



14 July 2022

SPEAKER OF NATIONAL ASSEMBLY

Parliament Building,

Room E118,

Parliament Street,

Cape Town

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Dear Honourable Madam Speaker Nosiviwe Mapisa-Nqakula,

RE: ACTION SOCIETY NPO & IAN CAMERON // MINISTER OF POLICE

1. Action Society is a registered non-profit company and civil rights organisation which acts in the interest of its supporters and the interest of the public through active advocacy for policy change and effective implementation of policy. Action Society seeks to facilitate our stated aims of mobilising change and supporting the vulnerable in need of such support.
2. Action Society is also driven by a purpose to provide a voice to the voiceless and recourse to those who have been let down by the institutions that should protect them, such as the South African Police Service ("SAPS"). Mr Ian Cameron is the Director of Community Safety at Action Society.
3. Therefore, this letter and petition are sent in the interest of Action Society, Mr Cameron, and the public interest.



PURPOSE OF CORRESPONDENCE

4. The purpose of this correspondence is twofold. Firstly, we seek to bring to your attention the conduct of the incumbent Minister of Police, Mr Bheki Cele, which forms the basis of this complaint. Secondly, to request that you, in your capacity as Speaker of the National Assembly, investigate this matter, report thereon to Parliament, and impose an appropriate sanction on Minister Cele alternatively refer the matter to the Joint Committee on Ethics and Members' Interests for further deliberation.
5. This letter is also sent in terms of Section 56 (d) and 69 (d) of the Constitution, read with the Rules of the National Council of Provinces and National Assembly, and provides for the National Assembly by Action Society and its supporters as a special petition. A total of 109 873 people have signed and added their names to our petition.

CONTEXT AND BACKGROUND INFORMATION

6. The events which form the basis of this complaint transpired between Mr Ian Cameron, Minister Cele and a number of police officers present at the community meeting between the Police Ministry and the residents of Nyanga and Gugulethu, held in Cape Town on Tuesday, 5 July 2022 ('the community meeting').
7. Mr Cameron was present at the community meeting and addressed Minister Cele on his failure and the failure of the SAPS to protect the people of the communities of Gugulethu and Nyanga in the Western Cape. During his address, Mr Cameron touched on various points, many of which were met with applause from the community members present. Mr Cameron touched on the following points inter alia:

Politics

- 7.1. Community members mandated Action Society to assist with GBV cases where the police failed to investigate and ensure convictions. Mr Cameron, on behalf of Action Society, was there to speak on their behalf.
- 7.2. Speaking to Bheki Cele as Minister of Police directly, Mr Cameron informed him that he is failing his mandate to ensure the community's safety. At the same time, Minister Cele talks about the Constitution, parallel structures, CPF and neighbourhood watches.



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- 7.3. Mr Cameron told Minister Cele that his excuses and politicising of issues mean nothing to the people worried about surviving.
- 7.4. Mr Cameron pointed out to Minister Cele that he was not patrolling at night like the people at the meeting wearing their yellow jackets – which were not supplied by the police but by the municipality – who patrol without a six-car motorcade and bodyguards.
- 7.5. Mr Cameron praised the women in the meeting who do it alone because they are brave and won't sit and wait for the government to do it for them. Mr Cameron also called on the men in the community to step up.
- 7.6. Mr Cameron pointed out that the Western Cape government and the City of Cape Town were not invited, even though they post people on the streets. Gugulethu has 600 people per police member, while the UN average requires 300 per 1 member. Action Society submits that this is unacceptable.

Neighbourhood Watches

- 7.7. Mr Cameron brought to Minister Cele's attention the fact that Action Society cares for the community, gives them training and patrols the streets with the residents of Gugulethu and Nyanga.
- 7.8. Mr Cameron mentioned cases where police failed, and families called on Action Society to step in. Action Society and various other organisations are doing the job of the police in locating suspects and ensuring they are taken into custody and do not see Minister Cele doing the same.
- 7.9. Mr Cameron addressed Minister Cele's putting down of neighbourhood watches in favour of Community Policing Forums ("CPFs"). Mr Cameron informed Minister Cele that he did not understand the police policies and referred to the object of CPFs. CPFs were never supposed to be operational structures; instead, foreign crime-fighting entities, including local government, law enforcement, schools and churches, who come together to combat crime. Moreover, Minister Cele is against devolution but fails his own people.
- 7.10. Mr Cameron graciously invited Minister Cele to go on patrol with them that night, but without a bodyguard or a grand car and in his regular clothes.



7.11. Mr Cameron verily believes that the Minister is removed from the reality the community faces and told him as much at the community meeting.

Police Resources

7.12. Mr Cameron confronted Minister Cele on the reality that the police don't have the resources to protect the community adequately.

7.13. Mr Cameron mentioned that the detectives working the GBV desks in these clusters have 300 dockets on their table. Many of these detectives are constables straight from college without any experience.

NATURE OF CONDUCT AND CAUSE OF COMPLAINT

8. During his substantively lacking response to the valid points and criticisms levelled by Mr Cameron, Minister Cele became increasingly more irate, shouting at Mr Cameron to "shut up" repeatedly. Minister Cele chose to deflect and resort to baseless *ad-hominem* attacks on Mr Cameron, which have no basis in reality, rather than to respond to his points on behalf of the community.
9. Minister Cele also wagged his finger at Mr Cameron while saying in a threatening tone, "don't provoke me". After yelling at him to "shut up", Minister Cele shouted at him to "sit down and listen" or "get out". Mr Cameron was then forcibly removed from the premises by police officials unknown to him. His clothing was also damaged and torn from the excessive force used to remove me from the premises. Mr Cameron was never given a reason why he was being treated in this manner or informed of his rights by any police official. Mr Cameron takes these infringements of his fundamental rights very seriously, as he did nothing to warrant such treatment.
10. Most disturbingly, after being called out by Mr Cameron in a disrespectful manner - often to the sound of community members applauding - Minister Cele made the defamatory and untrue statement that Mr Cameron "regard him as a garden boy". Mr Cameron vehemently and categorically denies this ludicrous fabrication by Minister Cele. The entire course of our conversation was recorded and will be made available on request. It is clear from the interaction that Minister Cele resorted to playing divisive identity politics when he could not respond substantively upon having his failures put



to him in a public forum. Minister Cele did not behave with calmness and composure in a dignified manner that the high office he holds ought to command. Action Society submits that such a person is not fit to hold public office in a constitutional democracy based on the values of accountability, openness, transparency and non-racialism.

APPLICABLE LEGISLATION AND CODES OF ETHICS

11. Minister Cele is a public servant and an elected Member of Parliament. As such, he stands to be held accountable for his conduct. Regarding accountability, the website of Parliament states as follows:

"Because MPs are elected representatives, they must be accountable to the people of South Africa and they must act in the public interest. Parties are elected on the strength of what they stand for, and party MPs should be able to explain what they have been doing to carry out their duties. Because party mandates are temporary (elections are held every five years), MPs are accountable in the sense that they may not be re-elected if they are not good public representatives or if they do not deliver on party promises."¹

12. Section 2 of the Executive Members' Ethics Act, No. 82 Of 1998, read with section 2 of the Executive Ethics Code, provides that:

"2.1 Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be— (a) perform their duties and exercise their powers diligently and honestly; (b) fulfill all the obligations imposed upon them by the Constitution and law; and (c) act in good faith and in the best interest of good governance; and (d) act in all respects in a manner that is consistent with the integrity of their office or the government.

2.2 In deciding whether members of the Executive complied with the provisions of clause 2.1, the President or Premier, as the case may be, must take into account the promotion of an open, democratic and accountable government.

2.3 Members of the Executive may not - (c) act in a way that is inconsistent with their position."

¹ <https://www.parliament.gov.za/accountability>



13. Furthermore, the Joint Committee on Ethics and Members' Interests has adopted the Code of Ethical Conduct and Disclosure of Members' Interest for Assembly and Permanent Council Members (hereinafter referred to as "the Code"). The Code reads as follows:

"Section 4. STANDARDS OF ETHICAL CONDUCT

Members must:

- 4.1.1 abide by the principles, rules and obligations of this Code;*
 - 4.1.2 by virtue of the oath or affirmation of allegiance taken by all elected Members, uphold the law;*
 - 4.1.3 act on all occasions in accordance with the public trust placed in them;*
 - 4.1.4 discharge their obligations, in terms of the Constitution, to Parliament and the public at large, by placing the public interest above their own interests;*
 - 4.1.5 maintain public confidence and trust in the integrity of Parliament and thereby engender the respect and confidence that society needs to have in Parliament as a representative institution; and*
 - 4.1.6 in the performance of their duties and responsibilities, be committed to the eradication of all forms of discrimination."*
14. Action Society submits that legislative oversight is necessary for monitoring the behaviour of cabinet members and taking remedial action when necessary. The concept of legislative oversight entails that executive members must be held accountable for their actions.

REQUEST

15. In light of the facts highlighted above and the continuous catastrophic failure of the SAPS to ensure community safety, it is clear that Minister Cele is unfit to hold Public Office. Accordingly, Minister Cele has breached these provisions and failed to fulfil his constitutional mandate as Minister of Police.
16. The Speaker as the leader of the National Assembly, must ensure that this matter receives proper attention and is dealt with in a manner that respects the institution of the National Assembly, the Constitution, and the mandate of the position of Speaker.



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17. Kindly provide written acknowledgement. We look forward to your soonest response.

Yours faithfully,

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