

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: _____

In the matter between:

ACTIONS

Applicant

and

THE NATIONAL COMMISSIONER OF THE

SOUTH AFRICAN POLICE SERVICE

First Respondent

THE MINISTER OF POLICE

Second Respondent

THE SOUTH AFRICAN POLICE SERVICE

Third Respondent

LIEUTENANT GENERAL S J KWENA N.O.

Fourth Respondent

BRIGADIER N A MATHEBULA N.O.

Fifth Respondent

MAJOR GENERAL WALLY P RHOODE

Sixth Respondent

HLULANI H REKHOTO

Seventh Respondent

THE EXECUTIVE DIRECTOR OF THE INDEPENDENT

POLICE INVESTIGATIVE DIRECTORATE

Eighth Respondent

THE PUBLIC PROTECTOR OF THE REPUBLIC

OF SOUTH AFRICA

Ninth Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

MICHAEL BEAUMONT

MB
20/11/2017

do hereby make oath and state that:

INTRODUCTION

1. I am an adult male, the National Chairperson of the Applicant, and I am employed at the Applicant's national office situated at 13 Fredman Drive, Sandton, Johannesburg, Gauteng.
2. I am duly authorised to depose to this affidavit and to institute these proceedings on behalf of the Applicant. A copy of the Applicant's resolution authorising the institution of these proceedings is annexed marked "FA1".
3. The facts deposed to in this affidavit fall within my personal knowledge and belief, save where the contrary appears from the context, and are to the best of my belief both true and correct.
4. Where I make submissions of a legal nature, I do so on the advice of the Applicant's legal representatives, which advice I accept as being correct.
5. Where I refer to documents, I do so in a summary manner. The documents themselves are annexed and I ask that they be read as though incorporated in this affidavit.

THE PARTIES

6. The Applicant is **ACTIONS**A, a political party registered in terms of the Electoral Commission Act 51 of 1996, with its national office at 13 Fredman Drive, Sandton, Johannesburg, Gauteng. The Applicant is represented in the National Assembly and in several provincial legislatures.

7. The First Respondent is **THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE**, cited in his official capacity as the functionary responsible for the control and management of the Third Respondent and for ensuring the lawful implementation of recommendations made in terms of section 30 of the Independent Police Investigative Directorate Act 1 of 2011, including through officials exercising delegated or designated disciplinary authority. His principal place of business is SAPS Head Office, 231 Pretorius Street, Pretoria.
8. The Second Respondent is **THE MINISTER OF POLICE**, cited in his official capacity as the member of the national executive responsible for policing in terms of section 206 of the Constitution and as the functionary to whom paragraph 8.4 of the remedial action referred to below is directed. No relief is sought against the Second Respondent save in the event of opposition.
9. The Third Respondent is **THE SOUTH AFRICAN POLICE SERVICE**, established in terms of section 199(1) of the Constitution, cited to the extent that the decisions impugned in this application were taken by its officials in the exercise of delegated authority.
10. The Fourth Respondent is **LIEUTENANT GENERAL S J KWENA N.O.**, cited in his official capacity as the delegated official who presided over the disciplinary proceedings against the Sixth Respondent under case number 01/08/2022. No relief is sought against the Fourth Respondent personally.

AB
PM

11. The Fifth Respondent is **BRIGADIER N A MATHEBULA N.O.**, cited in his official capacity as the delegated official who presided over the disciplinary proceedings against the Seventh Respondent under case number 01/08/2022. No relief is sought against the Fifth Respondent personally.
12. The Sixth Respondent is **MAJOR GENERAL WALLY P RHOODE**, a member of the Third Respondent who at the material time was the Component Head of the Presidential Protection Service. He is cited by reason of his direct and substantial interest in the relief sought.
13. The Seventh Respondent is **HLULANI H REKHOTO**, a member of the Third Respondent who at the material time was attached to the Presidential Protection Service. He is cited by reason of his direct and substantial interest in the relief sought. I record that the Seventh Respondent is described in the report of the Eighth Respondent as a Constable, in the records of decision as a Sergeant, and in correspondence emanating from the Applicant as a Brigadier. Those descriptions cannot presently be reconciled. I have accordingly cited him without reference to rank, and the Applicant will amend the citation once his rank is established from the Rule 53 record.
14. The Eighth Respondent is **THE EXECUTIVE DIRECTOR OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE**, cited in his official capacity by reason of the Directorate's statutory interest in the implementation of recommendations made in terms of section 30 of the Independent Police Investigative Directorate Act 1 of 2011. No relief is sought against the Eighth Respondent save that he be furnished with the report referred to in the notice of motion.

AB
p. 21

15. The Ninth Respondent is **THE PUBLIC PROTECTOR OF THE REPUBLIC OF SOUTH AFRICA**, cited in her official capacity by reason of her constitutional interest in the implementation of the remedial action taken in Report No 12 of 2023/24. No relief is sought against the Ninth Respondent save that she be furnished with the report referred to in the notice of motion.
16. I shall, where convenient, refer to the First to Fifth Respondents collectively as “the **SAPS Respondents**”.

JURISDICTION

17. The decisions and proceedings sought to be reviewed occurred principally in Pretoria. The First to Fifth Respondents are situated in Pretoria, and the Sixth and Seventh Respondents are cited care of SAPS Head Office in Pretoria. A substantial part of the cause of action therefore arose within the territorial jurisdiction of this Honourable Court.
18. This Honourable Court accordingly has jurisdiction to determine the application.
19. The relief sought concerns the exercise of public power by organs of state and the review of administrative action and/or the exercise of public power. This Court accordingly has jurisdiction in terms of section 169 of the Constitution and, read with applicable provisions of the Promotion of Administrative Justice Act 3 of 2000 (“**PAJA**”) and Rule 53 of the Uniform Rules of Court.



THE NATURE OF THIS APPLICATION

20. This is an application in terms of Rule 53 of the Uniform Rules to review the exercise of public power by the South African Police Service ("**SAPS**") in its purported implementation of, first, the recommendation made by the Eighth Respondent under section 30 of the Independent Police Investigative Directorate Act 1 of 2011 ("**the IPID Act**") and, second, the binding remedial action taken by the Ninth Respondent in Report No 12 of 2023/24.
21. The Applicant contends that the impugned decisions constitute administrative action, alternatively the exercise of public power, arising from SAPS' implementation of statutory obligations imposed by the IPID Act and the Public Protector's remedial action. Accordingly, the review is brought primarily under the Promotion of Administrative Justice Act 3 of 2000 ("**PAJA**"), alternatively under the constitutional principle of legality.
22. The application is directed at two related categories of decision:
 - 22.1. the decision or decisions determining which allegations of misconduct would be formulated and preferred against the Sixth and Seventh Respondents; and
 - 22.2. the decisions of the Fourth and Fifth Respondents disposing of those allegations in favour of the members concerned.
23. The application also concerns any failure, disclosed by the Rule 53 record, lawfully and rationally to implement the recommendation of the Eighth Respondent, to comply with the Ninth Respondent's remedial action, or to discharge the associated reporting obligations.

24. The application concerns the narrower public law question whether the SAPS Respondents, in purporting to give effect to statutory recommendations and binding constitutional remedial action, acted lawfully, rationally and consistently with the applicable oversight framework.
25. The Applicant does not contend that the answer is already beyond doubt. The limited material presently available raises serious and legitimate questions. The complete record contemplated by Rule 53 is required before those questions can be determined and before the grounds of review and relief can responsibly be finalised.

THE APPLICANT'S STANDING

26. The Applicant institutes these proceedings in its own interest, in the public interest and in the interest of its members, as contemplated in sections 38(a), (d) and (e) of the Constitution of the Republic of South Africa, 1996.
27. The Applicant does not seek to vindicate private employment rights. Rather, it seeks judicial supervision of SAPS' exercise of public power in implementing statutory accountability mechanisms enacted for the benefit of the public. The Applicant accordingly brings these proceedings in the public interest to ensure compliance with statutory obligations imposed upon SAPS.
28. The Applicant is a registered political party with representation in the National Assembly. It has for several years pursued the accountability of the Third Respondent in relation to the matters described below, through parliamentary questions, through requests for access to information in terms of the Promotion

18
p m

of Access to Information Act 2 of 2000 ("**PAIA**"), and through submissions to the relevant committees of the National Assembly.

29. The subject matter of this application is the effectiveness of the constitutional and statutory mechanisms by which the police service is held to account. That is a matter of manifest public importance. The individuals directly affected by the impugned decisions are the beneficiaries of those decisions and cannot be expected to challenge them. Absent a challenge by a party such as the Applicant, the decisions would escape scrutiny altogether.

30. The Applicant is accordingly a proper party to bring this application.

FACTUAL BACKGROUND

The incident and the Ninth Respondent's investigation

31. On or about 9 February 2020, a housebreaking with intent to steal and theft of cash in foreign currency occurred at the residence of the President of the Republic situated at Phala Phala farm, Waterberg, Limpopo.

32. The Ninth Respondent investigated, among other things, whether members of the South African Police Service attached to the Presidential Protection Service ("**PPS**") acted improperly in relation to that incident. Her findings and remedial action are contained in Report No 12 of 2023/24 dated 30 June 2023, the relevant extracts of which are annexed marked "**FA2**".

33. The Ninth Respondent found, in summary, that:

33.1. the allegation that members of the SAPS attached to the PPS acted improperly by investigating the crime was substantiated;

33.2. the Sixth Respondent did not inform his commanding officer of the crime in accordance with section 13(2) of the South African Police Service Act 68 of 1995 (**"the SAPS Act"**), and no case docket was opened or registered on the Crime Administration System;

33.3. the Sixth Respondent assembled his own investigation team and engaged in an unofficial criminal investigation, which included interviewing suspects, conducting surveillance and travelling to Cape Town to trace suspects; and

33.4. the conduct of the Sixth and Seventh Respondents contravened section 13(1), (2) and (3) of the SAPS Act and Regulation 5(3) of the South African Police Service Discipline Regulations, 2016 (**"the Discipline Regulations"**), and constituted improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act 23 of 1994.

34. The Ninth Respondent took remedial action in terms of section 182(1)(c) of the Constitution. In paragraph 8.5 of the report the First Respondent was directed, within sixty (60) calendar days from the date of receipt of the report, to ensure that appropriate action was initiated against the Sixth and Seventh Respondents for the contraventions of the SAPS prescripts highlighted in the report, in line with section 40 of the SAPS Act and Regulation 6 of the Discipline Regulations. In paragraph 8.6 the First Respondent was directed, within ninety (90) calendar days, to develop a directive governing how PPS members must

manage crimes reported directly to them. Paragraph 9.1 required the Third Respondent to report to the Ninth Respondent on implementation within sixty (60) calendar days.

35. I am not aware of any proceedings in which the remedial action described above has been reviewed or set aside. I am accordingly advised that it remains binding unless and until set aside by a court.

The Eighth Respondent's investigation and section 30 recommendation

36. The Eighth Respondent conducted an investigation under reference CCN2022070130. Its report, entitled "Negative SAPS Disciplinary Recommendations in terms of Section 30 of IPID Act 1 of 2011", is annexed marked "FA3".

37. The Eighth Respondent found that there was information of evidential value showing that the Sixth and Seventh Respondents had transgressed applicable SAPS prescripts and policies. Its findings included inter alia that:

37.1. the Sixth Respondent was informed by the President that money was missing from the farm and undertook to report the incident to his superiors, but failed to ensure that a case docket of housebreaking and theft was registered;

37.2. the then National Commissioner was never informed of the alleged breach of security and became aware of the allegations only through the media after his retirement;

P. M.

- 37.3. the Sixth Respondent interviewed the alleged suspects on 3 and 4 March 2020, without a registered case docket;
- 37.4. the travel requests procured by the Sixth Respondent for the Seventh Respondent and others were made under false pretences, in that the stated purpose of the travel differed from its actual purpose; and
- 37.5. the Sixth Respondent failed to record the breach of security at the President's farm in the SAPS Annual Report 2020/2021.
38. The Eighth Respondent recommended that disciplinary steps be taken against the Sixth and Seventh Respondents, and identified the following provisions of the Discipline Regulations as relevant to the merits of the matter: Regulation 5(3)(a), 5(3)(b), 5(3)(c), 5(3)(j), 5(3)(t), 5(3)(u), 5(3)(z)(bb) and 5(4)(x). The Eighth Respondent recorded that Regulation 5(4)(x) warranted the institution of an expeditious procedure as provided for in Regulation 9.
39. The Eighth Respondent concluded its report by recording that it awaited a report from the Third Respondent as to when disciplinary action was instituted and how the matter was finalised, so as to enable it to comply with section 30(c) of the IPID Act.

The disciplinary proceedings against the Sixth Respondent

40. The record of the expeditious process conducted in terms of Regulation 9 in respect of the Sixth Respondent under case number 01/08/2022 is annexed marked "FA4". It comprises four pages.



41. It records that the proceedings were conducted by the Fourth Respondent on 6 February 2024, at the Board Room of the Divisional Commissioner: PSS, Pretoria, and that three allegations of misconduct were preferred:

41.1. **Charge 1:** a contravention of Regulation 5(4)(h), in that on 9 February 2020 the Sixth Respondent failed to open a criminal case despite being informed of the housebreaking and theft, and instead decided to conduct an investigation himself;

41.2. **Charge 2:** a contravention of Regulation 5(4)(h), in that on 4 June 2020 he directed police officers to do away with the Occurrence Book in which a second incident was recorded and directed that the incident not be reported; and

41.3. **Charge 3:** a contravention of Regulation 5(4)(k), in that between 26 and 27 June 2020, he misrepresented to the National Commissioner, in his itinerary, that he was travelling to Namibia for protection duties of the President, whereas the President did not travel to Namibia.

42. The Fourth Respondent withdrew charge 1, reasoning that the farm manager was the person responsible for opening a case docket, that the Sixth Respondent was not the first member on the scene, and that there was no statement in the investigation file indicating that he refused that criminal charges be opened.

43. The Fourth Respondent withdrew charge 3, reasoning that the Sixth Respondent contended that the President had directed him to accompany Dr B Chauke to Namibia; that no statement had been obtained from the President or



from Dr Chauke to verify this; and that there was no statement from the retired National Commissioner that he had been misled.

44. In respect of charge 2 the Fourth Respondent found on 14 February 2024, that the Sixth Respondent was not guilty, on the basis that the Occurrence Book concerned had been retrieved from storage in 2022, and not in 2020, in order that the Sixth Respondent might prepare his defence following media reports that he was to be charged.
45. The record reflects that the Occurrence Book was fetched by a driver, handed to a Colonel Matlho and taken by him to the residence of the Sixth Respondent. The record does not disclose what steps, if any, were taken to preserve the integrity of that document while it was in the possession of the member under investigation, although the Fourth Respondent recorded that the original entries remained in existence and had not been destroyed or tampered with. The circumstances in which the Occurrence Book was removed from official custody, delivered to the residence of the member under investigation and thereafter returned form part of the factual basis which requires scrutiny in the complete Rule 53 record, including the relevant custody and access records.

The disciplinary proceedings against the Seventh Respondent.

46. The record of the expeditious process conducted in respect of the Seventh Respondent under case number 01/08/2022 is annexed marked "FA5". It comprises two pages.

13
P M

47. It records that the proceedings were conducted by the Fifth Respondent, described in the record as “the Section Head: Specialised Uniform Protection: Presidential Protection”, on 11 March 2024, at Maupa-Naga Building, Pretoria.
48. A single allegation was preferred, namely that on or about 3 and 4 March 2020, the Seventh Respondent conducted an interview for the purpose of investigation with the alleged suspects regarding the break-in at Phala Phala farm without a SAPS CAS number, in circumstances where it was clear that a crime had been committed. The record does not identify the provision of the Discipline Regulations said to have been contravened.
49. The Fifth Respondent disregarded a statement made by the Seventh Respondent on 22 August 2023 (referred to in the record as “Annexure A1”), on the basis that it had been obtained under duress, in that the Seventh Respondent had asked for time to obtain a legal opinion and had been required to furnish the statement on the same day. The Fifth Respondent proceeded on the version of events articulated by the Seventh Respondent himself.
50. The Fifth Respondent found on 12 March 2024, that the Seventh Respondent was not guilty, reasoning that he was neither the most senior nor the first member on the scene, that the Sixth Respondent was leading the interview, and that there was no statement suggesting that the Seventh Respondent had refused to register a criminal charge.
51. The record does not identify any witness who testified, does not record any evidence led, and does not reflect that the report of the Eighth Respondent or the report of the Ninth Respondent was placed before the Fifth Respondent.

18
9/27

How the Applicant came to learn of these matters

52. Neither the institution of the disciplinary proceedings nor their outcome was announced publicly at the time.
53. During September 2025 the Applicant established, through parliamentary questions, that the Sixth and Seventh Respondents had been found not guilty. A copy of the relevant question and reply is annexed marked **"FA6"**. That reply disclosed the outcome but neither the charges preferred nor the reasons for the findings.
54. The Eighth Respondent's report was not publicly available. The Applicant obtained it through a request made in terms of PAIA and published it on 10 April 2026. The relevant request and response are annexed marked **"FA7"**.
55. The Applicant understands from the material presently available that the Eighth Respondent's investigation and recommendation pre-dated the public disclosure of its report in April 2026. The precise dates on which the report was completed, transmitted to SAPS and received by the relevant SAPS functionaries are not apparent from the limited material available and must be disclosed in the Rule 53 record.
56. On 8 June 2026 the Applicant submitted a further request under PAIA for the records of decision in the disciplinary proceedings. A copy of that request is annexed marked **"FA8"**.

13
pm

57. The records of decision, annexures "FA4" and "FA5", were furnished to the Applicant on 15 July 2026. The covering correspondence is annexed marked "FA9".
58. It was only upon receipt of those records that the Applicant could compare the misconduct identified by the oversight bodies with the allegations actually preferred and the reasons given for their disposal. Until then the Applicant knew only that the members had been found not guilty. It did not know the charges, evidence or reasons.
59. The PAIA steps are relied upon only as part of the chronology and as evidence of the Applicant's diligence, standing and explanation for delay. Most importantly, the reliance on PAIA demonstrates that the Applicant has exhausted the Internal Remedies prior to the institution of these review proceedings. No relief is sought under PAIA in this application.
60. Following receipt of the disciplinary records, the Applicant furnished them to the Chairperson of the section 89 Committee of the National Assembly. That correspondence forms part of the chronology only. The Applicant seeks no relief concerning Parliament or its proceedings.

THE APPLICABLE LEGAL FRAMEWORK

61. I am advised, and respectfully submit, that the impugned decisions are subject primarily to review under the PAJA, insofar as they constitute administrative action as defined in PAJA. In the alternative, and insofar as PAJA does not apply, the impugned exercise of public power is subject to review under the constitutional principle of legality.
- 

62. Section 33 of the Constitution guarantees the right to administrative action that is lawful, reasonable and procedurally fair. PAJA gives effect to that right and prescribes the grounds upon which administrative action may be judicially reviewed. The Applicant accordingly relies primarily upon PAJA and, in the alternative, upon the principle of legality.
63. The impugned decisions were taken by officials of the South African Police Service in the exercise of statutory and delegated public powers concerning the implementation of disciplinary recommendations and remedial action arising from investigations conducted by independent statutory oversight institutions. The Applicant submits that the implementation of those statutory obligations was not merely an internal employment matter, but involved the exercise of public powers conferred by legislation within a constitutionally prescribed accountability framework.
64. The determination whether the impugned decisions constitute administrative action requires consideration of the nature of the power exercised, its source, the identity of the decision-maker, the effect of the decision and the statutory context in which the power was exercised. To the extent that the impugned decisions constitute administrative action, they are reviewable under section 6 of PAJA on the grounds pleaded below.
65. The impugned decisions had consequences extending beyond the internal employment relationship between SAPS and the Sixth and Seventh Respondents. They determined how SAPS would discharge statutory obligations arising from independent police oversight investigations and binding remedial action, and whether the statutory accountability measures arising from

13
2 m

those investigations would be implemented. The decisions accordingly concerned the exercise of public power within a statutory accountability framework and directly affected the implementation of that framework.

66. Section 30 of the Independent Police Investigative Directorate Act 1 of 2011 (**"the IPID Act"**) regulates the implementation of recommendations concerning disciplinary matters. The SAPS Respondents were accordingly required to exercise their disciplinary powers within the statutory framework governing the implementation of those recommendations. The obligation was not discharged merely by convening a process bearing the name of disciplinary proceedings; the implementation was required to give effect to the statutory purpose underlying the independent oversight mechanism.
67. Remedial action taken by the Ninth Respondent in terms of section 182(1)(c) of the Constitution has binding effect unless and until set aside by a court on review. The SAPS Respondents were accordingly required, insofar as the impugned disciplinary process constituted implementation of that remedial action, to exercise their powers consistently with the remedial action and the statutory framework within which it was issued.
68. Regulation 9 of the South African Police Service Discipline Regulations, 2016 (**"the Discipline Regulations"**) provides for an expeditious process. I do not contend that recourse to Regulation 9 was in itself impermissible; on the contrary, the Eighth Respondent identified that procedure as appropriate. The complaint is directed at the manner in which the process was conducted and at the allegations selected for determination within it.

13
P. 20

69. Regulation 4(e), read with Regulations 4(l) and 4(m) of the Discipline Regulations, further requires that the officials responsible for disciplinary proceedings act objectively and without bias, are not connected to the alleged misconduct, and that the investigation of alleged misconduct be conducted independently and separately from any other investigation.

THE DECISIONS SOUGHT TO BE REVIEWED

70. The Applicant seeks to review and set aside the decisions identified in paragraph 2 of the notice of motion, namely the charge-formulation decisions in respect of each of the Sixth and Seventh Respondents, and the decisions of the Fourth and Fifth Respondents disposing of those charges.
71. The identity of the functionary who took the charge-formulation decisions does not appear from the records presently available. That is one of the matters which the Rule 53 record will disclose. The Applicant has cited the First and Third Respondents in the alternative for that reason. The Applicant accordingly seeks leave in the notice of motion to amend the citation and description of the relevant decision-maker once the record has identified the responsible functionary and I will do so in terms of Rule 28 of the Uniform Rules of Court.

GROUND OF REVIEW

72. The grounds of review set out below are advanced on the basis of the material presently available to the Applicant. The Applicant expressly reserves its rights in terms of Rule 53(4) of the Uniform Rules of Court to supplement or amend these grounds upon production and consideration of the complete record of the proceedings and the reasons for the impugned decisions.

13
p m

PRIMARY: REVIEW IN TERMS OF PAJA

First ground: failure to comply with mandatory and material statutory requirements

73. Insofar as the impugned decisions constitute administrative action, the Applicant relies primarily on section 6(2)(b) of PAJA, in that mandatory and material procedures or conditions prescribed by the empowering legislation were not complied with.
74. Section 30 of the IPID Act regulates the implementation by SAPS of recommendations made by the Eighth Respondent concerning disciplinary action. The Eighth Respondent recommended that disciplinary steps be taken against the Sixth and Seventh Respondents and identified the provisions of the Discipline Regulations which it considered relevant to the misconduct under investigation.
75. The Eighth Respondent further recorded that it awaited a report from the Third Respondent concerning when disciplinary action was instituted and how the matter was finalised, in order to enable the Eighth Respondent to comply with section 30(c) of the IPID Act.
76. The disciplinary process which followed did not, on the material presently available, correspond in material respects with the misconduct identified and the provisions of the Discipline Regulations identified by the Eighth Respondent.
77. In particular, the Sixth Respondent was charged under Regulation 5(4)(h), twice, and Regulation 5(4)(k), whereas none of the eight provisions identified by the

13
23

Eighth Respondent as relevant to the merits of the matter was preferred as a charge against him.

78. In respect of the Seventh Respondent, a single allegation was preferred and the record does not identify the provision of the Discipline Regulations allegedly contravened.
79. The consequence was that material aspects of the misconduct identified by the Eighth Respondent were not placed before the disciplinary functionaries for determination. Those matters included, inter alia, the alleged unauthorised investigation, the use of State resources for that purpose, the failure to report the offence to the National Commissioner, the travel-related expenditure and representations, and the omission of the security breach from the SAPS Annual Report 2020/2021.
80. The Applicant does not contend that the disciplinary process was required mechanically to reproduce every allegation or recommendation made by the Eighth Respondent. The complaint is that the material presently available does not disclose the lawful basis upon which the disciplinary process was narrowed to such an extent, or demonstrate that the statutory recommendation and the remedial action of the Ninth Respondent were implemented in accordance with their purpose.
81. To the extent that the Rule 53 record establishes that the disciplinary process was instituted or conducted in a manner which materially departed from, or failed to give effect to, the substance and purpose of the Eighth Respondent's recommendation and the Ninth Respondent's remedial action, without a lawful

13
23

basis for such departure, the impugned decisions are reviewable under section 6(2)(b) of PAJA.

Second ground: relevant considerations were not taken into account

82. The Applicant further relies on section 6(2)(e)(iii) of PAJA, in that the impugned decisions were taken because relevant considerations were not considered.
83. The Eighth Respondent's report contained material findings concerning the conduct of the Sixth and Seventh Respondents. The Ninth Respondent's report similarly made findings concerning the failure to report the crime, the unauthorised investigation and the conduct of the members of the Presidential Protection Service.
84. In respect of the Sixth Respondent, the reasons for withdrawing charge 1 relied materially upon the proposition that the farm manager was responsible for opening a criminal case and upon the absence of a statement indicating that the Sixth Respondent had refused that a case be opened.
85. That reasoning does not, on the face of the material presently available, engage with the finding of the Eighth Respondent that the Sixth Respondent had been informed of the crime by the President, had undertaken to report the incident to his superiors, and had failed to ensure that a case docket was registered.
86. Nor does the reasoning appear to engage with the finding of the Ninth Respondent that the Sixth Respondent failed to report the crime as required by section 13(2) of the SAPS Act.
87. The same concern arises in relation to charge 3. The reasons for its withdrawal relied upon, inter alia, upon the absence of statements from the President, Dr Chauke and the retired National Commissioner. The Eighth Respondent's report,

13
pm

however, contained material concerning the circumstances of the travel, the applicable protection policy and the information available concerning the approval of the travel.

88. The present records do not establish whether the reports of the Eighth and Ninth Respondents were before the Fourth and Fifth Respondents when they made their decisions.
89. If those reports were not before the relevant decision-makers, the decisions were taken without consideration of plainly relevant material. If they were before them, the reasons furnished do not disclose whether, and in what manner, the material findings and recommendations contained in those reports were considered.
90. The complete Rule 53 record is accordingly required to establish what material was before the Fourth and Fifth Respondents, what was considered, what was rejected, and the basis upon which the impugned decisions were made.
91. To the extent that the relevant oversight findings, recommendations and material evidence were not considered, the impugned decisions are reviewable under section 6(2)(e)(iii) of PAJA.

Third ground: the decisions were not rationally connected to the information before the decision-makers and the reasons given

92. The Applicant further relies on section 6(2)(f)(ii) of PAJA.
93. The impugned decisions were required to bear a rational connection to the information before the Fourth and Fifth Respondents, to the purpose for which the disciplinary powers were exercised, to the purpose of the empowering provisions and to the reasons furnished for the decisions.

13
P. 17

94. On the material presently available, that rational connection is absent or, at minimum, cannot be established.
95. The disciplinary process followed upon investigations conducted by two independent statutory oversight institutions which had identified specific conduct and specific contraventions of statutory and disciplinary provisions.
96. The charges ultimately preferred against the Sixth and Seventh Respondents did not correspond materially with the misconduct identified by those oversight institutions.
97. In the case of the Sixth Respondent, charges concerning the failure to report the crime and the alleged travel-related misconduct were withdrawn for reasons which, on the present record, do not engage adequately with the material findings made by the Eighth and Ninth Respondents.
98. In the case of the Seventh Respondent, the sole allegation concerned his participation in interviews conducted without a SAPS CAS number, while the record does not disclose the disciplinary provision relied upon or demonstrate how the broader findings of the Eighth and Ninth Respondents were considered.
99. The reasons furnished further do not disclose the evidential or deliberative path by which the respective conclusions were reached. The record relating to the Sixth Respondent comprises four pages and that relating to the Seventh Respondent two pages. Neither record identifies the witnesses who testified, the evidence led, the documents admitted, or the manner in which material conflicts were resolved.
100. The Applicant does not rely upon the brevity of the records alone. The complaint is that the reasons, considered against the material presently available, do not disclose a rational relationship between the information generated by the

AB
Pm

independent oversight investigations, the statutory purpose of the disciplinary process, and the conclusions reached.

101. The Applicant accordingly submits that the impugned decisions are reviewable under section 6(2)(f)(ii)(aa), (bb), (cc) and (dd) of PAJA, insofar as the decisions were not rationally connected to the purpose for which the power was exercised, the purpose of the empowering provision, the information before the administrators, or the reasons furnished for the decisions.

Fourth ground: the impugned decisions were materially influenced by an error of law

102. The Applicant relies further, insofar as the Rule 53 record establishes the necessary factual basis, on section 6(2)(d) of PAJA.

103. In withdrawing charge 1 against the Sixth Respondent, the Fourth Respondent appears to have proceeded on the basis that the responsibility for opening a criminal case rested upon the farm manager and that the absence of a statement establishing that the Sixth Respondent had refused that a case be opened was dispositive.

104. That reasoning appears not to have addressed the separate statutory obligation relied upon by the oversight bodies, namely the obligation resting upon the Sixth Respondent to report the alleged offence to his commanding officer once he became aware of it.

105. To the extent that the Fourth Respondent's decision was materially influenced by a misunderstanding of the scope or content of the statutory obligations applicable to the Sixth Respondent, including the obligation relied upon by the oversight bodies to report the alleged offence to his commanding officer, the decision was

18
pm

materially influenced by an error of law and is reviewable under section 6(2)(d) of PAJA.

106. The Applicant reserves its rights to supplement this ground once the complete record discloses the legal basis upon which the Fourth Respondent proceeded.

Fifth ground: failure to comply with the requirements of impartiality and independence

107. The Applicant relies further, insofar as the full record establishes the necessary factual basis, on section 6(2)(a)(iii) of PAJA.

108. The Fifth Respondent is described in the disciplinary record as the Section Head: Specialised Uniform Protection: Presidential Protection. The Seventh Respondent was at the material time attached to the Presidential Protection Service, and the conduct under investigation concerned the conduct of members of that Service.

109. Regulation 4(e), read with Regulations 4(l) and 4(m) of the Discipline Regulations, requires the relevant disciplinary functionaries to act objectively and without bias, not to be connected to the alleged misconduct, and requires the investigation of alleged misconduct to be conducted independently and separately from any other investigation.

110. The Applicant does not allege, at this stage, that the Fifth Respondent was in fact biased. The complaint is that the institutional position of the Fifth Respondent, together with his relationship to the organisational structure in which the Seventh Respondent served, raises a question concerning whether the disciplinary process was conducted by a person who was, and was reasonably perceived to be, sufficiently independent for purposes of the applicable disciplinary framework.

13
p m

111. The complete Rule 53 record is required to establish the appointment or delegation under which the Fifth Respondent acted, his reporting and organisational relationships, and the extent of any involvement by him or the relevant structure in the matters under investigation.

112. To the extent that the record establishes that the Fifth Respondent was biased or reasonably suspected of bias, the decision is reviewable under section 6(2)(a)(iii) of PAJA.

Sixth ground: failure to comply with the binding remedial action and prescribed implementation period

113. The Applicant relies further on section 6(2)(f)(i) of PAJA, insofar as the impugned exercise of power contravened the law or was not authorised by the applicable empowering provisions.

114. Paragraph 8.5 of the Ninth Respondent's remedial action required the First Respondent, within sixty calendar days from receipt of Report No 12 of 2023/24, to ensure that appropriate action was initiated against the Sixth and Seventh Respondents.

115. The disciplinary proceedings against the Sixth Respondent were convened on 6 February 2024 and those against the Seventh Respondent on 11 March 2024. The Applicant does not presently know when Report No 12 of 2023/24 was received by the First Respondent, whether any disciplinary step was taken before those dates, or whether any extension or other arrangement was made.

116. These matters are peculiarly within the knowledge of the SAPS Respondents and should appear from the Rule 53 record.

13
p.m

117. If the record establishes that the prescribed period had expired without the remedial action having been implemented, and that no lawful extension or other basis existed for the delay, such failure would constitute non-compliance with binding remedial action and would bear directly upon the lawfulness of the subsequent disciplinary process.

118. The Applicant accordingly reserves the right, upon production of the Rule 53 record, to supplement this ground to the extent necessary.

Seventh ground: arbitrariness or capriciousness

119. The Applicant relies further on section 6(2)(e)(vi) of PAJA, insofar as the complete record establishes that the impugned decisions were taken arbitrarily or capriciously.

120. The Applicant does not allege that the disciplinary functionaries were required to accept the findings of the Eighth and Ninth Respondents uncritically or that the Sixth and Seventh Respondents were required to be found guilty.

121. The complaint is that the material presently available discloses a substantial unexplained divergence between the misconduct identified by the independent oversight institutions and the misconduct ultimately placed before the disciplinary functionaries, coupled with reasons which do not engage with material findings and evidence contained in those investigations.

122. If the Rule 53 record discloses that the narrowing of the allegations, the exclusion or disregard of material evidence, or the conclusions reached were undertaken without a rational and lawful basis, the impugned decisions were arbitrary or capricious within the meaning of section 6(2)(e)(vi) of PAJA.

Eighth ground: unreasonableness

18
p m

123. The Applicant relies, in the further alternative under PAJA, on section 6(2)(h).

124. Having regard cumulatively to:

124.1. the findings and recommendations of the Eighth and Ninth Respondents;

124.2. the substantial divergence between those findings and the allegations ultimately preferred;

124.3. the apparent failure to engage with material findings concerning the statutory obligations of the Sixth Respondent;

124.4. the absence, on the records presently available, of the evidence and deliberative process underlying the decisions;

124.5. the concerns concerning the independence of the Fifth Respondent; and

124.6. the unresolved question whether the binding remedial action was implemented within the prescribed period,

the Applicant submits that, insofar as the full record establishes these matters, the exercise of the relevant powers was so unreasonable that no reasonable person could have exercised the power in that manner.

125. The Applicant emphasises that this ground does not invite this Honourable Court to substitute its own view on the merits of the disciplinary allegations. The issue is whether the exercise of the relevant statutory powers, viewed against the material before the decision-makers and the statutory purpose governing those powers, falls within the range of lawful administrative action contemplated by PAJA.

13
pm

ALTERNATIVELY: REVIEW UNDER THE PRINCIPLE OF LEGALITY

126. In the event that this Honourable Court concludes that the impugned decisions do not constitute administrative action, the Applicant relies, in the alternative, upon the constitutional principle of legality.

127. The same facts pleaded above demonstrate that the impugned exercise of public power may have exceeded the scope and purpose of the powers conferred upon the SAPS Respondents, failed to take account of material considerations, lacked a rational connection to the information and statutory purpose relevant to the exercise of those powers, and failed properly to implement the binding remedial action of the Ninth Respondent.

128. In particular, the Applicant relies upon the matters pleaded in paragraphs 73 to 125 above insofar as they establish that the SAPS Respondents acted outside the scope and purpose of their powers, failed to comply with applicable statutory and constitutional obligations, failed to consider material information, or exercised their powers through a process that was irrational or disconnected from the purpose for which those powers were conferred.

129. The Applicant accordingly relies upon the constitutional principle of legality as an alternative basis for reviewing and setting aside the impugned decisions

DELAY

130. The impugned decisions were taken on 14 February 2024 and 12 March 2024 respectively. They were not published. The Applicant was not a party to the proceedings and was not notified of them.

131. I am advised that the period contemplated in section 7(1) of PAJA runs from the date on which the Applicant became aware, or might reasonably have been

expected to have become aware, of the action and the reasons for it. Section 9(1)(b) permits that period to be extended where the interests of justice so require. Under the principle of legality, the question is whether the delay was unreasonable and, if so, whether it should be overlooked.

132. The Applicant became aware of the outcome in September 2025. It did not then know the charges preferred or the reasons given. The report of the Eighth Respondent, which is essential to any comparison between the misconduct identified and the charges preferred, was obtained only in April 2026. The reasons for the impugned decisions were furnished only on 16 July 2026.
133. Until the records of decision were furnished on 16 July 2026, the Applicant could not responsibly formulate a substantive review directed at the charges selected, the reasoning adopted or the manner in which the disciplinary proceedings disposed of the misconduct identified by the oversight bodies. The Applicant acted promptly after receiving those records. The Applicant accordingly submits that it acted without unreasonable delay and, insofar as PAJA applies, that the circumstances relied upon above justify the computation of the applicable period from the point at which the Applicant obtained sufficient information to identify and formulate the grounds of review relied upon. In any event, and to the extent necessary, the Applicant seeks an extension in terms of section 9(1)(b) of PAJA.
134. If I am wrong in that, the Applicant seeks an extension in terms of section 9(1)(b) of PAJA, alternatively condonation under the principle of legality, on the following grounds:

AB
Rm

- 134.1. the Applicant acted efficiently and diligently throughout by pursuing parliamentary questions and successive requests under PAIA in order to obtain the information necessary to assess the lawfulness of the proceedings;
- 134.2. the passage of time, if any, is substantially attributable to the fact that the charges, reasons and underlying records were not disclosed to the Applicant, rather than to any supineness on its part;
- 134.3. the issues raised are of considerable public importance and concern the effectiveness of the constitutional accountability mechanisms applicable to the police service;
- 134.4. no prejudice to the Respondents has been identified or is apparent. The Sixth and Seventh Respondents have had the benefit of the impugned findings for more than two years, but that benefit was conferred by a process the lawfulness of which is in issue; and
- 134.5. for the reasons set out above, the Applicant's prospects of success are, at the least, reasonable.
- 134.6. The interests of justice accordingly favour the grant of the relief sought in paragraph 1 of the notice of motion.

THE RELIEF SOUGHT AND ITS APPROPRIATENESS

135. The Applicant seeks the setting aside of the impugned decisions and remittal for lawful reconsideration by the SAPS Respondents. It does not seek


p.m

substitution and does not ask this Honourable Court to determine the guilt of the Sixth or Seventh Respondent.

136. Remittal is ordinarily the appropriate remedy where the complaint concerns the lawfulness of an administrative or public-power process. The proposed relief preserves the lawful disciplinary discretion of the responsible SAPS functionaries while requiring that discretion to be exercised consistently with the IPID recommendation, the Public Protector's remedial action and the applicable disciplinary framework.
137. The Applicant asks that the First Respondent reconsider the implementation of the Eighth Respondent's recommendation and the Ninth Respondent's remedial action, having regard to every contravention identified by the oversight bodies and the complete record. Where an identified contravention is not pursued, the Applicant seeks written reasons so that implementation is capable of objective verification.
138. The Applicant further seeks safeguards directed at institutional independence. Any reconsideration, investigation, charge formulation, prosecution or fresh hearing should be undertaken by functionaries who are impartial, independent of the Presidential Protection Service, free of relevant reporting relationships and uninvolved in the conduct under investigation. Where lawfully competent and warranted, that may include appointment of a chairperson who is not an employee of SAPS.
139. The Applicant anticipates that the Sixth and Seventh Respondents may contend that they cannot be subjected to fresh proceedings after findings in

their favour. The legal consequences of setting aside the impugned decisions and the extent to which any fresh process would be just and equitable must be determined with regard to the complete record and their interests. The notice of motion therefore permits lawful reconsideration and fresh proceedings only where lawfully warranted; it does not direct this Honourable Court itself to formulate charges or determine guilt.

140. The reporting obligation sought reinforces the obligations already contained in section 30 of the IPID Act and the Ninth Respondent's remedial action, and ensures transparency concerning implementation of any remittal order.

COSTS

141. The Applicant seeks costs only against those Respondents who oppose the application.
142. The Applicant is a private litigant seeking to vindicate constitutional and public-law obligations against organs of state. This Honourable Court retains a discretion concerning costs, including under the principles applicable to genuine constitutional litigation.

CONCLUSION

143. As apparent from all that has been said above, two independent oversight bodies, whose findings, recommendations and remedial action have not been reviewed or set aside, made material adverse findings or reached adverse conclusions concerning aspects of the conduct of members of the Presidential

13
p m

Protection Service and required or recommended consequential action by SAPS.

144. The limited records presently available reveal a substantial and unexplained divergence between the misconduct identified by the independent oversight institutions and the allegations ultimately preferred and determined against the Sixth and Seventh Respondents. They do not disclose the complete evidential and decision-making process by which that divergence occurred. The Applicant accordingly seeks the relief set out in the Notice of Motion to enable the lawfulness of the impugned decisions to be determined on the complete record.

WHEREFORE, the Applicant prays for an order in terms of the Notice of Motion, prefixed hereto.



MICHAEL BEAUMONT

I **CERTIFY** that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Rosebank on this the 18 day of **AUGUST 2026**, the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, having been complied with.



COMMISSIONER OF OATHS



POPPY Mnguni Full names:
Sergeant Designation / Ex officio:
15 Stardeeare Business address:
Rosebank.

Date: Monday, 17 August 2026
Subject: Resolution by the Interim Senate of ActionSA empowering the National Chairperson, Michael Beaumont, to institute legal proceedings against the National Commissioner of the South African Police Service and Others.

WHEREAS:

ActionSA intends on instituting legal proceedings against the National Commissioner of the South African Police Service, the Minister of the Police, the South African Police Service, Lieutenant General SJ Kwena N.O., Brigadier NA Mathebula N.O., Major General Wally Rhoode, Hlulani H Rekhoto, the Executive Director of the Independent Police Investigative Directorate and the Public Protector of South Africa ("the Respondents"), in order for ActionSA to review the findings of the South African Police Service disciplinary proceedings against Major General Wally Rhoode and Hlulani H Rekhoto.

IT IS RESOLVED THAT:

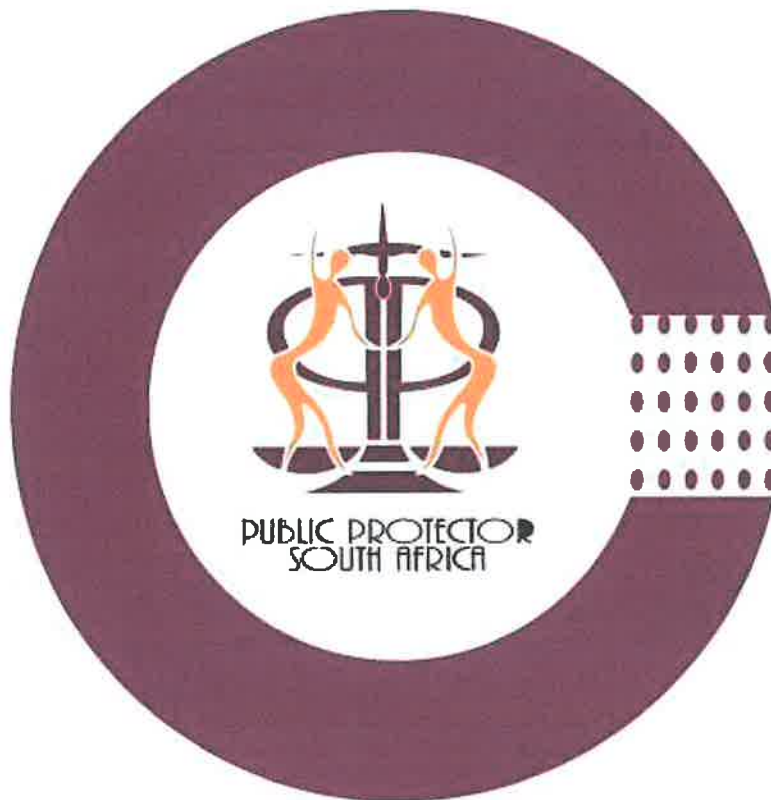
1. ActionSA launch legal proceedings against the Respondents.
2. Michael Beaumont ("MB"), in his capacity as National Chairperson of ActionSA, be and is hereby authorised to act on behalf of the ActionSA in relation to the legal proceedings and is further hereby authorised to sign any documents and to take all necessary actions to institute the legal proceedings, including, but not limited to:
 - a. To commence legal proceedings against the Respondents; and
 - b. To sign and/or dispatch all documents and notices to be signed and/or dispatched by ActionSA as may be necessary, expedient or desirable under or in connection with the paragraph 1;
3. MB is only empowered to institute the legal proceedings in terms of the contents of this resolution and is not empowered to generally institute legal proceedings on behalf of ActionSA.

 The Interim Senate
Signed by Herman Mashaba, President, for and on behalf of the Interim Senate


Hm

**REPORT OF THE PUBLIC PROTECTOR ISSUED IN TERMS OF SECTION 182(1)(b) FA2
OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996, SECTIONS
3(2)(a), 3(3) OF THE EXECUTIVE MEMBERS ETHICS ACT, 1998 AS WELL AS
SECTION 8(1) OF THE PUBLIC PROTECTOR ACT, 1994**

PUBLIC PROTECTOR SOUTH AFRICA



Accountability • Integrity • Responsiveness

REPORT NUMBER: 12 of 2023/24

ISBN NUMBER: 978-1-991244-44-4

**INVESTIGATION INTO ALLEGATIONS OF VIOLATION OF THE EXECUTIVE
ETHICS CODE AGAINST THE PRESIDENT OF THE REPUBLIC OF SOUTH
AFRICA, MR MC RAMAPHOSA, AS WELL AS ALLEGATIONS OF IMPROPER
CONDUCT AGAINST MEMBERS OF THE SAPS IN TERMS OF THE PUBLIC
PROTECTOR ACT, IN CONNECTION WITH THE HOUSEBREAKING WITH THE
INTENT TO STEAL AND THEFT OF CASH IN FOREIGN CURRENCY THAT TOOK
PLACE ON OR ABOUT 09 FEBRUARY 2020 AT PHALA PHALA FARM,
WATERBERG IN THE LIMPOPO PROVINCE**

Handwritten signature/initials

- 7.1.3 The Public Protector's investigation has revealed that Phala Phala farm is managed by a private entity called Ntaba Nyoni Close Corporation (Ntaba Nyoni), through its own private employees, on land owned and registered under Tshivhase Trust. The evidence and information before the Public Protector indicate that the US dollars stolen at Phala Phala farm on or about 09 February 2020 emanate from a private cash transaction. Mr Mustafa Mohamed Ibrahim Hazim (Mr Hazim) a citizen of Sudan, arrived in the country on 23 December 2019 and thereafter purchased buffalo at Phala Phala farm on 25 December 2019.
- 7.1.4 Mr Sylvester Ndlovu (Mr Ndlovu), an employee of Ntaba Nyoni Close Corporation received a cash amount of US\$580,000 on 25 December 2019 and issued a cash payment receipt as proof of the transaction to Mr Hazim. It is apparent from the evidence before the Public Protector that the President was not at Phala Phala farm during this transaction and did not play a role in the sale.
- 7.1.5 In accordance with paragraph 8.2 of the Executive Ethics Code, on 07 October 2022, the Investigation Team visited the office of the Secretary to Cabinet and inspected the Register of Financial Interests of the President, in particular, the declaration relating to the financial year 2019/2020. On the remuneration section of the Register of Financial Interests of the President, it was observed that the President declared that he received no remuneration other than as a member of the Executive during the reporting period of 2019/2020, as required in terms of paragraph 5.6 of the Executive Ethics Code.
- 7.1.6 The President indicated further that he instructed Mr Steyn Speed (Mr Speed) of his Office, to ensure compliance with the Executive Ethics Code, as required by paragraph 8.1. The President further indicated that he is aware of the provisions of the Executive Ethics Code regarding the proper conduct expected of a member of the Executive.

- 7.1.7 Following the inspection of the President's Register of Financial Interests, the Public Protector established that the President had stated in the Register that he retains a financial interest in the form of a sole member's interest at Ntaba Nyoni, as described in paragraph 6 of the Executive Ethics Code.
- 7.1.8 While the facts point towards the President being more involved in the management of the affairs of the CC than he appears to let on in his general submissions, the Public Protector could not find evidence indicating that the President is actively involved in the day to day operations of Ntaba Nyoni or Phala Phala farm. According to the evidence before the Public Protector, the day to day operations of Phala Phala Wildlife are managed by Mr Hendrik von Wielligh (Mr von Wielligh) as the general manager, with the assistance of approximately 40 employees.
- 7.1.9 Having regard to the objective and purpose of the relevant provisions of the Code, the evidence before the Public Protector does not support the allegation that the President's financial interests in game and cattle farming at Phala Phala farm exposes him to any situation involving the risk of a conflict between his official responsibilities and his private interests in violation of the Executive Ethics Code.
- 7.1.10 Having considered the meaning of the concept(s) of paid work or remunerated work as gleaned from various sources, the overarching condition which arises from most definitions refers to an employment relationship or a self-employed person who provides work or renders physical or mental labour for remuneration or payment in money or in kind, given as a result of a contribution to the operations of a business. For such a purpose, an employee or self-employed person is deemed to be at work during the time that he is in the course of his employment. A payment or remuneration is made or owing to any person in return for work performed or services rendered.

- 7.1.11 The Public Protector finds that to have a financial interest in a business is distinguishable from working, being employed, and receiving remuneration for contributing to the operations of the business
- 7.1.12 What is prohibited is the active involvement of members in the enterprises which produce the income – because that would divide their attention from their official duties.
- 7.1.13 Accordingly, the Public Protector could not find evidence to support the allegation that the President receives remuneration and/or undertakes paid work in relation to Phala Phala farm whilst being a member of Cabinet.
- 7.1.14 Aggregated against the standard imposed by the Executive Ethics Code, the Public Protector finds that there is no basis upon which to conclude that the President contravened clause 2.1(b) and (d), clause 2.3(d), (f) and (g) of the Executive Ethics Code, including in the period following the Housebreaking.
- 7.2 **Whether the President failed to report the alleged crime that took place at Phala Phala farm on or about 09 February 2020 and abused his power in utilising state resources by causing the Presidential Protection Services to be deployed to Phala Phala farm and to investigate a housebreaking with the intent to steal and theft of cash in foreign currency at Phala Phala farm, thus violating clause 2.3(d) and (f) of the Executive Ethics Code; and whether such conduct constitutes improper conduct as contemplated in section 182(1) of the Constitution and abuse of power as contemplated in section 6(4)(a)(ii) of the Public Protector Act**
- 7.2.1 Section 34(1) of PRECCA places the duty on certain persons to report certain offences. Failure to report is an offence. In that case, the Public Protector is not empowered to pronounce on the merits and demerits of

the alleged crime and to make findings in respect thereof because the offence does not fall within section 6(4)(a) of the Public Protector Act. The matter is investigated by the public body, which is tasked with criminal investigations, namely the DPCI.

- 7.2.2 The allegation that the President abused his power in utilising state resources by causing the PPS to be deployed to Phala Phala farm and to investigate a housebreaking with the intent to steal and theft at the said farm, is **not substantiated**.
- 7.2.3 The evidence placed before the Public Protector does not support the allegation of abuse of power in utilising state resources by causing the PPS to be deployed to Phala Phala farm and to investigate the crime of housebreaking with the intent to steal and theft at Phala Phala farm.
- 7.2.4 Based on the evidence obtained, the Public Protector concludes that the President reported the security breach in the form of a housebreaking at Phala Phala farm, on 10 February 2020 to Gen. Rhooode. The Public Protector further finds that on 02 March 2020, the President reported the theft of cash in foreign currency, which took place on the same day of the housebreaking, at his private residence on Phala Phala farm to Gen. Rhooode, who is a senior police officer and a member of the PPS, a component of SAPS.
- 7.2.5 Gen. Rhooode confirmed that the President reported the incident to him as a police officer and as the head of PPS, without giving him any specific instructions regarding how he should deal with the matter.
- 7.2.6 The Public Protector could not find any evidence upon which to conclude that after reporting this crime to Gen. Rhooode, the President abused his power in utilising state resources by causing the PPS members to be deployed at Phala Phala farm and to investigate the crime of housebreaking with the intent to steal and theft.

- 7.2.7 The Public Protector further finds that in terms of the Presidential Handbook, read together with the PPS Policy, the President is entitled to static protection at all his private residences, which he uses from time to time during his term of office.
- 7.2.8 Accordingly, the Public Protector could not find any evidence upon which to conclude that the deployment of PPS at the President's private residence at Phala Phala farm amounts to abuse of SAPS resources, since he is entitled to this protection in terms of the Presidential Handbook, read together with the PPS Policy.
- 7.2.9 Measured against the standard imposed by Executive Ethics Code, the Public Protector finds that there is no basis upon which to conclude that the President violated clause 2.3(d) and (f) of the Executive Ethics Code. It can also not be concluded that the President's conduct constitutes improper conduct as contemplated in section 182(1) of the Constitution and abuse of power as contemplated in section 6(4)(a)(ii) of the Public Protector Act.
- 7.3 **Whether the members of the South African Police Service attached to PPS acted improperly by investigating the alleged housebreaking with the intent to steal and theft of cash in foreign currency, which took place on or about 09 February 2020 at Phala Phala farm, Waterberg in the Limpopo Province, and if so, whether such conduct constitutes improper conduct as contemplated in section 182(1) of the Constitution and maladministration as contemplated in section 6(4)(a)(i) of the Public Protector Act**
- 7.3.1 The allegation that the members of the SAPS attached to PPS acted improperly by investigating the alleged crime of housebreaking with the

intent to steal and theft, which took place on or about 09 February 2020 at Phala Phala farm, is **substantiated**.

- 7.3.2 The investigation has revealed that on or about 09 February 2020, a crime of housebreaking with the intent to steal and theft took place at the President's house situated at Phala Phala farm, where cash in foreign currency, in US dollars was stolen from the cushion of a couch.
- 7.3.3 Evidence tendered before the Public Protector further reveals that Gen. Rhooode did not inform his commanding officer about this crime in line with section 13(2) of the SAPS Act, after the President reported it to him on 10 February and 02 March 2020. Instead, Gen. Rhooode alleges that he reported the crime to General Sindile Mfazi (Gen. Mfazi), the then National Head of SAPS' Detection Service, who has since passed away. The Public Protector was neither provided with any proof by Gen. Rhooode to support the assertion that he reported the matter to the late Gen. Mfazi, nor was the information available from SAPS.
- 7.3.4 No case docket was opened and registered on the CAS of SAPS to enable an official investigation by the relevant Crime Detection Service. Consequently, this crime was also not captured in the SAPS's Crime Statistics Report for the financial year 2019/2020.
- 7.3.5 Further evidence before the Public Protector reveals that Gen. Rhooode assembled his own investigation team and subsequently engaged in an unofficial criminal investigation, which included interviewing suspects, witnesses, conducting surveillance, travelling to Cape Town to trace suspects, collecting evidence and compiling a report in connection with the incident that occurred at the President's house at Phala Phala farm.

- 7.3.6 Although Gen. Rhoode contends that he was only conducting a *preliminary investigation* on the security breach to establish a threat on the President's safety on the instruction of the late Gen. Mfazi, his contention is not supported by the evidence at hand. The report compiled by Sgt Rekhoto at the instruction of Gen. Rhoode in this regard, indicates that the investigation focused on the crime of housebreaking with the intent to steal and theft, rather than the threat to the President's safety.
- 7.3.7 The report by Sgt Rekhoto, neither makes any remarks, conclusions or findings about any threat and risk assessments to the personal safety of the President or his family, nor does it make remarks or conclude on the violation, breach, infringement of protective security measures or procedures and unauthorised access to sensitive, confidential or protected (official) resources. Instead, it is apparent that the investigation by Gen. Rhoode and Sgt Rekhoto focused on the crime, the perpetrators involved including how they spent the money stolen from Phala Phala farm, without a registered case docket.
- 7.3.8 Accordingly, the Public Protector finds that Gen. Rhoode and Sgt Rekhoto, acted improperly by investigating the crime of housebreaking with the intent to steal and theft, which took place on or about 09 February 2020 at Phala Phala farm without a registered case docket. This conduct failure and/or impropriety is in direct contravention of the section 13(1), (2) and (3) of the SAPS Act, as well as Regulation 5(3) of the SAPS Discipline Regulations.
- 7.3.9 Having examined all the available evidence, the conduct of Gen. Rhoode and Sgt Rekhoto constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

8. REMEDIAL ACTION

8.1 The Public Protector is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action with a view of redressing the conduct highlighted in this report finalisation of an investigation where adverse findings are made.

8.2 In the matter of the *Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others*⁹⁷ the Constitutional Court held that the remedial action taken by the Public Protector has a binding effect.

8.3 Having regard to the evidence, the regulatory framework determining the standard that members of the PPS namely, Gen. Rhoode and Sgt Rekhoto should have complied with, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The Minister of the South African Police Service

8.4 Must take note of the findings of maladministration and improper conduct against the SAPS as highlighted in this report, in connection with the allegation that the members of the SAPS attached to PPS acted improperly by investigating the crime of housebreaking with the intent to steal and theft, which took place on or about 09 February 2020 at Phala Phala farm, in line with the authority vested on the Minister of Police, in terms of section 206 of the Constitution.

The National Commissioner of the South African Police Service

8.5 Within sixty (60) calendar days from the date of receipt of this report ensure that appropriate action is initiated against Gen. Rhoode and Sgt

97

Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others [2016] ZACC 1 at para 76 and 105.

Rekhoto for contraventions of the SAPS prescripts as highlighted in this report, in line with the provisions of section 40 of the SAPS Act and Regulation 6 of the SAPS Discipline Regulations, 2016.

- 8.6 Within ninety (90) calendar days from the date of receipt of this report, develop an appropriate PPS directive, instruction, policy or such other prescript within the statutory powers vested to the National Commissioner in terms of section 11 of the SAPS Act and section 207(2) of the Constitution, directing how the PPS members must manage crimes reported directly to them by the VIP's under their protection.

9. MONITORING

- 9.1 The SAPS to provide a report to the Public Protector on the implementation of the remedial action within sixty (60) calendar days from the date of this report.



ADV KHOLEKA GCALEKA
ACTING PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA
DATE: 30 JUNE 2023

Assisted by: Mr VX Dlamini

Acting Executive Manager: Investigations



**independent police
investigative directorate**

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

**Independent Police Investigative Directorate
National Specialized Investigation Team**

SUBJECT

**Negative SAPS Disciplinary Recommendations in terms of
Section 30 of IPID Act 1 of 2011**

IPID CLASSIFICATION

**Section 28(1)(h)- any other matter referred to it as a result of a
decision by the Executive Director, or if so requested by the
Minister, an MEC or the Secretary as the case may be.**

IPID REF

CCN2022070130 MISCONDUCT

SAPS MEMBERS

Major General WP Rhooe and Constable HH Rekhoto

REPORT TYPE

Negative Report

AB
pm

1. Summary of allegations

The complainant in this matter is Honorable Vuyoletu Zungula President of the African Transformation Movement (ATM) and a member of Parliament. He alleged that President Ramaphosa's Head of Presidential Protection Unit: Major General WP Rhoode, in cohorts with some Senior SAPS officials Misconducted themselves in terms of the manner as described in details in Mr Arthur Fraser's affidavit. He further alleged that Major General Rhoode and these Senior SAPS member's actions amounts to carrying out illegal and unlawful instructions which includes the following:

- Not reporting a crime in terms of Prevention and Combating of Corrupt Activities Act 12 of 2004 Section 34 (1) (PRECCA);
- Not reporting prescribed offences in terms of Section 13 (2) of SAPS Act 68 of 1995;
- Conduct an Undercover investigation;
- Unlawful apprehension of suspects;
- Unlawful handling of stolen loot including not reporting it to the SAPS;
- Unlawful collaboration of former SAPS members serving members SAPS Crime Intelligence Unit;
- Unlawful Interrogation of Suspects;
- Kidnapping;
- Unlawful border crossing by Major General Rhoode;
- Unlawful use of official Government Resources; and,
- Bribery of suspects to Conceal the events that took place at Phala Phala on 09 February 2020.

The complainant further alleged that News 24 reported that National Commissioner Fannie Masemola and his predecessor Khehla Sitole bear some knowledge into this matter. It further reported that Major General Rhoode called Crime Intelligence Boss General Peter Jacobs for manpower and resources to probe the dollar heist.

The complainant further alleged that South African Authorities met with an unknown Commissioner from Namibia at No Man's Land on 19 June 2020, this alleged meeting was also referred to in paragraph 11 of the Media Statement dated 16 June 2020 by Lieutenant General SH Ndeitunga, OMS of Namibia Police Force. It is alleged that the two parties agreed that the matter is sensitive and may cause a fall out in South Africa.

The complainant requested an investigation to establish whether or not Tax-Payers' money was used to pay for the trip to No Man's Land, where meeting was held with Namibian authorities using a chartered helicopter. The complainant further requested that Systemic Corruption as indicated in section 28 (1) (2) of the IPID Act be also investigated. The complainant also alleged that the members involved must be charged for failing to report burglary in terms of Section 29 (1) (a & b) of the IPID Act which he believed that the IPID Act compels them to report such matters.

Upon registration of the case as per the allegations made, IPID made an undertaking to conduct investigation focusing on the transgression of the SAPS departmental policies/prescripts.

2. Contents of IPID File

In terms of Section 30 of IPID Act 1 of 2011 read with SAPS Disciplinary Regulation issued on 1st November 2016, you are hereby directed to initiate disciplinary action against Major General WP Rhooode with service number 0527125-8 and Sergeant HH Rekhoto 7150340-4 attached to Presidential Protection Services Unit at Head Office Pretoria.

3. IPID Analysis

- 3.1. On 2022-08-15 IPID investigators travelled to Bela-Bela Police Station and held a Meeting with the Station Commander Colonel Phetla and the Detective Commander Lieutenant Colonel A. Smith. Both the Senior Managers at the Police Station indicated that the only case that was reported relating Joseph's family in the year 2020 was kidnapping as per ***Bela-Bela CAS 78/03/2020***. The case of kidnapping was investigated by Captain Shitlhane of the Family Violence, Child Protection and Sexual Offences Unit (FCS).
- 3.2. The status of the case on the CAS System indicated that the case was withdrawn at court. Furthermore, IPID was furnished with the copies of the case docket and upon perusal it was noted that the complainant Ms Benadette Joseph the mother of the alleged victims Flauriana and Davids Joseph, all submitted withdrawal statements. According to the mother she withdrew the cases because her children both returned home. The reasons for withdrawal of the case was cited by the victims Flauriana and Davids as misunderstanding on the part of the mother which could have been compounded of her not understanding the local languages as strictly speaks Ovambo a language predominantly spoken in Namibia, therefore, there was apparently no need for the mother to have opened case alleging kidnapping.

- 3.3. On the 2022-08-15 at about 10:38, IPID Investigators and Captain Shitlhane of Bela Bela FCS proceeded to Vingerkraal to trace the Joseph's family. On arrival only Ms Benadette and Ms Flauriana were found and interviewed, however, both denied any knowledge of the case of kidnapping. It is to be noted that the two witnesses were apprehensive and showed no interest in discussing the merits of the case expressing the concern that there have been many people claiming to either being police or journalists coming to ask questions on the same matter. They further informed IPID Investigators and Captain Shitlhane that Mr David Joseph was at work but had no knowledge of his place of employment.
- 3.4. Captain Sitlhane reminded Ms Benadette and her daughter Flauriana of his engagement with them in his office at the Bela-Bela Police Station to submit withdrawal statement but the two denied having met with him previously. It is to be noted that the withdrawal statements were signed for Ms Benadette and her daughter Flauriana were signed, however, both did not want to indicate if those signatures were theirs. In essence they were both very apprehensive.
- 3.5. On the 2022-08-15 Captain Sitlhane submitted a statement regarding his investigation of Bela-Bela CAS 78/03/2020 and his interaction with the Joseph family. In his statement it is stated that Ms Benadette and both her children, Flauriana and Davids Joseph came to Bela-Bela Police Station during the month of March 2020 to submit withdrawal statements. Furthermore, he categorically stated that in light of the withdrawal statements obtained, the case docket was referred to the Senior Public Prosecutor for decision and the matter was formally withdrawn by the court.
- 3.6. On 2022-09-30 IPID was engaged by the office of the Public Protector Mr VX Dlamini (Chief Investigator) to share information regarding the Phala Phala farm theft investigation. It was noted that the investigation by Public Protector was mainly focused on the violation of the Executive Ethics Code by the State President, a role which falls outside IPID Legislative Mandate. Furthermore, statements involving police officers in this investigation were provided by the Public Protector officials to IPID Investigators.
- 3.7. On 2022-10-07 Public Protector official provided more documents which included further copies of statements of SAPS members. On 2022-12-02 Public Protector official again made available additional documents relevant to IPID Investigators such as SAPS Policies and the National Instructions. Furthermore, on 2022-12-20 the officials of the office of the

Public Protector furnished IPID with other documents such as copy of SAPS Annual Report, claim forms and the itineraries.

- 3.8. On 2023-01-18 an email communique was sent to Lieutenant General Shihlabane: Divisional Commissioner Protection and Security Services requesting him to avail SAPS members whom IPID identified as persons of interest in this case. Later on the same day IPID Investigator went to obtain the statement of Mr Jabu Sam Mahlangu, copy of the SAP (132b) Vehicle Register of the vehicle he used when travelling to Cape Town, copy of itinerary and claim form for Warrant Officer Ruiters and Captain LL. Beukes statements.
- 3.9. Having analysed the documents obtained based on the complaint, the investigation by IPID revealed that there was information of evidential value showing that the SAPS members identified above transgressed applicable SAPS prescripts/policies.
- 3.10. That SAPS members committed the following transgressions as a result of the theft at the President's farm:
- Concealed the crime of Housebreaking and Theft of cash at the State President's farm and failed to report the matter at a Police Station in line with the SAPS procedures.
 - Used state resources, which include SAPS officials such as the Presidential Protection Unit located in SAPS VIP Protection Unit, to investigate the President's private business matter in an attempt to track and bring back President's money without registering a case.
 - Kidnapped the suspects and interrogated them in connection with the theft on the President's farm.
 - Unlawful border crossing by Major General Rhooode.
 - Not reporting prescribed offences in terms of Section 13 (2) of SAPS Act 68 of 1995.
 - Bribery of suspects to Conceal the events that took place at Phala Phala on 09 February 2020.
 - Unlawful apprehension of suspects.

4. INVESTIGATIONS FINDINGS

- 4.1. IPID investigation was able to identify two SAPS members namely **Major General WP Rhooode**, and **Constable HH Rekhoto** as the individuals who were mostly involved in the

alleged cover up of the theft from the President's farm. Both members were approached and were given opportunity to respond to the allegations made against them.

- 4.2. On 2023-01-19 **Constable HH Rikhoto** was summoned to IPID offices for an interview with IPID investigators and was provided with a list of questions to respond to in a form of sworn affidavit which was received on 2023-01-31.
- 4.3. On 2023-01-25 IPID Investigators approached **Major General Rhoode** and was also given a set of questions to respond which were in relation to the allegations against him and he requested to be given an opportunity to consult with his legal representative. However, he indicated that he will be able to submit the statement soon after the State of the Nation Address (SONA).
- 4.4. **Major General WP Rhoode** did not respond to the questions, however, IPID took a decision to proceed with its investigation as the Directorate does not coerce anybody to provide information to amplify the quality of its investigation. IPID investigation, therefore, necessitated the analysis of the available evidence gathered against both **Major General WP Rhoode** and **Constable HH Rikhoto**.
- 4.5. IPID investigation revealed that **Major General WP Rhoode** was informed on 2020 by the President that money from sales of animals was missing from his farm. He promised the President to report this incident to his superiors and revert back to him.
- 4.6. Section 13 (2) SAPS Act 68 of 1995 stipulates that "**Where a member becomes aware that a prescribed offence has been committed he/she shall inform his commanding officer thereof as soon as possible**".
- 4.7. Investigation also revealed that according to SAPS approved National and Provincial Organizational Structures 2020/2021-2023/2024 and Policy no 03 of 2018 Presidential Protection Service. **Major General W.P Rhoode** was directly reporting to the then **National Commissioner: General KJ Sitole**. In this case Major General Rhoode says he reported this matter to the late **Lieutenant General Mfazi** and not to the **National Commissioner**. **Major General WP Rhoode** made himself answerable on the contravention of Section 13 (2) SAPS Act 68 of 1995 stipulates that "**Where a member becomes aware that a prescribed offence has been committed he/she shall inform his commanding officer thereof as soon as possible**".

- 4.8. Investigation further revealed that the then **General KJ Sitole** was never informed about the alleged breach of security and theft of money from President's farm, he only became aware of the allegations in the media after his retirement.
- 4.9. According to **Major General WP Rhooode** the late **Lieutenant General Mfazi** requested him to gather a preliminary information about the incident and potential suspects to the alleged breach of security. There is nowhere in both **Major General W.P Rhooode** statements reporting the missing money from sales of the animals from President's farm to the late **Lieutenant General Mfazi**.
- 4.10. **Major General WP Rhooode** says in his statement that it is beyond his scope of his work to be allocated matters or case dockets to conduct criminal investigations. **Major General WP Rhooode** failed to register or ensure that a case docket of Housebreaking and Theft was registered after the President reported a crime to him, to be investigated by dedicated investigator (s) attached to a specific SAPS Investigating Unit.
- 4.11. What **Major General WP Rhooode** is saying supra and in his statement it is an admission and acknowledgement of carrying out an unlawful instruction from the late **Lieutenant General Mfazi**. **Major General WP WP Rhooode** even though he acknowledges the unlawfulness of the instruction from **Lieutenant General Mfazi** as the case may be, he proceeded to conduct such investigations without bring this unlawful instruction to his immediate line manager the then **National Commissioner: General KJ Sitole**.
- 4.12. On 03rd and 04th March 2020 **Major General WP Rhooode** interviewed the alleged theft suspects **Ms Floriana Joseph** and **Mr David Joseph** regarding the housebreaking and theft of cash at Phala Phala farm. In his statement he states that he read to Ms and Mr Joseph their rights without mentioning which rights he was referring to.
- 4.13. The Constitution of the Republic of South Africa **section 35 (1) and (2) deals with the rights of people who are arrested for allegedly committing an offence, and those who are detained and sentenced prisoners**. To date we do not know how and which rights were read to **Mr and Ms Joseph**. This was one of the questions posed to **Major General WP Rhooode** and it remained unanswered.
- 4.14. IPID Investigation further revealed that a gentleman known as **Mr Nick** arrived in Phala Phala farm while **Major General WP Rhooode** was busy interviewing **Mr David Joseph**. He

came with an unknown gentleman and another suspect namely **Thomas** whose hands were tied at his back with cable ties.

- 4.15. **Mr Nick's** arrival at Phala Phala while **Major General WP Rhoode** was busy interviewing other suspects cannot be deemed as coincidental. He would not have arrived at Phala Phala farm without invitation of **Major General WP Rhoode**, as he was the only one instructed to conduct the preliminary investigation into the breach of security at the President's farm. The only inference one can draw is that **Mr Nick** was part of the team that was set up by **Major General WP Rhoode** to trace and track the suspects involved in Phala Phala farm theft thus insinuating the unlawful apprehension and interrogations of the alleged suspects.
- 4.16. On 2020-03-07 **Major General WP Rhoode** wrote a letter to Operational Support Section Head: **Brigadier Biyela** and the Section Head Finance and Administration, **Colonel Ralethe** requesting **Constable HH Rekhoto** and his driver **Mr JS Mahlangu** to travel to Cape Town for meetings with office of the Presidency and perform driving duties.
- 4.17. **Constable HH Rekhoto** was to leave Pretoria on 2020-03-07 for Cape Town and return to on Pretoria 2020-03-20. **Mr Mahlangu** was to leave Pretoria on 2020-03-07 for Cape Town and return on 2020-03-13. Bearing in mind that when this request was done, it was during **COVID19** pandemic and physical meetings were discouraged in terms **COVID19** regulations. **Constable HH Rekhoto** returned to Pretoria on 2020-03-16 and **Mr Mahlangu** returned on 2020-03-13.
- 4.18. This instruction to travel to Cape Town came after **Constable HH Rekhoto** was informed by **Mr David Joseph** (his allege source) on 04-03-2020 that suspects of Phala Phala are in Cape Town. This information was also communicated to **Major General WP Rhoode** by **Constable HH Rekhoto**, hence he instructed him to come to Cape Town, under pretext that he was going to attend meetings with the office of the presidency.
- 4.19. **Major General WP Rhoode** in his supplementary statement to Public Protector says, on 10th or 11th March 2020 while in Cape Town he received a call from **Constable HH Rekhoto**. **Constable HH Rekhoto** informed him that he has received information from a source that suspects of theft from Phala Phala bought vehicles from Barons in Culemborg Cape Town. He knew this information long before this dates. When he instructed **Constable Rekhoto** to travel to Cape Town it was about this information.

- 4.20. Three days after **Major General WP Rhoode** received this information from **Constable HH Rekhoto**, he instructed him and **Mr Mahlangu** to travel to Cape Town. When **Major General WP Rhoode** wrote a request letter to finance and he falsified the purpose of the trip as to attend meetings with office of the Presidency and driving duties, while knowing that they are following up on information on Phala Phala farm theft suspects.
- 4.21. **Constable HH Rekhoto** spent eight days in Cape Town conducting surveillance and confirming certain addresses of the alleged suspects who stole from the President's farm. The only document that **Constable HH Rekhoto** was able produce as a proof of his role and visit in Cape Town, is the investigation draft notes that he crafted.
- 4.22. Based on **Constable HH Rekhoto's** investigations notes, he was well aware that a crime was committed at the President's farm. This notes also confirms that he was conducting investigations with **Major General WP Rhoode**. According to **Constable HH Rekhoto's** job description one of his duties is to render legal support and advise on legislative issues to the Component Head Presidential Protection Service.
- 4.23. As a legal person and police officer **Constable HH Rekhoto** received information together with **Major WP Rhoode** on 2020-03-03 and 2020-03-04 that certain individuals committed Housebreaking and Theft at the President's farm. **Constable HH Rekhoto** failed or ignored to interpret information received and advise **Major General WP Rhoode** that this matter needs to be reported to the police for further investigation purposes as it is beyond their scope of work.
- 4.24. **Constable HH Rekhoto** further lied in his affidavit that he went to Cape Town to meet with **Major General WP Rhoode** and Research team, this is after he was confronted with this questions by IPID especially the purpose of his trip to Cape Town, he said he went to attend meetings with the Research group and Component Head. He also could not produce proof of meetings (e.g.) minutes of the meeting and attendance register.
- 4.25. **Constable HH Rekhoto** in his statement to IPID he never mentioned anything about receiving instruction from **Major General WP Rhoode** to identify and surveying addresses of Phala Phala farm theft suspects in Cape Town. But during his interview with Public Protector' office he says he went to Cape Town on the basis of the instruction he received from **Major General WP Rhoode** to confirm and survey the addresses of the suspects.

- 4.26. **Constable HH Rekhoto** when completing his itinerary and claim form he indicated that the purpose of the trip was to attend meeting with Component Head. Whereas he knew that he was instructed by **Major General WP Rhoode** to go and confirm and survey the addresses of the suspects as per information received from **Mr David Joseph** his alleged source.
- 4.27. Basically **Constable HH Rekhoto** misrepresented himself by saying he was going to attend meeting with Component Head. During his interview with office of the Public Protector **Constable HH Rekhoto** could not remember what he wrote in his itinerary as the purpose of his trip to Cape Town.
- 4.28. **Constable HH Rekhoto's** transcripts during his interview with office the Public Protector page (95) he says **Major General WP Rhoode** instructed him to go identify and survey if certain places exists, but denies that what he was doing was actually surveillance. He also mentioned that while in Cape Town he attended meeting with research team on the new structure.
- 4.29. When asked to provide minutes and attendance register for this meetings or even record of his duties while he was in Cape Town, **Constable HH Rekhoto** could not provide any, except for the investigations draft notes he crafted. Taking into consideration that the contact meetings were discouraged due **COVID 19** Pandemic. Contrary to the initial purpose of the trip by **Major General WP Rhoode's** letter and itinerary and claim form suggested that **Constable HH Rekhoto** was going to attend meetings with Component Head and Research group. Whereas **Constable HH Rekhoto** says he was instructed to travel to Cape Town to identify and survey addresses of the suspects if they exist.
- 4.30. According to the **Constable HH Rekhoto's** notes and his interview transcripts from Public Protector's Office, he conducted Surveillance and information gathering against suspects who were involved in the Housebreaking and Theft at Phala Phala farm, namely **Immanuela Natangwe David, Simon Hidjapo and Shooya Eerki Shikongo**.
- 4.31. Investigation by IPID further revealed that the travel requests for **Constable HH Rekhoto** by **Major General WP Rhoode** to travel to Cape Town was done under false pretenses, that he was going to attend meetings with the office of the Presidency for (8) eight days in the height of **COVID 19** Pandemic.

- 4.32. Investigation further revealed that **Major General WP Rhoode** abused his power and resources of the SAPS. According to the then **National Commissioner: General KJ Sitole**, **Major General WP Rhoode** is not supposed to have a dedicated driver, unless it is by means of a submission of a motivated application outlining a specific situational incidence. According to **General KJ Sitole** he does not recall approving such application.
- 4.33. On 2020-03-07 to 2020-03-13 **Major General WP Rhoode** instructed that **Mr Mahlangu** his driver in Pretoria to travel to Cape Town to perform driving duties for him, whereas there are people in his Cape Town office who can perform similar duties. On 2020-06-24 to 28-06-2020 **Major General WP Rhoode** again instructed that **Warrant Officer NA Ruiters** to fly from Cape Town to Pretoria en-route to Upton to perform driving duties for him.
- 4.34. This task it could have been performed by **Mr Jabu Mahlangu** or any other person within his office in Pretoria. This conduct by **Major General WP Rhoode** amounts to **Fruitless Wasteful and Expenditure**, he has a driver in Pretoria, but he instructs another person to fly from Cape Town to perform similar duties.
- 4.35. Investigation also revealed that on 18-19-03-2020 **Major General WP Rhoode** booked in at Schroderhuis Guest House in Upton alone but booked two Units. This information could thus corroborate and confirm allegations that South African Police Service members met with an unknown Commissioner from Namibia at No Man's Land on 19 June 2020.
- 4.36. Investigations further revealed that on 26-27-06-2020 **Major General WP Rhoode** travelled to Upton en-route to Namibia and stayed at Schroderhuis Guest house with **Dr Bejani Chauke** the Presidential envoy for Africa, and **Warrant Officer Ruiters**.
- 4.37. Investigation further revealed that **Dr Bejani Chauke**, **Major General WP Rhoode** and **Warrant Officer Ruiters** travelled together in one vehicle BMW X5 registration Number HZ 24 SR GP. But the invoice from Schroderhuis Guest house depicts that four Units were booked by **Major General WP Rhoode**.
- 4.38. **Warrant Officer Ruiters** had his own invoice for two nights 25-27-03-2020. According to **Ms Thereza** from Schroderhuis Guest house, when they book guest at their establishment, that is done by means of booking rooms in the name of a person doing reservations not on individuals.

- 4.39. On 26-06-2020 **Major General WP Rhoode** and **Dr Bejani Chauke** travelled to Namibia and **Warrant Officer Ruiters** remained in Upington. According to **General KJ Sitole**, Policy on Risk Management System: Protection Packages (RIMAS) **Dr Bejani Chauke** is not permitted to use resources of SAPS VIP Unit, as he is not mentioned as a VIP in the abovementioned Policy. **Dr Bejani Chauke** is supposed to use Presidential budget to travel, unless directed by President or by the security situational demand. This demand is governed by special authority granted. But in the Memo submitted by **Major General WP Rhoode** for **General Sitole's** approval there was no request for approval of **Dr Bejani Chauke's** expenses. The approval was for **Major General WP Rhoode** and **Warrant Officer Ruiters**.
- 4.40. Investigation further revealed that when **Major General WP Rhoode** completed his itinerary and claim forms he indicated the purpose of his trip was for Presidential Protection duties in Windhoek, whereas in the Memo he indicated a different purpose that he was instructed by the **President CM Ramaphosa** to accompany **Dr Bejani Chauke** to Namibia on 25-26-06-2020. Investigation also revealed that **Dr Bejani Chauke** is not mentioned or listed as a VIP in the Policy on Risk Management System Protection Packages: Protection Packages (RIMAS).
- 4.41. Investigation further revealed that **Major General WP Rhoode** failed to report the breach of security at the President's farm on SAPS Annual Report 2020/2021. Investigations further revealed that **Major General WP Rhoode** named drop the President's name every time he conducted his unauthorized investigations into Phala Phala farm theft. Whenever he completed itineraries he will use the President's name so that he cannot be asked questions.

5. IPID RECOMMENDATION

- 5.1 Based on the above information contained in the case file, IPID recommends that disciplinary steps be taken against **Major General WP Rhoode** and **Constable HH Rekhoto**.
- 5.2 The following provisions Regulation 5(3) of the SAPS 2016 Disciplinary Regulations have relevance in the merits of this case:
- 5.2.1 Regulation 5(3)(a)- fails to comply with, or contravenes an Act, regulation or legal obligation; Contravention of section 13 (2) of SAPS Act 68 of 1995 which states that: "Where a

member becomes aware that a prescribed offence has been committed he/she shall inform his commanding officer thereof as soon as possible". Contravention of Presidential Protection Service Policy No 03/2018 which states that the **"Component Head is accountable to the National Commissioner"**, and SAPS Approved National and Provincial Organization Structures 2020/2021- 2023/2024 which stipulates that: **The Component Head of PPS reports directly to National Commissioner.**

5.2.2 Regulation 5(3)(b) - performs any act or fails to perform any act with the intention:

- i. To cause harm to or prejudice the interest of the service be it financial or otherwise; **Conduct investigations which is not part of his mandate and using state resources in conducting these unlawful investigations.**
- ii. To undermine the policy of the service; or **Contravenes Policy no 03/2018 of Presidential Protection Service by reporting the breach of security to Lieutenant General Mfazi instead of General Sitole (National Commissioner) as prescribed.**
- iii. Not to comply with his or her duties or responsibilities: **Conduct Investigations which is outside his scope of work and not part of his daily duties.**

5.2.3 Regulation 5 (3) (c) wilfully or negligently mismanages the finances of the state:

On 2020-03-07 he instructed Constable Rekhoto and Mr Mahlangu to travel to Cape Town to conduct an unlawful investigations and performs driving duties that could have been done by any other person in Cape Town.

On 2020-03-24 he again instructed Warrant Officer NA Ruiters to fly from Cape Town to Pretoria, stay in a hotel and to drive him to Upington. While his driver or other personnel were available to perform such function in Pretoria. This actions amounts to Fruitless and Wasteful expenditure.

5.2.4 Regulation 5(3)(j)- fails to carry out a lawful order or routine instruction without just or reasonable cause; **The prescripts are clear that the Component Head PPS reports directly to National Commissioner, but in this case the matter was allegedly reported to the late Lieutenant General Mfazi.**

5.2.5 Regulation 5(3)(t)-conducts himself or herself in an improper, disgraceful and unacceptable manner; **Conduct unlawful investigation without any case docket or Inquiry file registered on CAS with a case number of a specific police station.**

5.2.6 Regulation 5(3)(u)- contravenes any prescribed Code of Conduct of the Service or the Public Service, whichever may be applicable to him or her

5.2.7 Regulation 5(3) (z) (bb) Falsifies records or any other documentation: **When completing Itineraries, the two officers falsified the purposes of their trips. The breach of security at the President's farm was also not recorded in the SAPS Annual Report 2020/2021.**

5.2.8 Regulation 5(4)(x) **Any misconduct which is detrimentally affects the image of the Service or brings the Service into disrepute or which involves an element of dishonesty**, this SAPS Disciplinary Regulations is also applicable and warrants the institution of an expeditious procedure as provided for in Regulation 9.

6. Conclusion

IPID awaits your report relating to when the disciplinary action was instituted and how the matter was finalised to enable the institution to comply with the provisions of Section 30(c) of the IPID Act.

Compiled by:

Mr JW Baloyi

Deputy Director

National Office (NSIT)

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

**RECORD OF EXPEDITIOUS PROCESS IN TERMS OF REGULATION 9
OF THE SOUTH AFRICAN POLICE SERVICE DISCIPLINE REGULATIONS, 2016**

CASE NO: 01/08/222

**PERSAL NO: 0527125-8 RANK: MAJOR GENERAL NAME: WP RHOODE
REPRESENTATIVE: LIEUTENANT COLONEL SAMPSON**

By Lieutenant General SJ Kwenia the Provincial Commissioner of North West Province on 06 February at the Board Room of the Divisional Commissioner: PSS, Maupanaga Building, Pretoria on allegations of misconduct as per the Notice issued in terms of regulation 9(2)(b) (Annexure P).

RECORD OF PROCEEDINGS:

1. The employee was informed of the allegation(s) of misconduct as per the Notice issued in terms of Regulation 9(2)(b) of the South African Police Service Discipline Regulations, 2016 (Annexure P).
2. It was confirmed that the documents/statements as per Annexure Q were given to the employee.
3. The employee was charged for allegedly contravening the following:
 - 3.1 2020-02-09 at or near Phala Phala Game farm you contravened Reg 5(4)(h) of the South African Police Service Discipline Regulation 2016, in that you allegedly committed misconduct by failing to open a criminal case despite being informed of the serious security breach relating to the house breaking and theft which occurred in Phala phala Game Farm belonging to the State President of the Republic of South Africa; Mr. MC Ramaphosa, instead you decided to conduct an investigation yourself.
 - 3.2 2020-06-04 you contravened Reg 5(4)(h) of the South African Police Service Discipline Regulation, 2016 in that you allegedly committed misconduct by directing the police officers to do away with Occurrence Book where the second incident was reported and that the incident must not be reported.
 - 3.3 2020-06-26 to 2020-06-27 you contravened Reg 5(4)(k) of the South African Police Service Discipline Regulation, 2016 in that you allegedly committed misconduct by misrepresenting the facts to the National Commissioner when you indicated in terms of your itinerary that you were travelling to Namibia for protection duties of the President whereas in truth and reality the President did not travel to Namibia and has no plans of travelling to that country

AB
P m

4. ANALYSIS

I will firstly deal with charge 1 and 3 respectively against the member then charge 2

Charge 1:

The Farm Manager Hendrick Von Wielligh was woken up by Sylvester Ndlovu who is the farm's housekeeping manager and told him about the house breaking.

Sergeant Ramokgopa who was the night shift commander woke up Warrant Officer Molekwa and told him about the house breaking.

Mr Hendrick Von Wielligh, is the farm manager, he is responsible for the entire farm in the absence of the owner of the farm. He had a fiduciary duty over the farm and is bound both legally and ethically to act in the other's best interest. Mr Von Wielligh is the person who was responsible to have opened a case docket if there was any criminality at the farm.

The charged employee, Major General Rhooode was not the first member on the scene, there is no statement in the investigation file that indicates that he refused that criminal charges be opened, I fail to understand why the member was charged for failing to open a case docket of housebreaking and moreover that there is no evidence or statement in the investigation file suggesting that he ordered members not to open a case docket.

It is against this background that I withdraw this charge against the member.

Charge 3

The allegations against the member is that he lied to the National Commissioner saying he is going to Namibia with the President whereas the President never went there, before any member flies out of the country there are protocols that are followed and due diligence done before the itinerary and the financial authority are approved and signed by the relevant authority.

In his representation Major General Rhooode indicated that he never said that he was accompanying the President to Namibia, on the contrary the president ordered him to accompany a certain Dr B Chauke to Namibia

The statement of the President or Dr B Chauke were never obtained to verify this and there was neither corroboration nor disputer of General Rhooode's assessment in this charge.

The then National Commissioner General (Ret) Sitole approved the trip as well as the

Financial authority on 2020-07-07 there is no statement of the retired National Commissioner that Major General Rhooode misled him.

It is against this background that I withdraw this charge against Major General Rhooode.

Charge 2

The Chairperson felt that Major General Rhooode has a case to answer in so far this charge is concerned, the member pleaded not guilty and the matter was postponed for 2024-02-14

2024-02-14

4. The matter is resuming, the Chairperson highlights that the Occurrence Book was taken by Colonel Matlho to the house of Major General Rhooode after the driver Jonas brought it to him. The Chairperson relied on the provision of Standing Orders (General) 301 and 303 governing the handling and filing of the Occurrence Book.
Lieutenant Colonel Samson representing Major General Rhooode highlights that the member cannot be found guilty on this charge due to the fact that the Occurrence Book in question is that of February 2020 and further that this Occurrence Book was already in storage at the Union Building when Colonel Matlho ensured that it was fetched and brought to him to take it to Major General Rhooode so that he can prepare for his defence after the media frenzy that he was going to be charged. This happened in 2022 and this Occurrence Book was also availed to the Public Protector, the Hawks and the internal Departmental investigator Major General Dladla.
The very same Occurrence book was brought to this hearing after it was taken from the storage with the same original entries being in existence, clear, visible and not destroyed or tampered with.
There is no statement or anyone in the investigation bundle that suggest that Major General Rhooode did away with the occurrence book, however there is a concession by both Colon Matlho and Jonas that he did take the 2020 Occurrence Book also an admission by him that he took it however that happened in 2022 and not in 2020 as the impression is created.

Annexure R

FINDING: Not Guilty

DATE OF FINDING: 2024-02-14

REASONS FOR FINDING:

1. The impression created from this charge is that the Occurrence Book was taken by Major General Rhooode in 2020 after the incident of House Breaking at Phala Phala farm was reported in it, however from the documentary evidence, he requested the Occurrence Book and other documents to prepare for his defense in 2022 after this appeared in the media and Jonas the driver fetched it from the storage at the Union Building as it was full and stored, gave it to Colonel Matlho who took it to the General


SJ KWENA LT GEN

DELEGATED OFFICIAL

Date: 2024-02-14

Handwritten initials: NB P.M.

South African Police Service*Suid-Afrikaanse Polisdiens*

RECORD OF EXPEDITIOUS PROCESS IN TERMS OF REGULATION 9 OF THE SOUTH AFRICAN POLICE SERVICE DISCIPLINARY REGULATION, 2016

CASE 01/08/2022

PERSAL NO 7150340-4 SEGEANT HH REKHOTO

REPESANTATIVE: WARRANT OFFICER TM SITHOLE

By Brigadier NA Mathebula, the Section Head: Specialised Uniform Protection: Presidential Protection on 2024-03-11 Boardroom GP45 Maupa-Naga Building, Pretoria on the allegation of misconduct as per notice issued in terms of regulation 9(2)(b) (Annexure P)

RECORD OF PROCEEDINGS:

1. The employee was informed of the allegation(s) of misconduct as per the referred notice above and it was confirmed that the documents as per Annexure P were served to the employee.
2. The employee was charged for allegedly contravening the following:
 - 2.1 That at near or Phala-Phala Game farm on/or approximately 2020-03-03 and 2020-03-04 at/between allegedly: Sergeant HH Rekhoto conducted an interview for purpose of investigation with Mr David Joseph and Ms Floriana regarding the break-in crime that happened at Phala-Phala Game Farm without SAPS Cas number. During the interview between Major General Rhooode, Sergeant HH Rekhoto, Mr David Joseph and Ms Florina it was clear that crime was committed and Mr Joseph is a possible suspect in the serious security breach incident relating to the State President of the Republic of South Africa, Mr MC Ramaphosa, instead Sergeant Rekhoto decided to proceed with investigation. Sergeant Rekhoto was reading the rights of the suspects/s to both Flourina and David.
3. The employee representative made a submission to the chairperson/ functionary on both procedural fairness and point(s) in *limine* to which the chairperson committed to the consideration of such submission, herewith referred to as Annexure W, Annexure X, Annexure Y, and Annexure Z.

13
P.M

**RECORD OF EXPEDITIOUS PROCESS IN TERMS OF REGULATION 9 OF THE
SOUTH AFRICAN POLICE SERVICE DISCIPLINARY REGULATION, 2016**

ANALYSIS:

Charge 1:

In consideration of the submission made by the employee's representative, Mr Sithole, it was pointed that the statement of the employee was obtained under duress as he, the employee pointed that Lieutenant Colonel Mokwatlo initially called him on 2023-08-22 to submit a statement since the Divisional Commissioner Lieutenant General Mohlala appointed him as an Investigating Officer into the matter. According to the employee, Sergeant Rekhoto, he informed Lieutenant Colonel Mokwatlo that he needed some time to consult before he could submit a statement however, Lieutenant Colonel Mokwatlo insisted that he needed the statement on that day.

Accordingly, the employee, Sergeant Rekhoto emphasised the need to consult for a legal opinion but still Lieutenant Colonel Mokwatlo insisted on the statement failing which he will be charged. Following the conversation between Lieutenant Colonel Mokwatlo and Sergeant Rekhoto, he (Sergeant Rekhoto) had received a telephone call on the same day(2023-08-22) from the Divisional Commissioner Lieutenant General Mohlala demanding his statement on the same day, Annexure Y refers.

According to Sergeant Rekhoto, he would not have submitted the statement on 2023-08-22.

The above reason leaves the chairperson/ functionary with no choice but to disregard the statement of the employee referred to as Annexure A1 and proceed with the version of events on 2020-02-03 to 2020-02-04 as articulated by the employee himself.

According to Sergeant Rekhoto, he was at no situational space to conduct an investigation since Major General Rhooe was leading the interview on 2020-02-03 to 2020-02-04 to the suspect(s) in the alleged break-in.

The charged employee, Sergeant Rekhoto was neither the most senior nor the first member on the scene. Accordingly, there is no statement insinuating or suggesting otherwise that he refused to register a criminal charge.

It remains prudent that if the allegations were to be substantiated, the most senior person to Sergeant Rekhoto would have instructed him to register a criminal case failing which a misconduct in terms of Regulation 5(j)(t)(u) of South African Police Service Disciplinary Regulation of 2016 would have been registered against the employee, Annexure R refers.

It is on the basis of the above that the charge(s) against Sergeant Rekhoto is/are unfounded and thus withdrawn.

FINDING(S): NOT GUILTY

Date of finding(s): 2024-03-12

DELEGATED OFFICIAL

2024-03-12

PM

NATIONAL ASSEMBLY

FOR WRITTEN REPLYQUESTION 4365

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 11 JULY 2025
(INTERNAL QUESTION PAPER NO 31-2025)

4365. Ms D E James (ActionSA) to ask the Minister of Police:

- (1) With regard to the Cabinet-approved policy for the secrecy classification of information and its prescriptive criteria guiding such classification, what specific criteria were applied in classifying the Independent Police Investigative Directorate report related to the Phala Phala farm theft matter;
- (2) whether he has found that the classification of the specified report was done in accordance with the provisions of the specified policy; if not, what is the position in this regard; if so, what are the relevant details?

NW4908E

REPLY:

- (1) The classification of documents is done in line with the Minimum Information Security Standards (the MISS) as approved by Cabinet on 4 December 1996. The classification of the Phala Phala report was done in terms of clause 3.4.4 of the MISS.

The report had the propensity to:

- (a) disrupt the effective execution of information or operational planning and/or plans; and
- (b) seriously damage operational relations between institutions.

In light of these, it was absolutely necessary to classify the report "Top Secret". The report will remain so classified until these elements are no longer in existence.

- (2) The Minister is satisfied that the report was duly classified in line with the provisions of the MISS, as such, there is no further action to be taken until the grounds for classification have ceased to exist.

P. M.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
Benstra Building, 473B Stanza
Bopape Street, Pretoria, 0001

(Address)

E-mail address: LSuping@ipid.gov.za

Fax number: N/A

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names	Dewan Deon de Swardt		
Identity Number	9811115081086		
Capacity in which request is made (when made on behalf of another person)	N/A		
Postal Address	155 Kruger Avenue, Lyttelton Manor, 0157		
Street Address	155 Kruger Avenue, Lyttelton Manor, 0157		
E-mail Address	dewan@actionsa.org.za		
Contact Numbers	Tel. (B):	N/A	Facsimile: N/A
	Cellular:	072 536 1476	
Full names of person on whose behalf request is made (if applicable):	N/A		
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:	The Independent Police Investigative Directorate's Report		
	into members of the South African Police Service (SAPS)		
	Presidential Protection Unit's conduct in respect of their		
	Phala Phala Investigation.		
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

B
pm

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	X

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	X
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	The right being exercised is the right to have access to
	information, which is enshrined in the Promotion of Access
	to Information Act (PAIA), as well as the Constitution.

MB
Pim

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	N/A

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)
		dewan@actionsa.org.za

Signed at 155 Kruger Avenue this 25th day of April 2025



 Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

 Signature of Information Officer



From: Dewan de Swardt <Dewan@actionsa.org.za>
Sent: Tuesday, 22 April 2025 15:01
To: Lizzy Suping <LSuping@ipid.gov.za>
Subject: Request for Information Officer Contact Details

Good afternoon,

Please find a formal PAIA application form attached with details submitted.

Could you kindly acknowledge receipt of this e-mail and document as soon as is convenient for yourself?

Warm Regards,

From: Lizzy Suping <LSuping@ipid.gov.za>
Sent: Wednesday, 23 April 2025 08:49
To: Martha Sibiya <MSibiya@ipid.gov.za>
Cc: Stephens Ramafoko <SRamafoko@ipid.gov.za>
Subject: FW: Request for Information Officer Contact Details

Colleagues, could you please assist

Regards

Ms. Lizzy Suping

Director Communications and Marketing

Independent Police Investigative Directorate (IPID)

From: Martha Sibiya <MSibiya@ipid.gov.za>
Sent: Wednesday, 23 April 2025 09:57
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Palesa Makgema <Pmakgema@ipid.gov.za>
Subject: RE: Request for Information Officer Contact Details

Good day.

We acknowledge receipt of your request.

In order for us to process your request, please complete the attached PAIA request form in full and provide the following details:

- The police station where the incident was reported
- The CAS number or CCN number

Additionally, please submit the following supporting documents:

- A clear copy of your client's ID
- Written consent from your client if request is made on behalf.

Kind regards,

Martha Sibiya

Legal Investigation and Advisory Services

Independent Police Investigative Directorate (IPID)

From: Dewan de Swardt <Dewan@actionsa.org.za>
Sent: Friday, 25 April 2025 11:22
To: Martha Sibiya <MSibiya@ipid.gov.za>
Cc: Palesa Makgema <Pmakgema@ipid.gov.za>
Subject: Re: Request for Information Officer Contact Details

Please find the completed form attached.

In terms of the police station where the incident was reported and the CAS number, if you read the content of my submission I don't believe that either of those requirements are applicable?

Please inform me if everything else is in order.

MB
Pm

Kind Regards,

From: Martha Sibiyi <MSibiyi@ipid.gov.za>
Sent: Wednesday, 30 April 2025 13:44
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Palesa Makgema; Lizzy Suping; Osborne Khanyi; Stephens Ramafoko; Chris Pillay
Subject: RE: Incomplete PAIA Request – Additional Information Required

Good day, Mr. Dewan de Swardt,

We acknowledge receipt of your request made in terms of the Promotion of Access to Information Act, 2000 (PAIA). However, please note that your request is currently incomplete and cannot be processed until the following matters are addressed:

Unsigned PAIA Request Form

In accordance with Section 18(1) of PAIA, a request must be made using the prescribed form and submitted to the Information Officer of the relevant public body. While you have submitted the form, it has not been signed, and therefore does not comply with the requirements for processing.

Note: On the top of Form 2, you indicated that the request is made in your personal capacity ("the request is made in my own name"). In line with this, please attach the following: a certified copy of your Identity Document to authenticate your identity, as required in the form.

Authentication of Identity

As per Section 18(2)(a)(ii) of PAIA, all requesters must submit sufficient proof of identity to enable the Information Officer to verify the requester's identity before processing can proceed.

Clarification of Capacity

We note that the request appears to be made in your personal capacity and not on behalf of the political party. Should this not be the case, please clarify and provide the appropriate authorisation documentation.

Once the above information is submitted and verified, we will proceed with processing your request.

Kind regards,

Martha Sibiyi

Legal Investigation and Advisory Services
Independent Police Investigative Directorate (IPID)

From: Dewan de Swardt <Dewan@actionsa.org.za>
Sent: Wednesday, 30 April 2025 14:19
To: Martha Sibiyi <MSibiyi@ipid.gov.za>
Cc: Palesa Makgema; Lizzy Suping; Osborne Khanyi; Stephens Ramafoko; Chris Pillay
Subject: Re: Incomplete PAIA Request – Additional Information Required

Please find the signed application attached, as well as a copy of my ID.

Please confirm if this information and documentation is sufficient?

Kind Regards,

From: Martha Sibiyi <MSibiyi@ipid.gov.za>
Sent: Wednesday, 30 April 2025 14:34
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Palesa Makgema; Lizzy Suping; Osborne Khanyi; Stephens Ramafoko; Chris Pillay
Subject: RE: Incomplete PAIA Request – Additional Information Required

Good day, Mr. Dewan de Swardt,

We acknowledge receipt of your PAIA request and confirm that your request is now complete.

Your request will be forwarded to the Deputy Information Officer, who will assess it in accordance with the provisions of the Promotion of Access to Information Act, 2000 (PAIA) and determine whether the requested information can be located and lawfully disclosed.

MB
pm

Please note that, in terms of PAIA, the Information Officer has 30 calendar days to respond to your request. If there are challenges in locating or compiling the requested records, the response period may be extended by a further 30 days, in which case you will be duly informed.

We will respond to your request in due course.

Kind regards,
Martha Sibiya
Legal Investigation and Advisory Services
Independent Police Investigative Directorate (IPID)

From: Martha Sibiya <MSibiya@ipid.gov.za>
Sent: Wednesday, 28 May 2025 12:10
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Palesa Makgema; Lizzy Suping; Osborne Khanyi; Stephens Ramafoko; Chris Pillay
Subject: RE: Incomplete PAIA Request – Additional Information Required

Good day Mr. Dewan de Swardt,

Kindly note that we will proceed to extend the timeframe for your request by a further 30 days in terms of the Promotion of Access to Information Act (PAIA).

Please be advised that this extension is necessary as our email systems were recently down.

We will respond to your request in due course.

Kind regards,
Martha Sibiya
Legal Investigation and Advisory Services
Independent Police Investigative Directorate (IPID)

From: Stephens Ramafoko <SRamafoko@ipid.gov.za>
Sent: Friday, 20 June 2025 11:25
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Martha Sibiya; Chris Pillay; Lizzy Suping; Osborne Khanyi
Subject: RE: Your PAIA Request

Dear Mr De Swardt

The above subject matter and your emails pertaining to this matter refer.

I confirm that we have assessed your request for information in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000). In the assessment of your request, it transpired that the requested information is Classified as "Top Secret" in terms of the Minimum Information Security Standards (MISS) adopted by Cabinet on 4 December 1996. Clause 3.4.4 of MISS specifically provides for the grounds for the "Top Secret" classification, which clearly found application in our instance. We are not at liberty to explain the reasons for the classification, save to say it was in due observation of Clause 3.4.4 of the MISS. In the result, the requested information cannot be provided.

Kindly note that you have the right to appeal this decision by following this procedure:

1. Complete the Appeal form that is obtainable from the Information Regulator website or IPID website.
2. The Appeal must be submitted within 60 days of this email.
3. The Appeal must be directed to our office (Executive Director whose contact you have) and will be processed further to the Minister of Police.

I trust you will find the above in order.

Yours sincerely,
Mr Stephens Ramafoko
Chief Director: Legal Compliance, Stakeholder and Information Management
Independent Police Investigative Directorate (IPID)

13
p.m

E-mail Disclaimer: This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. If you are not the intended recipient, kindly delete the entire communication and notify the sender thereof immediately as the information contained in this communication is protected by law and may be privileged. You are further reminded that copying, distribution or disclosure of the contents of this email is unlawful and may result in legal action against you, in the case of you not being the intended recipient. As information sent by email is corruptible, Independent Police Investigative Directorate (IPID) does not accept responsibility for such corruption, destruction, loss or interference of whatsoever kind and howsoever caused.

NB
P.m

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Thibault Arcade

225 Pretorius Street

Pretoria, 0001

(Address)

E-mail address: zithanc@saps.gov.za

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names	Dewan Deon de Swardt		
Identity Number	9811115081086		
Capacity in which request is made (when made on behalf of another person)	N/A		
Postal Address	49 Kingshaven Street, Big Bay, City of Cape Town, 7441		
Street Address	49 Kingshaven Street, Big Bay, City of Cape Town, 7441		
E-mail Address	dewan@actionsa.org.za		
Contact Numbers	Tel. (B):	N/A	Facsimile: N/A
	Cellular:	072 536 1476	
Full names of person on whose behalf request is made (if applicable):	N/A		
Identity Number	N/A		
Postal Address	N/A		

Handwritten signature and initials, possibly 'P.M.' or similar, located at the bottom right of the page.

Street Address	N/A		
E-mail Address	N/A		
Contact Numbers	Tel. (B)	N/A	Facsimile N/A
	Cellular	N/A	
PARTICULARS OF RECORD REQUESTED			
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:	The record of decision of the disciplinary proceedings taken		
	against Major General Wally Rhooode and Constable Rikhotso		
	regarding the conduct of their investigation into the Phala Phala		
	farm robbery.		
Reference number, if available	N/A		
Any further particulars of record	N/A		
TYPE OF RECORD (Mark the applicable box with an "X")			
Record is in written or printed form			X
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			X

13
p.m.

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	X

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	X
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	The right being exercised is the right to have access to
	information, which is enshrined in the Promotion of Access to
	Information Act (PAIA), as well as the Constitution.

18
P.m

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	N/A

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)
		dewan@actionsa.org.za

Signed at 10h11 this 8th day of June 2026


 Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

 Signature of Information Officer



From:
Sent:
To:
Subject:

Attachments:

From: Ralethe RA - Colonel <RaletheRA@saps.gov.za>
Date: Wednesday, 15 July 2026 at 16:06
To: Dewan de Swardt <Dewan@actionsa.org.za>
Cc: Zitha NC <ZithaNC@saps.gov.za>
Subject: RE: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

Attached please find the requested documents.
Should you need more documents , you will communicate

Kind regards

Col Ralethe

From: Dewan de Swardt <Dewan@actionsa.org.za>
Sent: Wednesday, 15 July 2026 15:50
To: Ralethe RA - Colonel <RaletheRA@saps.gov.za>
Subject: Re: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

From: Ralethe RA - Colonel <RaletheRA@saps.gov.za>
Date: Wednesday, 15 July 2026 at 15:47
To: Dewan de Swardt <Dewan@actionsa.org.za>
Subject: RE: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

I received those one's (that was for starting the process), now I need only R9 because we charge for R1.50 for every page we printing of the documents you are requiring.

You can pay both once, there's no need to separate the payment . its R6 for Maj Gen Rhoode and R3 for WO Rikhoto, making a total of R9.

From: Dewan de Swardt <Dewan@actionsa.org.za>

Sent: Wednesday, 15 July 2026 15:40

To: Ralethe RA - Colonel <RaletheRA@saps.gov.za>

Subject: Re: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

Please be advised that these payments were already made.

Kind Regards,

DEWAN DE SWARDT
HEAD OF OFFICE: NATIONAL CHAIRPERSON

+27 (0) 72 536 1476
dewan@actionsa.org.za
www.actionsa.org.za



From: Ralethe RA - Colonel <RaletheRA@saps.gov.za>

Date: Wednesday, 15 July 2026 at 13:46

To: Dewan de Swardt <Dewan@actionsa.org.za>

Subject: RE: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

Good day Sir

Attached please find the requested fee to pay for the release of PAIA records.

Kind regards

Col Ralethe

From: Dewan de Swardt <Dewan@actionsa.org.za>

Sent: Wednesday, 15 July 2026 10:23

To: Ralethe RA - Colonel <RaletheRA@saps.gov.za>

Subject: Re: PAIA APPLICATION REQUEST (Record of Decision Into Maj General Rhoode and Constable Rikhotso)

Good morning,

I would just like to know what the latest update is in terms of processing my PAIA application?

It is usually the case that once payments are made the documents are supplied, as I have experienced in the past.

Handwritten signature/initials