

**Memorandum of demands
(Without prejudice to rights)**

28 January 2022

To: Brigadier Chichana

And To: The Acting Chairperson of the Eden Cluster CPF Executive-
Mr Marius Jansen

On the 28th of January 2022,

GAG,

Good,.....

PBI,.....

PA,.....

EFF,.....

Codeta,.....

the Pacaltsdorp Ministers Fraternal,.....

the RASTA Community,

Pacaltsdorp Community Business Association,

The Khoi community.....

Pacaltsdorp Riding Club.....

And Community activists and members (signed underneath)

deliver this memorandum to the Eden Cluster and Eden Cluster CPG Executive.

We the affected parties have noticed and experienced with concern the unacceptable behaviour of members of SAPS and POPS during the festive season that happened at Gwaing River Mouth. Your actions were biased and racially motivated and resulted in the contempt of an existing court order of 2004/2005.



Gwaing Action Group

We hereby give you notice that we will not tolerate this behaviour where the rights of the community were infringed beyond human dignity, and we will endeavour to have the situation rectified at the highest court if need be.

We are perplexed that after we exhausted every possible avenue, you still acted unilaterally by even employing a private security firm with canines for crowd control and to help in the illegal removal of tents, camping equipment and valuables.

It is evident in your actions that you have no regard for the law and the constitution of our beloved country. That is why we as GAG with our partners have decided to rise, protest and march to demand an end to your unlawful and racist behaviour against our communities.

This document contains a list of demands to your organisation. It is an initial set of eight (8) demands that speaks directly against our constitutional democracy. Our aim is to demand that our rights as citizens of George are protected, free from fear, violence and that our rights are upheld as enshrined in the Constitution.

Whereas we recognise the National objective of Policing are amongst others to:

- **Prevent, combat and investigate crime;**
- **To maintain public order and to protect and secure the inhabitants of the republic and their property;**
- **Whereas we also recognise the fact that South African Police members serves to maintain law and order in local areas by protecting members of the public, by preventing crime, reducing the fear of crime and improving the quality of life off all citizens**
- **Whereas we recognise that the abovementioned function of the Police are also in compliance with Section 205 of our Constitution.**
- **Whereas we recognise the fact that law Enforcement in South Africa is primarily the responsibility of the Police in line with the provisions of section 205 of the Constitution of South Africa.**

Notwithstanding the above and with specific reference to the Constitutional National mandate of SAPS, We, the above organised community and political formations and activists' formations wish to register our outmost dissatisfaction and abhorrence with the behaviour of SAPS Police officers in their unlawful quest to assist law



Gwaing Action Group

enforcement officers of George Municipality in intimidating, harassing and victimising law abiding campers at the Gwaing River Mouth on the 30th December 2021. We furthermore wish to record that we view this action purported by police officers as unlawful, criminal and contrary to the Constitutional obligation to serve the community in a peaceful and dignified manner. The action of the police is also regarded as a contemptuous undermining of the Honourable Western Cape Division of the High Court as passed by Mr Justice Desai on 23 January 2005 under case number 11140/2004. We furthermore regard the arrest of a former police officer and member of the Gwaing Action Group, Mr William Prince as unlawful and devoid of any legal justification.

We furthermore register our total dissatisfaction in the manner how police opted to assist law enforcement officers of the George Municipality in the absence of court documentation compelling them to do so.

IN THE LIGHT OF THE AFOREMENTIONED AND *INTER ALIA* OTHER REASONS, WE DEMAND THE FOLLOWING AND RESPECTFULLY ADVISE YOU TO REPORT BACK WITHIN SEVEN (7) DAYS ON WHAT YOU HAVE DONE IN COMPLIANCE WITH OUR DEMANDS.

- A full scale independent investigation into the conduct of police officers including the relevant senior officers who ordered the unlawful assistance of law enforcement officers.
- A full investigation into the unlawful and criminal action of police members on the 30th of December 2021.
- A swift and speedy completion of the investigative process pertaining to criminal charges laid at the Pacaltsdorp Police Precinct on the 30th of December 2021.
- The reasons why these police action took place with a total disregard of a jurisdictional authority of the Pacaltsdorp Police.
- We also demand that this matter be escalated to the Independent Police Investigative Directorate (IPID) as well as a report to the Eden Cluster CPF Executive as part of their monitoring role.

Signed on this 28th day of January 2022 at George.

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| Chairperson: Blanche Benjamin | 067 338 7366 | blnchbenjamin@gmail.com |
| Secretary: Cynthia Fillies | 081 014 9505 | cyntfillies@gmail.com |
| Administrator: Donovan Hantam | 061 1102975 | donovan.hantam@gmail.com |



Gwaing Action Group

Signed in acknowledgement of receipt.

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1. SAPS Acting Cluster Commander

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2. Chairperson Eden Cluster CPF Board



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gwaingactiongroup.com

GAG

Gwaing Action Group

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