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Your reference:		THE NATIONAL COMMISSIONER
My reference:	5/3/1	SOUTH AFRICAN POLICE SERVICE
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Honourable Mr F Beukman, MP
Chairperson: Portfolio Committee on Police
Parliament of the Republic of South Africa
PO Box 15
8000

Dear Mr Beukman

PROGRESS: PETITION REGARDING THE RE-ENLISTMENT OF FORMER MEMBERS OF THE CISKEI AND TRANSKEI POLICE

Introduction

The purpose of this report is to provide feedback to the Portfolio Committee on Police regarding petition by former members of the Ciskei and Transkei Police, Eastern Cape Province.

Background

Emanating from a meeting held on 23 October 2018 by the Portfolio Committee on Police, National Commissioner and the representatives of former members of the TBVC agencies, it was resolved that the office of the National Commissioner address the matter raised by the former TBVC members and a comprehensive report on the final decision be communicated to the PCoP.

The aggrieved former members submitted statements and this office conducted an analysis per applicant, a consolidated report of which is attached per **annexure "A"**.

Stemming from the information received, this office established that the former members' grievances originates from the period when they were still serving under the Transkei and Ciskei Police. They allege that they were victimized, ill-treated, detained, verbally suspended and unfairly dismissed and as a result, they did not qualify for amalgamation into the South African Police Service.

The former members further indicated that the reason for not conforming to the re-enlistment requirements is due to the maladministration by their previous commanders who charged them for, amongst other reasons, refusing to obey unlawful orders. They believe they were failed by the apartheid system and are currently suffering the consequences thereof.

PROGRESS: PETITION REGARDING THE RE-ENLISTMENT OF FORMER MEMBERS OF THE CISKEI AND TRANSKEI POLICE

The aggrieved are requesting that the SAPS should condone the re-enlistment requirements to accommodate them, so as to ensure that they are afforded the opportunity to be compensated and in order to remedy what the apartheid system has put them, and their families through.

Conclusion

The information provided by the aggrieved former members was scrutinised and considered, and the following recommendation is provided:

It is noted that the complaint is primarily based on constructive dismissal which led to the former members not to be considered for re-enlistment, it is therefore against this notion that this office recommends that the concerned members approach the relevant judiciary to address the matter on a legal platform.

It further needs to be mentioned that the matter was never addressed through the prescribed formal grievance procedures, to allow for the evidence presented by the aggrieved to be examined, so as to ascertain if there was any form of unfair labour practice against them as alleged.

It would thus pose a risk to the South African Police Service to take a final decision on a labour matter that has not been subjected to the relevant processes, to ensure that the results are informed by the outcome of a formal judiciary process.

It is worth mentioning that the status in terms of conformity to the requirements for the former members to be re-enlisted in the South African Police Service still remains that they do not conform.

Based on the abovementioned factors, this office maintains that status quo in relation to the re-enlistment of the former members remains, as the said former members does not conform to the prescribed requirements.

The former members will be informed of the decision taken by the South African Police Service accordingly.


NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)

DATE: 2019 -04- 2 9

ANALYSIS OF INDIVIDUAL APPLICATIONS



➤ A verification was done and the following was detected:

SURNAME & INITIALS	COMMENTS
QONGQO MA	Dismissed from Railway Police during 1984, and again from the Ciskei Police during 1992 <ul style="list-style-type: none">- Was not amalgamated- He is possession of a Std 7 certificate- Did not conform to the requirements for Re-enlistment- Reached pensionable age (60 years old)
XOTYENI WL	Dismissed Dishonourably from the SAP 1 April 1990 <ul style="list-style-type: none">- Was not amalgamated- Was a Police Assistant (Assistant Constable)- Is in possession of a Junior Certificate (Std 8)- Did not conform to the requirements for Re-enlistment- He is 53 years old
MATINI AL	Dismissed from Ciskei Police 1991 <ul style="list-style-type: none">- Was not amalgamated- Was unfairly dismissed, as previous Commander- Did not mention qualification on his application / attach it- Did not conform to the requirements for Re-enlistment (Dishonourable discharged)- He is 53 years old

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS

COMMENTS

TAME TV

Discharged from Ciskei Police
According to the system PERSAP, he is a SAPS RESERVIST IN KING
WILLIAMS TOWN 20071023 TO DATE

- Was not amalgamated
- Was dismissed because of a misconduct (Sleeping on duty)
- Did not mention qualification on his application / attach it
- Did not conform to the requirements for Re-enlistment (Dishonourable discharged)
- He is 58 years old

DYAN X

Resigned from Ciskei Police 1993
According to the system PERSAP, he was a SAPS RESERVIST IN KING
WILLIAMS TOWN 20070601 TO 20160802

- Was not amalgamated
- Resigned because of ill-treatment by seniors
- He has Std 8 Certificate
- Did not conform to requirements for Re-enlistment
- He is 51 years old

LELE RT

Resigned from the Ciskei Police during 1988

- Was not amalgamated
- He failed Std 10
- Did not conform to the requirements for Re-enlistment
- Reached pensionable age (60 years old)

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
BAZI K	<p>Dismissed from the Ciskei Police on 10 October 1990</p> <ul style="list-style-type: none">- Was not amalgamated- Was unfairly dismissed as there were no disciplinary / misconduct against him- He has Std 6 qualification- Did not conform to the requirements for Re-enlistment (Dishonourable discharged)- Reached pensionable age (64 years old)
GLADINI SS	<p>Resigned from Ciskei Police on 1 January 1991</p> <ul style="list-style-type: none">- Was not amalgamated- He purchased discharge- He has Std 8 Certificate- Did not conform to the requirements for Re-enlistment- Reached pensionable age (65 years old)
SOMDAKA K	<p>Resigned from Ciskei Police during 1985</p> <ul style="list-style-type: none">- Was not amalgamated- Resigned because of a ill-treatment- He is in possession of a Std 6- Did not conform to requirements for Re-enlistment- Reached pensionable year (66 years old)

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
NOTSHE MI	<p>Resigned from the SAP in 1979</p> <ul style="list-style-type: none">- Was not amalgamated- Was forced to purchase discharge (constructive dismissal)- He has a Std 7 certificate- Did not conform to the requirements for Re-enlistment- Reached pensionable age (69 years old)
XOTYENI MH	<p>Dismissed Dishonourably from the SAP 1 April 1993 Was a Police Assistant</p> <ul style="list-style-type: none">- Was not amalgamated- He has Std 8 Certificate- Did not conform to the requirements for Re-enlistment- He is 54 years old
MNDAYI M	<p>Resigned from Ciskei Police prior to amalgamation</p> <ul style="list-style-type: none">- Was not amalgamated- Was forced to purchase discharge due ill treatment by Station Commander- Did not mention qualification on his application / attach it- Did not conform the requirements for Re-enlistment (was Dishonourable discharged)- Reached pensionable age (62 years old)

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
JAYIYA NW	<p>Dismissed from Ciskei 1990</p> <ul style="list-style-type: none">- Was not amalgamated- Was dismissed because of a misconduct- He has an ABET certificate equivalent to Grade 9- Did not conform to requirements for Re-enlistment- He is 56 years old
NJOKWANA BN	<p>Dismissed from Ciskei Police on 09 October 1992</p> <ul style="list-style-type: none">- Was not amalgamated- Was dismissed because of Board of Enquiry (illness)- Did not mention qualification on his application / attach it- Did not conform to the requirements for Re-enlistment- He is 58 years old
KOLO T	<p>Dismissed from the Ciskei Police on 31 March 1988</p> <ul style="list-style-type: none">- Was not amalgamated- Was unfairly dismissed- He has Std 6 report- Did not conform to requirements for Re-enlistment- Reached pensionable age (60 years old)

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
NYWEBA MM	<p>Discharge from Ciskei Police on 27 July 1992</p> <ul style="list-style-type: none">- Was not amalgamated- Was discharged because of misconducts (Absenteeism)- He has Std 8 certificate- Did not conform to requirements for Re-enlistment- Reached pensionable age (60 years old)
NTONGA SM	<p>Discharged from Ciskei Police 2 October 1990</p> <ul style="list-style-type: none">- Was not amalgamated- Was discharged because of misconducts (disobeying instructions)- He has Std 8 Certificate- Did not conform to requirements for Re-enlistment- Reached pensionable age (63 years old)
MARINANA N	<p>Dismissed from Ciskei Police during 1986</p> <ul style="list-style-type: none">- Was not amalgamated- Was discharged because of misconduct related reason- He Std 10 Certificate- Did not conform to the requirements for Re-enlistment- He is 58 years old

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
BUYANA M	<p>Dismissed from Ciskei Police 19 November 1991 According to our records he is SAPS SECURITY OFFICER IN ALL SAINTS ACADEMY 20121205 TO DATE</p> <ul style="list-style-type: none">- Was not amalgamated- Was verbally suspended for Assault in 1989 and the case was finalised in 1995- He has Grade 12 Certificate- He is 50 years old
NQINANA PR	<p>Resigned from Ciskei 1994</p> <ul style="list-style-type: none">- Was not amalgamated- Purchased discharge due ill-treatment by senior officers- He has Std 9 report- Did not conform to the requirements for Re-enlistment- Reached pensionable age (69 years old)
MENZI MD	<p>Dismissed from the Ciskei Police in 1985</p> <ul style="list-style-type: none">- Was not amalgamated- Was suspected of being a Terrorist and detained under Section 29 – Internal Security Act- Did not mention qualification on his application / attach it- Did not conform to requirements for re-enlistment- Reached pensionable age (60 years old)

ANALYSIS OF INDIVIDUAL APPLICATIONS



SURNAME & INITIALS	COMMENTS
MSUSA TE	<p>Dismissed from the Ciskei Police on 26 September 1991</p> <ul style="list-style-type: none">- Was not amalgamated- Was discharged because misconduct- He failed Std 10- Did not conform to the requirement for Re-enlistment- Reached pensionable age (68 years old)
GOVENI AN	<p>TBVC: (never amalgamated)</p> <p>According to the system He was a SAPS RESERVIST IN ZWELITSHA 20071106 TO 20120831</p> <ul style="list-style-type: none">- He did not supply reason as to why he was not amalgamated.- He has Std 8 Certificate- Did not conform to the requirement for re-enlistment- He is 55 years old
MONI WS	<p>Dismissed from the Ciskei Police</p> <ul style="list-style-type: none">- Was not amalgamated- Was dismissed because he assaulted an officer- Has a Junior Certificate (Std 8)- Did not conform to the requirements of Re-enlistment (Dishonourable discharged)- Reached pensionable year (60 years old)