

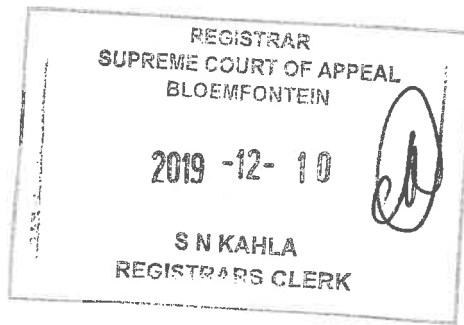
**IN THE SUPREME COURT OF APPEAL  
[BLOEMFONTEIN]**

**APPEAL COURT CASE NO: 1186/2019**

**GAUTENG HIGH COURT CASE NO: 76755/2018**

In the matter between:

**JOAO RODRIGUES**



Applicant

and

**THE NATIONAL DIRECTOR OF PUBLIC  
PROSECUTIONS OF SOUTH AFRICA**

First Respondent

**MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES**

Second Respondent

**THE MINISTER OF POLICE**

Third Respondent

**IMITIAZ AHMED CAJEE**

Fourth Respondent

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**FILING SHEET: AFFIDAVIT BY LESIBA JOSEPH MALEBATI**

---

**HEREWITH FILED:**

- 2 -

Three copies of the affidavit deposed to by Lesiba Joseph Malebati.

**SIGNED** at **BLOEMFONTEIN** on this the **10<sup>th</sup>** day of **DECEMBER**  
**2019.**



**BEN MINNAAR ATTORNEYS**  
ATTORNEYS FOR THE APPLICANT  
190 MELT MARAIS STREET  
WONDERBOOM AH X 1  
WONDERBOOM  
PRETORIA  
REF: BM/01/09/18  
TEL: 082 446 2644  
E-MAIL: [benjaminnaar@gmail.com](mailto:benjaminnaar@gmail.com)

**C/O**  
HILL McHARDY & HERBST INC  
7 COLLINS ROAD  
ARBORETUM  
BLOEMFONTEIN  
REF: SCHUURMAN/rs/G26184  
TEL: 051 447 2171  
E-MAIL: [pieter@hillmchardy.co.za](mailto:pieter@hillmchardy.co.za)

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**TO: THE REGISTRAR**  
SUPREME COURT OF APPEAL  
BLOEMFONTEIN

**AND TO: THE NATIONAL DIRECTOR OF**  
**PUBLIC PROSECUTIONS**  
FIRST RESPONDENT  
**C/O STATE ATTORNEY: PRETORIA**  
316 THABO SEHUME STREET  
SALU BUILDING  
PRETORIA  
**REF: PETER SELEKA**

SERVED BY E-MAIL AS AGREED TO:

[Pseleka@justice.gov.za](mailto:Pseleka@justice.gov.za)

**AND TO: THE MINISTER OF JUSTICE AND**  
**CORRECTIONAL SERVICES**  
SECOND RESPONDENT  
**C/O STATE ATTORNEY: PRETORIA**  
316 THABO SEHUME STREET  
SALU BUILDING  
PRETORIA  
**REF: PETER SELEKA**

- 4 -

SERVED BY E-MAIL AS AGREED TO:

[Pseleka@justice.gov.za](mailto:Pseleka@justice.gov.za)

**AND TO: THE MINISTER OF POLICE**  
THIRD RESPONDENT  
**C/O STATE ATTORNEY: PRETORIA**  
316 THABO SEHUME STREET  
SALU BUILDING  
PRETORIA  
**REF: PETER SELEKA**

SERVED BY E-MAIL AS AGREED TO:

[Pseleka@justice.gov.za](mailto:Pseleka@justice.gov.za)

**AND TO: IMTIAZ AHMED CAJEE**  
JOINT ATTORNEYS FOR FOURTH RESPONDENT  
**C/O LEGAL RESOURCES CENTRE**  
BRAAM FISHER TOWERS  
15<sup>th</sup> AND 16<sup>th</sup> FLOOR  
20 ALBERT STREET  
MARSHALLTOWN  
JOHANNESBURG  
**REF: LUCIEN LIMACHER**

SERVED BY E-MAIL AS AGREED TO:

**E-MAIL:** [Lucien@lrc.org.za](mailto:Lucien@lrc.org.za)

**C/O WEBBER WENTZEL**  
JOINT ATTORNEYS FOR FOURTH RESPONDENT  
10 FRICKER ROAD  
ILLOVO BOULEVARD  
JOHANNESBURG  
2196  
**REF:** MORAY HATHORN 3005789

SERVED BY E-MAIL AS AGREED TO:  
**E-MAIL:** [moray.hathorn@webberwentzel.com](mailto:moray.hathorn@webberwentzel.com)

**Rochelle Streso**

---

**From:** Ben Minnaar <benjaminnaar@gmail.com>  
**Sent:** 09 December 2019 11:34  
**To:** Rochelle Streso  
**Subject:** Fwd: Appeal J Rodrigues

Begin forwarded message:

**From:** Moray Hathorn <moray.hathorn@webberwentzel.com>  
**Date:** 09 December 2019 at 10:39:06 SAST  
**To:** Ben Minnaar <benjaminnaar@gmail.com>, Seleka Peter <PSeleka@justice.gov.za>, "Lucien@lrc.org.za" <Lucien@lrc.org.za>  
**Subject:** RE: Appeal J Rodrigues

Dear Sir

Receipt acknowledge.

Sincerely  
Moray Hathorn

From: Moray Hathorn  
-----Original Message-----  
From: Ben Minnaar [mailto:benjaminnaar@gmail.com]  
Sent: 09 December 2019 09:11  
To: Seleka Peter; Lucien@lrc.org.za; Moray Hathorn  
Subject: Appeal J Rodrigues

Dear Sir/ Madam,  
Herewith please find the affidavit of L R Malebati.  
Kindly acknowledge receipt of same for filing with the SCA Regards Ben Minnaar

**Rochelle Streso**

---

**From:** benjaminnaar@gmail.com  
**Sent:** 09 December 2019 10:10  
**To:** klerk7@hmhi.co.za  
**Subject:** FW: Appeal J Rodrigues

-----Original Message-----

From: Seleka Peter <PSeleka@justice.gov.za>  
Sent: Monday, 09 December 2019 10:00  
To: Ben Minnaar <benjaminnaar@gmail.com>; Lucien@lrc.org.za; Moray Hathorn <moray.hathorn@webberwentzel.com>  
Subject: RE: Appeal J Rodrigues

Good morning

I acknowledge the receipt.

Kind regards  
Marumo Sthuu

-----Original Message-----

From: Ben Minnaar [mailto:benjaminnaar@gmail.com]  
Sent: Monday, December 9, 2019 9:11 AM  
To: Seleka Peter <PSeleka@justice.gov.za>; Lucien@lrc.org.za; Moray Hathorn <moray.hathorn@webberwentzel.com>  
Subject: Appeal J Rodrigues

Dear Sir/ Madam,  
Herewith please find the affidavit of L R Malebati.  
Kindly acknowledge receipt of same for filing with the SCA Regards Ben Minnaar

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply E-Mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Department of Justice and Constitutional Development shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the Department of Justice unless specifically stated otherwise.

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person) you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply E-Mail. Please advise immediately if you or your employer do not consent to e-mail messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Department of Justice and Constitutional Development shall be understood as neither given nor endorsed by it. All views expressed herein are the views of the author and do not reflect the views of the Department of Justice unless specifically stated otherwise.

**IN THE SUPREME COURT OF APPEAL  
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**THE MINISTER OF POLICE**

Third Respondent

**IMITIAZ AHMED CAJEE**

Fourth Respondent

---

**AFFIDAVIT**

---

I, the undersigned,

**LESIBA JOSEPH MALEBATI**

do hereby declare under oath as follows:





- 2 -

1.

1.1. I am an adult member of the South African Police Service stationed at Pretoria Moot Police Station, Gauteng, with the rank of Warrant Officer.

1.2. The facts contained in this affidavit fall within my personal knowledge unless stated to the contrary and are both true and correct.

2.

On 1 November 2019 I was on duty at the Moot Police Station and was approached by Mr Joao Rodrigues that wanted to have an affidavit attested too.

3.

He duly attested to the affidavit and it was signed by himself as well as by me. On the last page of the document, that is attached hereto as annexure "LSM1", the month "OCTOBER" appears on the first line. This was typed in at the time and is not the date on which the



affidavit was signed. It should have been NOVEMBER and it was in fact signed on 1 November 2019 in my presence as appears on the date stamp of the SAPS. This was a bona fide mistake and I apologise for any inconvenience caused.

*Dalebat*

DEPONENT

SIGNED and SWORN to at PRETORIA on this 05 day of DECEMBER 2019 by the Deponent who stated that:

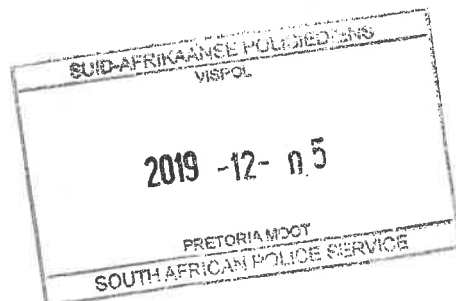
1. He knows and understands the contents of the declaration; and
2. He has no objection to taking the prescribed oath; and
3. He considers the prescribed oath as binding on his conscience;

And Government Notice Regulation 1258 as amended by the Government Notice Regulation 1648, Government Notice Regulation 1428 and Government Notice Regulation 773 was fully complied with.

W/O E.J. MUKHARI  
06208576

COMMISSIONER OF OATHS

FULL NAMES: *Elias Jimmy Mkhari*  
 BUSINESS ADDRESS: *SAPS P.T.A*  
 AREA: *Moot.*  
 DESIGNATION: *warrant officer*



"LSM, "


128

- 30 -

SIGNED and SWORN to at PRETORIA on this 01 day of OCTOBER 2019 by the Deponent who stated that:

1. He knows and understands the contents of the declaration; and
2. He has no objection to taking the prescribed oath; and
3. He considers the prescribed oath as binding on his conscience;

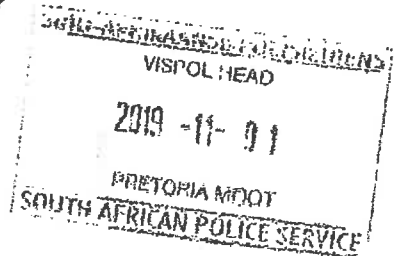
And Government Notice Regulation 1258 as amended by the Government Notice Regulation 1648, Government Notice Regulation 1428 and Government Notice Regulation 773 was fully complied with.

091784-2  
 M. Mabasa

COMMISSIONER OF OATHS

FULL NAMES: Lesiba Joseph Mabasa  
 BUSINESS ADDRESS: Sapi Plo Mot  
 AREA: 17 Avenue  
 DESIGNATION: 586 Rietfontein  
0084  
officer

Warrant





 F. et