

Your Ref:

Our Ref:

28/06/2019

To: **The Portfolio Committee On Police**

C/O: committee Secretary, Mr Pilate Gwebu

Per email: pgwebu@parliament.gov.za,

Tel: 021-403 2911,

Dear Sir,

Independent Police Investigative Directorate (IPID) Amendment Bill

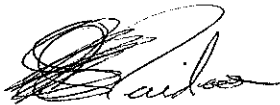
1. We act on behalf of the Council for the Advancement of the South African Constitution (CASAC).
2. CASAC is a non-governmental organization, functioning as a voluntary association. It is an initiative led by progressive people who seek to advance the South African Constitution as a platform for democratic politics and the transformation of society and who believe in the advancement of a society whose values are based on the core principles of the Constitution – the promotion of socio-economic rights, judicial independence and the rule of law, public accountability and open governance. It has undertaken research in the sphere of approaches to tackling the scourge of corruption, and has advocated the establishment of a dedicated, independent anti-corruption body with a triple mandate of investigation, prevention and public education.
3. CASAC was admitted as *amicus curiae* in the matter between *McBride v Minister of Police and Another*,¹ in order to advance legal argument on foreign law relating to Independent Civilian Oversight Bodies and to adduce evidence on the nature of the Independent Police Investigative Directorate and the importance of independence to its

¹ (CCT255/15) [2016] ZACC 30.

legitimacy and functioning.

4. In that case, CASAC *inter alia* emphasised the importance of IPID's independence structurally, functionally and in public perception. A copy of CASAC's written submissions in that case is annexed for ease of reference.
5. CASAC welcomes the proposed amendments to the Independent Police Investigative Directorate Act. In particular the introduction of parliamentary oversight for the removal or suspension of the Executive Director see para 53 of CASAC's written submissions in *McBride*.
6. While the proposed amendments broadly align with CASAC's submissions in the *McBride* matter, the amendment process provides a key opportunity to ensure that the subsequent IPID Act not only caters for the *McBride* decision but puts IPID in the best position to deal with future challenges.
7. In this regard CASAC would like to endorse the submissions made by the African Policing Civilian Oversight Forum (APCOF) to Portfolio Committee on Police regarding the draft Independent Police Investigative Directorate (IPID) Amendment Bill which considers questions beyond the *McBride* decision.
8. We trust you find the above in order. Kindly acknowledge receipt of this correspondence at your earliest convenience.

Yours faithfully,



LEGAL RESOURCES CENTRE

Per: SHERILYN NAIDOO