



## PORTFOLIO COMMITTEE ON POLICE

### Briefing on policing related to the “Operation Dudula Movement” 1 April 2022



**ON A JOURNEY TO A SAFER SOUTH AFRICA**

Creating a safe and secure, crime free environment, that is conducive for social and economic stability, supporting a better life for all.

#PatrioticandSelflessService



# SCOPE

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- **PURPOSE**
- **BACKGROUND**
- **INTELLIGENCE OVERVIEW**
- **ACTIVITIES OF OPERATION DUDULA MOVEMENT (ODM)**
- **CASE MANAGEMENT**
- **COORDINATION**
- **CONCLUSION**



# PURPOSE

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The purpose of the presentation is to brief the Portfolio Committee on Police on the policing issues related to the 'Operation Dudula Movement' and its activities.



# BACKGROUND (1)



- Section 17 of the Constitution of South Africa, 1996 prescribes “*Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions*”
- The Constitutional Court, in November 2018, delivered judgement in the case known as the SJC10, declaring Section 12(1)(a) of the Regulation of Gatherings Act 205, 1993, which requires organisers of gathering of more than 15 people to give notice of their protest, unconstitutional. The court found that failing to give notice cannot lead to a criminal record.
- Operation Dudula Movement gained prominence in June 2021 when it organised an operation in Diepkloof Soweto advocating for the removal of foreign nationals in the country, closure of foreign owned shops, removal of drug peddlers as well as action to be taken in alleviating the heightened crime rate experienced in Diepkloof, Soweto



## BACKGROUND (2)



- Distinction is necessary between Operation Dudula Fiyela which started in 2018, with the leader being Simon Motaung and the current Movement reflected below with its leader being Nhlanhla Paballo “LUX” Mohlauli / Dlamini.
- As mentioned Operation Dudula Fiyela was established under Simon Motaung in Alexandra in 2018. Due to the negative connotation and concerns regarding the word Fiyela in the name, there was a lull in the activities after initial establishment. The name was then changed to Operation Dudula Movement and the Movement re-emerged to prominence in 2021.
- The current commander / leader of Operation Dudula (Nhlanhla Paballo “LUX” Mohlauli / Dlamini), is allegedly the representative of the Soweto Defence Force as well as the Soweto Parliament which describes itself as a non-political movement that aims to be the voice of ordinary Sowetans, claiming that they are only attempting to establish law and order. He achieved some prominence during the July 2021 unrest when he led community members in the defence of facilities in their neighbourhoods, and in particular the Maponya Mall.



# INTELLIGENCE OVERVIEW



# INTELLIGENCE OVERVIEW (1)

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Although it was noted that Operation Dudula has a footprint throughout Gauteng, the prominent areas of influence were noted to be the following:

- Johannesburg especially the central area, Jeppestown and Alexandra.
- Ekurhuleni - Tokoza and Vosloorus.
- Sedibeng - Vereeniging and Sebokeng.
- Soweto - Diepkloof was previously indicated as a starting point.
- West Rand – Kagiso, Tshepiso and Swaniville
- Seshego in Limpopo
- Midlands and Mooi River area in KwaZulu-Natal areas.

# INTELLIGENCE OVERVIEW (3)



A number of organisations / social movements share the views of the Operation Dudula Movement. They have also participated in ODM mobilisation and their members / supporters could be viewed as being force-multipliers during such mobilisation. The organisations / social movements identified, are the following:

- #PutSouthAfricaFirst
  - South Africa First (SAF)
  - African Transformation Movement (ATM)
  - All Truck Drivers Forum Allied South South Africa (ATDF –ASA)
  - Sisonke Peoples' Forum (SPF)
  - #Sidikiwe SA Citizens
  - Tamaho Business Forum
  - #MzansiPatrioticForces (MPF)
  - Workers Organisation for Socialist Action (WOSA)
  - South African National Cargo Transport Drivers Association (SANCTDRA)
  - MKMVA
- The organisations identified are all against the employment of foreign nationals. The majority became vocal following the attacks of law enforcement agencies in Jeppestown on 2019-09-01 during an operation by SAPS against the selling of counterfeit goods.
  - These organisations / social movements are demanding for jobs to be legally reserved for South Africans, such as domestic work, gardening, security guarding, waitressing, petrol attending, car guarding, driving (Uber, Bolt, metered taxi drivers, truck drivers) and cleaning. They are further demanding that companies/employers must submit employment data to the Department of Labour and Employment, and that companies complying with the country's labour laws must be given a permit to operate.





# INTELLIGENCE OVERVIEW (4)

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- Recent developments re-affirms that the Operation Dudula Movement (ODM) is gaining momentum in Gauteng, but indications are that it is spreading to other provinces, such as especially KwaZulu-Natal and to a lesser extent, Limpopo and Mpumalanga.
- An issue of concern is that ODM members are perceived by their supporters to be fulfilling the functions of State Departments and Local municipalities in terms of addressing the issue of illegal foreign nationals. This sets a dangerous precedent and heightens the risk of vigilante activity against foreign nationals.
- The activities by the movement are likely to heighten tensions and cause instability within the SADC Region. Foreign nationals from the neighbouring countries might create chats and utilise social media platforms to mobilise and plan retaliatory attacks on all South African citizens employed and working in respective neighbouring African countries if the planned attacks on foreign nationals continues.
- The situation may also affect foreign nationals who are legitimately employed in South Africa and also refugees and asylum seekers.



# INTELLIGENCE OVERVIEW (5)

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- This is also evident of the failure of other role players (such as the Department of Home Affairs, Department of Employment and Labour, Department of Small Business, municipal authorities, amongst others) to either communicate their compliance inspections or is evidence of a lack thereof. Both of these aspects (communication strategy as well as actual compliance inspections) would be the key mitigation to prevent the spread of unauthorised compliance inspections of both businesses and foreign national operations.
- Additional concerns need to be noted regarding the continued mobilisation by Operation Dudula or similar groupings, namely:
  - Extortion of protection fees;
  - A potential risk that the expansion of the grouping could be in anticipation of simultaneous and co-ordinated action similar to those of July 2021;
  - Action against them by law enforcement is being used to garner more support; and
  - In the unlikely event of a concerted mobilisation, SAPS will potentially not have the resources to contain the situation to operate on multiple fronts.



# ACTIVITIES OF OPERATION DUDULA MOVEMENT (ODM)



# ACTIVITIES OF OPERATION DUDULA MOVEMENT (1)



Activities of Operation Dudula Movement (ODM) in the recent past involving protest action / physical action against foreign nationals include the following:

- **2021-12-29** : Action against foreign taxi operators and traders next to Diepkloof Square
- **2022-01-02** : Action against a hair salon owned by a Mozambiquan National in Diepkloof
- **2022-01-23** : Launch of ODM Pimville through a march to Klipspruit, Maponya Mall and Nancefield Hostel
- **2022-01-29** : Launch of ODM Vosloorus by means of “inspections” at Vosloorus Cash & Carry. Also had talks with Lesedi Shopping Centre demanding it remains closed until after inspections by Department of Home Affairs
- **2022-02-06** : Launch of ODM in Bophelong, Sedibeng
- **2022-02-10** : Mobilisation against foreign nationals at Impumelelo



# ACTIVITIES OF OPERATION DUDULA MOVEMENT (2)



- **2022-02-12** : ODM Operations in Hillbrow, which did not yield favourable results where after the group planned to return on 19 February 2022.
- **2022-02-12** : ±200 ODM members were observed and monitored by the law enforcement agencies at Pan Africa Mall in Alexandra, intending to conduct inspections and to evict undocumented foreign nations from their retail stalls and containers.
- **2022-02-20** : Approximately 600 ODM members marched to the Inner City in Johannesburg as planned
- **2022-02-27** : launched in Diepkloof



# ACTIVITIES OF OPERATION DUDULA MOVEMENT (2)

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- **2022-03-13** : launched in Brakpan
- **2022-03-19** : launched in Jeppe
- **2022-03-27** : launch did not take place as scheduled for Durban Central, KZN and was postponed to a date to be determined
- **2022-03-30** : launched in Exolobeni, EC



# CASE MANAGEMENT



# CASE MANAGEMENT (1)

- Below summary reflecting cases on hand at the Provincial Investigation Unit involving Operation Dudula Movement:

CASES	NUMBER
Total Cases On Hand	17 +1 enquiry
Total Court Cases On Hand	7
Total Investigation Cases On Hand	10
Total Accused Persons On Court Roll	15
Alexandra Cases On Hand	8
Diepkloof Cases On Hand	4
Norwood Cases On Hand	3
Sandringham Cases On Hand	1
Dobsonville Cases On Hand	1
Meadowlands	1





# CASE MANAGEMENT (2)

- Previous convictions involving cases of Operation Dudula Movement, Fiyela are reflected in the table below:

STATION	CAS NR	CHARGE	ACCUSED	SENTENCE
Alexandra	290/09/2019	Illegal Immigrant	Sithandazile Dube	Guilty : Deported
Alexandra	385/01/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	490/02/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	294/01/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	184/03/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	232/03/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	233/03/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment



# CASE MANAGEMENT (3)

- Previous convictions involving cases of Operation Dudula Movement, Fiyela are reflected in the table below:

STATION	CAS NR	CHARGE	ACCUSED	SENTENCE
Alexandra	585/09/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	56/02/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	124/02/2019	Illegal Eviction	Moses Tshilidza Khanyandwa	2 Years Direct Imprisonment
Alexandra	553/08/2019	Illegal Eviction	Paballo Moloji	R8000 or 18 Months Imprisonment
Sandringham	220/10/2019	Housebreaking & Theft	Mpipi Sydney Matlala	6 Months suspended for 6 Months
Sandringham	176/08/2019	Illegal Eviction	Khabo Ester Kubeka	2 Years suspended for 3 years
Sandringham	177/08/2019	Illegal Eviction	Khabo Ester Kubeka	2 Years suspended for 3 years



# COORDINATION



# COORDINATION (1)

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- Early warning from Division: Crime Intelligence, regarding operations including Operation Dudula, are captured on the threat matrix in the National Operational Coordination (NOCC), communicated to the relevant Provincial Operational Coordination Centre (POCC) for planning and operationalization.
- All incidents are reported in the hourly reports from NOCC for the attention of Senior Management.
- The Operational Command Centre (OCC) Structures at Station-, District-, Provincial- and National levels ensure proper coordination and dissemination of information and intelligence.
- Full utilization of the existing PROVJOINTS Structures at Provincial level to ensure an integrated multi-departmental coordinated approach and planning.
- Oversight at NATJOINTS level, accounting to the JCPS DGs and Ministerial Clusters.
- Establish District JOINTS in line with the District Development Model to ensure close cooperation between Departments



## COORDINATION (2)

### **The following instructions were issued regarding Operation Dudula:**

- National Joints Operational Instruction 3 of 2022: State of Readiness for Launching of Operation Dudula Movement (ODM) and Foreign Nationals Branch in Gauteng, Vosloorus on 29 January 2022;
- National Crime Combating Forum (NCCF) Instruction 05 of 2022: Launching of Operation Dudula Movement (ODM) and Foreign Nationals Branches in Gauteng;
- National Crime Combating Forum (NCCF) Instruction 06 of 2022: Launching of Operation Dudula Movement in KwaZulu-Natal.

### **Early Warning:**

A total of 52 early warnings relating to Operation Dudula Movement were received and acted upon for the period 2022-01-06 to 2022-03-24. Contingency planning is in place and several multi-disciplinary operations were held to ensure compliance inspections et al.



# CONCLUSION (1)

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- Although the right to protest is enshrined in the Bill of Rights of the Constitution, action is needed when protesters over reach and act outside the ambit of the law.
- The root causes contributing to the conflict between citizens and foreign nationals may not be within the domain of the SA Police Service to be dealt with, but requires an all of Government approach to address.
- Specific Departments on both National and Provincial level to play a major role include, but are not limited to the following:
  - Department of Home Affairs
  - Department of Employment and Labour
  - Department of Economic Development (merged into Department of Trade, Industry and Competition)



## CONCLUSION (2)

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- ODM should not be allowed to continue with its compliance inspections with the authority of the State being reasserted by the relevant government departments as well as municipal structures assuming their responsibility to conduct such inspections.
- The issue of anti-foreigner sentiment is underpinned by the current socio-economic dynamics of the country and the consequent competition for scarce resources. Until a point is reached where socio-economic issues have been resolved to a greater extent, the risk for mobilisation around the issue of foreign nationals will remain prevalent.



# THANK YOU



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