

Fate of suspended Hawks boss known today

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OUSTED Hawks boss Berning Ntlemeza's lawyer yesterday told the Gauteng High Court, Pretoria, that it was not only humiliating for him to be barred from resuming his duties as head of the Directorate for Priority Crime Investigations (DPCI), but also unlawful.

He had applied for an urgent order to allow him to return to his office pending appeal proceedings before the Supreme Court of Appeal in Bloemfontein (SCA).

The SCA application is due to be heard on June 2.

Counsel for Police Minister Fikile Mbalula, however, said five judges had found that Ntlemeza was not fit and proper to hold office.

Ntlemeza is on suspension with full benefits, after the court earlier found that his appointment as head of the DPCI was unlawful.

Ntlemeza was set to return to his office last month, but Mbalula refused him entry into the Hawks' headquarters in Silverton.

Advocate Nazeer Cassim, acting for Mbalula, in referring to the five judges' finding that Ntlemeza was not fit for that position, said he could deem himself lucky that he was suspended with full pay.

In refusing Ntlemeza access to his office, the minister last month also took away his official car and cellphone.

While Ntlemeza is also bitterly unhappy about the way Mbalula is treating him, not much was said about that yesterday.

He said he had served the SAPS for more than 30 years and expected to be treated with respect. Ntlemeza accused Mbalula of being on the "warpath" and hostile towards him.

The court earlier ordered that Ntlemeza vacate his office after his appointment as head of the Hawks was declared unlawful and invalid. It was found that former police minister Nathi Nhleko should not have appointed him in the first place.

Ntlemeza tried to appeal against this order, but a full Bench (three judges) turned down his application for leave to appeal.

Ntlemeza then indicated that he would turn to the SCA.

The Helen Suzman Foundation at the time asked the court to enforce the order declaring his appointment unlawful – thus barring him from

resuming his duties – even though appeal proceedings were pending.

The court granted this order, but the Ntlemeza camp yesterday said as he was to appeal this enforcement order as well, the order was suspended pending appeal proceedings.

Advocate Nceba Dukada SC said the enforcement order was automatically suspended by Ntlemeza's pending appeal against it.

"Everyday, every minute, every second he is not back at work, is prejudicial to him," Dukada said.

Cassim suggested that these issues be left to the SCA to decide in two weeks. "The matter will then be fully ventilated," he said.

Judge Sheila Mphahlele will today decide on Ntlemeza's immediate fate. Neither Ntlemeza nor Mbalula were in court.