

**MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

 REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

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**PA 522. Mr R Smith (DA) to ask the Minister of International Relations and Cooperation:**

(1) With reference to the reply by his predecessor to question 1078 on 20 May 2021, wherein it was stated that the department had requested a legal opinion to obtain guidance on the options available to recover the debt incurred by South African diplomat, Adv David Kweli Nkosi, that amounted to just under R800 000 for damages incurred to rental properties and assets while deployed in Austria and India, what (a) was the outcome of the request for a legal opinion and (b) total amount has been recovered from Adv D K Nkosi to pay back the department for damages incurred;

(2) whether Adv D K Nkosi is still deployed as a member of the foreign service; if not, what is the position in this regard; if so, in which division? NW549E

**REPLY**

(1)(a) Outcome of the legal opinion request:

* Legal Opinion 137/2020 (dated 24 June 2021) concerning the damages incurred in Austria affirmed that Adv. David Kweli Nkosi could be held personally responsible for the damages to the rental properties and assets.
* Legal Opinion 227/2021 (dated 6 August 2021) regarding the situation in India indicated that the debt in question, which originated in 2013, is likely to be subject to the legal principle of prescription. This principle holds that debts may become unenforceable after a period of three years. As a result, there is a significant risk that the department will be unable to recover the debt from Adv. Nkosi.
* Letter from the Office of the State Attorney (Ref 1898/2022/Z59 dated 6 June 2022) regarding the India-related damages confirmed that the matter has prescribed, and it is highly unlikely that recovery efforts will be successful, making further action uneconomical.

(b) As of now, the total amount recovered from Adv. David Kweli Nkosi for damages incurred to rental property in Austria is R10,000.00 of R116,615.00, which represents the portion of the debt attributable to him. This amount is being recovered in accordance with the settlement agreement over a period of 116 months.

2. Yes, Adv DK Nkosi is still an employee of the Department of International Relations and Cooperation (DIRCO). He is currently the Counsellor: Political at the SA Embassy in Amman, Jordan.