

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

SEVENTH PARLIAMENT

THURSDAY, 13 NOVEMBER 2025

EXECUTIVE STATEMENT

[EMBARGOED UNTIL DELIVERY IN THE HOUSE AT 10:00 ON 13.11.2025]

Speaker, gang-related violence and murder is a pandemic affecting far too many of our residents in the Western Cape. The lives of innocent children, mothers, fathers and grandparents have been senselessly taken – destroying families and the fabric of communities.

Decisive action is required. We cannot and will not be silent on this matter. This is not an issue to be cheaply politicised, but rather one that requires us all to unite with one voice.

In recent weeks, public attention has once again been focussed on the implications of the 2022 bail appeal judgement handed down by Judge Daniel Thulare, which referenced possible infiltration of the South African Police Service (SAPS) Western Cape leadership by elements of organised crime – specifically the 28s Gang.

While harrowing, I am pleased to see the attention of the public, media, and society at large focus on these serious allegations once again.

If proven true, they represent one of the greatest betrayals of our residents since the dawn of our democracy. Those entrusted with protecting our communities, now working with the same criminals hellbent on destroying those communities.

In some recent media reporting, the lack of progress by entities outside the control of the Western Cape Government has been portrayed, in bad faith, as reluctance on my and this government's part to fully investigate this matter.

This is patently untrue.

Over the past three years, this government has continuously fought to have this matter properly investigated, and to have those found wanting prosecuted and locked away.

The purpose of this executive statement is to set the record straight, and to make it abundantly clear to this House, and to the public whom we serve, exactly what has been done thus far, the actions we have taken as a government, and the further action that must now be embarked upon.

On 27 October 2022 – 10 days after the Thulare judgement was delivered - the Western Cape Police Ombudsman (WCPO) received my complaint.

The scope of the ombudsman's investigation was to advise me, within a 14-day period, on what course of action I was empowered to take, and whether it would be prudent to establish a commission of inquiry into the allegations contained in the judgment.

The ombudsman's final report was handed to me on 17 November 2022.

Despite the ombudsman's efforts to obtain relevant evidence linked to Judge Thulare's comments, as well as comments from the SAPS and the National Prosecuting Authority (NPA), both bodies were unable to respond, as the matter was *sub judice*.

Again, it is important to note that Judge Thulare's comments were made in a bail appeal judgment, and the criminal trial was still to take place. In fact, three years later, this criminal trial has still not been concluded.

In his recommendations, the ombudsman ultimately advised, "*that despite the serious nature of the allegations, the provisions of section 217(6) of the Western Cape Community Safety Act, 2013 are not invoked to appoint a commission of inquiry*". This was due to the pending criminal trial and that a commission of inquiry would face legal challenges to access any records, evidence or witness testimony.

I found this recommendation aligned with my own views toward establishing a commission, especially given the fact that the SAPS has still not implemented the recommendations of the Khayelitsha Commission of Inquiry that took place over a decade ago.

The ombudsman went on to provide the provincial Cabinet with three options.

The first two options entailed action being taken against the provincial commissioner of police, with his potential removal from the post. This was considered inappropriate as the allegations emanated under his predecessor, and Lieutenant-General Patekile was working in good faith with the provincial government, and attending regular briefing sessions.

I thus resolved to comply with the ombudman's third recommended option, which entailed awaiting the outcomes of ongoing parallel investigations led by the Independent Police Investigative Directorate (IPID) and the SAPS – bodies with the relevant authority to conduct full investigations into the allegations – before taking a decision on the way forward.

However, we did not fold our arms at this point. We continued to place pressure on the relevant authorities to expedite these investigations. The Minister of Police Oversight and Community Safety held meetings with the Executive Director of IPID and formally wrote to the Executive Director to request IPID investigate the allegations.

Nearly two years later, on 1 October 2024, the IPID investigation finally commenced. While the Terms of Reference for the IPID investigation note that a full timeframe of its investigation could not be predetermined, they did state that a comprehensive report on preliminary findings will be made available within 12 months. That deadline recently passed, and Minister Marais has written to IPID to request a formal update on the preliminary findings.

Minister Marais also requested a meeting with the National Minister of Police, Mr Senzo Mchunu, on 8 October 2024 to discuss the proposed support to IPID to deal with these critical investigations. Unfortunately, that meeting request as well as three subsequent requests to secure a meeting with Minister Mchunu went unanswered.

Given the apparent lack of urgency from national bodies tasked with investigating these allegations, I decided that more needed to be done. It was for this reason that I sought to have senior leadership of the Western Cape SAPS subjected to lifestyle audits.

As members of this House are aware, I consider lifestyle audits a critical part of maintaining public trust in government, and it is for that reason that the Western Cape is the only province that consistently completes lifestyle audits of its cabinet members. I firmly believe that in light of the serious implications raised by the Thulare judgement, the senior leadership of the SAPS should be held to the same standard.

Our request for lifestyle audits for senior members of the Western Cape SAPS was first contained in a letter to the provincial commissioner on 17 April 2023. Noting budget constraints and how seriously we took these allegations, we even offered to pay for these audits.

My office followed up on that letter on multiple occasions over two years, including escalating the request and offer to two national ministers of police. Verbal agreements were later met with written declines to take up our offer.

On 28 February 2025, Minister Mchunu's office reverted, stating that, "The Minister has noted the contents of the letter and requests you to continue with the implementation working with the Provincial Commissioner of the Western Cape Lt Gen Patekile."

But on 5 March 2025, a letter from Lt Gen Patekile was received by my office in which he declined the Western Cape Government's offer to fund the lifestyle audits.

I do however wish to acknowledge positive movement and engagements with Acting Police Minister Cachalia since entering office. Earlier this week he commented on an updated anti-gang violence strategy that was developed following his visit to the Western Cape. The implementation of this revised strategy is urgent, and we will support it in any way possible.

As can be seen from the above sequence of events, we have done everything within our power to act in good faith, to support the relevant investigative processes, and to drive efforts to uncover the truth of this matter.

But now, given the fact that important deadlines have passed without any update from IPID and that the national SAPS does not seem to have acted with urgency this matter desperately requires, the delays we have faced in this process have become unacceptable and can no longer be tolerated. We are now publicly demanding action and answers from IPID and the SAPS.

Today, I am tabling the report I received from the ombudsman to this House. To date, I have not done so to demonstrate good faith with the SAPS and IPID, and to protect those involved with the investigation. The necessity of this latter consideration can be in no doubt, as in the original matter heard by Judge Thulare, no fewer than three witnesses had already been murdered. It is for this reason that I have ensured that the relevant identities have been redacted in the report being tabled.

I also wish to inform the House that Minister Marais has written to the Chairperson of the national Portfolio Committee on Police, to whom IPID reports, to request that that committee investigates the slow progress of the investigation into Judge Thulare's comments.

I believe it is clear that our efforts – wilfully or otherwise – have been obstructed thus far.

I am appealing to this House to support us as we get to the bottom of this matter. For years now, the national SAPS has been unwilling or unable to work with this government to solve the burning issue of gang-related crime that continues to devastate too many communities. The thought that this may be due to infiltration of the SAPS's highest levels of decision making by organised criminals – is horrifying.

We have a duty to do everything we can to force those with the power to shine a light on what is potentially one of the darkest hours of not just the Western Cape, but South Africa's criminal justice system. I believe that duty extends to this House, too.