

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

---

**AFFIDAVIT**

---

I, the undersigned;

**BONGANI SIKO**

do hereby make oath and state that:

- B.S R
1. I am the ~~Acting~~ Chairperson of the Khayelitsha Community Police Forum (“KCPF”) established in terms of section 19 of the South African Police Act, 68 of 1995 ) “the Act”) read together with clause 8 of the Uniform Constitution for Community Police Forums and Boards in the Western Cape (“the CPF Constitution”). I am duly authorised by the KCPF Executive to depose to this affidavit. I am also authorised to depose on behalf of the Harare and Lingeletu West CPFs.
  
  2. The facts deposed to hereunder are, unless otherwise stated or the context indicates otherwise, within my own personal knowledge and are true and correct.

BS R

3. The KCPF operates in the Khayelitsha Site B area. My duties as Acting Chairperson include chairing meetings of the KCPF; representing it at the Western Cape Police Board; reporting on the activities of the KCPF; and, overseeing the general work of the KCPF.
  
4. The objects of CPFs are set out in clause 7 of the CPF Constitution read together with section 18 of the South African Police Act. They include the following:
  - 4.1. establishing and maintaining a partnership between the community and the Service;
  - 4.2. promoting communication between the Service and the community;
  - 4.3. promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
  - 4.4. improving the rendering of police service to the community at local level;
  - 4.5. improving transparency in the Service and accountability of the Service to the community; and
  - 4.6. promoting joint problem identification and problem-solving by the Service and the community.
  - 4.7. promoting co-operation between the Service, the local community, the

B.S R

law enforcement agencies, community safety structures, victim support structures, community-based organisations and institutions and Municipal Police Service;

- 4.8. promoting respect for human rights within the ranks of the Service and the community and other law enforcement agencies operating within the community;
  - 4.9. mobilising the community and organisations in the community to join Forums, Sub-Forums, Community Safety Structures and Victim Support Structures;
  - 4.10. assisting with the initiation and coordination of social crime prevention programmes and projects in conjunction with the Service and other community structures and law enforcement agencies;
  - 4.11. calling the Service to account on the achievement of its objectives in terms of section 205(3) of the Constitution.
5. At the outset, I must say that the Communities of Khayelitsha, Harare and Lingeletu West are very disappointed that the Premier failed to consult any of the CPFs or the sub-forums about the alleged perception of police inefficiencies and breakdown in community trust of the SAPS, before she appointed the Commission. Instead, the Premier appears to have acted at the instigation of certain NGOs that approached her to appoint the Commission.
6. Given our primary responsibilities as CPFs we reasonably expected to be

B.S. R

consulted by the Premier before she appointed the Commission. By ignoring the views of the CPFs there is a real risk that the legitimacy of the Commission of Inquiry may be compromised. Any unwillingness to cooperate with the Commission should not come as a surprise.

7. It was clear that the only organisations that the Premier was prepared to take seriously were the funded NGOs. We welcome the work of NGOs in our community to improve the lives of people, but it is very disheartening when their views are elevated above those of legitimate CPSs that are community-based.
8. NGOs that operate in Khayelitsha for the purpose of advancing general matters of social justice are not part of a statutory infrastructure aimed at enhancing the community policing and advancing co-operation between the community and the SAPS. They act as lobby groups with a broader social justice agenda than just the state of policing.
9. CPFs are composed of community members who on a regular basis volunteer their time assist the community to utilise the services offered by the SAPS and for the SAPS to understand the community and its members. Through the CPFs the SAPS are provided with direct sources of information on criminality, causes of crime and where to conduct investigative and policing functions. The CPFs ensure that the community members themselves assist the SAPS to prevent or investigate crimes.
10. In my view, one of the main reasons why the CPFs do not operate optimally in

B.S R

Khayelitsha has little to do with police inefficiency and a breakdown in community trust. They have to do with the lack of resources to fund the activities of the CPFs and sub-forums. Although the CPFs are statutory forums, they do not have funding for their work. They are organised on a voluntary basis. They nevertheless perform important work for both the community and the SAPS.

11. Regular meetings are held by CPFs and sub-forums with the SAPS and the community. Sector policing is carried out, sub-forums exist and imbizos take place within the sectors. The CPFs train neighbourhood watch committees who cooperate with them. The CPFs receive and process community complaints.
12. To illustrate the nature of their meetings and the issues that the CPFs address, I attach copies of minutes of meetings as bundles “BS2”, “BS3” and “BS4”, respectively. “BS2” are minutes of meeting for Khayelitsha CPF; “BS3” are minutes of meetings for Lingelethu CPF; and, “BS4” are minutes of meetings for Harare CPF.
13. A perusal of “BS2” shows that the Khayelitsha CPF is active and concerns itself with the policing activities relating to the Khayelitsha Police Station and the community. I highlight the following:
  - 13.1. In the meeting of 24 October 2012, the KCPF discussed the Commission of Inquiry and expressed regret that the Premier had overlooked them in her decision to establish a Commission of Inquiry.

B. S. du

- 13.2. The minutes of 19 August 2012 indicate that meetings took place in June 2012. On 19 June 2012, there was a report on the visit by the Minister of Police to the community of Khayelitsha. The minute records that the “*community spoke on challenges they face*”.
- 13.3. There was a meeting on 7 July 2012, which also reflects that the KCPF is active. A meeting took place on 12 April 2012. Reference to previous minutes is made. In that meeting, the Station Commander opened an independent office for the CPFs from which to operate. There are also references to: the arrest of the Chairperson of the CPF; <sup>subforum</sup> the increase in rape incidents; the need for immediate community involvement in curbing the increase in crime; the intervention by the SAPS at a problematic tavern; matters involving schools, the suggestion box, the role of councillors, the SAPS crime report. At that meeting it was agreed that regular meetings would take place every second Thursday of the new month. <sup>B.S. R</sup>
- 13.4. At a meeting on 1 March 2012 the discussions included reference to the provision of an office and furniture for the CPF; year programs; workshop on school gangs; sector policing, and specific mention of increase in vigilante activities in UT Block, identification of sector crime trends; crime report from SAPS and focus areas.
- 13.5. At a meeting on 2 February 2012 reference was made to minutes of previous meetings; year planning; crime report from SAPS; sector policing activities including areas of immediate concern and requiring <sup>B.S. R</sup>

attention; problems with unpaid reservists, problems areas.

- 13.6. At a meeting on 27 October 2011 various issues were discussed including strengthening CPFs and the SAPS relationship; feedback from the Sub-Forums and Crime report from the SAPS.
- 13.7. At a meeting on 23 August 2011, the CPFs and the SAPS engaged on the various issues affecting policing in the community. There is reference to vigilante incidents at Site C. I quote: *“Two persons were arrested after residents from Site C brought the culprits to the police station, rather than taking the law into their own hands by means of ‘bhundu court’.* Captain van der Vyver to thank the community in the local paper.” There was also a report-back on the Gender Conference held in Khayelitsha. The issue of missing children was discussed. It was agreed that CPFs should intervene. Under projects Constable Jacobs reported on a meeting for 26 August 2011 dealing with vigilante murders experienced by the community of Site C, which would be addressed by people from the Department of Justice. There was a report back on sector policing activities; feedback from the Metro-Police and crime report from the SAPS.
- 13.8. At a meeting on 28 July 2011 reference was made to previous meetings, workshops held by the Department of Correctional Services; the role of CPFs in crime prevention, the report on ‘street-theatre against crime’ and its success; crime report, in particular gang violence; Gender Free Conference

B.S. Lw

- 13.9. At a meeting on 1 March 2011 the role of CPFs, the CPFs work with Communication and Social Crime Prevention Desk, and the introduction of the new Station Commander, Brigadier Dladla were discussed.
- 13.10. The minutes of a meeting held on 6 November 2010, in which new CPF representatives were elected, indicate that three previous successful AGMs had been organised for the CPF.
14. "SB2" indicates regular meetings of CPFs in the Harare Police Station.
15. At their meetings, the SAPS inform the CPFs on the policing strategy at each station and seek the input of CPFs. There are times where the policing program is revised following consultative meetings with the SAPS. For example deployments on the road going to the train station are higher during the mornings and evenings because that is when people are most vulnerable, going to work or coming from work. The decision to increase the deployments along the road to the train station at these times was taken after consultation with the community.
16. Individual CPFs operate within sub-forums and sectors by dividing communities into smaller and manageable policing precincts. Through these sectors and sub-forums, the SAPS members are introduced to the community members in the sector. Because the sectors are smaller, the SAPS get to know the people within the sector. This builds trust and confidence for the community members.

B.S R



17. The CPFs encourage the calling of imbizos at which the community members are able to meet and express themselves including any evidence of police inefficiency.
18. Police operations are sometimes determined by needs expressed in the sectors; for example, when a sector complains to the SAPS about hot spots like taverns or the need for visible policing during Friday and Saturday nights.
19. Our experience is that the imbizos are a valuable source of information for policing strategy because people raise complaints about service delivery issues, potential areas of conflict and the failures of the justice system.
20. When we obtain information from the imbizos, we share it with the SAPS. Where the issues relate to police misconduct that is raised pertinently for the SAPS to deal with.
21. The problems that people have raised, particularly those attending the community imbizos and sectors, relate to service delivery and the justice system. People from the informal settlement have unique problems of service delivery which seem to promote and encourage criminal activities.
22. There is of course much room for improving policing in Khayelitsha. The biggest hurdle is however the degrading socio-economic conditions that exist. There is a direct link between crime and poor service delivery; lack of proper housing and sanitation; and large-scale unemployment.

---

B.S.R.



**BONGANI SIKO**

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to at Cape Town.....on this 4<sup>th</sup> day of **DECEMBER 2013** in accordance with the provisions of Regulation R128 dated 21 July 1972, as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR774 of 23 April 1982.



**COMMISSIONER OF OATHS**

PEARL LUCY NOMVULA MATHIBANE  
 ADVOCATE OF THE HIGH COURT OF  
 SOUTH AFRICA  
 c/o 9<sup>TH</sup> FLOOR  
 HUGUENOT CHAMBERS  
 40 QUEEN VICTORIA STREET  
 CAPE TOWN