**NATIONAL ASSEMBLY.**

**QUESTION 433**

**Mr. TW Mhlongo (DA) to ask the Minister of Sports, Arts and Culture:**

(1). On what date did his Department ask the President, Mr C. Ramaphosa, to institute a Commission of Inquiry regarding the deaths from the stampede at the FNB stadium on 29 July 2017; and

(2). Whether there will be a Commission of Inquiry; if not, why not, if so, a) by what date will it be instituted, b) what are the relevant details and c) has any budget been allocated for such a Commission?

**REPLY**

The President has taken note of the request and taken the following view regarding the request:

1. That there is an unprecedented proliferation which has resulted in too many Commissions of Inquiry been established. Besides, the Ngoepe Commission of Inquiry that investigated and reported on the Ellis Park soccer tragedy in 2001 has already constituted rules that relate to incidences in sport at stadiums and elsewhere which should rather be utilized and built on instead of opting to build afresh;
2. That we must reflect on all tools in available toolboxes and exhaust all remedies, actions, etc. that stem from the findings and recommendations of the Ngoepe Commission of Inquiry;
3. That Commissions of Inquiry have limitations and as such should not be regarded as the first or last resort as there are other avenues to pursue preferably; and
4. That even though one can pursue the establishment of a Commission of Inquiry, it would be far quicker and practical, amongst others, to execute applicable and available processes to ensure proper law enforcement and criminal investigations for effective outcomes in the above regard.

At the said meeting of the said former Ministers, the following resolutions were subsequently taken:

That a meeting of Ministers of Justice and Correctional Service, Sport and Recreation and the Police and the National Director of Public Prosecutions (Acting) be convened to discuss the following, amongst others:

1. The state of and progress made in relation to both the FNB Stadium tragedy and the Moses Mabhida incident relating to failure to comply with the Safety at Sports and Recreational Events Act or any other law including common law by any law enforcement entity or functionary;

(b) The state of, progress and outcome of an Inquest relating to the death of two soccer fans during the FNB Stadium tragedy;

(c) All litigation finalized or pending initiated in any court by any of the functionary involved in the FNB Stadium tragedy and the outcome of the said litigation and its impact;

(d) Any intervention that is necessary and required to address:

(i) Failure or inability by any law enforcement entity or agent to comply with the SASREA or any other law, including common law;

(ii) Complicity or perception thereof in relation to the investigation by the SAPS; and

(iii) Possible and potential gaps in the SASREA and possible amendments to the Act to address same; and

(iv) Alternative means to addressing challenges and gaps in organizing and planning major soccer derbies and other major sporting events to avoid recurrence, including communication and awareness raising prior and before such major events.

It will hence not be necessary to –

* establish a Commission of Inquiry any more since we have, on the advice of the Department of Justice, decided to execute alternative applicable and available processes as motivated above so as to ensure proper law enforcement and criminal investigations for effective outcomes in the above regard; and
* cater for any budget for such a Commission of Inquiry any more.

We will liaise with the Department of Justice afresh since they have undertaken to lead the way by coordinating and chairing the meetings referred to above.