

**MINISTRY OF DEFENCE & MILITARY VETERANS**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**541. Mr S J F Marais (DA) to ask the Minister of Defence and Military Veterans:**

(1) With regard to the SA National Defence Force members who were charged with various transgressions perpetrated while serving in the Democratic Republic of the Congo, (a) how many were initially charged with transgressions, (b) how many were found guilty and (c) what sentences were handed down in each case;

(2) (a) how many dismissals were issued, and (b) how many of the specified dismissals were (i) accepted and/or (ii) appealed against by the specified soldiers;

(3) of the dismissals appealed against by the specified soldiers what is the status of these appeal processes; and

(4) were any of the specified dismissals found to be unfair; if not, why not; if so, what are the relevant details in each specified case? NW647E

**REPLY**

The SANDF has been deployed in the DRC since 2001 and it would need more time to provide feedback on PQ541 for this period to date. In the light hereof the response will be narrowed down to the FY2015/2016.

Question 1(a). 90 members have been charged for transgressions over this period.

Question 1(b). 08 members were found guilty at an Officers Commanding Disciplinary Hearing over this period.

Question 1(c). In each of the 08 cases the maximum fine of R600.00 were handed down.

Question 2(a). 46 members out of the remaining 82 members were administratively discharged in terms of the Defence Act, Act 42 of 2002. None of the remaining 36 members could be tried by a court of (senior) military judge due to the non- assignment of military judges.

Question 2(b)(i). The dismissed members have approached the High Court for reinstatement.

Question 2(b)(ii). 32 out of the 46 members that were administratively discharged have lodged an application to the High Court challenging their discharge.

Question 3. The matter was removed from the court roll due to incorrect serving and placement thereof.

Question 4. Fair procedure was followed by the Department.