

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

3<sup>rd</sup> Floor Harare Library Building, 42 Ncumo Street, Harare, Khayelitsha  
Website: [www.khayelitshacommission.org.za](http://www.khayelitshacommission.org.za). Email: [info@khayelitshacommission.org.za](mailto:info@khayelitshacommission.org.za). Telephone: 079 688 2427

"AL85"

**Subpoena in terms of Section 3(1)(a) and Section 3(2)(b)(iii) of the Western  
Cape Provincial Commissions Act 10 of 1998: SERVICE NOTICE**

Served by:

Amanda Dissel  
Secretary of the Commission

Served on:

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Colonel M.F. Reitz  
Station Commander  
Lingelethu West Police Station  
Makabeni Street  
Lingelethu West  
Khayelitsha

Or

Received on behalf of Colonel Reitz

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On this            day of October 2012.



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RETURN OF SERVICE

I hereby certify that I have served this subpoena by handing a true copy thereof to:

Col Reitz

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on this 30th day of October 2012 at 15 h 55



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SIGNATURE

NAME: Amanda Dissel

CAPACITY: Secretary of the Commission  
of Inquiry



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

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**Subpoena in terms of Section 3(1)(a) of the Western Cape  
Provincial Commissions Act 10 of 1998**

**30 October 2012**

**TO : Colonel MF Reitz  
Station Commander  
Lingeletu West Police Station  
Makabeni Street  
Lingeletu West  
Khayelitsha**

**KINDLY BE PLEASED TO TAKE NOTE:**

1. THAT YOU ARE required, in terms of section 3(1)(a) of the Western Cape Provincial Commissions Act 10 of 1998 ("the Act") to appear before the Commission of Inquiry into Allegations of Police Inefficiency in Khayelitsha and a Breakdown in relations between the Community and the Police in Khayelitsha ("the Commission") at a sitting on 12 November 2012 at 09h30 or so soon thereafter as necessary at the OR Tambo Hall, corner Mew Way and Lansdowne Rd, Khayelitsha, to give evidence, and/or to answer questions relevant to the investigations being conducted by the Commission at a sitting relating to the Commission's terms of reference as set out in Proclamation 9 as published in Western Cape Provincial Gazette No 7026 dated 24 August 2012 ("the Gazette").
2. The terms of reference of the Commission are to:  
  
"investigate complaints received by the Premier relating to allegations of-  
(a) inefficiency of the South African Police Service (SAPS) stationed at Site B, Bonga Drive, Khayelitsha; Steve Biko Road, Harare, Khayelitsha; and



Makabeni Street, Lingeletu West, Khayelitsha and any other units of the SAPS operating in Khayelitsha, Cape Town; and

(b) a breakdown in relations between the Khayelitsha community and members of the SAPS stationed at the aforesaid police stations in Khayelitsha or operating in Khayelitsha”.

3. FURTHER THAT YOU ARE required to produce before the Commission on 12 November 2012 such books and/or documents in written or electronic format and/or objects your possession or in your custody or under your control as detailed hereinbelow.

3.1 All books and/or documents which contain details of the names and location of other units of the SAPS operating in Khayelitsha other than the three police stations mentioned in in paragraph 2 above and the names and contact details of the officers in command of such units.

3.2 Copies of all occurrence books from the Lingeletu West police station (“the police station under your command”) for the period 1 January 2010 – 31 August 2012.

3.3 All books and/or documents reflecting the staff component of the police station under your command, including the following information:

- a. the names and service numbers of commissioned officers;
- b. the names and service numbers of non-commissioned officers;
- c. the names and service numbers of police reservists appointed in terms of section 48(2) of the South African Police Service Act 68 of 1995 as amended (“the SAPS Act”);
- d. the names and service numbers of all detectives;
- e. the number of administrative/clerical staff, and their qualifications;
- f. the race and gender breakdown of the staff referred to in sub-paragraphs (a), (b), (c) and (d) above,

for the period 1 January 2010 – 31 August 2012.

3.4 All books and/or documents reflecting which of the police staff members referred to in paragraph 3.3 (a) to (d) above have driving licences for the period 1 January 2010 – 31 August 2012.



Makabeni Street, Lingeletu West, Khayelitsha and any other units of the SAPS operating in Khayelitsha, Cape Town; and

(b) a breakdown in relations between the Khayelitsha community and members of the SAPS stationed at the aforesaid police stations in Khayelitsha or operating in Khayelitsha".

3. FURTHER THAT YOU ARE required to produce before the Commission on 12 November 2012 such books and/or documents in written or electronic format and/or objects your possession or in your custody or under your control as detailed hereinbelow.

3.1 All books and/or documents which contain details of the names and location of other units of the SAPS operating in Khayelitsha other than the three police stations mentioned in in paragraph 2 above and the names and contact details of the officers in command of such units.

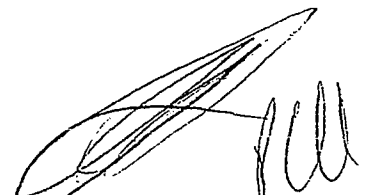
3.2 Copies of all occurrence books from the Lingeletu West police station ("the police station under your command") for the period 1 January 2010 – 31 August 2012.

3.3 All books and/or documents reflecting the staff component of the police station under your command, including the following information:

- a. the names and service numbers of commissioned officers;
- b. the names and service numbers of non-commissioned officers;
- c. the names and service numbers of police reservists appointed in terms of section 48(2) of the South African Police Service Act 68 of 1995 as amended ("the SAPS Act");
- d. the names and service numbers of all detectives;
- e. the number of administrative/clerical staff, and their qualifications;
- f. the race and gender breakdown of the staff referred to in sub-paragraphs (a), (b), (c) and (d) above,

for the period 1 January 2010 – 31 August 2012.

3.4 All books and/or documents reflecting which of the police staff members referred to in paragraph 3.3 (a) to (d) above have driving licences for the period 1 January 2010 – 31 August 2012.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several loops and a vertical stroke, resembling the name 'A. van der Merwe'.

- 3.5 All books and documents reflecting the approved establishment number of staffing for the police station under your command for the period 1 January 2010 – 31 August 2012, including reference to ranks/grades.
- 3.6 All books and documents reflecting vacancies that existed at the police station under your command during the period 1 January 2010 – 31 August 2012.
- 3.7 All books and documents reflecting the number of days of staff absenteeism for each category as mentioned in 3.3 (a) to (e) for the period 1 January 2010 – 31 August 2012.
- 3.8 All books and/or documents reflecting complaints and reports referred to and from the Independent Complaints Directorate (ICD) in terms of section 53 of the SAPS Act in the period 1 January 2008 to 31 March 2012 in respect of the police station under your command as well as any books and/or documents indicating any subsequent progress, including when and how such complaints were resolved.
- 3.9 All books and/or documents reflecting complaints and reports referred to and from the Independent Police Investigative Directorate (IPID) in terms of section 29(1) of the Independent Police Investigative Directorate Act 1 of 2012 in the period 1 April 2012 to 31 August 2012 in respect of the police station under your command as well as books and/or documents indicating any subsequent progress, including when and how such complaints were resolved.
- 3.10 All books and/or documents reflecting other complaints made at the police station under your command about police conduct that were not referred to the ICD/IPID during period 1 January 2008 – 31 August 2012, including books and/or documents reflecting how such complaints were resolved.
- 3.11 Minutes of meetings with the Community Police Forum established in terms of section 19 of the SAPS Act in your area and in relation to the police station under your command for the period 1 January 2008 – 31 August 2012.
- 3.12 All books and/or documents reflecting the annual crime statistics for the police station under your command for the period 1




January 2008– 31 August 2012.

- 3.13 All books and/or documents relating to skills audit conducted for the police station under your command during the period 1 January 2010 – 31 August 2012.
- 3.14 All books and/or documents reflecting all details of performance evaluations for staff members referred to in paragraph 3.3 (a) to (d), and reflecting disciplinary complaints or proceedings for the period 1 January 2010 – 31 August 2012, including but not limited to the bi-annual performance enhancement process whereby they are individually scored on performances. (In relation to the information provided under this sub-clause the Commission will not make public the names of individual police officers.)
- 3.15 All books and/or documents reflecting details of criminal prosecutions instituted in relation to staff members referred to in paragraph 3.3 (a) to (d) for the period 1 January 2010 – 31 August 2012 in relation to conduct arising from performance of their duties. (In relation to the information provided under this sub-clause the Commission will not make public the names of individual police officers.)
- 3.16 All books and/or documents reflecting details of all performance evaluations conducted of the police station under your command during the period 1 January 2010 – 31 August 2012.
- 3.17 All books and/or documents reflecting the number of dockets under investigation by each detective officer at the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.18 All books and/or documents containing information on visible policing patrols and/or sector policing conducted from the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.19 All books and/or documents reflecting the number of vehicles allocated to the police station under your command during the period 1 January 2010 – 31 August 2012 and the operating status of those vehicles, including any accident reports relating to these vehicles during that period.

A large, dark, circular scribble or signature mark is located in the bottom right corner of the page. It appears to be a stylized signature or a large 'X' mark.

- 3.20 All books and/or, documents reflecting the number of cases at the police station under your command which required ballistics analysis and time taken to receive that analysis for the period 1 January 2010 – 31 August 2012.
- 3.21 All books and/or documents reflecting the number of cases at the police station under your command which required forensic or laboratory analysis and time taken to receive that analysis for the period 1 January 2010 – 31 August 2012.
- 3.22 Copies of all standing orders, national orders and instructions (section 25 of the SAPS Act) and provincial orders and instructions (section 26 of the SAPS Act) in force in respect of the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.23 Copies of all information books for the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.24 Copies of all domestic violence registers for the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.25 Copies of reports relating to the discharge of official police firearms by police officers at the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.26 Copies of reports relating to the loss and/or disappearance of official police firearms at the police station under your command for the period 1 January 2010 – 31 August 2012.
- 3.27 All books, documents and/or objects containing information concerning incidents of vigilante and/or mob killings in Khayelitsha in the period 1 January 2010 – 31 August 2012 including any docket numbers relating to any criminal investigations arising from such events.
- 3.28 All books, documents and/or objects containing information concerning incidents of vigilante and/or mob violence in Khayelitsha in the period 1 January 2010 – 31 August 2012 including any docket numbers relating to any criminal investigations arising from such events.
- 3.29 All books, documents and/or objects containing information

A handwritten signature in black ink, followed by the date '12/11' written vertically.



relating to informal justice processes that purport to deal with crime or mete out punishments in Khayelitsha in the period 1 January 2010 – 31 August 2012.

- 3.30 All books and/or documents containing information relating to resource constraints affecting the work performed by the police station under your command, including actual as well as desirable or ideal resource plans devised in relation to the police station under your command for the period 1 January 2010 – 31 August 2012.
  - 3.31 All reports prepared by the National Inspectorate and/or the Provincial Inspectorate of the SAPS which relate to or include reference to the police station under your command for the period 1 January 2010 - 31 August 2012.
  - 3.32 All books and/or documents reflecting the Western Cape: Provincial Commissioner's station performance ranking for the police station under your command for the period 1 January 2010 to 31 August 2012.
  - 3.33 All books, documents and/or objects relating to the awards, commendations and bonuses awarded to the police station under your command and/ any of the police staff members specifically as referred to in paragraph 3.3, including awards contemplated in section 44 of the SAPS Act.
  - 3.34 Copies of all reports prepared by you and/or persons at the police station under your command furnished to the National and/or Provincial Commissioners in response to complaints raised by the Social Justice Coalition, Treatment Action Campaign, Equal Education, Triangle Project and Ndifuna Ukwazi for the period 1 January 2008 to 31 August 2012.
  - 3.35 All books, documents and/or objects relating to the completed prosecution which were investigated under docket numbers CAS 630/11/10 and CAS 791/4/2010 at the police station under your command.
4. THAT YOU ARE required to give evidence and/or to answer questions relating to the above.
  5. THAT in terms of Regulation 7 published in Schedule B of Proclamation 9 referred to in paragraph 1 above no evidence that comes to light during



the proceedings of the Commission is admissible in any civil or criminal proceeding, except in criminal proceedings where the person concerned has been charged with an offence in terms of section 4 of the Western Cape Provincial Commission's Act 10 of 1998.

6. THAT in terms of sections 3 and 4 of the Act, the Commission may require you to take the prescribed oath or to make an affirmation. The proceedings, which will be conducted in public, shall be recorded.
7. THAT you will be obliged to remain in attendance at the hearings of the Commission until so excused.
8. THAT YOU ARE entitled, in terms of section 3(7) of the Act, to appoint a legal representative to assist you during the course of the proceedings referred to above and that in the event that you are not financially capable of instructing a legal representative you may apply for legal aid.

THAT in terms of Section 3 of the Act and subject to the provisos provided for therein having been complied with, you shall, if required, be compelled to answer any question put to you in regard to the subject matter of the inquiry and/or to produce any article or thing which is in your possession, in your custody or under your control.

AND THAT in terms of Section 4 of the Act if you, without sufficient cause, fail to attend at the time and place specified herein above, or fail to remain in attendance until the conclusion of the proceedings or until excused from further attendance therefrom, or fail to produce any book, document or object referred to in paragraph 3 above that is in your possession or custody or under your control, you shall be guilty of an offence and liable on conviction to a fine not exceeding R12 000, or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

AND FURTHER THAT in terms of Section 4 of the Act if you, without sufficient cause, refuse to be sworn in or to make an affirmation as a witness or, once you have been sworn in or have made an affirmation, fail or refuse to answer fully and satisfactorily to the best of your knowledge and belief any question lawfully put to you, you shall be guilty of an offence and liable on conviction to a fine, not exceeding R12 000, or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

AND FURTHER THAT in terms of section 3(6) of the Act, witnesses who have been subpoenaed to appear before the Commission shall be entitled



to the same witness fees as if that person had appeared as a witness in the High Court.

Dated at Cape Town on 30 October 2012.

SECRETARY OF THE COMMISSION  
AMANDA DISSEL

REFERENCE:

Enquiries: Secretary of the Commission: Amanda Dissel 082 417 1407

A handwritten signature in black ink, appearing to be 'Amanda Dissel', located in the bottom right corner of the page.