

Gun Free South Africa

Reducing gun violence
Making South Africa safer



Newsletter, May 2023

TARGETING PRINSLOO'S GUNS

People vs The State

CLASS ACTION



GFSA briefing after lodging papers with the High Court to certify a class action against the police for negligence that facilitated a guns to gangs syndicate

On 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.



Unknown mother mourning her son. If you know who she is please let us know. She represents all the unknown victims of Prinsloo Guns.

The Aim

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.

What are Prinsloo Guns?

Prinsloo Guns include over 2,000 guns that were stolen from police stores by a senior police officer, Colonel Christiaan Prinsloo, and his accomplice, Colonel David Naidoo, and distributed to criminals between 2007 and 2015.

The evidence

1. SAPS' own Project Impi investigative reports which link crimes to Prinsloo Guns through ballistic evidence.
2. Ballistics expert witness who shows it is possible to forensically identify when a Prinsloo Gun is used in a crime.
3. Empirical evidence which shows a massive spike in gun-related deaths in areas Prinsloo Guns were distributed between 2007 and 2015.

The numbers

888	of the guns stolen by Prinsloo and Naidoo were forensically linked to 1066 murders and 1403 attempted murders in the Western Cape between February 2010 and 5 June 2016.
187	children between the ages of one and 17 years old were shot between February 2010 and December 2015 with Prinsloo Guns, 67 of whom were killed.
2000+	guns that Prinsloo admitted to stealing, more than 1,000 are still missing.



GFSA's chairperson Yolande Baker, director Adèle Kirsten and two Prinsloo Gun victim moms – Melanie Kiel and Rashieda Andrews – spoke at the briefing

The families

‘We don’t want others to go through what we have suffered because of Prinsloo’s Guns’, say families who have joined 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:

Parents/guardians of children killed:

- Andre and Dianne Cornelius, the parents of Dillan Cornelius, a minor male child who was fatally wounded with a Prinsloo Gun
- Melanie Kiel, the mother of Dudley Richards, a minor male child who was fatally wounded with a Prinsloo Gun

Parents/guardians of children injured:

- Denise Mentor, the legal guardian of Leana van Wyk, a minor female child who sustained serious head injuries in a shooting incident with a Prinsloo Gun
- Evenlyn Davids, the legal guardian of Liam Davids, a minor male child who sustained serious neck injuries in a shooting incident with a Prinsloo Gun
- Simoné Julies, the mother of Mogamat Moeneer and Mogamat Nazeer, two minor male children who were injured in a shooting incident with a Prinsloo Gun

Family members of adults killed:

- Natalie Dirks, whose son Lukas Dirks was fatally wounded with a Prinsloo Gun

Adults injured:

- Mansoer Eksteen, who was injured with a Prinsloo Gun
- Niezaam Cupido, who was injured with a Prinsloo Gun

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.

For more information on the Prinsloo Guns class action, see
www.prinslooguns.org.za
or email
classaction@gfsa.org.za

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