

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

OPENING STATEMENT

City of Cape Town

Date: 23 January 2014

Source: Pages 33 - 38 of Commission transcript

MR KATZ: Thank you, Justice O'Regan and Adv Pikoli. I have prepared an opening statement in writing and have given a copy to the interpreters to assist them in the task of following my address as I proceed. Before I turn to the opening statement I wish to just make a preliminary comment from personal perspective. The opening statement deals with the City's and what it intends to do to assist the Commission in its work. The personal comment is this, I sit here and I experienced a sense of dignity from all of the people here especially the community and in the concluding remarks of my opening statement I talk about the dignity that people in Khayelitsha should enjoy on an every day basis and one hopes that the sense of dignity that is experienced in this hall will permeate into the lives of those in respect of whom this Commission has been set up. So I turn to the opening statement and I say that the City's submissions concerning the issues before the Commission are first - or sort of preliminary - the terms of reference issued by the Premier of the Western Cape in setting up the Commission do not include the City of Cape Town. Nonetheless, the City has taken the position that it will do whatever it can to assist and cooperate with the work of the Commission, the work of SAPS and all the other parties involved in the work of the Commission such as the Social Justice Coalition and the other non-governmental organisation.

First, the City accepts as a fact and in principle that infrastructure and service delivery may well and probably does in some instances affect policing in a particular area.

Secondly, the City has as one of the objects of local government as set out in Section 152 of the Constitution, the obligation to promote a safe and secure environment. It works towards this in terms of its enforcement actions of Traffic and by-law enforcement as well as supporting the SAPS in a limited crime prevention duty through its Metro

Police.

Thirdly, the City accepts that it has constitutional obligations in respect of socio-economic rights generally and those that could affect policing. The City notes that there is no suggestion that it has in any way breached or contributed to the breach of the constitutional rights implicated by the policing issues directly. The arguments advanced by the Social Justice Coalition and others are to the effect that the City's service delivery programmes could be improved to assist policing must be assessed against the voluminous and extensive documents that the City has submitted to the Commission.

The City's documentation sets out in detail the City's service delivery programmes and rollout in the past and for the forthcoming years. Included in the documentation are the City's programmes in relation to the provision of sanitation services, water, electricity, street lighting, bush clearing, housing including the upgrading of informal settlements, provision of new houses and de-densification. It also has provided evidence of the CCTV cameras setup to help policing in Khayelitsha. The City explains why its efforts in respect of service delivery are compromised by vandalism and sometimes resistance by overpopulated areas to its de-densification programmes.

On Monday 20 January 2014, three days ago, the City reported that many millions of rand were spent by it in repairs to broken down structures resulting from vandalism and theft. I quote: "In 2012 the City's electricity and services department initiated a pro-active public lighting repairs programme in the Khayelitsha area. The net result of this work was that the burning rate in major parts of Khayelitsha improved from approximately 30 to approximately 90. There are more than 204 settlements, informal settlements in Cape Town, and it is clear from the evidence before the Commission by the experts called by the Social Justice Coalition and the evidence leaders that urbanisation in general and the consequent rapid increase in the population of Cape Town and particular Khayelitsha places significant constraints on the ability of the City to rise to all the development challenges it is confronted with throughout its jurisdiction.

I turn now to talk to the City's stance in respect of the evidence that is to be led and has been led. The City regards the detailed and voluminous documentation it has provided to the Commission in seven lever arch files consisting of more than a thousand pages as important and significant evidence to be considered by the Commission in its deliberations. During the Commission the City does not intend to cross-examine or submit interrogatories to those witnesses who make broad and generalised suggestions that the City's service delivery programme is insufficient or defective in any way. The City will

request and does request the Commission to consider the extensive documentation that it has submitted bearing in mind the critical analysis made by those experts which are in broad terms vague and generalised.

The City will also make available a witness to explain its CCTV camera crime prevention and control operation and provide the Commission open and complete access to the CCTV section of the transport management operation operating out of Goodwood.

It will also make available as a witness Mr Richard Bosman, the Executive Director of the City's Safety and Security Directorate. Mr Bosman has already provided a detailed statement to the Commission on those aspects raised by the Commission which related to the City. I'd now make some general concluding remarks. During the High Court and Constitutional Court proceedings related to the existence of this Commission the City filed short affidavits from Mr Bosman and Ms Deidre Oliver, the City's attorney and I submitted written submissions to the Constitutional Court.

The City's stance was, as it is now and intends to be, to assist and cooperate with all institutions whether they be governmental or non-governmental organisations and indeed the Commission itself to assist the policing function in Khayelitsha. The City does this so that as many people as possible, if not all, may enjoy their Section 12 constitutional right to freedom and security of the person from all forms of violence from either private or public sources and that every man, woman and child's right to dignity as a human being is respected, protected, promoted and fulfilled. Thank you.

COMMISSIONER: Thank you, Mr Katz.