



**Western Cape
Government**

Community Safety

OFFICE OF THE HEAD OF DEPARTMENT

REFERENCE : DCS 19/1/1
ENQUIRIES : DR GA Lawrence

Ms Amanda Dissel

Secretary
Khayelitsha Commission of Inquiry
2nd Floor Library Building,
42 Ncumo Street,
Harare,
Khayelitsha

Dear Ms Dissel

**KHAYELITSHA COMMISSION OF INQUIRY: APPLICATION FOR CONDONATION OF THE
LATE FILING OF MY AFFIDAVIT**

On 31 October 2013 I gave notice to the abovementioned Commission that I intend giving oral evidence before the Commission and that I will also submit documentary evidence to the Commission.

The documentary evidence was submitted to the Commission within time but not my affidavit. The reasons for that are contained in the attached affidavit which I hereby submit as an application for the condonation of the late filing.

I also hereby attach my affidavit to the Commission.

With kind regards


**HEAD OF DEPARTMENT
(DR GA LAWRENCE)**

DATE: 6 December 2013

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE INEFFICIENCY IN
KHAYELITSHA AND A BREAKDOWN IN RELATIONS BETWEEN THE COMMUNITY AND THE
POLICE IN KHAYELITSHA

AFFIDAVIT

I, the undersigned, Dr **Gilbert Arthur Lawrence**, an adult male, in the employ of the Western Cape Provincial Government as the Head of Department in the Department of Community Safety ('DOCS") at 35 Wale Street, Cape Town, do hereby state under oath that:

1. The facts set out in this affidavit are, unless otherwise stated or the converse appears from the content, to the best of my knowledge and belief, both true and correct.
2. I attest to this affidavit as a representative of DOCS, which has duly given notice to the Secretary of the Commission, as was required in terms of Commission Notice 5 dated 18 October 2013, that it intends to make submissions to the O'Regan Commission of Inquiry.
3. In terms of the revised timeline contained in Annexure B to the Commission Notice 7 dated 20 November 2013 DOCS was to lodge the statement and documents in question relevant to Phase One of the Commission by not later than 15 November 2013.
4. As regards documentation I want to mention that the Evidence Leaders of the Commission had previously requested various documentation and information from my Department and confirm that the documents were supplied, either electronically or by hard copy, during or about March 2013. On 5, 7 and 11 November 2013 various documents were again forwarded to the Commission from my Department at their request.
5. As far as the actual submission is concerned I mandated members of my Department to compile a draft affidavit in my name for submission by the 15th of November 2013. We regard the work of this Commission as very important and for that reason it took some time for an initial draft to be of a nature where I was satisfied it could be vetted by legal services. The provisional draft was forwarded to the Head, Legal Services of the province




for comments later than was initially intended due to the additional work that became apparent whilst same was being prepared. When it then appeared that it would not be ready to be filed on 15 November 2013, the Commission was approached and an extension was requested to file the statement by 22 November 2013 which was conditionally granted.

6. After perusing the statement Ms Fiona Stewart, one of the Provincial Legal Advisers indicated to us that she was of the view that it was imperative for independent counsel to be appointed to review and settle the final document. Ms Stewart explained to us that the submission of a lengthy and detailed affidavit by DOCS has potential consequences of a legal nature which are of such import that it would not be prudent for us to file an affidavit in this matter without the benefit of the expertise of external legal counsel. I accepted this advice.
7. The briefing of counsel was duly done but unfortunately this led to further delays in that we failed to meet the deadlines of both the 22 and 27th of November 2013. The last extension was granted on condition that we also file a condonation application, being the purpose of this affidavit.
8. Adv Michael Osborne of the Cape Bar was then appointed to settle view my draft statement. He obviously required time to properly read into the matter and settle same and during the course of that process suffered a personal assault and theft in his home during which time the draft affidavit that he had prepared for us was stolen before it could be backed up externally, this led to a further delay in the filing of DOCS submissions and that delay was conveyed to Adv Bawa at the time and she advised us to ensure that an application for condonation for the late filing of my affidavit accompany it, by way of affidavit too.
9. DOCS's submissions in the form of an affidavit by me has now been finalised and same was signed by me today and will be filed at the same time as this affidavit, being the condonation application on affidavit that has been requested.
10. I humbly hereby apologise for the delay in the filing of DOC's submissions in the form of an affidavit by me and, apply for condonation for the late filing



thereof. I submit that given that no other organ of state has, to the best of my knowledge yet filed their submissions, the risk of undue harm to any person having been caused by this delay is not high and confirm that vis a vis the Commission itself, it was, by the latest on 11 November 2013, already in possession of the bulk of the documentary information it had required of us in order to prepare for the hearings in this matter.

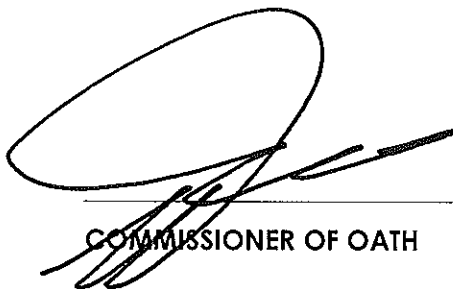
11. I accordingly submit that our delay in filing has not unduly prejudiced any party to this matter unreasonably, and ask that condonation for the late filing of the submission be granted,



DR GILBERT ARTHUR LAWRENCE

It is hereby certified that the aforesaid declaration was signed and sworn in my presence on this 6th day of December 2013 at Cape Town the deponent having confirmed and acknowledged:-

- a) That he knows and understands the contents of this declaration;
- b) That he has no objection to taking the prescribed oath;
- c) And that he considers the prescribed oath as binding on his conscience.



COMMISSIONER OF OATH

HUGO JOHAN DE WAAL
Practising Advocate
Keerom Street Chambers
56 Keerom Street
Cape Town

Full names: _____

Address: _____

Rank/Office held: _____

Area for which appointed: _____

A handwritten signature in black ink, consisting of stylized, cursive letters, located in the bottom right corner of the page.