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**Our ref. DJ Eloff/MAT4135**

**Your ref.**

24 January 2022

**SOUTH AFRICAN POLICE SERVICE- FORENSIC SCIENCE LABORATORY**

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Dear Major General EK Ngokha,

**RE: ACTION SOCIETY // SOUTH AFRICAN POLICE SERVICE- FORENSIC SCIENCE  
LABORATORY - DNA ANALYSIS BACKLOG**

1. We write to you on behalf of Action Society, a registered non-profit company and civil rights organisation (hereafter “our client”). Our client acts in the interest of its supporters and the interest of the public through active advocacy for policy change and is driven by a purpose to provide a voice to the voiceless.

2. We refer to the presentation made to the Parliamentary Portfolio Committee on Police titled *“Progress made in dealing with and the elimination of the DNA Analysis Backlog in the SAPS”* dated 24 August 2021. This letter is intended, in the main, to raise certain concerns and pose particular questions to the South African Police Service Forensic Science Laboratory (hereafter “NFSL”) regarding the continued backlog in DNA analysis.
3. As you are undoubtedly aware the current backlog in the NFSL and the collapse of the police's DNA processing capabilities has had and continues to have catastrophic consequences for the criminal justice system. The extremely negative effects that these circumstances have on the citizens of our country raise important constitutional issues about the responsibilities of your office and of the South African Police Services, both of whom are constitutionally required to do everything in your collective power to combat crime and to protect the citizens of South Africa.
4. It is common cause among all right-minded people that the effective processing of forensic DNA is an essential and effective weapon in the fight against crime. However, due to the continued backlog this potential of effective forensic DNA processing is not achieved.
5. During a previous parliamentary presentation, the South African Police Service undertook to ensure that by 1 October 2021 private contractors would be appointed in order to exclusively deal with the current DNA backlog. KRISP at the University of KwaZulu-Natal and CAF at the Stellenbosch University were reportedly identified as suitable candidates to privately assist with curbing the DNA backlog. However, we are reliably informed that no such appointments have been made and consequently the DNA backlog continues to grow.
6. A successful criminal justice system is largely dependent on the successful collection, analysis and interpretation of DNA. Victims of violent crimes and especially gender-based violence have been made to look on, powerless, as the police can no longer say with certainty where the evidence crucial to the outcome of their criminal trials are.

**REQUEST**

7. In light of the above, we request written feedback on the following questions:
  - 7.1. What reasons exist as to why no private contractors have been appointed?
  - 7.2. When will the private contractors be appointed?
  - 7.3. What steps will the South African Police Service take to expedite the appointment of private contractors, especially given the fact that another three months have passed since October 2021 and the DNA backlog has grown?
  - 7.4. What progress is being made with the construction of a new NFSL laboratory in Gqeberha and by when will the construction be completed?
  - 7.5. What is the status of the procurement of personal protection equipment for current NFSL staff? Our client is reliably informed that the staff do not currently have access to adequate protective gear.
  - 7.6. How many DNA samples are currently registered of the NFSL which are behind schedule in the following categories:
    - 7.6.1. Overdue by between 1 and 30 days;
    - 7.6.2. Overdue by between 31 and 60 days;
    - 7.6.3. Overdue by between 61 and 90 days;
    - 7.6.4. Overdue by between 91 and 120 days;
    - 7.6.5. Overdue by more than 120 days?
  - 7.7. Which preparatory steps and measures have been taken by the NFSL in to accommodate the DNA samples taken from schedule 8 arrestees which will become compulsory from 1 February 2022 as per the proclamation by the President of the Republic of South Africa dated 16 December 2021 (attached hereto for ease of reference)?
8. Should the documents or information requested above not be provided, our client reserves its right to enforce the production of same through the *Promotion of Access to Information Act, 2 of 2000*.

9. Our client wishes to remind you of the obligation placed on organs of state to respond to correspondence directed to it which obligation is further accentuated by the constitutional nature of the central topic of this letter.
  
10. We look forward to receiving your urgent response by **8 February 2022**.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Eloff', written in a cursive style.

**HURTER SPIES INC.**

**Daniël Eloff**