



## STATEMENT

# GFSA lodges papers with High Court to certify class action against SAPS for negligence that facilitated guns to gangs syndicate

***'We don't want others to go through what we have suffered because of Prinsloo's Guns', say families who have joined class action***

Between 2007 and 2015 two senior SAPS members, Colonel Christiaan Prinsloo and Colonel David Naidoo, stole and distributed 2000+ guns awaiting destruction in police stores to gang leaders on the Cape Flats. SAPS records show that as of 2016, Prinsloo Guns killed 1,066 people, 67 of whom were children, while thousands more were injured.

**Cape Town, 10 May 2023:** GFSA, affected families, and Norton Rose Fulbright law firm, which with Wim Trengove (senior counsel) and Riaz Itzkin (junior counsel), have taken the case *pro-bono*, held a briefing at the Desmond and Leah Tutu Legacy Foundation to mark the first achievement in the Prinsloo Guns class action: The lodging of papers with the Western Cape High Court to apply for certification of a class action against the police to claim for damages resulting from the theft and supply of guns in police stores to criminals by two senior police members.

The affected families comprise both direct and indirect Prinsloo Gun victims. In total nine family members are named in the Prinsloo Guns class action papers (see *Note to Editors* below for details). They represent four categories of victim: children who were either killed or injured (represented by their parents/guardians), adults who were killed (represented by their family), and injured adults (who represent themselves).

Two expert witnesses submitted affidavits in support of the class action:

- Mark Mastaglio, an independent forensic scientist specialising in the examination of firearms, who testified that it is possible to identify a Prinsloo Gun from a recovered firearm, as well as a recovered bullet or casing, because of the unique marks these guns leave.
- Richard Matzopoulos, an epidemiologist and specialist scientist at the South African Medical Research Council, who shows that gun-related death rates significantly increased as Prinsloo Guns flowed onto the Cape Flats.

GFSA's Founding Affidavit, which references a range of sources – including SAPS' own records, describes in detail how Prinsloo and Naidoo colluded from 2007 until Prinsloo's arrest in 2015 to steal 2,000+ guns and an unknown amount of ammunition awaiting destruction at the Confiscated Firearms Store at Silverton in Pretoria and distribute these to various criminals, including gang members on the Cape Flats. GFSA argues that SAPS is at fault for failing to uphold its constitutional, statutory, and international obligations, which allowed Prinsloo and Naidoo to steal and distribute guns and ammunition undetected and for years.

SAPS' reports, which are based on forensic data, show that between 2007 and June 2016, Prinsloo Guns were used in the commission of at least 2784 crimes in the Western Cape alone. This includes 1066 murders, 1403 attempted murders and 315 other crimes. SAPS reports further show that as of 2016, as many as 1012 Prinsloo Firearms were still in circulation – and are likely killing and injuring further victims. Consequently, GFSA argues that the class action must include victims of Prinsloo's Guns dating from 2007 until the present day.

While the class action aims to claim for damages and costs, all claimants are clear that it won't bring their loved ones back and it won't heal those who have been injured or disabled – but it may bring a sense of justice and closure if the state is forced to acknowledge the suffering caused by its negligence and corruption. It may also force the state to take control of firearms so that no more families lose a loved one to a Prinsloo Gun.

**NOTES:**

**Class action documents**

Prinsloo Guns class action documents lodged with the Western Cape High court on 9 May 2023 are available online at [www.prinslooguns.org.za](http://www.prinslooguns.org.za); this includes:

1. GFSA's Founding Affidavit and appendices.
2. Affidavits from expert witnesses, Mark Mastaglio (an independent forensic scientist specialising in the examination of firearms) and Richard Matzopoulos (an epidemiologist and specialist scientist at the South African Medical Research Council).

**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.

**Family members who have joined the class action**

Nine family members have joined the class action. They represent four categories of direct and indirect Prinsloo Gun victims. Because the first stage of the class action is based on an 'opt out' basis, anyone in these four categories who can prove that a Prinsloo Gun was used in a shooting-related death or injury is automatically included, unless they choose to formally opt out. The four categories and the named families are:

Category	Family representing this category in the Prinsloo Guns class action
<b>Parents/guardians of children killed</b>	<ul style="list-style-type: none"> <li>• Andre and Dianne Cornelius whose son, Dillan Cornelius, was fatally wounded by a Prinsloo Firearm in August 2013 in a shooting incident in Manenberg</li> <li>• Melanie Kiel, whose son Dudley Richards, was fatally wounded with a Prinsloo Firearm in 2013 in a shooting incident in Mitchell's Plein</li> </ul>
<b>Parents/guardians of children injured</b>	<ul style="list-style-type: none"> <li>• Denise Mentor, the legal guardian of Leana van Wyk, a minor female child who sustained serious head injuries during a shooting incident with a Prinsloo Firearm in Hanover Park in 2012</li> <li>• Evelyn Davids, the legal guardian of Liam Davids, a minor male child who sustained serious neck injuries during a shooting incident in Hanover Park with a Prinsloo Firearm in 2012</li> </ul>

	<ul style="list-style-type: none"> <li>• Simoné Julies, the mother of Mogamat Moeneer and Mogamat Nazeer, two minor male children who were injured in 2014 following a shooting in Mitchell's Plein with a Prinsloo Firearm</li> </ul>
<b>Family members of adults killed</b>	<ul style="list-style-type: none"> <li>• Natalie Dirks, the mother of Lukas Dirks, who was fatally wounded by a Prinsloo Firearm in January 2015</li> </ul>
<b>Adults injured</b>	<ul style="list-style-type: none"> <li>• Mansoer Eksteen, who was injured with a Prinsloo Firearm in October 2014</li> <li>• Niezaam Cupido, who was injured in 2013 following a shooting in Mitchell's Plein with a Prinsloo Firearm</li> </ul>

### **How the Prinsloo Guns to gangs syndicate was detected**

In September 2013 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. Project Impi was registered by SAPS in December 2013 to investigate the syndicate.

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.

For a full timeline of Prinsloo Guns, see [www.prinslooguns.org.za](http://www.prinslooguns.org.za)

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.

*Ends*

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**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**