives of the three CPFs and the Cluster Police Board which I duly attended together with Major General Dladla, the Provincial Head of Legal Services as SAPS. (I attach a copy of the minutes of that meeting as "JB1".)
5. The content speaks for itself. It correctly records what transpired at the meeting that is referred to in paragraph 62.



- 6. We had been concerned about allegations of police inefficiency and breakdown in trust between the Police and the community. I left the meeting after having been satisfied and assured by the CPF that there was no breakdown in the relationship between the SAPS and the community of Khayelitsha.
- 7. Other than the above correction and amplification of the content of paragraph 62, I confirm that that no criticism was levelled against SAPS.



HENDRIK SALMON BURGER

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at Cape Town on this 2th day of **NOVEMBER** 2012 in accordance with the provisions of Regulation R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.



COMMISSIONER OF OATHS

WEGE VAN NIEKERK
 ADVOCATE OF THE
 HIGH COURT OF SOUTH AFRICA
 HUGUENOT CHAMBERS
 QUEEN VICTORIA STREET
 CAPE TOWN