**36/1/4/1 (201800167)**

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1496**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 18 MAY 2018**

**(INTERNAL QUESTION PAPER NO 16-2018)**

**1496. Mr B H Holomisa (UDM) to ask the Minister of Police:**

(1) Whether, with regard to the alleged corruption, collusion with suspects and disappearance of critical evidence in case number CAS/487/08/2016 in the Diepkloof Police Station involving a certain person (name and details furnished), (a) he has taken any steps to effect the rule of law; if not, why not; if so, what are the relevant details;

(2) with regard to the long outstanding dispute (details attached), between the SA Police Services (SAPS), the Fund Administrator (Old Mutual), Financial Service Board and the former SAPS employee (name furnished) which I referred to the National Commissioner, General Khehla Sithole, on 6 February 2018 with no recourse except acknowledgement of receipt and promise for referral and response, (a) was the matter ever brought to his attention, if not, why not; if so, (a) what are the latest developments towards it being resolved and (b) will he make a statement on the matter;

(3) with regard to the grievances by the reservists in Libode Police Station in the Eastern Cape that were sent to his office (details furnished) and that of the National Police Commissioner, General Khehla Sithole, (a) has his department addressed the matter, if not, why not; if so, what are the relevant details?

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**REPLY:**(1)(a)Yes. Steps were taken to effect the rule of law, by registering a case of defeating the ends of justice, as per Diepsloot, CAS 74/12/2017. The details are as follows:

A case of intimidation was opened by Mr Theba Mgabe, as per Diepkloof, CAS 487/08/2016. The docket was transferred to the Gauteng Provincial Investigation Unit, for investigation.

During the investigation of Diepkloof, CAS 487/08/2016, it was alleged that Colonel Pienaar, of the Dobsonville Police Station, did not submit all the relevant statements and exhibits, which were relevant to the aforementioned case.

A case was then opened against Colonel Pienaar for defeating the ends of justice, as per Diepkloof, CAS 74/12/2017. The case was presented to the Director of Public Prosecution (OPP), who declined to prosecute, due to a lack of evidence.

The Station Commander of the Diepkloof Police Station did not want to initiate any disciplinary steps against Colonel Pienaar, due to the fact that the OPP declined to prosecute in the criminal matter. However, an instruction was issued from the Provincial Office that the matter should be investigated, departmentally.

The departmental investigation was completed and referred for a disciplinary hearing. Currently, functionaries are being appointed to conduct the departmental hearing.

(2)(a) Yes. The former South African Police Service (SAPS) member's complaint has been dealt with. The administrator for the Soweto Pension Fund, found that the former member was not eligible for the benefits and advised that in respect of the demutualisation shares, the former member should engage with the relevant financial institution; namely, Old Mutual. It was established that the former member was not eligible for the top-up benefits and that there was no irregularity in respect of the former member's pension lump sum payment.

It is common cause that the SAPS has no jurisdiction on these matters.

Furthermore, the former member's complaint was also attended to by the Financial Services Board and the findings were similar to those made by the administrator for the Soweto Pension Fund.

In terms of the allegation of corruption, the former member is advised to open a criminal case at a police station.

(2)(b)No. The complaint has been addressed, however, it appears that the complainant is not satisfied with a response, which does not suit his expectations.

(3)(a)The reservist system in the SAPS is regulated by National Instruction 3 of 2014. In terms of the reservist dispensation, members of the community volunteer to assist the SAPS in the fight against crime, without any expectation of being permanently employed and without any payment, unless called up for special duties. Reservists are not automatically employed or absorbed into the SAPS. Permanent employment as new police officers or support/clerical staff in the SAPS, is governed by legislative/regulatory framework/prescripts.

Reservists must comply with the necessary enlistment/appointment criteria to be employed permanently.

According to records kept by the SAPS, Ms K Mafuna was subjected to the psychometric assessment on eight different occasions and did not fit the prescribed profile to be a permanent police officer. As a result, her application for enlistment was not favourably considered.

Reply to question 1496 recommended

**GENERAL NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SEOG)
Date**: 2018/06/05

Reply to question 1496 approved

**MINISTER OF POLICE
BH CELE, MP
Date**: 2018/06/17