SUBMISSION REGARDING THE SOUTH AFRICAN POLICE SERVICES AMENDMENT BILL (as read with the National Prosecuting Authority Amendment Bill)

PRESENTED TO THE PORTFOLIO COMMITTEE ON SAFETY AND SECURITY AND THE PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1. INTRODUCTION

I, Hugh Glenister, welcome the opportunity to make written submissions on the South African Police Services Amendment Bill (hereinafter referred to as "the SAPSA Bill"), as read with the National Prosecuting Authority Amendment Bill (hereinafter referred to as "the NPAA bill").

My interest in these Bills derives from the fact that I am a concerned citizen, and businessman, who is of the view that a range of my constitutional rights are being, or shall be, violated should the Bills pass into law. In particular, my rights to life (Section 11), dignity (Section 10), to freedom and security of the person (Section 12) and to property (Section 25) are being, or shall be, violated by the passing of the Bills into law.

In addition, I am of the opinion that the members of the Cabinet, in initiating the Bills, have breached their Constitutional obligations in that:-

> Section 85(2)(d) of the Constitution provides that the President exercises executive authority together with other members of the Cabinet by

"preparing and initiating legislation". I submit that the President and the Cabinet must act subject to the constraints imposed by the Constitution when they discharge this function. Section 92(3)(a) of the Constitution makes it clear that they are required to act "in accordance with the Constitution". Similarly, section 83(b) of the Constitution stipulates that the President "must uphold, defend and respect the Constitution as the supreme law of the Republic".

In short, the President and the Cabinet are subject to the limitations imposed by the Constitution when they "prepare and initiate legislation". If they exceed those limitations, their conduct will be invalid. This follows from section 2 of the Constitution, which provides that conduct inconsistent with the Constitution is "invalid".

I submit that the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the Directorate of Special Operations (hereinafter referred to as the "DSO"), violated the following constitutional constraints and was accordingly "invalid" within the meaning of section 2 of the Constitution.

> ***First*:** the decision to initiate legislation disestablishing the DSO was arbitrary since it was not rationally connected to a legitimate governmental purpose.

a) I submit that "the rule of law" is a foundational value of the Constitution (section 1(c)). It is a component of the rule of law that governmental conduct must not be arbitrary. In other words, all governmental conduct must be rationally connected to a legitimate governmental purpose, failing which it will be unconstitutional. The submission shall be fully addressed during oral submissions.

b) For the reasons that follow, I submit that the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO was not rationally connected to a legitimate governmental purpose.

c) As is apparent from what is set out below, the Cabinet has back-tracked on its earlier decision to accept the recommendation of the Khampepe Commission. Despite the amount of debate which my applications to court, referred to below, have generated, no-one in government has offered any explanation for this about-turn. In my submission, the only plausible explanation for this about-turn is that the Cabinet is seeking to give effect

to the ANC Polokwane resolution of December 2007. (I shall refer to this more fully below).

d) I shall illustrate below that the DSO has been extremely successful in the fight against corruption and organised crime There can accordingly be no rational basis for the Polokwane resolution. I draw the inference that the Polokwane resolution was motivated by a desire on the part of the ANC to protect its members from current and future corruption investigations by the DSO. In other words, the ANC's decision to disband the DSO was not motivated by the fact that the DSO has been unsuccessful but was rather motivated by the fact that the DSO has been too successful – especially in its investigations of ANC members.

e) In sum, the Cabinet's decision to initiate legislation disestablishing the DSO seeks to give effect to the Polokwane resolution in circumstances where the Polokwane resolution was motivated by a desire on the part of the ANC to protect its members from investigation by the DSO. Members of the Cabinet and,

indeed, ANC Members of Parliament, have made it clear that they regard themselves as bound by the Polokwane resolution, and that they will give effect to the Polokwane resolution notwithstanding Cabinet's earlier decision to accept the recommendation of the Khampepe Commission.

f) I submit that the decision to initiate such legislation was not rationally connected to a legitimate governmental purpose. In effect, the President and the other members of the Cabinet made such a decision in order to protect certain members of the ANC from investigations by the DSO. I submit that this can hardly qualify as a "legitimate governmental purpose". On the contrary, it is a purpose that is manifestly illegitimate and impermissible. This renders the decision "arbitrary" and inconsistent with the rule of law, particularly in the light of the unacceptably high levels of crime in South Africa. I point out that South Africa is perceived as being vulnerable to transnational and domestic crime syndicates, as appears from a media article which

appeared in the 5 March 2008 edition of the Business Report.

***Second*:** the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO violated my constitutional rights, and the constitutional rights of the public at large.

a) Section 7(2) of the Constitution provides that the state "must respect, protect, promote and fulfil the rights in the Bill of Rights". I am advised that this means that the President and other members of Cabinet must respect, protect, promote and fulfil the Bill of Rights when they initiate legislation.

b) In the present circumstances, the President and other members of the Cabinet have breached this injunction. They have made a decision to initiate legislation disestablishing the DSO in circumstances where the mere act of initiation violates my rights and the rights of other South Africans to life (section 11), dignity (section 10), security of the person (section 12) and property (section 25). I state that the decision to initiate

such legislation has had a negative impact on the ability of the DSO to perform its functions. In other words, the decision to initiate the legislation violates the above-mentioned constitutional rights even before the necessary legislation is enacted by Parliament

Third**:** the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO violated section 41(1) of the Constitution.

a) Section 41(1) of the Constitution provides that all spheres of government must "preserve the peace … of the Republic" (subsection (a)) and "secure the well-being of the people of the Republic" (subsection (b)). I am advised that the President and other members of the Cabinet must comply with this injunction when they initiate legislation.

b) In the present circumstances, the President and other members of the Cabinet have breached this injunction. They have made a decision to initiate legislation disestablishing the DSO in circumstances where the mere act of initiation undermines the peace of the

Republic and the well-being of the people of the Republic, and, in fact, poses a threat to the national security and the interests of the Republic of South Africa and its citizens.

c) As aforesaid, I shall illustrate below that the decision to initiate such legislation has had a negative impact on the ability of the DSO to perform its functions and, if the Bills are passed into law, the legislation shall undermine the rule of law, the administration of justice and the country's ability to fight crime. In other words, the decision to initiate such legislation violates section 41(1) even before the necessary legislation is enacted by Parliament.

***Fourth*:** the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO violated section 198(a) of the Constitution.

a) Section 198(a) of the Constitution provides that "national security must reflect the resolve of all South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from

fear and want and to seek a better life". I submit that the President and other members of the Cabinet must comply with this injunction when they initiate legislation.

b) In the present circumstances, the President and the Cabinet have breached this injunction. They have made a decision to initiate legislation that disestablishes the DSO in circumstances where the mere act of initiation undermines the resolve of South Africans to live in peace, to be free from fear, to seek a better life and to live as equals, and exposes all South Africans to what the President, in a letter addressed to the National Director of Public Prosecutions, Advocate Vusi Pikoli, on 23rd September 2007, describes as a threat to national security.

c) I submit that the decision to initiate such legislation has a negative impact on the ability of the DSO to perform its functions. In other words, the decision to initiate such legislation violates section 198(a) even before the necessary legislation is enacted by Parliament.

Fifth: the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO violated section 179(4) of the Constitution.

a) Section 179(4) of the Constitution provides that "national legislation must ensure that the prosecuting authority exercises its functions without fear, favour or prejudice". This must be read with section 179(2), which provides that the prosecuting authority "has the power to institute criminal proceedings on behalf of the state, and to carry out necessary functions incidental to instituting criminal proceedings".

b) It follows that, when the President and other members of the Cabinet initiate legislation, they must "ensure that the prosecuting authority exercises its functions without fear, favour or prejudice". In the present circumstances, the President and other members of the Cabinet have breached this injunction. They have made a decision to initiate legislation that would deprive the prosecuting authority of the ability to exercise its

functions without fear, favour or prejudice. In support of this, I shall refer hereinbelow to a press statement that was issued by the Society of State Advocates of South on 13 April 2008. I reiterate that the decision to initiate such legislation has a negative impact on the ability of the DSO to perform its functions, and in the grand scheme, the NPA. In addition, the decision to initiate such legislation and to protect certain members of the ANC from prosecution means that the NPA is not able to perform its functions without fear, favour or prejudice.

Sixth: the decision of the President and other members of Cabinet, taken on or about 30 April 2008, to initiate legislation disestablishing the DSO violated the constitutional principle of accountability.

a) I am advised that accountability of those exercising public power is one of the foundational values of our Constitution. The importance of accountability is asserted in section 1(d), section 41(1)(c) and section 195(1)(f) read with section 195(2) of the Constitution.

b) It follows that the President and other members of the Cabinet must comply with obligations of accountability when they initiate legislation. This obligation is particularly onerous in circumstances where the legislation concerns measures to combat the crime epidemic in South Africa.

c) I submit that the decision to initiate legislation disestablishing the DSO violated the foundational principle of accountability. I reiterate that the legislation has been initiated for the purpose of giving effect to the Polokwane resolution, being a party political decision taken by ANC delegates without any due regard for the constituencies which government purports to represent. In effect, the Respondent and other members of Cabinet seek to disestablish the DSO in order to protect certain members of the ANC from investigations by the DSO. I respectfully submit that this flies in the face of every tenet of public accountability.

So convinced am I that my, and my fellow citizens' rights, have been, and shall be, violated that I launched an Application in the High Court of

South Africa (Transvaal Provincial Division) under Case Number 14386/2008, against the President, the Minister of Safety & Security, the Minister of Justice & Constitutional Development, the National Director of Public Prosecutions, the Head of the Directorate of Special Operations, the Speaker of the National Assembly and the Chairperson of the National Council of Provinces respectively, in which I sought an Order, inter alia, interdicting and restraining the President, the Minister of Safety & Security, and the Minister of Justice & Constitutional Development respectively from initiating any legislation that seeks to disestablish the DSO. This relief was later amended to interdict and restrain the said parties from proceeding with the legislation in the light of the fact that the President, and the Cabinet, notwithstanding the launching of my said Application, initiated legislation that seeks to disestablish the DSO by approving the SAPSA Bill & the NPAA Bill on 30th April 2008.

The Transvaal Provincial Division of the High Court held that it did not have the necessary jurisdiction to deal with my Application and, pursuant thereto, I launched an Application to the Constitutional Court, under Case Number CCT 41/2008. In this Application, which is currently pending before the Constitutional Court, and due to be heard by the Constitutional Court on 20th august 2008, I seek an Order, inter alia, granting

me leave to Appeal to the Constitutional Court against the judgment of the Transvaal Provincial Division of the High Court and, in the alternative, an Order declaring that the decision taken by the President and other members of Cabinet on or about 30th April 2008 to initiate legislation disestablishing the DSO is unconstitutional and invalid, and directing the Minister of Safety & Security and the Minister of Justice & Constitutional Development to forthwith withdraw the SAPSA Bill and the NPAA Bill from the National Assembly in terms of Rule 299 of the Rules of the National Assembly.

As aforesaid, my Application to the Constitutional court is currently pending before the Constitutional Court and due to be heard on 20th August 2008. In m submission, and in the circumstances, the passage of the SAPSA Bill and the NPAA Bill should be halted pending the outcome of my Application to the Constitutional Court as, should the Constitutional Court find that the Cabinet has acted unconstitutionally in initiating the relevant legislation, the said legislation would have to be withdrawn from the National Assembly.

In addition hereto, not only does the initiation of the SAPSA Bill and the NPAA Bill violate my, and my fellow citizens' constitutional rights as mentioned above, but the initiation of such Bills also violates the provisions of the United Nations

Convention Against Corruption, to which South Africa is a signatory, and which requires a signatory to the Convention to, inter alia:-

a) develop and implement or maintain effective, co-ordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;

b) endeavour to establish and promote effective practices aimed at the prevention of corruption;

c) endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;

d) collaborate with other signatory states and with relevant international and regional organisations in promoting and developing such measures, which collaboration shall include participation in international programmes and projects aimed at the prevention of corruption;

e) endeavour, in accordance with the fundamental principles of its domestic law, to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

I submit that by incorporating a select segment of a unit established with the express purpose of fighting organised crime and corruption (including corruption within SAPS), into a general crime fighting body such as SAPS, South Africa will be seen to be in violation of its obligations in terms of the aforesaid convention.

In the light of what is stated hereinabove, I submit that I have a real and substantial interest in the Bills, more so, in that, being a businessman, I have the right to conduct business free of the threat of corrupt business practices and predatory organised criminal business organisations...

2 **OVERVIEW CONCERNS**

Prior to dealing in detail with my submissions on the SAPSA Bill, as read with the NPAA Bill, I wish to point out that the overview document published by the Department of Justice and Constitutional Development as the explanatory document for the justification by Cabinet to incorporate the DSO into the South African Police Services (hereinafter referred to as "SAPS"), and which purports to assist members of the public in making submissions to the Portfolio Committee is anything but an assistance. In fact, such overview document is a distortion of the true facts the document purports to detail and is, in my submission, designed to mislead, not only members of the public, but parliamentarians as well. The reasons I state this shall be made clear more fully below.

3. **OPPOSITION TO BILLS**

As aforesaid, I am opposed to the passing of the SAPSA & NPAA Bills into legislation as I believe that the incorporation of the DSO into SAPS is not in the interests of the citizens of the Republic of South Africa that the decision by the Cabinet to do so violates the provisions of the Constitution upon which democracy in the Republic of South Africa is founded and, indeed, violates the Republic's obligations as a member of the international community.

In order to elucidate upon my aforementioned view point, it is necessary to plot an historical background.

THE NATIONAL PROSECUTING AUTHORITY & THE ESTABLISHMENT OF THE DSO

In terms of section 179 of the Constitution of South Africa, the National Prosecuting Authority is constitutionally mandated and obligated to prosecute crimes committed in the Republic of South Africa without fear, favour or prejudice. This constitutional mandate and obligation is repeated in the preamble to the National Prosecution Authority Act (hereinafter referred to as the "NPA Act").

In terms of the preamble to the NPA Act, and in order to assist the National Prosecuting Authority to meets its constitutional mandate and obligation, provision is made for a number of directorates to be established. One such directorate is the DSO.

The DSO came into existence on 12 January 2001. It was established in the Office of the National Director of Public Prosecutions by means of section 7(1) (a) of the NPA Act. In the seven years since its establishment, the DSO has proved to be extremely effective in the fight against organised and high level crime. I shall also indicate below that the DSO has been significantly more effective than the SAPS in the combating of crime and, indeed, corruption and organised crime.

In terms of section 7(1) of the NPA Act, the aim of the DSO is:

a) to investigate and to carry out any functions incidental to investigations;

b) to gather, keep and analyse information; and

c) where appropriate, to institute criminal proceedings and to carry out any necessary functions incidental to instituting criminal proceedings relating to offences or any criminal or unlawful activities committed in an organised fashion, or such other offences or categories of offences as determined by the President by proclamation in the Government Gazette, from time to time.

The term “organised fashion” is defined as including the planned, on-going, continuous or repeated participation, involvement or engagement

in at least two incidents of criminal or unlawful conduct that has the same or similar intents, results, accomplices, victims, or methods of commission, or otherwise are related by similar characteristics (section 7(1)(b) of the NPA Act).

The DSO formally came into existence on 12 January 2001. The intention to establish the DSO was first announced by the President during his State of the Nation Address on 25th June 1999, in which he stated as follows:

"To enable our law enforcement agencies to translate this into reality, I am privileged to announce that a special and adequately staffed and equipped investigation unit will be established urgently to deal with all national priority crimes, including police corruption."

The then Minister of Justice & Constitutional Development, Dr P M Maduna, addressed Parliament on 1 November 1999 and stated that:

1. the President had repeatedly addressed Parliament on the issue of preventing and fighting crime;

2. the President had announced a bold initiative aimed at addressing the challenge faced by the criminal justice system in its fight against national priority crimes;

3. these challenges included the existence of corruption among certain officers in law enforcement agencies, unsatisfactory standards of investigation which result in unacceptably low rates of conviction, and the general lack of an efficiently co-ordinated attack on organised and syndicated crime by investigation, intelligence and prosecution authorities;

4. the Inter-Ministerial Security Committee and the National Director of Public Prosecutions had been hard at work to establish the DSO, which would **complement** (my emphasis) and, where necessary, **supplement** (my emphasis) the efforts of existing law enforcement agencies in fighting national priority crimes;

5. these crimes include vehicle hi-jacking; offences related to possession of, or trading in, arms and ammunition; serious economic offences (or serious commercial crime); organised and syndicated crime; corruption in the Criminal Justice System; and crimes against the State;

6. the office of the Department of Justice & Constitutional Development would be responsible for vetting members of the DSO to ensure that they were able to perform their duties competently, free of corruption and without fear or favour;

7. there was a collective responsibility, across the political divide, to ensure that this initiative was properly resourced;

8. the legislative framework provided for an appropriate constitutional balance between two equally important imperatives, namely to combat crime with conviction and resolve, and to do so in a manner that reflects our commitment to the rule of law and the provision and protection of human rights, whilst providing an effective deterrent to engage in crime;

9. all people should recognise the threat that crime poses for the development of our democracy;

10. crime destabilises the economy and impacts dramatically on the poor and historically disadvantaged;

11. the DSO would provide a supplementary national resource for law enforcement;

12. the DSO would have a unique function and would face extraordinary challenges in executing their duties;

13. in order to ensure that the DSO succeeds, it would be necessary to ensure that the DSO recruited the best and most talented corps of personnel available;

14. in an effort to assist the DSO in realising the objectives that have been set for it, it should be remembered that what was being built was a specialist unit that must be able to take on, and deal with, increasingly sophisticated levels of criminality;

15. countries that have committed themselves to rooting out organised crime and syndicated crime have discovered that conventional crime-fighting methods have failed

against the sophisticated practices of international crime syndicates and organised crime;

16. it is necessary to send out a strong message that crime has no place in our society and does not pay.

On or about 7th February 2000, the then Minister of Safety and Security Mr Steve Tshwete, conducted a media briefing on behalf of the Crime Prevention and Integrated Justice Sector, in which Mr Tshwete stated that:

a. prosecution-led and intelligence-driven investigations are a key deterrent in the fight against crime and corruption;

b. the creation of the DSO gave effect to the determination to increase national conviction rates through prosecution-led investigations;

c. the DSO would direct its energies at priority crimes including vehicle hi-jacking;

d. the Intelligence Services would be pivotal to combating crime at its source;

e. improved methods of intelligence-gathering and close co-operation between the intelligence arms of State, the SAPS, Scorpions, Customs and Immigration Services would contribute to significantly improved investigations which in turn would impact on the quality of prosecutions and increase public confidence in our systems.

THE TRACK RECORD OF THE DSO

It is a matter of public record that, in the seven years since its establishment, the DSO has been extremely successful in the combating of corruption and organised crime.

Significantly, even the President himself recognises that organised crime is a threat to the national security of the country and that the DSO has been effective in dealing with organised crime. This is evident from a letter addressed by the President to the then National Director of Public Prosecutions, Advocate Vusi Pikoli on 23rd September 2007, in which the President stated that:

a. the NPA forms an important part of our criminal justice machinery, and, accordingly, our fight against crime;

b. this machinery to fight crime was further strengthened in 2000 when Parliament adopted legislation creating the DSO in the office of the National Director of Public Prosecutions;

c. in recognition of the particular threat posed by organised crime in the country, the DSO was specifically tasked to investigate and institute criminal proceedings relating to organised crime;

d. organised crime poses a serious threat to our national security.

In fact, as recently as 23 August 2007, the President presented a report on the Review of the Criminal Justice System (prepared, in the main, by Deputy Minister of Justice, Johnny De Lange), in which certain recommendations are made, including the adoption of the "troika approach" to combating and prosecuting crime (i.e. a prosecution-led and crime intelligence/analysis driven approach to law enforcement). [I have been unable to obtain a copy of the report, but intend making application therefore in terms of the Promotion of Access to Information Act.

Indeed, even the initiation of the SAPSA Bill is a recognition of the success of the DSO and the methodology utilised by the DSO inasmuch as the overview document referred to above (although in my submission, designed to mislead), specifically claims that by integrating the investigative capacity of the DSO into SAPS by the establishment of an elite and specialised Unit, the successful "troika principle" to law enforcement shall be perpetuated (I shall illustrate below that the objectives which are hoped to be achieved in the proposed integration shall not be achieved and shall simply harm the fight against crime and, in particular, corruption and high-level organised crime).

It is, I submit, an undisputed fact that the DSO has proven successful in fulfilling its mandate. In

this regard, I specifically refer to the successes achieved by the DSO in, to name but a few, the Fidentia matter, the Abalone Smuggling matter, the Taxi Violence of the Western Cape, the Travel Voucher Frauds committed by certain members of Parliament ("Travelgate"), the Schabir Shaik matter, the Billy Rautenbach matter, and so on.

The DSO has also earned international acclaim. In this regard, I refer to the affidavit of Advocate M Mpshe filed in my Application before the Transvaal Provincial of the High Court in which Advocate Mpshe states, inter alia, that:-

a) a consequence of the DSO's international work has been a large measure of institutional endorsement from many developed and developing countries, governments, individuals and other bodies; and

b) it is a fact that at least 15 countries in Africa, 3 in Europe, 3 in Asia and 2 in the Americas have asked for advice and are considering how to emulate the DSO's operating model.

What is further undisputed is the fact that the DSO has achieved the phenomenal successes it has achieved notwithstanding receiving little or no support from SAPS and/or the intelligence services and which it was envisaged it would receive at the time of its establishment). This fact, and the tensions that have arisen between the DSO (on the one hand), and SAPS and the intelligence services (on the other hand), are

documented in the Report of the Khampepe Commission. The findings of the Khampepe Commission included the following:-

a. the location of the DSO within the structure of the National Prosecuting Authority is not unconstitutional;

b. the rationale for the establishment of the DSO continues to exist;

c. the DSO was not established as a temporary structure, and the mandate of the DSO as described in section 7 of the NPA Act and, in particular, relating to the information-gathering capabilities of the DSO should be left as is and should not be amended;

d. the discord between the DSO, SAPS and other intelligence agencies of the country could be managed through the Ministerial Co-Ordinating Committee created by section 7 of the NPA Act, and other committees, but the Ministerial Co-ordinating Committee had failed to meet or fulfil its obligations;

e. although there were some problems in the functioning of the DSO, these problems could be rectified and there was no reason to disestablish and/or relocate the DSO.

In short, the Khampepe report recommended that the DSO should continue to be located within the National Prosecuting Authority. The report states in unequivocal language that “the rationale for the establishment of the DSO is as valid today as it was at conception”, and that “the DSO should continue to be located within the NPA”. Its

conclusion could not have been expressed in more forthright language:

"Until such time as there is cogent evidence that the mandate of the Legislature (to create a specialised instrument with limited investigative capacity to prosecute serious criminal or unlawful conduct committed in an organised fashion) is demonstrably fulfilled, I hold the view that it is inconceivable that the Legislature will see it fit to repeal the provisions of the NPA Act that relate to the activities and location of the DSO." (my emphasis)

CABINET ACCEPTED THE RECOMMENDATIONS OF THE KHAMPEPE COMMISSION

The Cabinet accepted the recommendations of the Khampepe report shortly after the report was completed. In other words, the Cabinet approved the recommendation of the Khampepe Commission that the DSO should continue to be located within the National Prosecuting Authority. In support of this, I refer to the following.

The Khampepe Commission submitted its report to the President, who, in turn, referred the report of the Commission to the National Security Council. The National Security Council considered the report and submitted recommendations to the Cabinet. Pursuant thereto, the Cabinet endorsed

the National Security Council's decision to accept, in principle, the recommendations of the Commission, including the matter of retaining the DSO within its current structure. In short, the Cabinet re-affirmed the architecture and practice of the DSO as originally conceptualized (namely that the DSO should deal with high level priority crime and that it should deal with cases referred to it by SAPS).

In a statement issued by the Government on or about 29 June 2006, it was asserted that the implementation of the recommendations of the Khampepe Commission should assist in enhancing the integration of the work of the relevant departments against organized crime. It was also stated that the implementation of these recommendations would significantly improve oversight over the law enforcement functions of the Scorpions. It was moreover stated that it was the firm resolve of the Cabinet that all anti-crime agencies of the State should re-double their efforts to make South Africa safer and more secure for all its citizens.

On or about 6 December 2006, the Cabinet held its final meeting of the year in Pretoria. The meeting, inter alia, reviewed the progress in implementing the recommendations of the Khampepe Commission regarding the location of the Scorpions. The tensions between SAPS and the Scorpions were also noted, and the meeting

decided that legal instruments must be put in place to ensure greater co-ordination between the two agencies. These legal instruments were to outline the roles and responsibilities of the Ministers of Justice & Constitutional Development and of Safety & Security regarding the political oversight of the Scorpions. It was further stated that amendments to the legislation in this regard would be tabled before Cabinet in and during 2007 in order to institutionalize the Commission's recommendations.

THE FAILURE OF SAPS TO FULFILL ITS CONSTITUTIONAL OBLIGATIONS

SAPS, in terms of the constitution, is mandated and obligated to investigate and combat crime in the Republic of South Africa.

A review of the crime statistics as released by SAPS on an annual basis reveals a litany of incompetence and an utter failure on the part of SAPS to fulfil its constitutional mandate and obligations.

I refer, in particular, to the latest crime statistics released by SAPS on or about 30th June 2008, and which reveals that SAPS is failing dismally in its constitutional mandate and obligations, and has been doing so for several years. By way of

example, the said statistics relating to reported crimes reveal that:-

1. That South Africa experiences exceptionally high levels of crime is acknowledged;

2. The Government has determined that crime rates should be reduced, by international standards, by 7 – 10% per annum, but that this reduction is not being achieved;

3. Business robberies have increased, between April 2007 and March 2008, by 47,4%;

4. House robberies have increased during the same period by 13,5%

5. Drug-related crime has increased by 3,3%

6. Commercial crime has increased by 4,8%;

7. Shoplifting has increased by 1,3%;

8. Carjacking has increased by 4,4%;

9. Truck hijacking has increased by 29,6%;

10. Bank robbery has increased by 11, 6%;

However, as gloomy as the statistics revealed by SAPS themselves are, it appears that these statistics have been deliberately gilded by SAPS (under the control of the Minister of Safety and Security). This conclusion is arrived at by a reference to a United Nations Survey published in June 2008 which reveals that:-

1. South Africa has the second highest robbery rate (behind South America) in the world;

2. South Africa has the second highest homicide rate (behind Columbia) in the world;

3. Young people in South Africa witness very high levels of violence leading them to perceive violence as a normal, acceptable and effective way of problem solving. South Africa's level of violence is unquestionably amongst the highest in the world and young people (between the ages of 12 and 22 years) are generally at the receiving end (some 41,5% of young people in South Africa have been a victim of some crime, a rate almost double that of adults);

4. Approximately 302 000 rapes were reported by young girls under the age of 18, approximately 1 075 child murders were reported, 20 879 assaults were reported, and

4 725 incidents of indecent assaults against children were reported to SAPS during 2005/2006.

The said survey further reveals that:-

a) According to the World Bank, corruption is the largest single obstacle to development. In Africa, corruption is perceived to be even more than other types of crime and violence as a disincentive to entrepreneurial investment. Corruption subverts the ability of governments and city authorities to provide fair municipal services by distorting planning and allocation processes;

b) At a national level, there is a need to strengthen the formal criminal justice and policing systems. It is important that the police and criminal justice systems are fit for purpose and are seen as key contributors to the fight against crime. A vital issue is the need for public confidence that the police and criminal justice systems will play their part in this process effectively, and when this is not the case, the problems that give rise to this lack of confidence need to be addressed vigorously. Key elements of such action will include a willingness to try new approaches where existing approaches are not working;

c) The strengthening of formal criminal justice systems and policing have traditionally been the main tools for responding to crime and violence. However, corruption, inflexibility of response to changing criminal circumstances, limited resources and skills in relation to the needs of the job, and ineffective practices may hinder these responses. The problem of corruption in criminal justice systems and in the police is a particularly corrosive one in terms of public confidence since the public at large relies on these agencies to do their traditional jobs of apprehending criminals; and

d) The privatisation of security and the role of community groups are, in part, as a result of the inadequacy of the police and criminal justice system to address the crime problem and, in particular, the prevention thereof;

e) Organised crime is linked to corruption. Findings show comparatively high levels of perceived organised crime in, amongst other places, Africa.

The significance of the aforegoing becomes clear when one has regard to the Report of the Police Advisory Council published on 1st April 2008 which finds that corruption within SAPS is rife and is, in fact, a culture engrained within SAPS. The said

Report also reveals that SAPS suffers from a lack of leadership at all levels.

In addition hereto, and having regard to the various opinion polls conducted, the majority of South Africans have very little confidence in SAPS, and, as stated in the Annual Victims of Crime Survey published by the Institute for Security Studies in April 2008, most South Africans perceive that SAPS is unable and/or willing to deal with the rampant rate of crime in South Africa.

The response, I submit, to the failure by SAPS to deal with crime in South Africa is the engaging of private security by members of the public. The private security industry consists of in excess of 4 500 registered security companies with in excess of 500 000 registered security officers (far more than members of the South African Police Services) with an annual turnover of in excess of R20 billion (as much, if not more than, the annual SAPS budget), and with a growth rate of more than 15% per annum.

As has been reported in the media, even Government Departments recognise the failure of SAPS to fulfil its function, and have opted to engage private sector security companies.

Further confirmation of the failure of SAPS is to be found in the Report of the Auditor General on a Performance Audit of Border Control at the South

African Police Service published in January 2008, and which reveals that:-

a) a lack of proper holistic oversight and control over the strategic planning process increased the risk of operational inefficiency and ineffectiveness;

b) a detailed borderline-specific intelligence needs analysis has not been performed since SAPS took over border control at the beginning of 2004, and, as a result, no specialised operational structure with reference to borderline specific crime intelligence is in place, which increased the risk of a fragmented approach to intelligence gathering and breaches of borderline security;

c) as a result of interdepartmental training initiatives, no all-inclusive borderline-specific training curriculum was in place and, consequently the borderline policing effort could be hampered;

d) a deficient human resource planning process resulted in an under-capacity rate of 71%, with the result that the primary function of land borderline objective (which is to combat illegal movement of persons and goods) is not adequately performed;

e) a security analysis of the state of South African borderline fences has not been performed;

f) there is a 90% human resource under capacity rate due to the deficiency of human resource planning with regards to the sea borderline control and that, consequently, the sea borderline policing function is not adequately performed;

g) the defective detection of illegal aviation crossing is compromised;

h) trains passing through South Africa's land ports and borderline were, in general, not subjected to border control inspections resulting in the illegal importation of contraband and illegal immigration not being detected;

i) due to inadequate oversight by management, operational procedures specific to Ports of Entry have not been formulated resulting in an increased risk of inefficiencies in respect of Ports of Entry Policing;

j) the draft policy on borderline operations requires the policing of borderlines to be intelligence driven. However, no specialised operational support structure with reference to borderline specific crime intelligence is in place, and which increases the risk of breaches of borderline security.

Yet further confirmation of the failure SAPS to fulfil its constitutional mandate is the inability of SAPS to quell the recent "xenophobic" attacks throughout the country. It is common knowledge that SAPS's inability to deal with such xenophobic violence (the images of which were broadcast around the world, further tarnishing our already damaged international image) was largely caused by a lack of skill, knowledge, competence and effective intelligence gathering and analysis, and which resulted in the South African National Defence

Force being deployed, not only to quell the violence, but to prevent and combat further violence.

Even the rise of a new form of crime (i.e. the spate of ATM bombings) and the inability of SAPS to combat, investigate, apprehend and prosecute the perpetrators of these crimes confirms what most South Africans already believe about SAPS, namely SAPS is incapable of combating crime of any description in South Africa.

To make matters worse, the culture of corruption within SAPS (as alluded to above) and the inability of SAPS to fulfil its functions causes even more damage to the psyche of beleaguered South Africans, but also effects South Africa's international image, and the confidence of investors to invest in South Africa. That investors and, indeed, the public at large, are losing faith in South Africa, is to be found in the Gauteng Wealth Survey 2008 report, published on 22 June 2008, and which reveals that:-

1. People are much more pessimistic about the future (of South Africa) than they were last year;

2. many more people living in Gauteng are considering emigration;

3. many investors have adopted an appropriate level of diversification, and many wealthy people have decided not to invest in South Africa.;

4. Investors have begun began looking at diversification. This diversification gained momentum in December 2007 as a result of political uncertainty and the decision to disband the Scorpions.

The aforementioned results have been confirmed by research conducted by First National Bank (and published on 22nd July 2008) and which reveals that the 2 (two) top factors driving down the property market value are downscaling and emigration. In fact, in the results of a survey conducted by Future FACT, and published on 25th July 2003, reveal that the number of South Africans considering emigration has increased substantially, with the greatest increase being experienced amongst black South Africans (20% increase) and coloured South Africans (30% increase), with a total of 30% of all South Africans considering emigration.

CONCERNS WITH REGARDS TO SAPSA BILL

Having regard to the provisions of the SAPSA Bill, it is the intention of Cabinet to incorporate **only** selected investigators (and not prosecutors) of the DSO into a new SAPS unit to be known as the Directorate for Priority Crime Investigation.

In addition, one of the investigative tools of the DSO, as encapsulated in Section 28 of the NPA Act, is to be provided to the new unit.

Further, the bill proposes that the National Commissioner of SAPS shall determine which organised offences are (or are not) to be investigated by the new unit.

Apart from the fact that the decision to incorporate the investigative branch (and then only members selected by the National Commissioner) appears to have been taken to protect certain members of the ANC, including certain members of Parliament, from investigation and prosecution of crimes relating to, amongst others, corruption (I have arrived at this conclusion because high-ranking ANC officials have stated this, as detailed above) the proposals contained in the SAPSA Bill are of concern for, inter alia, the following reasons:-

1. Giving the National Commissioner the authority to "pick & choose" the members of the new unit can lead to a situation where only "police friendly" members of the DSO are selected;

2. Giving the National Commissioner the authority to decide which offences are to be investigated can lead to a situation where corruption amongst SAPS members, certain members of Parliament, certain members of the ANC, various government officials and individuals, including the National Commissioner, are not investigated. This can only

mean that corruption, which is, as aforesaid, already rife amongst SAPS members (with even the National Commissioner facing corruption charges) will flourish, thereby causing greater harm to SAPS and the country as a whole;

3. This concern is compounded when it is taken into consideration that evidence of the offence to be investigated is to be furnished to the National Commissioner **before** the National Commissioner decides that the matter may be further investigated. The placing of this much power and influence in the hands of 1 (one) individual within the realms of law enforcement (being an area that is traditionally targeted by organised criminals), can result in further investigations into the offence being prevented, the evidence of such offence being tampered with, and ultimately leading to the administration of justice and the rule of law being subverted and, indeed, perverted;

4. The extraordinary powers afforded to the members of the new unit in terms of Section 16 of the bill (and as encapsulated in Section 28 of the NPA Act), are an extremely useful and powerful tool for investigators in investigating crime. However, such tool needs to be utilised carefully and with some skill (and needs guidance and input from prosecutors) as any mistakes made in utilising this tool could lead to the entire investigation being tainted and a subsequent prosecution being declared to violate an individual's

constitutional rights, resulting in the entire matter being unprosecutable.

I submit that my concerns are justified particularly when it is recognised that the National Commissioner is currently facing charges of, inter alia, defeating the ends of justice, and corruption relating to the National Commissioner's links to alleged organised criminals. These charges have been preferred against the National Commissioner at a time when the current legislation in force does not afford him the authority to pick and choose members of a so-called elite unit to investigate and combat organised and priority crimes, or the authority to decide which matters are to be investigated. The possibilities and threats of corruption, should the National Commissioner be afforded these powers, are multiplied exponentially.

These threats are multiplied even further by the fact that the Bill makes mention of only organised crime being investigated by the new unit, but not corruption. In the light of the fact that the Bill provides for the organised crime units of SAPS to be incorporated into the new unit, and SAPS Anti-corruption unit having been disbanded, there will now be no mechanism to deal with corruption in South Africa at any level.

I further submit that, in terms of Section 205 of the Constitution, SAPS is mandated and obligated, inter alia, to investigate <u>all</u> offences/crimes

committed within the Republic. The provision affording the National Commissioner the authority to decide (i.e. a discretionary power) which offences are to be investigated violates the Constitutional mandate and obligation afore referred to.

In addition, and to the extent that the National Commissioner is appointed, in terms of Section 207 of the Constitution, by the President, this provision lends itself to the National Commissioner being politically manipulated for improper purposes.

On the other hand, the provisions of the Bill lend themselves to a situation in which the National Commissioner could hold the President, the Cabinet, members of Parliament and, in fact, members of the public to ransom.

In the light of the aforegoing, and never losing sight of the atrocities committed under apartheid by members of the police utilising the vast powers afforded to them, I find it unconscionable that it would ever be contemplated to concentrate so much power in the hands of one individual who would be subject to political pressure and at a risk of succumbing to the lures of corruption and organised crime.

It could be argued that the current mechanism in place to deal with corruption amongst SAPS members, namely the Independent

Complaints Directorate ("the ICD") would safe-guard the aforementioned concerns. However, I submit that the ICD has, if anything, shown that it is incapable of safe-guarding such concerns. I submit this because:-

a) the ICD is part and parcel of the Department of Safety & Security and has no real perceived independence from SAPS;

b) there is no legal remedy for the ICD to compel SAPS to investigate complaints levelled against SAPS;

c) there is no legal remedy for the ICD to compel SAPS to take action against SAPS members fond guilty of transgressions;

d) SAPS does not co-operate with the ICD at any level and no co-ordination mechanism is in place.

In addition hereto, the noting of tensions between SAPS and the DSO (in the memorandum to the SAPSA Bill) and the incorporation of the DSO to, inter alia, alleviate such tensions is misguided. The tensions that exist seem to stem from institutional jealousy, a difference in public perception, differences in remuneration and skill level. The SAPSA Bill makes no provision to attend to these tensions. I submit that merely incorporating the DSO into SAPS shall not, in any manner alleviate such tensions and shall, if anything, perpetuate and enhance such tensions.

HIDDEN AGENDA

The overview provided by the Department of Justice & Constitutional Development claims that the decision to disband the DSO and to incorporate the investigative branch into SAPS is being done in order to enhance the fight against crime.

The aforegoing claim is, with respect, apart from what is stated above, completely without merit when one has regard to the fact that there are only approximately 200 investigators in the DSO whilst there are some 130 000 members of SAPS. It is, accordingly, impossible for 200 members, given the constraints referred to above, to have any impact upon SAPS and the manner in which SAPS operates.

In addition hereto, the SAPSA Bill specifically excludes analysts and prosecutors from being incorporated in the proposed new unit. In the circumstances, the successful and much lauded "troika" approach to law enforcement is not afforded to the new unit, notwithstanding claims to the contrary.

I submit, and as alluded to above, that the real reason for the disbanding of the DSO is to protect certain members of the ANC, certain members of Parliament, and the National Commissioner of SAPS from current and future investigations and prosecutions.

That my submission is correct is to be found in statements made by, amongst other, the Secretary General of the ANC, Gwede Manteshe, and Mr Siphiwe Nyanda that the reason the ANC wants the DSO disbanded is because the DSO has investigated and prosecuted certain members of the ANC.

My submission is further proved correct when regard is had to the resolution passed by the ANC at Polokwane in December 2007, being the resolution upon which Cabinet has taken a decision to disband the DSO. I say this as the said resolution makes mention of complying with a constitutional imperative that there be a single police force. The interpretation of "single" meaning "one" within the context of the Constitution has been found to be wanting by the Constitutional Court. Indeed, even the Khampepe Commission found that there was nothing constitutionally incorrect with the location and mandate of the DSO. In fact, the Deputy Minister of Justice and Constitutional Development stated in August 2000 that legislation in terms whereof the DSO was established is constitutionally sound.

Even if my submission is incorrect, (and which, I submit, it is not), the fact remains that most members of the general public perceive that my submission is correct. I rely for this assertion on the following:-

a) the petition initiated by me which has attracted more than 85 000 signatories who oppose the disbanding of the DSO;

b) a poll conducted by the Sowetan Newspaper which determined that 79,64% of the people polled are in favour of retaining the DSO in its current structure and format;

c) an on-line poll conducted by Carte Blanche which determined that 97,8% of the people polled are in favour of retaining the DSO in its current structure and format; and

d) the Ipsos-Markinor Poll which, after weighting, represents the views of approximately 7 million South Africans, reveals that:-

i) 67% of people have a great deal/quite a lot of trust and confidence in the DSO, whilst only 31% of people have trust and confidence in SAPS;

ii) 64% of people believe that the idea of disestablishing the DSO and relocating it to SAPS was bad (whilst only 24% thought it was a good idea) in the main because, the DSO was effective in combating organised crime and government corruption, and that organised crime and government corruption would now increase;

e) the TNS Research survey which reveals that 59% of South Africans living in 7 metropolitan areas felt that the DSO should be separate from SAPS.

DISBANDING THE DSO SHALL HARM THE FIGHT AGAINST CRIME

I have already alluded to above how the interests of justice are at risk of being defeated, subverted and perverted by incorporating the DSO into SAPS.

With regards to current matters investigated by the DSO and currently pending before our Courts, I submit that these matters shall similarly be harmed by the proposed incorporation. In this regard, I rely upon the affidavit filed in my Application before the Transvaal Division of the High Court by Adv. Mokotedi Mpshe, in which he stated that some 546 projects (which translates into 787 individual investigations, arising from which 161 prosecutions are in progress) are threatened by the intended restructuring of the DSO in that a number of members of the DSO intend leaving to take up employment in the private sector (the Head of the DSO, Advocate Leonard McCarthy has already left his post), the sense of safety and security of the citizens of the Country is being compromised, a lack of prosecutional strategy is a set-back for law enforcement, the restructuring of a team involved in a prosecution reduced the chances of a successful prosecution thereby harming the credibility of the

criminal justice system, the loss of confidence of witnesses in the prosecuting authority will similarly result in prosecutions being compromised.

With the rule of law being a cornerstone of the Constitution, it is, I submit, inconceivable that the administration of justice be threatened and manipulated in the fashion intended by the Cabinet and the Bills currently being proposed.

ROLE OF PARLIAMENT

The system of checks and balances between organs of State seeks to prevent the abuse of power. In a constitutional democracy such as ours it is the role of Parliament, as you well know, to ensure that the executive in proposing laws does not abuse its powers. Parliament does so by passing, amending or repealing laws. In other words, Parliament is the first line of defence against the abuse of state power and in ensuring that just, rational and reasonable laws and laws that are in the best interests of all the people of South Africa are passed.

I appeal to you to be accountable to all of your constituencies when you consider these bills.

I have already stated above that the disbanding of the DSO (i.e. by passing the SAPSA Bill into law) seeks to protect a narrow band of individuals. With this in mind, the SAPSA Bill cannot, in my opinion, be regarded as just, rational, reasonable, and in

the best interests of all the people of South Africa. Under such circumstances, it is incumbent upon Parliament to reject the Bills.

However, recent reports give me and my fellow South Africans little faith that Parliament shall meet its constitutional obligation. This is your opportunity to prove us wrong and give us confidence in what should be a powerful branch of government in its own right. I say this for the following reasons:-

1. "The ANC list system" has a tyrannical grip on ANC members of Parliament, so much so that members are disinclined to vote with their conscience because they fear they shall be removed from the list and, ultimately lose their jobs. Andrew Feinstein found this out to the detriment of his political career;

2. the conduct of Parliament in "quashing" any meaningful "arms deal" investigation;

3. the decision by Parliament to pass a resolution instructing liquidators in the "Travelgate" scandal not to pursue any further action against the perpetrators of the travel frauds;

4. the cheering of members of parliament to the announcement of the disbanding of the DSO by the Minister of Safety & Security.

All of the above creates the impression that laws only apply to non-members of Parliament and non-ANC members, thereby further undermining public confidence in the criminal justice system. It further creates the impression that public participation in the legislative process is an illusion as, regardless of what members of the public say, if the Cabinet wants a particular law passed, then the law will be passed. Parliament cannot allow itself to be seen as a "rubber stamp" for the Cabinet. This impression is strengthened when it is considered that there has been little, if any, public debate on the future of the DSO.

It is opportune for me, with all due respect, to remind members of Parliament of the oath/affirmation that they, the President and members of the Cabinet take upon taking office, namely that they swear/solemnly affirm to be faithful to the Republic of South Africa, and will obey, observe, uphold and maintain the Constitution and all other laws of the Republic.

It appears to me that some Parliamentarians, the President and certain members of the Cabinet have forgotten the said oath/affirmation; alternatively that such oath/affirmation is meaningless to them. I of course exclude those members of cabinet who have already resigned in protest to the lack of respect to the oath, a symptom of which is the intention to disestablish the DSO.

As the elected representatives of the people of South Africa, members of Parliament are supposed to serve the interests of the people of South Africa and to uphold the provisions of the Constitution. In doing so, it is imperative that members of Parliament place the needs and interests of the public at large and of the country above their own political and self-serving interests and ambitions, failing which it is an unfortunate conclusion that our constitution is not worthy of the mantle placed upon it by the international community as a shining example to the rest of the world. Indeed, a constitution is only as strong as the character of the persons charged with its protection.

It is time for corruption at all levels, including Government corruption, to be stamped out, rather than stamping out the only law enforcement agency has been is prepared to tread where no other law enforcement agency is prepared to tread. I urge all Parliamentarians to vote against the SAPSA Bill and the NPAA Bill. This is your opportunity to show all of us and the international community you are not afraid to do the right thing; that you are not susceptible to political patronage; and that you are concerned, above all, with the issue touching South Africans every day and most limiting our ability to truly celebrate this beloved democracy of ours: crime and corruption.

CONCLUSION

As stated above, corruption (and with it organised crime), represents one of the greatest threats to a country and, in particular, democracy within the country.

It is a well-known and widely acknowledged fact that corruption is a major threat at all levels of society. As revealed by the TNS Research Survey published on 17th June 2008:-

a) 20% of metro adults are happy to purchase pirated DVDS and CDS;

b) 25% of adults state they know people who have purchased stolen goods;

c) 40% of people would keep it if they received too much change;

d) 84% of people do not feel crime levels are dropping;

e) 90% of people feel that corruption has become a way of life in South Africa;

f) 85% of people feel that there is corruption in senior levels of government, and 90% of these people feel that this needs to be diminished.

By refusing to deal with corruption, the government is sending a message to the citizens of South Africa that it is acceptable behaviour. In fact, the message being sent by government is that certain sectors of society (notably the members of the ANC, certain members of Parliament, police officials, government employees) are above the law

and that any attempts to investigate and prosecute corruption at this level shall be met with punishment.

From what is stated herein above, I submit that the numerous problems and shortcomings of SAPS are obvious and require the attention of government. Whilst I sympathise with government's task in this regard, I submit that incorporating only select investigators of the DSO into SAPS is not the solution.

I have already alluded to the fact that the DSO model and approach to law enforcement is a successful model which shall be institutionally lost by the passing of the SAPSA & NPAA Bills. This postulation is supported by the Society of State Advocates as pronounced upon by Adv. W Downer SC, the Deputy Director of Public Prosecutions on 29 May 2008 at the Price Waterhouse Coopers Africa Conference n Economic Crime.

The DSO is not unique to South Africa. Several countries around the world have a similar structure, separate from their respective police services to deal with specialised types of crime.

In fact, the idea of having a separate unit to deal with organised crime is not new to South Africa. I refer in this regard to the steps taken by J C Smuts as a State Attorney in 1898, together with the assistance of a prosecutor, Mostyn Cleaver, to destroy the organised crime syndicates operating

in Johannesburg in 1898, at a time when the police were on the pay-roll of the organised crime syndicates. These efforts, which entailed utilising independent investigators and prosecutors are described in **"Studies in the Social & Economic History of the Witwatersrand"**, written by Professor Von Onsellen, under the chapter headed "Prostitutes & Proletarians 1886 -1914".

Whilst it is acknowledged that the DSO may have its problems (as referred to by the Khampepe Commission), the solution to these problems will not be found in disestablishing the DSO. In fact, such problems may even be exacerbated.

The disestablishing of the DSO shall undermine the resolve of all South Africans to combat corruption and organised crime and, indeed, crime across the board and, in doing so, further undermine the confidence of members of the public in the institutions of State.

There can be no rational or legitimate reason for the disestablishment (or relocation) of the DSO. To disestablish/relocate the DSO into SAPS, being an institution that is riddled with problems of its own, will only further harm the fight against crime.

DATED AT JOHANNESBURG ON THIS_27___DAY OF JULY 2008.

Hugh Glenister

HUGH GLENISTER