



STATEMENT*

GfSA institutes class action against SAPS for deaths and injuries allegedly resulting from corrupt, negligent firearms management

The police are accountable for crimes committed by senior SAPS member, Colonel Christiaan Prinsloo, who confessed to selling 2000+ guns in police stores to gang leaders on the Cape Flats. Prinsloo was assisted in his criminal enterprise by his colleague Colonel David Charles Naidoo. As of 2016, SAPS records that 'Prinsloo Guns' have been used in, at least, 1,066 murders: 187 children were shot by criminals using a 'Prinsloo gun'.

6 March 2023

GfSA has given notice to the minister of police and police commissioners of class action proceedings in which damages will be sought arising from deaths and injuries due to the actions of Christiaan Prinsloo and David Naidoo who coordinated the sale of guns to gangs.

Says Adèle Kirsten, GfSA's Director "As the virus of gun violence spreads, it's time to hold the police accountable for their negligence." The police have failed to ensure that SA has a strong and effective firearms and ammunition management system in place: this enabled someone like Prinsloo to steal guns in police stores and leak them into communities for years, undetected. Furthermore, the police have failed to adequately address systemic failures in SAPS' stockpile management system to prevent more legal guns leaking into criminal hands, thereby contributing to the pool of weapons in the country.

With guns ever more available, gun violence has increased. Guns are now the leading cause of murder in South Africa, with 34 people shot and killed every day between October and December 2022.

When the police's Project Impi uncovered Prinsloo's criminality in 2016, SAPS' Legal Division warned that unless the stolen firearms still in the hands of criminals were retrieved and systems put in place to prevent further corruption, the risk of litigation was 'enormous'. In September 2016 SAPS recorded that at least a thousand 'Prinsloo' guns remained in circulation and continued to maim and kill people across the country. It was at this same time that SAPS disbanded Project Impi and there is no publically accessible information related to the SAPS's progress (if any) in recovering the firearms and ammunition sold into criminal hands by Prinsloo. "These guns continue to circulate in our communities," says Lynn Phillips, Secretary of the Cape Flats Safety Forum, "and they pose the biggest threat to our right to life." She adds, "this is why the police need to have dedicated teams that go after these guns, find them, and destroy them."

As required by law, notices in terms of the *Institution of Legal Proceedings Against Certain Organs of State Act, 2002* have been sent to the minister of police, national police commissioner and provincial police commissioners giving notice of the class action, specifically that an application for the certification of class action proceedings will be lodged with the Western Cape High Court in 60 days.

Litigants in the class action include the parents and guardians of children who were injured and killed, dependents of victims killed, and those who survived a shooting with a Prinsloo gun. Several families have already given witness statements and work continues to identify further claimants. A large firm of attorneys has taken the case *pro-bono*, and secured prominent senior and junior legal counsel to represent the litigants in the Western Cape High Court.

Any class action is a complex and lengthy process, and GFSA commits to updating the media and stakeholders as soon as there are further developments.

NOTES:

Project Impi

Project Impi was registered by SAPS in December 2013 after the police began recovering an excessive number of guns on the Cape Flats that had been professionally 'cleaned' of identifying marks, proof that a sophisticated gun smuggling syndicate was at work.

Following intensive investigations, senior SAPS member Colonel Christiaan Prinsloo, a commander of the Gauteng Firearm, Liquor and Second Hand Goods Control was arrested in 2015. Prinsloo confessed to his role in smuggling guns that were confiscated by or surrendered to the police for destruction to gang leaders on the Cape Flats and entered into a plea bargain with the state, providing detailed information on the syndicate in return for a lesser sentence. Colonel David Charles Naidoo was employed by SAPS in the capacity of an operational officer in the Confiscated Firearms Store at Silverton under the Head Office: Confiscated Firearms Store, and assisted Prinsloo in his criminal enterprise.

Aim of class action

The Prinsloo Guns class action seeks to claim financial relief for damages arising from police corruption and negligence in managing firearms in SAPS' care and on account of the Minister's vicarious liability for the actions of his employees.

**30 people are shot and killed every day in South Africa.
Gun Free South Africa is helping build a safer country by reducing gun violence.**

Ends

* This statement was updated on 5 May 2023 to:

- Correct the number of children killed: 187 children (minors under 18 years) were shot, of which 63 were killed.
- Clarify that class action notification was sent to the Minister of Police, National and Provincial Police Commissioners.
- Refer to Project (not Operation) Impi.
- Note that litigants also include the parents of children who were shot and killed with a Prinsloo Gun.