

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE INEFFICIENCY IN  
KHAYELITSHA AND A BREAKDOWN IN RELATIONS BETWEEN THE COMMUNITY  
AND POLICE IN KHAYELITSHA PHASE ONE

Bonisile Busakwe

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COMMISSIONER: Good morning, I understand that we've had a slight change of plan Ms Bawa and we're going to start with Mr Busakwe is that correct?

MS BAWA: That's correct.

COMMISSIONER: Is that correct Ms Mayosi?

MS MAYOSI: Yes Madam Chair, Ms Mtwana was meant to be led by Advocate Hathorn on Monday and so the change yesterday meant that I hadn't had the opportunity to consult with her so I would request some 30 minutes or so to spend time with her before I lead her.

COMMISSIONER: Okay so we will start with Mr Busakwe now and will you be present for that or are you going to go and do some consulting, how are you wanting us to proceed?

MS MAYOSI: I did have some cross-examination questions for Mr Busakwe so I would like to be present for that. What could perhaps occur is that after Mr Busakwe, Chris Giles could come on and then we take the tea break and I could then consult during the tea break with Ms Mtwana.

COMMISSIONER: Okay that sounds fine is that convenient for you Mr Arendse, it is alright. Good morning Mr Busakwe welcome to the proceedings of the Commission, Mr Sidaki are you leading, Ms Bawa is leading okay. Would you like to testify in English or in isiXhosa?

MR BUSAKWE: In Xhosa.

COMMISSIONER: Okay, you know that there are these things that you can put on your head and then you'll be able to hear the English. I'm going to ask my colleague...(discussion aside)

MR PIKOL: (isiXhosa)

BONISILE BUSAKWE (sworn states) (through interpreter)

EXAMINATION BY MS BAWA

MS BAWA: Good morning Mr Busakwe.

MR BUSAKWE: Molo.

MS BAWA: You are currently the chairperson of the Harare CPF is that correct?

MR BUSAKWE: It's correct.

MS BAWA: You were appointed subsequent to an election that was held in April 2013 is that correct?

MR BUSAKWE: It's correct.

MS BAWA: So you have been chairperson of the Harare CPF for approximately nine months right?

MR BUSAKWE: That is correct.

MS BAWA: Are you involved in the CPFs at all?

MR BUSAKWE: No this is the first time I've never been a part of it previously.

MS BAWA: Can you tell me how the Harare CPF operates at the moment?

MR BUSAKWE: The Harare CPF is working well at the moment it's working efficiently while I'm still part of it.

MS BAWA: Can you tell us how often they meet?

MR BUSAKWE: We meet once a month.

MS BAWA: Who comes to the meetings?

MR BUSAKWE: It's the Executive as well as the members of the CPF.

MS BAWA: Who serves on the Executive?

MR BUSAKWE: There are 15 of us in the Executive, there's a chairperson and there's a deputy, there's a secretary, there's a deputy secretary, there's a treasurer, a PRO, there's a coordinator and additional members.

MS BAWA: The members of the Executive do they represent certain organisations within the Harare area?

MR BUSAKWE: It is people from the community.

MS BAWA: Do they not belong to any organisations?

MR BUSAKWE: They do come from various organisations because when they were elected they were coming from various organisations.

MS BAWA: Which organisations are represented on the CPF?

MR BUSAKWE: It's members from SANCO and other organisations within the community.

MS BAWA: What are those other organisations?

MR BUSAKWE: They are political parties and NGOs.

MS BAWA: Do you know what the names are of any of those NGOs?

MR BUSAKWE: There is BPU they are also involved, BPU was there when we were elected, SANCO, COPE, ANC and other organisations I don't remember all of them.

MS BAWA: What happens at the meetings what do you discuss?

MR BUSAKWE: In our meetings we speak mainly about crime and gangsterism in the areas.

MS BAWA: Harare is divided into four sectors is that correct?

MR BUSAKWE: That is correct.

MS BAWA: Can you tell us what is the kinds of crime that's being experienced in each of the sectors, let's take Sector 1 which is Monwabisi Park and the Harare area what is the kinds of crimes that's being experienced in that area?

MR BUSAKWE: There is crime in Monwabisi because it is an informal settlement, there's housebreakings and people getting robbed on their way to the bus stop or the train stations.

MS BAWA: In Sector 2 which is Makhaza what are the main difficulties...(intervention)

MR BUSAKWE: There is also robbery in Makhaza because they travel from far they walk from far distances to the bus stop, they also rob the shops, they rob people as well as housebreakings.

MS BAWA: And Sector 3 which is Kuyasa, Mazezwe and Inkanini?

MR BUSAKWE: It has the same problem in the other areas and the reason I say that Inkanini and Mazezwe they are informal settlements so people walking going to work they are targets of robbery.

MS BAWA: Is it your experience that more crime is happening in the informal areas than in the formal areas?

MR BUSAKWE: Yes I can say because they take the advantage that there are no proper roads in informal settlements and they can easily hide behind those shacks and that is why I'm saying that there is more crime in the areas where there is an informal settlement compared to the formal areas.

MS BAWA: You said that the members of the SAPS come to the CPF meetings, who comes to the meetings?

MR BUSAKWE: Colonel comes to the meetings and he comes with the sector commanders, if Colonel is not going to be able to participate in the meeting he does send someone in his place but his commanders also come.

MS BAWA: Do you discuss the crimes that your community is experiencing with them at the meeting?

MR BUSAKWE: Yes we do talk about them.

MS BAWA: What is the kind of feedback that you get?

MR BUSAKWE: In other meetings they do provide us with feedback telling us that they are doing their best and sometimes they do tell us to wait until they can get more reports and then they do come back to us and give us a report.

MS BAWA: What kind of reports do they give you?

MR BUSAKWE: If for example we tell them that people are complaining that there is no visibility of the police we take the complaints and then what they do is they assure us that they will try to make sure that police are visible in that particular area so those are the kinds of feedbacks.

MS BAWA: And after you've had that kind of feedback is it your experience that the police do become more visible?

MR BUSAKWE: Definitely they do come and show up, I also do my own investigations asking people around the community if they've seen police and then the people will tell me yes they've seen them around.

MS BAWA: Now in the affidavit which you gave us you highlighted that one of the major problems that's been experienced is that there's only one police van per sector can you explain why that is a problem?

MR BUSAKWE: It is a big problem because as I said already I've got four sectors and each sector is served by one van with two police and that is the major problem I have. I'm still complaining about the fact that there's only one van in the inner sector.

MS BAWA: Do you find sometimes that there's also only one police person in the vans, have you heard that?

MR BUSAKWE: I've not heard about one policeman in a van I've always heard about two even myself I've seen two in a van.

MS BAWA: You've also had complaints from the community that they've seen police vans standing in the area and that when they call the police station nobody responds, can you tell us a little bit more about those?

MR BUSAKWE: Yes I do get reports like that from the community I also receive

those complaints as well.

MS BAWA: Do you tell the Colonel about them?

MR BUSAKWE: We do inform the Colonel about those problems that the community members say that they do see a van standing somewhere.

MS BAWA: And then what does the Colonel say to you?

MR BUSAKWE: The Colonel does play his role and he does tell us that he will look into it and then sometimes he tells us that we must also look we must find out where the van is coming from because sometimes the police that are in the area are not from Khayelitsha because sometimes they might be from Woodstock. So the Colonel always tells us that the community members must also check if the van is from Khayelitsha or if it's from another area.

MS BAWA: You've also raised some concerns about gangs what in your view is the problem in respect of gangs?

MR BUSAKWE: I have also seen gangsters fighting and stabbing each other so there is a problem in Khayelitsha of gangsterism.

MS BAWA: Who are in these gangs?

MR BUSAKWE: Because I am already an elderly person I don't really know who are these young boys.

MS BAWA: Are they schoolchildren, are they in their early 20s or in their late 20s, I don't mean their identity but which age category are we looking at?

MR BUSAKWE: It's schoolchildren they are very young that I've seen, those that I've seen.

MS BAWA: Now you mentioned that you're aware that a student has been killed as a result of gang violence can you tell us about that incident?

MR BUSAKWE: Yes I do and I am aware of that I was called and I went there, I was called about that incident and I asked if the person that died was a schoolchild and I was told yes it's a school going child.

MS BAWA: You have also cited that when the police arrive the gangs stop and when the police leave the gangs start fighting again is that correct?

MR BUSAKWE: That is correct.

MS BAWA: Have you told this to the Colonel?

MR BUSAKWE: I do inform the Colonel.

MS BAWA: In your view are the police doing anything to combat the gang violence in the areas?

MR BUSAKWE: Yes there is a role that they are playing.

MS BAWA: And what is that role?

MR BUSAKWE: The role they are playing when they are called and informed that there is a gang fight they do go to that place of the incident and then these boys they run away so that is why I'm saying that they have a contribution or they are doing something about it.

MS BAWA: You mentioned that during the school holidays you got no calls about gang fights is that correct?

MR BUSAKWE: That is correct because I did not get any report during the school holidays.

MS BAWA: So the gang fighting in your view happens when the schools are open?

MR BUSAKWE: That is how I see it.

MS BAWA: What do you think can be done not simply to stop the fights but to stop the gangs completely, what do you think the plan should be?

MR BUSAKWE: I think if the community and the police could work hand in hand and we all work together to ensure that this gangsterism is completely out of our community I think that could work.

MS BAWA: How do you think the community could assist the police in fighting gangsterism?

MR BUSAKWE: The way I see it if the community could work with the police and be the eyes of the police and inform the police of what is going on I believe that gangsterism could end and also the parents if they can be honest and when there's a problem they call the police I'm sure that gangsterism would be the end, will come to an end in our areas.

MS BAWA: Do you see the CPF as being the eyes of the police?

MR BUSAKWE: Yes I could say CPF is the eyes of the police because CPFs work between the community and the police.

MS BAWA: So you've been there for nine months already and you've been telling Colonel Robalibo about some of these problems that's been arising have you seen any improvement in the scourge or the fight against gangsterism since you've been part of the CPF?

MR BUSAKWE: In these nine months that I've been part of the CPF I do see a difference even people are starting to report and I also get in reports, I also get complaints so I do think that there's a difference.

MS BAWA: One of the other issues that you've raised was that you got numerous calls from community members complaining that the police don't answer their telephones, have you seen an improvement in the answering of telephones since you've raised it?

MR BUSAKWE: I do get such complaints but sometimes people call in the night and sometimes I do give them alternative numbers because sometimes the main number has a problem but Colonel makes sure that people are getting service from the police station so we give them alternative numbers if they can't get hold of the police on the other number.

MS BAWA: Why do you say they can't get hold of the police on the other number?

MR BUSAKWE: We have a number 3639000 that operates during the day so that number does not work at night so that is why I give people other numbers. I always tell them if you can't get hold of the police during the night you use these alternative numbers.

MS BAWA: Why do you think the 3639000 number doesn't work at night?

MR BUSAKWE: The reason for that is the person that answers that phone only works there during the day and there's no one that relieves her at night so I think she's like a receptionist there.

MS BAWA: Do you think it would be better if there was one number that was known to members of the community for the police station?

MR BUSAKWE: Yes I think so.

MS BAWA: Now Harare is divided up into sectors and each sector has a sector commander is that right?

MR BUSAKWE: Yes that is correct.

MS BAWA: Each sector commander has a different phone number as well is that correct?

MR BUSAKWE: That is correct.

MS BAWA: Is it your experience that the members of the community know the numbers of the sector commanders?

MR BUSAKWE: Yes they do know them.

MS BAWA: So they could actually call that number if they can't get through to the police station isn't that so?

MR BUSAKWE: That is correct they do call that number.

MS BAWA: And when they call that number is it answered?

MR BUSAKWE: Yes they do get an answer from that number.

MS BAWA: Now you also raised the issue of vigilantism do you see vigilantism as being a problem in your community?

MR BUSAKWE: Yes it is a problem because people do that.

MS BAWA: You've said that people do that because they've lost hope in the police and have found hope and assistance in vigilantism.

MR BUSAKWE: Yes it is a problem because when people have lost hope they do anything that they can because they can no longer wait.

MS BAWA: Do you think people have turned to other methods because they have lost confidence in the policing system?

MR BUSAKWE: Yes that is exactly what they do when they can no longer wait they turn to other sides or other options.

MS BAWA: So what do you think what can we do to restore their confidence in the policing system, what should we do to tell people you have to go to the police with your complaints and not go elsewhere?

MR BUSAKWE: The first thing is that the community should be educated about the law, if there could also be more services, more vans and more visibility of the police I'm sure that people will stop taking the law into their own hands.

MS BAWA: In your view what are the difficulties that the police face in having to police in Khayelitsha?

MR BUSAKWE: May I say it if the police could be empowered with more skills and more resources I do believe that they would work better than they are working at the moment.

MS BAWA: Do the police go out on patrols, well firstly let's put it to you this way do members of the CPF and the neighbourhood watch go out on patrols in the different sectors?

MR BUSAKWE: Yes that is correct ma'am.

MS BAWA: Do the police assist you when you go out on these patrols?

MR BUSAKWE: Yes they do assist when we are going out on patrols.

MS BAWA: Are there members of the police that go with you?

MR BUSAKWE: Yes there are members of the SAPS that come with us, I also patrol myself so there will always be members of the SAPS.

MS BAWA: Do you think these patrols are important in the community?

MR BUSAKWE: A lot.

MS BAWA: Has it made a difference?

MR BUSAKWE: There's a huge difference when we patrol.

MS BAWA: In patrolling the informal areas like Nkanini and Monwabisi Park as well?

MR BUSAKWE: Yes there are patrols in those areas as well.

MS BAWA: What kind of resources do you have as a CPF?

MR BUSAKWE: At the moment we don't have our own resources but we do ask for assistance from the SAPS.

MS BAWA: Do you find that they give you that assistance?

MR BUSAKWE: Yes they do assist us.

MS BAWA: Have members of the CPF and the neighbourhood watches as far as you're aware received any training?

MR BUSAKWE: There are members of the CPF that attended an induction and then there are members of the neighbourhood watch that went for training.

MS BAWA: Do you know what kind of induction this was?

MR BUSAKWE: In the induction we were told about the CPF the structure and how we should be working or functioning as a CPF and what is the role of the police within the CPF.

MS BAWA: Who gave you this induction?

MR BUSAKWE: The first induction was with DOCS.

MS BAWA: And the second one, was there more than one?

MR BUSAKWE: There was another induction that was done by VPUU for the neighbourhood watch.

MS BAWA: How long were these inductions, how many days, how many hours?

MR BUSAKWE: The first induction started at 9 until 3 o'clock.

MS BAWA: And the training that the neighbourhood watches got do you know anything about that?

MR BUSAKWE: Yes I've heard about it that there is training for neighbourhood watches.

MS BAWA: Do you know what kind of training that is?

MR BUSAKWE: I'm sorry ma'am I've never been part of that training so I really don't know what they are trained on.

MS BAWA: Do you have any resources, are you given anything like jackets or torches or bicycles or any kind of equipment?

MR BUSAKWE: There are some things that were there already before I joined I've seen some bicycles and I've seen some jackets.

MS BAWA: Is that all that you have is there anything else?

MR BUSAKWE: No we don't have other things we're still need radios and torches.

MS BAWA: Can you tell this Commission what do you think a CPF requires in order for it to fulfil its functions?

MR BUSAKWE: There are things that we need as a CPF the first thing we need an office, we also need a computer or computers so that we will be able to do our own work.

MS BAWA: We had a witness who testified that she went to the police station and she couldn't get help with the station commander, she then approached the CPF Chair in Harare and the CPF Chair told her to go to the taxi association for help. What role does the taxi association play?

MR BUSAKWE: There's something I just want to correct that says the chairperson

told or agreed that the people must go to the taxi association that is not true. There were people that came to the chairperson of the CPF they were asking me for assistance to write them a letter to the taxi association. I told them as the Chairperson of the CPF I would not be able to do that to give them a letter and I had my reasons for telling them that.

MS BAWA: What else did you tell them to do?

MR BUSAKWE: What I told them is that it depended on them they can take or make their own decision what to do.

MS BAWA: Did you say to them that they must go to the police if they have a problem?

MR BUSAKWE: That is exactly what I was telling them and I continue to tell them everyday that if people have a problem they must go to the SAPS and if they don't get any help in the police station the Colonel's office or his door is open all the time for them.

MS BAWA: Thank you very much I've got no further questions.

MR BUSAKWE: My pleasure.

NO FURTHER QUESTIONS BY MS BAWA

COMMISSIONER: Ms Mayosi?

MR MASUKU: Sorry Madam Chair can I perhaps be allowed to ask questions to this witness before the complainant organisation does. I took a statement from the witness...

COMMISSIONER: Yes I do recall that Mr Masuku.

MR MASUKU: Yes and it might actually help to go first.

COMMISSIONER: Yes I think that makes a lot of sense, are you happy with that Ms Mayosi this is another situation where we've got one witness who was interviewed by two sets of legal representatives, yes Mr Masuku go ahead.

CROSS-EXAMINATION BY MR MASUKU

MR MASUKU: Thank you. Mr Busakwe do you remember that you and I had a consultation in which I obtained a statement from you?

MR BUSAKWE: Yes I remember.

MR MASUKU: Do you also remember that you were invited to the nodal point at the SAPS at Custom's House to read and sign the statement, do you remember that?

MR BUSAKWE: Yes I do remember that.

MR MASUKU: Can you tell the Commission why you did not sign the statement at the time?

MR BUSAKWE: The reason I did not sign that statement at that time my name was spelt incorrectly.

MR MASUKU: Yes and am I wrong that you also had time constraints you only had an hour because you'd asked from your work to come and read the statement and sign it and when your name was not spelt correctly the arrangement was that we were going to correct the name and then you would come back and sign the statement do you remember that?

MR BUSAKWE: Yes I do remember that is correct.

MR MASUKU: So the Commission has an unsigned statement from you, would you have difficulty signing that statement which the Commission has?

MR BUSAKWE: I would not have a problem with that.



MR MASUKU: Of course your name would be corrected at the time that you sign the statement so that shouldn't be a problem. But now let me ask you questions that arise from that statement, when the Commission of Enquiry was established by the Premier the CPF, yourself in Harare took a particular view about it can I ask you the following questions. Were you consulted or requested to express your views on the effectiveness of the police in Khayelitsha before the Commission was established?

COMMISSIONER: Mr Masuku as a point of correction my understanding from Mr Busakwe's evidence is that he only became involved in the CPF in April 2013.

MR MASUKU: Yes but I'm sure that he would have, he has views about whether or not the CPF would have, whether there was in fact consultation that would be a matter of record it would not require his personal involvement in order to express that kind of a view, with respect.

COMMISSIONER: Sorry just let me clarify you're asking him to record what a previous CPF, because that wasn't clear from your question, what the attitude a previous CPF took of which he wasn't a part?

MR MASUKU: No he has a statement which is unsigned which the Commission has had regard to in which he does...

COMMISSIONER: Just remind us which Bundle that is in again?

MR MASUKU: I actually don't know which Bundle it is because it is...(intervention)

MS BAWA: It's in the SAPS statements which I think is Bundle 8 right and then it's File No. 8.

COMMISSIONER: I've got the SAPS statements signed.

MS BAWA: No it was the original Bundle 8, it's File 8 and it's numbered from page 1 it's about the third statement in the file.

COMMISSIONER: No not there sorry, okay go ahead Mr Masuku.

MR MASUKU: Thank you, so Mr Busakwe perhaps in fairness to the Commission the question that should actually precede that is a different question and then I'll follow it up with that question that I just asked. Before you became Chair of the CPF in Harare what did you do?

MR BUSAKWE: I was just a normal community member.

MR MASUKU: Were you involved at all in any capacity in the structures of the CPFs?

MR BUSAKWE: No.

MR MASUKU: You did not attend any meetings of the CPFs?

MR BUSAKWE: No.

MR MASUKU: How were you elected to be chairman of the CPFs was it at a meeting of the CPFs?

MR BUSAKWE: It was not a CPF meeting it was a general meeting of the community and there were other structures there.

MR MASUKU: Yes in fact Colonel Nel who was the station commander of CPF, sorry of the Harare police station at some point will testify that he abandoned, sorry he disbanded the CPFs at some point do you remember Mr Nel?

MR BUSAKWE: Yes I do remember Mr Nel.

MR MASUKU: That he at some point abandoned the CPFs so the CPFs did not work until a certain point and it was until you were appointed as chairperson.

MR BUSAKWE: I would really not know because I was only elected last year, before that I didn't know that they were not functioning.

MR MASUKU: No but in my consultation with you I did indicate to you the consultations that I have had with the other two CPF chairpersons you remember I spoke about Bongani Sibho and Mr Mgxaji you recall that?

MR BUSAKWE: In Harare?

MR MASUKU: No when you and I consulted I indicated to you my consultations with the cluster chair, the CPF cluster chair Mr Mgxaji do you recall that?

MR BUSAKWE: I do remember if you are talking about cluster.

MR MASUKU: Yes, I also indicated to you my consultations with Bongani Sibho the chairperson of the Harare CPF you recall that?

MR BUSAKWE: You told me he was from Site B.

MR MASUKU: Yes, yes that's correct. Now there was a preliminary issue that we spoke about I asked you whether you, whether the CPFs had been consulted either through the CPFs within the stations or through the cluster office, whether they had been consulted on the issue relating to the complaints that had been received by the Premier which had emanated from certain NGOs, do you remember that?

MR BUSAKWE: I do recall you mentioning that but if you remember I told you that I did not know anything about that because at the time I was not part of the CPF.

MR MASUKU: Yes but anyway the other CPFs will testify to that if you can't remember and if what is in your statement is not entirely true. But you were not, were you consulted or was the CPF ever consulted to express its views about the effectiveness of the police by the Premier or by anybody like the Department of Community Safety?

MS BAWA: Could Mr Masuku maybe specify when he's specifying because we've had evidence that he's not been involved with the CPF since April, only been involved since April 2013 so maybe he needs to put the timeframe on when he's asking this question.

MR MASUKU: No I'm sure he will say during my time.

COMMISSIONER: Now you're giving the question and the answer.

MR MASUKU: I don't think the question is vague by virtue of (indistinct) pointing out the timeframe.

COMMISSIONER: But Mr Masuku can I just clarify the line of questioning am I correct in understanding that you accept that this witness hasn't been involved in the CPFs before April 2013?

MR MASUKU: That's his evidence.

COMMISSIONER: That's his evidence and you accept that.

MR MASUKU: No, no I'm not in a position to deny...

COMMISSIONER: Yes but your questioning is not trying to undermine that in any way.

MR MASUKU: No absolutely not.

COMMISSIONER: No okay so perhaps we could say to the witness that all your questions relate to his period as chairperson of the CPF after April 2013 or could we not say that?

MR MASUKU: Well if that's how you want me to ask it then I will ask it that way.

COMMISSIONER: I don't but I'm just trying, I accept that there's some confusion

here for the witness who has testified that he's only been involved with the CPFs from April 2013 and I don't think it's fair to be continually putting questions to him that are prior to that, (a) it's a time-wasting matter but also the witness won't be able to answer that and so he's testified.

MR MASUKU: Madam Chair, I can ask him the question that you propose I ask but I mean I don't want to waste the time of the Commission.

COMMISSIONER: I asked you whether you had any difficulty with that because if you're trying to explore that in fact he did know something about April 2013 then of course you're entitled to do so but if you accept that in fact it is only after April 2013 maybe you could just make that clear to him.

MR MASUKU: Yes I thought there was no confusion about it the question being asked is being asked on the basis that he was chairperson from 2013. I think he had testified to that and the questions I'm asking him are based on that evidence I don't have to constantly point out that you were chairperson from 2013 for him to understand what I'm trying to ask him.

COMMISSIONER: Proceed Mr Masuku.

MR MASUKU: Thank you. Mr Busakwe, sorry Chair how much time do I have because I might just cut off this question.

COMMISSIONER: Well of course we had no indication that you wanted to ask any questions but you can have another 10 minutes this obviously is an important witness, from the perspective of the Commission the CPFs is very important.

MR MASUKU: Yes thanks. From the time that you became chairperson of the CPF do you know if the CPF had been requested to express its views on the effectiveness of the police operating in Harare?

MR BUSAKWE: While in the capacity of chairperson in Harare I have not been asked my views on that point.

MR MASUKU: Okay now what would you say to a statement that the police in Harare are incompetent and they're ineffective in the way they do their work, what would you say to that?

MR BUSAKWE: On that point I would not say that they are not working all I'm saying is that during the period that I've been part of the CPF the police of Harare are working because when I call them needing assistance they do go to that place and they do attend to those problems.

MR MASUKU: What would you say to an allegation that the police in Harare do not conduct proper investigations of crimes that are reported to them by the community of Harare?

MR BUSAKWE: On that point I'm not able to comment because I've not had any experience that is like that I wouldn't say they are doing it well or not doing it well.

MR MASUKU: Now what would you say to a statement that the community of Harare has lost trust and faith in the police as a result of the police not doing their work in Harare, would you accept that as a fair statement?

MR BUSAKWE: On that point I would say that people are not able to wait and that is why they are saying that the police are not doing their jobs. When they are told to wait they want something to happen quickly and they cannot wait.

MR MASUKU: So that we understand you, so that that evidence you have given is understood properly when you say people are impatient what do you mean?

MR BUSAKWE: The reason I say people cannot wait and they are impatient when someone calls the police when you call at five to then they expect the police to arrive wherever they are within a second they cannot wait.

MR MASUKU: But in the context of the cases where people have, where the community members for example have or a suspect has been killed by community members what would you say to that statement of impatience do you think people are killed to wait for police to come and apprehend the suspect, take them through the system of the police?

MR BUSAKWE: On that point I can say that the police do come and apprehend the person but once the community sees that person outside again they become impatient because they don't know what is going on.

MR MASUKU: Now in the meetings that you have held with the SAPS what has happened to the resolutions, sorry can you tell us what those meetings between the SAPS and the CPFs discuss?

MR BUSAKWE: Because we have this issue in Khayelitsha of gangsterism and also the violence and crime those are the major topics that we discuss in our communities. We look at ways of how we can bring down the levels of crime and violence in our communities.

MR MASUKU: Do you think that the police listen to what the CPFs say as to the solutions that could improve the effectiveness of the police?

MR BUSAKWE: At the moment yes they are still listening.

MR MASUKU: In fact in your statement you say that they sometimes change their deployment of resources because of the decisions of those meetings am I correct?

MR BUSAKWE: That is correct.

MR MASUKU: Now just coming back to the impatience by the community does that mean, do you understand that to mean that they are impatient because of police inefficiency or that there is a breakdown between the community and the SAPS?

MR BUSAKWE: If I can explain, the reason people are not able to wait or are impatient is because there are few policemen and therefore the police are not visible in our communities and that is why people are impatient.

MR MASUKU: Now can you tell the Commission what you believe the role of imbizos are?

MR BUSAKWE: Imbizos play a big role in the communities because that is where the community members are able to ask questions whereas us as the CPF are not able to answer so when there are imbizos that is where they get explained why if someone has been arrested by the police and then they see them outside again. So at the imbizo they are told what the process is.

MR MASUKU: Okay perhaps you should tell the Commission who attends those imbizos?

MR BUSAKWE: It is normally the community members and those people that we have invited.

MR MASUKU: Do the police attend the imbizos?

MR BUSAKWE: Yes they also come.

MR MASUKU: You say that it is in those imbizos that the community members are informed about certain cases am I correct?

MR BUSAKWE: That is correct.

MR MASUKU: And if they have questions they would ask questions about specific cases?

MR BUSAKWE: Yes they are able to ask that is their best platform to ask and get answers.

MR MASUKU: Yes, now you also say that sometimes you receive complaints from the public am I correct?

MR BUSAKWE: That is correct.

MR MASUKU: What do you do with those complaints, sorry firstly tell the Commission what those complaints usually are in your recollection?

MR BUSAKWE: The first one is when the community members see a police van standing in one of the houses and the second one is that the community members when they call the police the police take their own time so those are the kinds of complaints I get.

MR MASUKU: Right then when you receive those complaints what do you do?

MR BUSAKWE: I take those complaints and I go to the station commander and sit with the commander and tell him or her these are the complaints from the community members.

MR MASUKU: In your experience what has been the response of the police to those complaints?

MR BUSAKWE: There are ways that they attend to these problems and sometimes the station commander will tell me this problem I will fix it.

MR MASUKU: Now can you tell the Commission how often you receive these kinds of complaints?

MR BUSAKWE: I don't get them all the time I do get from time to time but not all the time.

MR MASUKU: I want to ask you two more questions relating to the purpose of this Commission. Do you believe that people in Harare support the killing of suspects because they don't believe in the police?

MR BUSAKWE: I don't believe that the community members like someone being killed.

MR MASUKU: There was evidence by one of the witnesses to the effect that CPFs are not really known do you have any recollection of meetings in which you have in attendance members of NGOs like Social Justice Coalition, like Treatment Action Campaign those kind of organisations?

MR BUSAKWE: No I don't recall.

MR MASUKU: Why do you think that is the case?

MR BUSAKWE: I'm sure they have their reasons this is something I'm always telling myself that I do need the contact numbers of the NGOs. I do try to get their contact numbers but I don't have all their numbers at the moment but I do want them to be part of those meetings.

MR MASUKU: Have you had any interaction with Social Justice Coalition or other NGOs operating in Khayelitsha?

MR BUSAKWE: While I've been in this position I've not had any contact.

MR MASUKU: Can I just take an instruction, can I ask you perhaps probably the last question, can I ask you have you ever been contacted in your capacity as chairperson of the CPFs in Harare, have you ever been contacted by the Social

Justice Coalition or Treatment Action Campaign, have you ever been contacted by those organisations?

MR BUSAKWE: I've never received any calls from those organisations.

MR MASUKU: Commissioners that will be all.

COMMISSIONER: Thanks Mr Masuku you're done are you?

MR MASUKU: I have to be done 10 minutes is over.

COMMISSIONER: Okay so you are done.

MR MASUKU: I'm saying my 10 minutes is over so I have to be done I could go on but I mean I must honour my time commitments.

COMMISSIONER: It is but Mr Masuku as I've indicated this is an important witness I don't want you to feel that you haven't had an opportunity to question even though you didn't comply with the rules and put in a list of questions, if there's anything burning you may go ahead but you're under time pressure now.

MR MASUKU: Yes the reason why we didn't is he was our witness for next week and while we agreed with the evidence leaders that he could be interposed today we didn't think that it would be a problem to, we would have led him next week.

COMMISSIONER: If you have any further burning questions please put them.

MR MASUKU: Thank you Chair, would it be correct Mr Busakwe that the CPFs are too political?

MR BUSAKWE: In my station I've not experienced such I always tell them that political influence has nothing to do with my section or my area.

MR MASUKU: But you accept that within CPFs there would be members who belong to different political parties am I correct or do they belong to different political parties?

MR BUSAKWE: Yes I am aware of that and it is like that.

MR MASUKU: What would you say to an allegation that you function under the direction of the police?

MR BUSAKWE: There are allegations like that from people that are not aware of what we do and they tell us that we are working under the police.

MR MASUKU: So you say to people who do not know how the CPF works that that allegation has been made.

MR BUSAKWE: That's correct that is exactly what I'm saying.

MR MASUKU: So would you say to the Commission that you operate independently of the police or in collaboration with the police?

MR BUSAKWE: The role of the CPF is the connection between the community and the police.

MR MASUKU: Do you think that the CPF in Harare has been able to achieve anything relating to policing in Harare. Perhaps let me put it differently do you know if there are any cases, criminal cases that have successfully been investigated by the police where CPFs have played a role, where the Harare CPF has played a role?

MR BUSAKWE: I must apologise while I've been in this position I have not had a case where we've been able to get an arrest so I'm not in a position to answer that.

MR MASUKU: But what is your experience in relation to people in Harare reporting cases to the police station, do you think that people report cases to the police

station?

MR BUSAKWE: I'm sure they do report them.

MR MASUKU: Do you think those cases are investigated by the police?

MR BUSAKWE: I'm sure because it is their job I'm sure they do investigate those cases.

MR MASUKU: If you were to give numbers would you say that the majority of people in Harare trust the police?

MR BUSAKWE: Yes they do trust the police.

MR MASUKU: Do you also accept that there is a certain group of people in Harare who have had bad experiences with the police?

MR BUSAKWE: Like I said I'm still new in this position I really would not be able to comment on that, some of the things you are asking me I've not yet experienced while in this capacity.

MR MASUKU: No I mean that obviously arises from your evidence that people complain to you about certain police, you said some people complain to you about certain police conduct if you want to put it that way.

MR BUSAKWE: If you understood on my statement I said that there are people that call me the example I made is when someone calls me complaining about a van that is just standing somewhere. Some of them when they call me I do ask them have they called the police station before calling me and they will tell me that they have not yet called the police station so they tell me that they call me because I'm their leader and they trust me.

MR MASUKU: Now how regularly do you hold meetings of the CPFs and the police, how regular are those meetings?

MR BUSAKWE: We have those meetings once a month.

MR MASUKU: Sorry it's once a month?

MR BUSAKWE: Yes that's correct.

MR MASUKU: Now do you think that one meeting once a month is sufficient?

MR BUSAKWE: I do believe one meeting is sufficient for now because that's the way I'm seeing it now.

MR MASUKU: Now since your chairmanship of the CPF in Harare what would you say to a statement that you are weak and ineffective as a CPF, what would you say to that statement?

MR BUSAKWE: Those would be people's opinions I would not be able to say anything about that maybe that is the way they see it.

MR MASUKU: Yes but are you weak and ineffective?

MR BUSAKWE: According to me I think we are still efficient.

MR MASUKU: Now in the meetings that you have with the SAPS are you told by the police or let me put it this way, during these meetings with the SAPS what are you told by the police about the policing strategy?

MR BUSAKWE: In our meetings the SAPS always tells us that they are doing their best and they're doing the best that they can.

MR MASUKU: Now there is something called a station annual policing plan are you aware of it?

COMMISSIONER: I think Mr Masuku just to be correct it's not an annual policing plan it's called an annual safety plan.

MR MASUKU: Oh sorry it's called an annual safety plan are you aware of it?

MR BUSAKWE: I have heard about it I am aware of it.

MR MASUKU: How did you become aware of it?

MR BUSAKWE: I was informed of that by the station commander in those meetings.

MR MASUKU: Did you express any views about the annual safety plan?

MR BUSAKWE: Because we (indistinct) the beginning of the year and us as the CPF we are not yet done with our plan we have not yet sat down to discuss it.

MR MASUKU: So you say you are in the process of developing one at the moment?

MR BUSAKWE: Yes that is correct.

MR MASUKU: What is your involvement in that?

MR BUSAKWE: As the chairperson I have to be part of that safety plan as the chairperson of the CPF.

MR MASUKU: Now Mr Busakwe do you encourage people to attend meetings that are called, well let me put it this way do you encourage the community, and if you do how do you do so, to attend these imbizos and meetings that are called by the CPFs?

MR BUSAKWE: Yes a lot.

MR MASUKU: How do you do that?

MR BUSAKWE: I inform the people that imbizos are a great help to us because that's where they can air their views of their problems and they will also get answers to questions that they do not know.

MR MASUKU: Do you believe that such meetings build trust and confidence by the community in the work of the police?

MR BUSAKWE: A lot.

MR MASUKU: So would you say that the CPFs, sorry what would you say is the role of CPFs in the work of the police?

MR BUSAKWE: There is a role that the CPF can play within the police, as I've already mentioned that the CPF is the connection between the community and the police. For example the CPF gets complaints and addresses those complaints with the police and then goes back to the police to give them feedback as to what is going on within the police.

MR MASUKU: Yes, now somewhere in your statement, and you recalled this during our consultation, you asserted that the community of Harare does not have adequate infrastructure to support effective policing do you remember that?

MR BUSAKWE: Yes I do recall that.

MR MASUKU: What did you mean by "adequate infrastructure"?

MR BUSAKWE: Yes talking about the infrastructure I'm going to make an example about Endlovini Garden and amaZweZwe people are really living in poverty in those areas and there are limited resources in those areas and that's what causes the people to lose, are maybe not interested in what the police are doing as well as what is the community doing because they are not getting the services that they need.

COMMISSIONER: Mr Masuku I think you really are now you've been going for nearly 40 minutes I think it's nearly time one more question unless there's something that you want to make a representation or you really need to ask I think you've covered a lot of ground.



MR MASUKU: I have nothing further.

NO FURTHER QUESTIONS BY MR MASUKU

COMMISSIONER: Nothing further. Ms Mayosi?

CROSS-EXAMINATION BY MS MAYOSI

MS MAYOSI: Mr Busakwe in your first statement. The one Advocate Masuku asked you about in the beginning, he asked you whether you would have a problem to sign that statement if they fixed your name you replied and said you had no problem.

INTERPRETER: This he remembers.

MS MAYOSI: In that first statement you say in that statement in paragraph 10 that CPFs are not functioning accordingly do you remember that?

INTERPRETER: Ms Mayosi is asking him if he remembers that but they are not working effectively.

MS MAYOSI: You mentioned some of the reasons that there are limited resources within the CPFs.

INTERPRETER: He agrees, he remembers, he agrees that the CPFs are not working properly.

MS MAYOSI: CPFs are elected or set up by the constitution so that they will have a role to play in connecting the community and the police, do you agree with that?

INTERPRETER: He agrees with that.

MS MAYOSI: If the CPFs are not functioning effectively then that contact between the police and the community will suffer do you agree with that?

INTERPRETER: He says he agrees.

MS MAYOSI: If you agree that the CPFs are not functioning properly do you then agree that the relationship between the police and the community is suffering?

MR BUSAKWE: Yes I can say that it is suffering but despite the fact that we have limited resources we are trying our best, we do try to inform the community about the challenges.

MS MAYOSI: What do you tell them?

MR BUSAKWE: For example when the community asks us about things we tell them that we still don't have the resources but we do take their complaints to the SAPS.

MS MAYOSI: Who should be giving you those resources that you need that will make sure that you work effectively?

MR BUSAKWE: Because we are an independent organisation we ask for help from other organisations, CPF does not have funding, we do not have a place where we can go to get funding and that is the reason when we need some assistance we ask SAPS for that assistance.

MS MAYOSI: According to your knowledge do you think it is SAPS that should be helping the CPFs with the resources?

INTERPRETER: He says that is not he thinks.

MS MAYOSI: There are two reasons or complaints from the community of Khayelitsha that made this Commission to be here, the first one is the breakdown of the relations between the police and the community, that the relationship is weak or it is non-existent what do you say about that?

MR BUSAKWE: As I keep on saying that when someone has lost all hope they do

anything that they need to do I would really not disagree with the community because that is something that they think because they are feeling it and that is why they are acting the way they are acting now.

MS MAYOSI: A lot of the witnesses from the community came to this Commission and told this Commission that they do not trust the police. They were telling this Commission about their stories, about their cases and the fact that they are not getting services from the police but now you are saying if that is not (indistinct) not to trust the police you say that you will not disagree with them.

MR BUSAKWE: That is exactly what I'm saying but I will not disagree.

MS MAYOSI: In your second statement that you have signed you do say that the people of Khayelitsha no longer trust the police.

INTERPRETER: He says he agrees with that that's what he said.

MS MAYOSI: Therefore the first complaint that made this Commission to be here is that the relations between the community and the police have broken down so you also agree that there is a problem.

MR BUSAKWE: Yes I agree if there were no complaints like that this Commission would not be here.

MS MAYOSI: If those relations between the police and the community are broken down or they are weak and also you are saying that the CPFs are not working effectively, they are trying but they are not working effectively it is clear that the CPF structure is also one of the services that the people are not getting.

MR BUSAKWE: I do not agree with that statement that that is one of the services people are not getting. As I've already said that we do the best that we can as the CPF we try our best.

MS MAYOSI: If we tried to solve that problem looking at the CPFs what should be done to help assist the work of the CPFs?

MR BUSAKWE: The way I see it if the CPFs can get all the resources that they need I do believe that everything will work.

MS MAYOSI: What are those resources?

MR BUSAKWE: All CPFs have their own offices, have their own equipment because sometimes when I'm with these people I tell them bring – I believe that if they had something to tell me they would come to my office and then that would be treated confidentially. But now because we don't have an office people are not able to bring some complaints that they are not able to take to the police because the CPF do not have their own office. But if CPF had their own office I'm sure the community will also be able to come to our offices and give us the complaints and also they wouldn't go outside and say their things from outside, they would be able to come to the CPFs and get the help that they need.

MS MAYOSI: What other resources do you need as a CPF, if this Commission is trying to get recommendations what can this Commission do to help the CPF?

MR BUSAKWE: The CPF needs transport, we need phones, anything that is needed in an office. The reason I say that CPF needs the office sometimes we have meetings in various places because my sector is quite big, a lot of the time I spend my own money to go to these meetings and sometimes I have to ask the SAPS to take one of their vans that is supposed to be working elsewhere to take me to a meeting. If you look at it the van that is taking me to a meeting that van

could have gone elsewhere to do their job. So if the CPF had their own transport they'd be able to transport their own people to various meetings.

MS MAYOSI: A lot of the people that were witnesses in this Commission they do not know anything about the CPF in their communities why do you think that is so?

MR BUSAKWE: I could say that people are not aware of the CPFs because when people are called to meetings people do not attend these meetings and that is the reason they are not aware of CPFs but I believe that if the community attended the meetings they are invited to they will know exactly what the CPFs are. When we call meetings and as the CPF we only find very few people in those meetings, people are not attending the meetings we are inviting them to.

MS MAYOSI: Is the CPF not able to go to the people if the people are not coming to the meetings?

MR BUSAKWE: The CPF does go to the communities, sometimes we call meetings in community halls or in areas where they live in but they just don't attend those meetings. As the CPF we do our best we have tried everything.

MS MAYOSI: When you are asked by one of the counsellors of the Commission they asked you according to you is the CPF the eyes of the police and you agreed with them.

INTERPRETER: He says he remembers.

MS MAYOSI: But I thought the CPF was the eyes of the community what do you say about that?

MR BUSAKWE: As I told you in the beginning that CPF is in between the police and the community the CPF helps assist the police and also helps to assist the community.

MS MAYOSI: But the way you put it that the CPF is the eyes of the police that could make people think that you as the chairperson you think that the work of the CPF is of the police really. If you say the CPF is the eyes of the police then it looks like that.

MR BUSAKWE: If someone were to ask me to explain to them I would really explain to them because sometimes as people we make quick decisions or assumptions because sometimes I would put it one way and you would think about it differently but that would not be the way I meant it. That is why I say even again that the CPF works between the community and the police. Even if you had asked me that question I would say that the CPF is the eyes of the police to the community and *vice versa* but it depends on the way you've asked me that question so I answer the question according to the way you've asked me that question.

MS MAYOSI: So are you saying that it is also the eyes of the community to the police?

INTERPRETER: He says that is correct.

MS MAYOSI: We have now completed or spoken about the first reason why the Commission is here, we both agree that the relations between the community and the police have broken down. The second reason why this Commission is here...

COMMISSION ADJOURNS (at 10:30)

COMMISSION RESUMES (at 10:42)

BONISILE BUSAKWE (still under oath)

CROSS-EXAMINATION BY MS MAYOSI (continued)

MS MAYOSI: The second reason why this Commission is here is a complaint that says that the police of Khayelitsha are not doing their work in the way they are supposed to. Do you agree or do you know about that statement?

MR BUSAKWE: If you listen to this question it sounds like a general question because I'm in Harare and I know what is going on in Harare I will not be able to answer questions about Lingelethu or Khayelitsha but that question now he's talking about what is going on in Khayelitsha.

MS MAYOSI: I hear you sir but I (indistinct) question yet, on that statement where there are allegations that the police are inefficient there are a lot of people that came here to be witnesses and gave evidence. For example, your colleague Jafta I believe he is the chairperson in Lingelethu West and he has got some complaints but you also mention some things in your second statement. You complain about the police vans that there's one van per sector do you remember that?

INTERPRETER: He says yes.

MS MAYOSI: A lot of the complaints here regarding that complaint of one car, the complaint is that when the police are called they do not come. Do you agree that if there is one car per sector it is difficult for the police to reach people on time?

INTERPRETER: He says he agrees.

MS MAYOSI: You also say that people do not want to wait or are impatient is that correct if you also agree that there are no cars?

MR BUSAKWE: The reason I say people are impatient or they don't want to wait if there were a lot of cars then I would hear and I would understand because then those cars could reach people wherever they are. But the reason I say that people are impatient is because we have very little or limited cars because there are only four in my sectors, in the sectors.

MS MAYOSI: Are you saying that the reason police take too long to come or they don't come is because there are limited cars?

MR BUSAKWE: As I already said ma'am it is because there are very few police vans and there are also very few police that is why it takes so long for them to respond.

MS MAYOSI: The complaint that police are not answering the phones when people are calling the police station, have you heard of that complaint before from the community?

INTERPRETER: He says as he said earlier that sometimes the people call during the night, remember that number 3639000 I said that number operates only during the day so there is a number that people know. That is why I always tell them in meetings that don't only use that number here is an alternative number where you can also get help.

MS MAYOSI: Are you saying it is because people are calling the wrong number?

MR BUSAKWE: I'm not saying that number is incorrect I'm just saying that people who don't have the other numbers they assume that number works 24/7

MS MAYOSI: A lot of the evidence that has been presented here regarding the police not responding on time or also not responding to phone calls people have said that they call numerous numbers but still the police are not answering the phone or they do not come.

MR BUSAKWE: Ma'am I will not be able to comment on that comment because when they are calling I'm not there and I don't know which number they are using.

MS MAYOSI: The other problem that people are complaining about that says people are inefficient is on the issue of gangsters. You also mention that issue in your statement do you remember that?

INTERPRETER: He says he remembers it.

MS MAYOSI: It appears that you are also affected by this you have a nephew who is part of those gangs.

MR BUSAKWE: No he's not part of the gangsters he goes to a school where there are gangsters.

MS MAYOSI: You say here in your statement that the police are not doing anything to solve the problem especially when the gangsters are fighting you say it happens when the school comes out or when it's going in the morning.

MR BUSAKWE: No what I said in my affidavit is that when the police are called when something like that is happening maybe a school where there is a fight between gangsters the police go to that area or that scene and then when they arrive there then that fight stops.

MS MAYOSI: But now the police will not be able to escort the different gangs.

MR BUSAKWE: But one thing I'm saying is that when the police arrive at that scene then these kids they stop fighting.

MS MAYOSI: The people are saying that it's not enough that the police arrive and then the fight stops. You also mention in your statement that the police do arrive and then these gangsters they stop fighting, when they leave then the gangsters start fighting again. Is that enough that the police just arrive?

MR BUSAKWE: The reason the police are called is that they are told that there is a fight there and then the police go there to stop the fights but the police would not be able to do anything, for example they can hit people or shoot people, if there are no reasons for them to do those things they cannot do that. But all they do when they go there is to make sure that the fight stops.

MS MAYOSI: So where I'm going to with the complaint where the residents or the community is saying that it's not enough that the police arrive.

MR BUSAKWE: As I said to you earlier that we do not think the same way so some of the things I am not able to comment on or answer those questions because if somebody else sees that the police are not doing anything it is within their rights to complain about that.

MS MAYOSI: You as the chairperson of the CPF when you talk to the police about this issue of gangsterism do you view the issues or the views of the community or do you talk about your own views?

INTERPRETER: He says that when he goes to these meetings he tells the SAPS what the community is saying so he represents the community in those meetings.

MS MAYOSI: So what do the residents say about these gangsters fighting?

MR BUSAKWE: In my community the community is trying the best they can to make sure that they stop this gangsterism.

MS MAYOSI: The community of Harare are they happy with the response of the police in this matter of gangsterism?

MR BUSAKWE: Like I said we cannot serve everyone the same way.

MS MAYOSI: My question is are the people of Harare happy with the response of the police or the reaction of the police with this matter?

MR BUSAKWE: (No audible reply)

MS MAYOSI: I'm asking again are the people or community of Harare happy with what the police are doing on this matter?

MR BUSAKWE: I said that when the police come the fight stops and then when they go that the fight does happen again.

INTERPRETER: Ms Mayosi is asking the same question, repeating it.

MR BUSAKWE: Ma'am when I said that when the police come to a scene like that then this fight stops so there are people that are happy about that but there are people that are not happy about that and therefore we will not be able to make everybody happy.

MS MAYOSI: The problem sir is that your evidence appears as if you are on the side of the police more than the community.

MR BUSAKWE: I'm not here to represent the police like I said to you that we represent both the community and the police but all I'm telling you is we must listen to both sides we can't listen to one side all the time. In the community not everyone will be happy all the time and also with the police not everyone will be happy all the time.

MS MAYOSI: Do you think your role is to make the community happy or the police happy?

MR BUSAKWE: It is to make the community happy.

MS MAYOSI: The evidence that we have heard here, every witness we have heard, none of the witnesses said were happy about the work of the police in clamping down the gangsterism or the violence that gangsterism is doing in the communities. None of the residents said that they were happy about the reaction of the police this is the first time I'm hearing from you that there are some people that are happy with what the police are doing.

MR BUSAKWE: Like I said to you ma'am that not all of us will be happy with everything that is going on but I do say again that there are some people that are seeing a difference from what is going on.

MS MAYOSI: You do say in your statement that the people have lost trust in the police especially on the issue of vigilantism. As the chairperson of the CPF when you are talking to the community what do they say is the reason they get involved in vigilantism?

MR BUSAKWE: As I said before the reason the people are giving is that sometimes when the call the police van they take too long and they also don't have a reason why the van takes too long which is why in our meetings we always explain to them why the vans take too long to respond to people's complaints so we always explain that.

MS MAYOSI: Sir, according to you as the CPF chairperson of Harare do you see the police doing their job efficiently?

MR BUSAKWE: Ma'am I'm going to say it again during the period that I've been here perhaps I'm the lucky one but as I've told you before that sometimes the community phone me because I'm a leader in the community. When I have called the van when I get to that place I always see the van they have responded in time

I'm not sure if I am the one that is lucky or what the problem is.

MS MAYOSI: Sir I'm not looking for your views I'm just looking, I just want to hear from you whether the people of Harare are happy with the way the police are working I'm not asking you about what you do when people are calling you?

MR BUSAKWE: As I said already ma'am that people will not always be happy all the time we do not see the same way, we don't see things the same way.

MS MAYOSI: Sir you are not giving an answer to my question, my question was when you go to the police and you tell them about the issues the community has and the problem they had about police inefficiency my question is are the community members of Harare happy with the way the police are working in Khayelitsha?

MR BUSAKWE: I do the work that the community asks me to do because when there are views or there are complaints from the community I take them to the station commander and I do bring feedback from the station commander to the community. But like I said not everyone will be happy or satisfied with everything at all times.

MS MAYOSI: I don't have anymore questions Madam Chair.

NO FURTHER QUESTIONS BY MS MAYOSI

COMMISSIONER: Thanks Ms Mayosi, Mr Busakwe on a point of, could you explain to me how the election worked last April for your CPF, who was present, where was it held and how did it work?

MR BUSAKWE: When we were elected we were in Mfundo on the 28<sup>th</sup> April, all NGOs were invited and they were informed that they were going to do elections of the CPF. So the process of election was done but before the election the people were informed as to what was going to happen and then they were explained what was going to take place. Then during the election process they would call three names for a particular post, for example if they wanted to elect a chairperson they would call three names and then they would say to the community look at the three people and you can determine or vote for the person that you think would be suited for that position.

COMMISSIONER: Thank you and was it done by a show of hands?

MR BUSAKWE: Yes they show their hands.

COMMISSIONER: The people that were organising the election who was that?

MR BUSAKWE: We received letters from NGOs and structures those letters were informing us that they was going to be an election I think I got that letter from somebody at the station that there was going to be a CPF election.

COMMISSIONER: So was it the station commander who organised the election, I'm just wondering who sent the letters, how did people get there?

MR BUSAKWE: The letters were sent to various organisations and on the letter it stated that on this particular day there was going to be an election of the CPF of that particular station.

COMMISSIONER: Who sent the letters?

MR BUSAKWE: I really don't know because I received that letter through an organisation that I was with at the time.

COMMISSIONER: Presumably the organisations were the ones that you mentioned earlier so SANCO, some political parties is that correct?

MR BUSAKWE: Yes that is correct because the NGOs, political parties and SANCO they are all involved.

COMMISSIONER: What about business people, people who run shops or...(intervention)

MR BUSAKWE: All people from different structures were called, invited.

COMMISSIONER: So how many people were at the meeting?

MR BUSAKWE: There were a lot of people I don't remember or recall the number or how many people were there.

COMMISSIONER: When will the next elections be held?

MR BUSAKWE: There will be another election after five years.

COMMISSIONER: One of the things that the law says is that it is the station commander's responsibility to ensure that organisations in the area are told about the CPFs and invited to participate so does your station commander do that?

MR BUSAKWE: Yes he does.

COMMISSIONER: So again it is something we have discussed with the NGOs who brought these complaints but it is a matter of concern to the Commission that NGOs who are clearly concerned about the safety of the people of Khayelitsha aren't involved in the CPFs. Is that a matter of concern to the CPF?

MR BUSAKWE: In my station in which I represent Harare I think that the station commander did his best to invite all the NGOs and to advise them that there was going to be an election of the CPF.

COMMISSIONER: The other thing that I wanted to put to you is that the Commission has done some research on, independent research not by the Commission but by a different organisation about people's attitudes to the police and about crime reporting and all sorts of things that are relevant to the work of the Commission. That research says that two-thirds of the people in Harare think that the police work there poorly or very poorly. So that's two-thirds, two out of every three people in Harare think like that does that surprise you?

MR BUSAKWE: It wouldn't surprise me.

COMMISSIONER: No, I also want to say that the work of the Commission is not about laying blame, it's not about being cross with people for what they have not done it's about trying to find a way forward to make things better. So if you had to tell the Commission what you think would really make things better what would you say?

MR BUSAKWE: I would say to this Commission if you can attend to the needs of the people for example if you can give resources to the police, if you can train them, empower them with skills and employ more police I think those things would be better.

COMMISSIONER: One of the things that has worried the Commission is that many witnesses have said that it's not only about resources it's also about attitude would you agree with that?

MR BUSAKWE: I could say it is a problem which is why I'm saying if the police can be empowered with more skills to correct their attitudes, I believe that if they can go back to training I think maybe things will be right again.

MR PIKOLI: You mentioned the annual safety plan or at least you've heard about it is that correct?



INTERPRETER: Yes he says it's correct he's heard about it.

MR PIKOLI: Have you seen this annual plan?

MR BUSAKWE: As I said that I've heard about it but we have not yet completed ours.

MR PIKOLI: I'm asking because you started in April 2013 is there no plan that you've seen that maybe was used before you were elected, maybe one from 2011?

INTERPRETER: He says he has not seen one.

MR PIKOLI: Now that the year is coming to an end how far are you with this plan?

MR BUSAKWE: We are in process of doing that plan I'm not sure if the police have already completed theirs but maybe they are waiting on our annual safety plan.

MR PIKOLI: So you don't have one for 2013?

MR BUSAKWE: Ours is not yet complete I'm not sure about the police.

MR PIKOLI: Does that mean there's going to be two plans one from the CPF and one from the SAPS?

MR BUSAKWE: Yes that is correct both of us are doing it so that we don't duplicate the process and do the same things because we have to work together between the CPF and the police. That is why we call the police when we have our own things and that is why they call us when they have their own things.

MR PIKOLI: There is a report called the Shabalala report have you seen that report, there is a report called the Shabalala report that was done by a task team.

INTERPRETER: He says this is the first time he's hearing of it.

MR PIKOLI: We have heard other witness' evidence that came here to this Commission it appeared that they trust the taxi association more than they trust the police, can you comment on that if you are aware of it?

MR BUSAKWE: I have heard about something like that that people now prefer the taxi association I have heard something like that and I think the reason they are now going to the taxi association it is because the taxi association are also members of the community and I'm sure they believe that the taxi association can help the members of the community as well as the police with the conditions we are in in Khayelitsha.

MR PIKOLI: At these imbizos do you ever discuss the issue that the community appears to trust the taxi association more than the police?

INTERPRETER: He says that yes in one of the imbizos he does recall that the community members said that they preferred the taxi association.

MR PIKOLI: What did you say after that, after hearing that a lot of people trust the taxi association more than the police?

INTERPRETER: He says he also sees it that way that people trust the taxi association more than the police.

NO RE-EXAMINATION BY MS BAWA

COMMISSIONER: ...evidence the Commissioner and I have agreed that we will admit both of your statements and evidence before the Commission and of course what you have said this morning. We are grateful to you for having been here and we recognise that the work that the CPFs do is very important work and we wish you well with that.

NO FURTHER QUESTIONS

WITNESS IS EXCUSED

