



SUID-AFRIKAANSE POLISIEDIENS

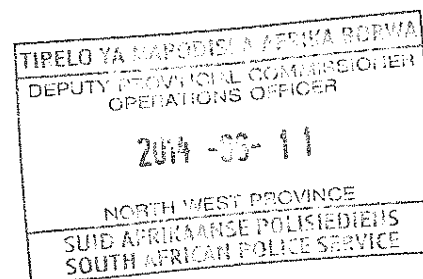
SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X 801, Potchefstroom, 2520

Verwysing Reference	PC 26/3/4/1/141	THE PROVINCIAL COMMISSIONER SOUTH AFRICAN POLICE SERVICE NORTH WEST
Navrae Enquiries	Maj Gen G Naidoo	
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**Attention: M Fourie**

The Executive Director  
Centre for Environmental Rights  
Second Floor Springfield Studios  
1 Scott Road  
Observatory  
Cape Town  
7925



**INVESTIGATION AND PREVENTION OF CRIME: REQUEST FOR  
INVESTIGATION AND PROSECUTION OF POTENTIAL CRIMINAL OFFENCES:  
ALLEGED SEWERAGE SPILLAGE AND RESULTANT DRINKING WATER  
CONTAMINATION, BLOEMHOF**

1. Your letter with reference CER/Bloemhof dated 4 June 2014 refers.
2. This letter serves to acknowledge receipt of your abovementioned correspondence and request to investigate possible criminal liability which led to the death of three infants in Bloemhof.
3. This office has commenced a review of your complaint and will respond to you in writing at the conclusion of the investigation.
4. The South African Police Service in the North West Province remains committed to investigate crime and uphold and enforce the law.

  
Acting PROVINCIAL COMMISSIONER: NORTH WEST PROVINCE  
G NAIDOO

MAJOR GENERAL

DATE: 2014/06/11

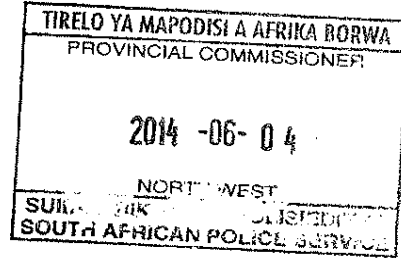


# Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Commissioner MNZ Mbombo  
Northwest Provincial Commissioner  
South African Police Service  
Westpol Square  
123 Peter Mokaba St  
POTCHEFSTROOM  
By fax 018-2997002  
By email MbomboMNZ@saps.org.za

Advocate J Smit  
Northwest Provincial Director of Public Prosecutions  
National Prosecuting Authority  
Private Bag X2009  
MMABATHO 2735  
By fax 018 381 9033  
By fax 018 843 1005  
By email jjsmit@npa.gov.za



Our ref: CER/Bloemhof  
Date: 4 June 2014

**URGENT**

Dear Commissioner Mbombo and Advocate Smit

### REQUEST FOR INVESTIGATION AND PROSECUTION OF POTENTIAL CRIMINAL OFFENCES LEADING TO THE DEATH OF THREE INFANTS FROM DRINKING WATER CONTAMINATION AT BLOEMHOF, NORTHWEST

Over the past two weeks, there have been multiple media reports of drinking water contamination in Bloemhof in the Lekwa Teemane municipality ("the municipality") in Northwest, resulting in hundreds of hospital admissions and the deaths of at least three babies from diarrhoea.

We draw your attention to the following, most of which is drawn from reports from the South African Press Association (see references at the end of this letter):

- In the week of 19 May 2014, more than a hundred children at Thuto Lore Secondary School in Boitumelong in Bloemhof report stomach cramps at school, and the principal instructs children not to drink the tap water. From Monday 26 May 2014, the school is closed as a result of this situation.
- On Saturday, 24 May 2014 the SAPS Community Centre in Bloemhof has to take more than 10 prisoners with diarrhoea in holding cells to clinics.
- Between Saturday, 24 May 2014 and Tuesday 27 May 2014, 200 people reported to clinics with symptoms typical of water contamination (stomach cramps, vomiting and diarrhoea).
- In the week of 26 May 2014, it is reported that Municipal Manager Andrew Makuapane blames a contractor for the water contamination, saying that "we know there was a sewage spillage and there was a contractor in

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Centre for Environmental Rights (CER) is a registered non-profit company (Pty Ltd) with its registered office at 123 Peter Mokaba Street, Potchefstroom, North West. CER is a member of the Environmental Justice Foundation (EJF) and is a member of the South African Press Association (SAPA). CER is also a member of the Environmental Justice Foundation (EJF) and is a member of the South African Press Association (SAPA). CER is also a member of the Environmental Justice Foundation (EJF) and is a member of the South African Press Association (SAPA).

On the basis of the information set out above, we respectfully request the SAPS Provincial Commissioner to commence an urgent investigation, and for the Northwest Provincial Director of Public Prosecutions to assist the SAPS Provincial Commissioner in finalising a criminal docket for prosecution, into criminal offences that may include:

1. culpable homicide, in relation to the death of at least three infants;
2. contraventions of provisions of the National Water Act, 1998, particularly sections 19, 20 and 151;
3. contraventions of the Water Services Act, 1997 particularly section 82;
4. contraventions of the National Environmental Management Act, 1998, particularly sections 28, 30 and 49A(e) and (f).

We further respectfully request that the investigation considers the potential criminal liability of the Municipal Manager, the contractor allegedly engaged to fix the broken sewage pipe, any municipal employees whose responsibility it was to oversee the work of the contractor, and any party who had a legal duty to notify residents of proper measures to be taken to avoid becoming ill.

In the event that no prosecution will follow after that initial investigation, we respectfully request that a formal inquest be held into the deaths of the three infants to determine whether the deaths were brought about by any act or omission prima facie involving or amounting to an offence on the part of any person.

We would appreciate if you could acknowledge receipt of this letter, and notify us of your decision in response to our requests.

Yours faithfully  
CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

Melissa Fourie  
Executive Director  
Direct email: [mfourie@cer.org.za](mailto:mfourie@cer.org.za)

**Media reports and statements:**

- [www.timeslive.co.za/local/2014/05/29/water-contamination-in-north-west-claims-a-life](http://www.timeslive.co.za/local/2014/05/29/water-contamination-in-north-west-claims-a-life)
- [www.news24.com/SouthAfrica/News/Police-anticipating-trouble-in-Bloemhof-20140530](http://www.news24.com/SouthAfrica/News/Police-anticipating-trouble-in-Bloemhof-20140530)
- [www.news24.com/SouthAfrica/News/Bloemhof-water-system-cleaned-sanitised-20140530](http://www.news24.com/SouthAfrica/News/Bloemhof-water-system-cleaned-sanitised-20140530)
- [www.timeslive.co.za/local/2014/06/02/bloemhof-tests-for-cholera-negative](http://www.timeslive.co.za/local/2014/06/02/bloemhof-tests-for-cholera-negative)
- [www.iol.co.za/news/politics/manager-suspended-after-water-contamination-1.1697228#U43ZIfmSwXE](http://www.iol.co.za/news/politics/manager-suspended-after-water-contamination-1.1697228#U43ZIfmSwXE)
- <http://www.timeslive.co.za/thetimes/2014/06/03/baby-deaths-placed-at-municipal-boss-s-door>
- <http://www.dwa.gov.za/Communications/PressReleases/2014/DWA%20STATEMENT%20ON%20POLLUTION%20OF%20THE%20VAAL%20RIVER%20IN%20THE%20BLOEMHOF%20AREA.pdf>
- <http://www.dwa.gov.za/Communications/PressReleases/2014/DWAS%20MEDIA%20STATEMENT%20ON%20THE%20SPILLAGES%20IN%20BLOEMHOF.pdf>
- <http://www.nicd.ac.za/?page=alerts&id=5&rid=343>
- <http://citizen.co.za/186715/one-dead-water-contamination-bloemhof/>
- <http://www.timeslive.co.za/local/2014/06/02/bloemhof-death-toll-rises---two-more-babies-die-from-diarrhoea>
- <http://citizen.co.za/188668/death-toll-three-bloemhof/>
- <http://www.iol.co.za/news/south-africa/north-west/filthy-water-death-devastates-mom-1.1697757>