

NATIONAL COUNCIL OF PROVINCES

FOR WRITTEN REPLY

QUESTION 157

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(INTERNAL QUESTION PAPER NO 8-2024)

157. Mr N Gotsell (Western Cape: DA) to ask the Minister of Police:

- (1) With reference to the appointment of a National Task Team by the SA Police Service to investigate the release from detainment of a certain person on 16 August 2022 (details furnished), (a) why was the public not informed that a rapist and murderer was on the loose as early as August 2022, (b) under what circumstances may police officers release a detainee on a warning and (c) why the information regarding the (i) incident and (ii) appointment of the Task Team was not made available then, instead after two years in August 2024;
- (2) whether the task team has concluded its report; if not, (a) what are the reasons for the delays and (b) when could the Select Committee on Security and Justice expect a copy of the Task Team's report;
- (3) what (a) systems and/or (b) procedures are in place to prevent the release of a detainee that has originally been detained for speeding whilst awaiting information which could confirm a possible involvement in other crimes?

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REPLY:

- (1)(a) The public was not informed that a rapist and murderer was on the loose because at that specified time, it was unknown to the South African Police Service (SAPS) that Thabo Bester had escaped from the G4S Prison in Bloemfontein, Free State.
- (1)(b) In terms of the Criminal Procedure Act 1977, (Act No. 51 of 1977), section 72(1), a police official may release a person who is in custody, with a written notice or warning, if such person is arrested and charged with minor offences or offences not mentioned in schedule 7 of the Act.
- (1)(c)(i) On 12 July 2022, whilst on the run from his escape from prison, Thabo Bester was arrested for speeding, by Traffic Officers from Laingsburg,

Western Cape. Thabo Bester produced a smart identity card to identify himself to the Traffic Officer bearing the names Katlego Nkwana. The Traffic Officer suspected that the identity card was fraudulent and went with him to the nearest Department of Home Affairs offices, where it was confirmed that the identity smart card was fraudulent.

Thabo Bester was thereafter detained as Katlego Nkwana at Laingsburg for fraud and later released on a SAPS 496 [notice to appear in court, issued in terms of section 50(1)(c) of the Criminal Procedure Act], and given a court date to appear on 8 August 2022, for which he failed to appear and the case was deemed “nolle prosequere” at court.

(1)(c) (ii) The National Task Team was established on 4 April 2023 to assist the SAPS Free State Investigation Team, with the tracing of the fugitive, Thabo Bester and his accomplice Mrs Nandipha Magudumana. There was no Task Team established to investigate the release from detainment of a person on 16 August 2022.

(2)(a) The reason for delays for conclusion of the report is as follows:

The matter involving the two suspects and others is complex, whereby other charges of fraud are presently at an advanced stage of investigation.

The Task Team report will be submitted to the Select Committee on Security and Justice upon its completion.

3(a) Members have been informed and sensitised in parades and meetings that a suspect detained for speeding, whilst awaiting information which could confirm the suspect’s possible involvement in other crimes, must not be released on a SAPS 496. Failure to adhere to the instruction, will result in consequence management being taken.

(b) A copy of the case docket was sent for the attention of the Provincial Commissioner: Western Cape, for further handling and remedial action

to be taken against the involved member, case number DR30/2023/2024 refers. Two SAPS members have received final written warnings.