

## Hawks 'sufficiently insulated' from political interference - lawyer

The Hawks unit is 'sufficiently insulated' from political interference, the Western Cape High Court heard yesterday, according to a report on the [News24](#) site.

Advocate Michael Donen, for Police Minister Nathi Mthethwa, said all defects with the 2008 legislation which replaced the Scorpions with the Hawks, officially known as the Directorate Priority Crime Investigation, had been remedied. Last year, Parliament passed the SAPS Amendment Act, government's response to a Constitutional Court ruling that the 2008 Act was defective. Businessman Hugh Glenister, who originally took the matter to the Constitutional Court, is challenging the redrawn legislation as he believes the Hawks remain open to political influence. The Act gives the Police Minister the power to suspend the head of the Hawks. Glenister and the Helen Suzman Foundation contend that the Minister would have too much power over the unit and its operations. Donen disagreed, and said the new law provided the Hawks with the right degree of autonomy and independence. [Full report on the News24 site](#)

*The Hawks has a direct mandate to investigate corruption under the Act*, Donen told the court. He said all defects in the 2008 legislation had been addressed. 'The section 17 (d) (of the SAPS Act 2012) gives a clear and direct mandate to investigate and carry out investigations on corruption. (Previously) they were not mandated to do this,' Donen is quoted as saying in a [Business Day](#) report. It notes Donen added the current version also referred to the Prevention and Combating of Corrupt Activities Act, which listed 19 different forms of corruption. 'They (the Hawks) couldn't have a more direct mandate to investigate corruption,' he reportedly said. Donen argued that in the previous version of this section, there was a ministerial committee - essentially the whole of the Cabinet - that could determine which crimes the unit could investigate. 'That ministerial committee can no longer finesse out anything that affected them,' Donen said. [Full Business Day report \(subscription needed\)](#)

*Earlier, Donen argued that Parliament should have been made a respondent in the matter*, notes a report in [The Citizen](#). Donen said that as Parliament had drawn up the SAPS Amendment Act, it was the 'main culprit' and should be present to defend itself. 'Parliament... consisting of the National Assembly and the National Council of Provinces, has a direct and substantial interest in the matter,' Donen said. Kemp J Kemp, for President Jacob Zuma, also a respondent in the case, did not agree. He said the government, and not Parliament, had been ordered to draw up the legislation in response to a Constitutional Court ruling. Earlier, Kemp said there was no threat that the Hawks would be subject to political interference. [Full report in The Citizen](#)