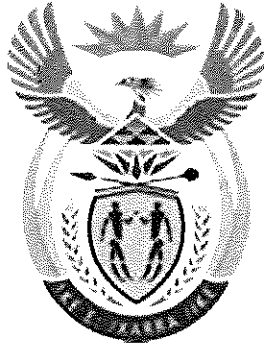


MINISTER OF DEFENCE AND MILITARY VETERANS



NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO 3069

**REPLY RECOMMENDED BY:
MINISTER OF DEFENCE AND MILITARY VETERANS: MP**

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO 3609

Mr S J F Marais (DA) to ask the Minister of Defence and Military Veterans:

(1) What is the comprehensive information regarding documented cases of army brutality committed by members of the SA National Defence Force (SANDF) in the Republic during the lockdown period from 27 March to 30 April 2020?

(2) what (a) progress has been made in the specified cases of army brutality, including the (i) number of and (ii) status of investigations, especially concerning the fatalities involving the soldiers and (b) actions have been taken to investigate the incidents of brutality committed by the SANDF;

(3) Whether any disciplinary actions and/or legal proceedings have been initiated against individuals allegedly responsible for the acts of brutality; if not, why not; if so, what is the latest update on the progress towards holding the perpetrators involved accountable?

REPLY:

(1-2) The attached Litigation Report is listing all reported cases against the Department of Defence that emanated from Operation NOTLELA. The said Litigation Report is also outlining the current status of each case.

(3) The SANDF only knows of one (1) incident that was formally reported and investigated by the South African Police Service, which is before court for claims of damages as a result of the death of Mr Collins Khosa, allegedly caused by members of the SANDF. The claims are for general damages, loss of support and future medical treatment. It is noteworthy to remind ourselves that following that court ruling and court order thereafter, the incident in 2020, the then Minister of Defence and Military Veterans instructed the Defence Force to develop Standard Operating Procedures and Rules of Conduct containing guidelines on how military personnel should conduct themselves in such operations as was ordered by the court. The Rules of Conduct were presented to court as instructed and subsequently published both internally and externally for public knowledge, education and awareness, as per the court order. It should further be noted that all internal operations are coordinated by the South African Police Service (SAPS) supported by the Defence Force under Operation PROSPER. As such, any incident would be investigated by the SAPS in conjunction with the Defence Force as was the case with the above-mentioned case.



MS T.R. MODISE

MINISTER OF DEFENCE AND MILITARY VETERANS: MP

11	13/07/2020	Minister of Defence	N/A	N/A	The State Attorney has been instructed to claim damages against Mabasa Trading and others for delivering Patrol Ration Packs that have expired. The amount to be claimed on behalf of SANDF is R28 749 006.00. This was discovered during lockdown patrols.	N/A	N/A	Matter pending	Summons have been issued and served upon the affected companies. They have also filed their notices of intention to defend.	Adv Janse van Rensburg and Adv M. Rasekgala
12	11/08/2020	T.M. Mathunyane	N/A	N/A	Letter of Demand for unlawful assault at Motetema, Limpopo. The amount being claimed is R300 000.00.	N/A	N/A	Matter Pending	Matter Pending	None
13	11/08/20	C.M. Moganedi	R0.00	N/A	Letter of Demand for unlawful assault at Motetema, Limpopo. The amount being claimed is R300 000.00.	N/A	N/A	Matter Pending	Matter Pending	None
14	28/09/2020	Ms N.L. Mathagu and Ms S.N. Mukulumedzi	N/A	N/A	Letter of Demand for their unlawful harassment and arrest at 26 Avenue Villieria, Old Commando Building, Pretoria. The amount being claimed is R1 044,204.00.	N/A	N/A	Matter Pending	Matter Pending	None
15	29/10/20	Khosa and others	North Gauteng Hg Court	48636/20	Received summons where the plaintiffs are claiming damages for emotional shock, medical costs, loss of support and constitutional damages. Amount claimed is R72 079 600.00.	N/A	N/A	Matter still pending and negotiation / settlement proposal is underway.	Matter still pending and negotiation / settlement proposal is underway.	Adv M. Mojapelo
16	11/08/2020	Mathunyane T.M.	N/A	N/A	Letter of demand against members of SANDF and SAPS for unlawful assault in Motetema Limpopo. The plaintiff claims an amount of R300 000.00	N/A	N/A	N/A	N/A	N/A
17	05/10/2020	Mareme N.G.	N/A	N/A	Letter of demand against members of SANDF and SAPS for unlawful assault in Motetema Limpopo. The plaintiff claims an amount of R300 000.00	N/A	N/A	Matter pending	Matter still pending.	None

18	05/10/2020	Ntlabathi	North Gauteng High Court	66380/2020	Rfn Ndobeni shot and killed Rfn Ntlabathi whilst they were deployed in Kimberley for Ops Corona. The family is claiming an amount of R50 000 000.00	Exception filed 30/03/2021	N/A	Plaintiff filed a Notice of Bar and we raised an exception due to vague and embarrassing particular of claims	WC.L forms were emailed to the Plaintiffs Attorneys in order to pursue the matter ito Military Pension's Act.	
19	05/10/2020	Mabaso N.		N/A	Letter of demand against members of SANDF, SAPS	N/A	N/A	Matter pending	Matter still pending	None
20	05/10/2020	Dilebo & Others	North Gauteng High Court	5155/20	Summons served where it is alleged that the members of the SANDF shot and killed Mr Dilebo in Chochocho, Mpumalanga. The Plaintiffs are claiming damages for an amount of R145 000 000.00. State Attorney has been instructed to assist us and defend the matter.	Notice of Intention to Defend has been filed	N/A	Matter pending	Matter still pending	N/A
	Total	R20.00								