



Outlook

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**Complaint regards the conduct of Sergeant Stevens and Belville Commercial Crime (additional information) [Email 1 of ]**

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**From** Darren de Rodez Benavent Russell <darrenrussell10@outlook.com>**Date** Tue 01 Oct 2024 22:10**To** McleanC2@saps.gov.za <McleanC2@saps.gov.za>**Cc** Darren de Rodez <darrenrussell10@outlook.com>; TheTruth SuidAfrika <thetruthsuidafrika@outlook.com>

3 attachments (25 MB)

Cover Letter to Colonel Collett McLean 30.9.24 Re SAPS Ciminality and Corruption (compressed).pdf; Sergeant Stevens and Belville Schedule of Criminal Offences 2022-2023 (compressed).pdf; Complaint Re Conduct of Sergeant Stevens and Belville Commerical Crime. Additional Information 29.9.24 (compressed).pdf;

30 September 2024

Dear Colonel McLean

**Re: Reporting extensive corruption, criminality, and serious misconduct, in regard to Sergeant Stevens and Belville Commercial Crime**

Thank you very much for looking into this matter and taking the time to meet with me.

It has been challenging to determine where to report the police officers for their crimes and corruption, and even more difficult to get anyone to take action. Your efforts to reach out and investigate these issues are very encouraging, and I am extremely grateful for your time and attention.

Since my release a year and a half ago, I have dedicated sixteen hours a day, every single day, to researching, investigating, compiling, and producing evidence and information related to the campaign against me. This has resulted in thousands of pages, hundreds of files, and hundreds of gigabytes of data. My primary goal is to ensure that justice is served, that the lies currently in the public domain are replaced with the truth, and that those who committed numerous and serious crimes are investigated, prosecuted, and punished.

***I want to assure you that I make no statements without proof. When something is a theory or opinion, I clearly state it as such. Including evidence for each allegation would turn this into an enormous report. Initially, I intended to provide a brief overview of the criminal offenses committed by Serg Stevens , along with some background information and a selection of files to substantiate the allegations. However, there are so many examples over such a long period, and many are so serious, that even a summary ends up being lengthy.***

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**PSIRA INVESTIGATION OUTCOME AND CRIMINAL CHARGES**

In April 2023, shortly after my release, I filed formal complaints with PSIRA and IPID. PSIRA was extremely professional and efficient. The senior inspectors interviewed me and gathered a significant amount of information. They began a thorough investigation, including other interviews, notably a lengthy meeting with Ollie Sokanyile. Ollie was one of the individuals targeted by Mr. de Swardt, Sergeant Stevens, and their associates at SAPS. He was illegally evicted twice (once in August and again in December due to the illegal, secret, and unofficial operation at 16 Leirmans Road on December 14), and then unlawfully arrested and detained for a full week at Hout Bay SAPS.

Ollie's unlawful arrest, which occurred without charges, investigation, or a docket, took place more than a month after the December operation and was motivated by revenge. Mr. de Swardt made good on his promise to imprison Ollie for aiding the guests Mr. de Swardt and his eight thugs-for-hire were attempting to illegally evict, and for assisting the housekeepers whom Mr. de Swardt (aided by SAPS) assaulted and ejected. Mr. de Swardt told Ollie, "I will have you locked up," and later threatened to kill his dog, Ivy, if he returned.

The arrest was also a warning from Mr. de Swardt, Serg Stevens , and SAPS, who had become aware of the PSIRA investigation, sending a clear message that Ollie should not assist with the PSIRA investigation, press charges regarding their conduct, or assist me in any way.

Despite finding the experience terrifying and feeling helpless, Ollie met with the senior inspector in April.

Coincidentally, the day after your contact, Mr. Boosyens confirmed that PSIRA has concluded their investigation and will formally discipline Mr. Wouter de Swardt, the sole proprietor, director, and operator of Fox Forensics.

They will update me when there is more information but based on the extremely serious nature of the allegations against Mr. de Swardt, I imagine this will result in his permanent expulsion from the organization and any other sanctions available to them against their members.

**Crucially, PSIRA has passed a criminal docket to SAPS relating to Mr. de Swardt's various criminal offenses.**

As you will no doubt appreciate, whether it involves the police or private investigators, it is an unfortunate reality that disciplinary actions of this kind are rare. Most victims don't report misconduct because they expect it will not produce a satisfactory outcome and fear reprisal. Few complaints result in full investigations, even fewer reach completion. Of those that do, the majority do not end in convictions, and the sentences given are rarely commensurate with the crimes. I did some research to get context and found that there are 2.7 million PSIRA members. PSIRA exclusively manages all complaints related to its members, and in the last reporting year to 2023, PSIRA registered just two criminal cases.

**This is a clear sign of the seriousness of the illegal and criminal conduct of Mr. de Swardt.**

I hope and expect that these will be the first of many criminal charges related to the numerous offenses committed by Mr. de Swardt, his clients (referenced as "the consortium"<sup>[1]</sup> in the various court and legal documents) , and the specific SAPS officers with whom he has special relationships, Serg Stevens being the most significant.

The outcome is all the more encouraging considering the considerable resources and connections Mr. de Swardt has likely deployed to avoid this outcome, and the tactics he used, including arresting and trying to imprison Ollie.

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## **OUR MEETING**

From our meeting, I understand that your investigations will focus on Sergeant Stevens and the Bellville Commercial Crime Unit. As most of the documentation I have produced covers the entire campaign, I have spent the last month compiling a file that focuses specifically on the issues related to Sergeant Stevens and the Bellville Commercial Crime Unit.

Now that I have files focusing on each aspect of the campaign related to the state—each investigating officer, department, and unit—I am printing everything out and will take it to the Police Ombudsman this week, as per your referral.

I have tried to provide a comprehensive and fact-based overview of Sergeant Stevens' crimes, misconduct, and corruption. His actions make him unfit to be a police officer, and the crimes he has committed are so numerous and significant that they warrant his prosecution and significant prison sentences.

**It is highly significant that both magistrates in the two different and unrelated bail applications, who acted independently of each other and were unaware of the other's views, called for investigations into the cases brought before them and into the conduct of the investigating officers themselves.**

(I have been trying to get copies of the court transcripts for both applications, particularly the summing up by the magistrate, but have been unable to so far.)

Magistrates are usually cautious about being seen to interfere in or comment on police operations or investigations. Therefore, it is rare for them to call for investigations. For both magistrates to do so in entirely different cases speaks volumes. Importantly, although the cases and the investigating officers were different, the authors, motivations, tactics, and goals were the same. Both investigating officers used and abused the criminal justice system and the power of the police to accomplish solely personal and financial objectives.

**Perversely, both investigating officers used the criminal justice system as a means to inflict extreme injustice.**

The investigating officers were at the heart of the operation and absolutely essential to the campaign's effectiveness and success. They enabled those involved to commit very serious crimes while providing them with the confidence that they would never be investigated or prosecuted.

While everyone involved, including various attorneys, the British Embassy, and journalists, commented that the crimes committed were so serious as to necessitate the prosecution of both investigating officers, they cautioned that I should not expect outcomes similar to those in the UK. In South Africa, police officers are rarely investigated, investigations often don't reach a conclusion, and even when they do, the punishment rarely fits the crimes and is almost always lighter than what a civilian could expect for the same offenses. I found this hard to understand at the time and still do.

However, what Sergeant Stevens and those he worked with and for did to me and others cannot go without investigation and the severest punishment.

Perhaps most significantly, I can categorically state that this was not sloppy or negligent investigatory work. Sergeant Stevens's actions, crimes, and misconduct were intentional. Mr. de Swardt was instructed by his clients to reclaim the properties, with a mandate to do whatever was necessary. He was hired specifically for his connections with and influence over SAPS officers, his willingness to break laws, and the impunity these relationships provided. Mr. de Swardt chose which investigating officer he worked with, and their close working relationship was a key part of his strategy. Sergeant Stevens knew what he was doing, why he was doing it, and everything he did was in pursuit of those objectives.

Over the course of the year Sergeant Stevens was in charge, he had no qualms about arresting multiple innocent people, sending them to Pollsmoor, and purposely creating victims. **As a result, I spent a third of that year in prison, everything I owned and had worked my life for was stolen, my reputation was destroyed, and I have been unable to see my mother since December 2022, which is particularly distressing due to her cancer diagnosis in 2022.**

Sergeant Stevens is responsible for numerous crimes and for abusing the power of the state to disguise and legitimize them. In doing so, he allowed Mr. de Swardt's clients to benefit by well over R100 million, at the expense of myself and other victims. This does not even account for the numerous people Sergeant Stevens made homeless, other victims such as Ollie, Markus, and Chandre, or the more than two hundred guests he intentionally turned into victims after my arrest.

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Everything—every action, every document, every relationship, every criminal act, every fabricated piece of evidence, every attempt to obstruct justice, every breach of ethical codes—was due to Sergeant Stevens doing his best to secure the campaign's goals.

Whether it was the inexplicable timing of the arrest, how the arrest was carried out, who was present, who was in charge, what happened with the properties simultaneously to the arrest, what happened with the landlords during and after, what timelines and deadlines were in play, or the near-non-existent docket that Serg Stevens kept hidden as long as he could. The falsity was highlighted by the ultimate withdrawal of every charge they ever laid, the rejection of other attempts, and the complete failure of anything Sergeant Stevens used to ensure and then extend my incarceration to ever materialize.

The act of Sergeant Stevens deceiving the prosecution into objecting to bail was heinous. Because of Sergeant Stevens, I spent three horrific months in Pollsmoor. If his attempts to obstruct justice, his perjury, and his fabrication of evidence had been more successful, it would have been much longer.

I was fortunate to have a magistrate who followed the rules to the letter, expected an urgent bail application to be dealt with urgently, and had no tolerance for police officers who disrespected the court, the law, and the rights of individuals, and who were clearly wasting court time.

Wouter de Swardt, Serg Stevens, and the consortium assumed that due to the significant power and resource imbalance, my lack of contacts, support network, and relationships here, as well as their position, influence, and rank, there would be no consequences. They believed they could successfully imprison me for several months or years, and that I would return defeated to the UK.

However, they stole everything from me in the most extreme, evil, and humiliating way possible, leaving me with literally nothing. Meanwhile, they, and especially their clients, are tens of millions of rand better off. A civilian would face decades in prison for this level of criminality. But the police seem very adept at avoiding investigation, evading a just outcome, and escaping punishments that reflect their crimes.

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### **WESTERN CAPE POLICE OMBUDSMAN**

Thank you for referring me to the Western Cape Police Ombudsman. Now that I have finished compiling the information related to each SAPS officer and unit, I will print everything out and take it to them with a view to having all aspects thoroughly investigated.

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### **THE VERY REAL AND PRESENT DANGER**

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I purposefully waited a year and a half after my arrest to allow for adequate time and distance between that attempt and the present, to reduce the likelihood of them using more trumped-up charges to bring about my removal to interfere with or handicap current or future investigations. Obviously, no amount of distance between the events of 2022 and the present can stop them from trying again with an unlawful arrest, but the bigger the gap, the more obvious such a move would be.

Hence, now with the benefit of that gap and the evidence, I have significantly increased the number of approaches, as well as the number of organizations and people I contact. I have submitted complaints, detailed accounts, and requests for investigations to: IPID, Western Cape IPID, Premier of Western Cape Alan Winde, Home Affairs Department, Director General of Home Affairs, British Embassy, His Majesty's Foreign Commonwealth Development Office, Minister of Police, Western Cape Minister of Police Oversight and Community Safety, Home Affairs Minister, Commander of Central Cape Town SAPS, the Senior State Prosecutor and Director of Public Prosecutions, Press Council Ombudsman, Change.org, and later this week, the Western Cape Police Ombudsman.

Furthermore, I have made similar approaches to journalists and publications, whether those who have published articles or others who may yet do so.

Inevitably, having widened the number of organisations and people I am reporting these matters to, I am exposing myself to the very real and significant risk of yet another attempt to incarcerate me, or something worse.

Those involved have proved themselves very capable, and more than willing, to use highly illegal and immoral means to achieve their goals. Mr de Swardt and SAPS's list of crimes is far too long to repeat here, but has included; arresting and trying to imprison Ollie Sokanyile, for no reason other than spite and revenge, weeks after having successfully taken back the property and thereby achieved their goals; used arrests to disguise illegal evictions, illegally arrested me twice, trying to bury me in Pollsmoor prison on both occasions with extraordinary fabrications, purely for strategic advantage, used the distraction of my arrest to carry out a secret, unofficial and illegal raid and arrest at my other Llandudno property, merely to achieve an eviction in disguise; executed a plan after my arrest to create victims, but keeping the platforms in the dark about the change of control of the villas, so that hundreds of families would turn up to find they were homeless, solely to aid in the civil court action to take the property launched the morning after my arrest. All of this was to achieve the goals his clients had set for him. I do not believe there is a limit to what he would do to avoid investigation, prosecution and imprisonment.

Considering that they did all of this and much more purely to gain a strategic advantage, it is fair to say that there is no limit to what they would do to avoid investigation, prosecution, or imprisonment.

Having spent R750,000 on the two entirely unnecessary defense to the malicious prosecutions and having had almost everything I own stolen from me, I cannot afford private attorneys, should I be faced with further attempts to abuse the criminal justice system to take me out of circulation.

Nor do I ever want to experience the horrors of Pollsmoor again. It is extraordinarily frightening to know that private individuals are able to use arrest and detention as a weapon, in what was and is a private vendetta. And one that was funded by the South African taxpayer.

Now that I have firmly crossed that line, I am eager to get investigations concluded and as much of the truth as possible into the public domain as soon as possible. The ability and incentive to remove me diminishes significantly once that occurs.

The fact that PSIRA will now hopefully expel Mr de Swardt and ensure that he is prosecuted means he will very shortly be aware of the outcome of the investigation, but having so far escaped investigations, charges or prosecution for the other matters, by still having access to and influence over SAPS and the Hawks at all levels, having still got control of my equipment and denying me access to the same, by my still not having been able to normalise my visa status, I remain very vulnerable to retaliatory action. Similarly, Mr de Swardt has a window of opportunity to escape the justice I and many others seek.

And I am only at risk because those responsible for policing the police and for investigating corruption have consistently failed to do so. I should not have to stick my head above the parapet, putting myself in ever greater danger, as I progressively widen the scope of those who I have to contact, risk my immigration status, my freedom and possibly my life because people have consistently failed to do their jobs.

### **THE NATIONAL PROSECUTING AUTHORITY**

This was one of the main reasons for writing to the National Prosecuting Authority, as well as the hope of motivating an investigation into the obstruction of justice and the use/abuse of the criminal justice system. As well as ensuring they are provided with background, context and motivation should Mr de Swardt, SAPS or his clients try again. Which I fear they may once they realise my determination to see them prosecuted and if they all remain in their current positions. While Sergeant Stevens remains a police officer he has access to the power and resources of the state he so effectively used against me already.

### **THE AIMS**

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In terms of my aims, the reams of reading material can be summarized as per the attached table. There are six main aims of 1) investigating investigations into the corruption and criminality of those involved, in particular the SAPS officers, SAPS units and the private investigator Mr de Swardt, 2) address my inability to report the crimes and have them investigation, 3) normalizing my visa/immigration status, 4) the return of my illegally held equipment, 5) replacing the current false public narrative with the truth, and 6) litigation against those responsible for causing the harm, losses and damage.

If nothing else for the moment, the decision by PSIRA, should provide significant credibility to my allegations. I am conscious that until now I have been at a distinct disadvantage, as a result of Mr de Swardt having entirely dominated the narrative with the fabricated articles, as well as the trumped-up charges. This outcome will show, as the facts and the evidence always have, that my account is accurate

## **1. INSTIGATING INVESTIGATIONS INTO THE CORRUPTION AND CRIMINALITY**

I started the process of trying to have investigations into those responsible for the campaign, in particular Serg Stebens,, Serg Duna, Belville Commercial and Hitu Bay, back in April, a little while after I got bail. As mentioned, PSIRA were very professional and having concluded their investigation are pushing for criminal charges. IPID were terrible, and never replied to any of the emails or the completed complaints forms.

So, I am hugely encouraged and very grateful for your investigation. And as suggested, now that I have finished the report on Serg Stebens I will go to the Western cape Police Ombudsman and hopefully they can investigate the extensive crimes and corruption. Having invested a year and a half of my life into this project, it is very important those responsible are prosecuted for their crimes.

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## **2. ABILITY TO REPORT THE CRIMES**

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I was arrested without warning or reason and detained unjustifiably. This effectively removed me from my home, business, and possessions, creating chaos and what I can only describe as a free-for-all. The arrest was so dramatic that it suggested serious charges and implied I wouldn't return soon. Keith Broad, Paula Disberry, de Swardt, and Serg Stevens capitalized on this, leading everyone to believe I would be gone for years. During my imprisonment, landlords stole not just my home,

properties, and income, but also all of my property contents, possessions, furnishings, artwork, books, clothes, accessories, and even my clothes.

Encouraged by the same people, others took full advantage. Jess, the dog trainer, took my three dogs under the pretence of caring for them, agreeing to a boarding fee of R4000 per month. Upon my release, she demanded R75,000 and refused to return the dogs until paid. My fiancé, when I got bail (unexpectedly for some), stole my jewellery collection worth approximately R10,000,000, lying to the housekeeper to access an industrial safe and fled to Paris with the jewellery. While I was in Pollsmoor, a 'friend' and former tenant of mine broke into my London home and stole its contents, including a valuable art collection.

These incidents share two commonalities: opportunism during my vulnerability and their connection to the consortium's campaign. These individuals had all been in contact with or contacted by one or more members of the consortium (Keith Broad, Paula Disberry, de Swardt, Serg Stevens) who encouraged them to join their campaign, to take full advantage of my absence, and, like many others, pushed them to lie and sign witness statements written for them. The individuals all used that as leverage and threatened to agree and join with them and lay false charges if I pursued them, providing the consortium with something they had been trying to create for months, i.e., unrelated charges to use against me. After my second release, I received similar threats, referencing communication and encouragement from Mr. de Swardt and Paula.

When I attempted to report the thefts at Hout Bay, they literally threw me out and said there was no chance they would assist me in any matter. When I said I would go to another station, they pointed out that as the theft had happened in Llandudno within their jurisdiction, even if I reported the crimes elsewhere, the file would come to them, and they would bin it. As such, I have been unable to report any of the crimes committed, including some extremely serious and personal ones.

The theft of the jewellery, for example, is an extremely serious one. The value alone makes it a very significant theft. And the fact that he then fled South Africa would require an investigation and possible extradition demand. In itself, far too complex for an average police station, and if the one that would be instructed to investigate was Hout Bay, as they said, even a simple matter would be binned. So, as it stands, nothing has been done about this crime or any of the other crimes.

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### 3. NORMALIZATION OF SABOTAGED IMMIGRATION STATUS

- Having had the state (SAPS Serg Stevens and Serg Duna) sabotage my visa extensions, steal and illegally hold my passport, and then use this against me, I would hope that the very least one can expect would be that my immigration status is normalized and returned to how it was before the ability to extend was taken away from me. While I appreciate the state cannot control every employee, it is responsible for their actions especially when those actions have crossed multiple departments and personnel. I came into the country legally; I have always abided by all visa regulations during the course of the many years I have spent in South Africa and did so from landing through to the theft of my passport. I even extended in 2021 into 2022, when there was no need to do so, until after the automatic extensions ended.

I have submitted a complaint to the Director of Home Affairs along with a request for them to investigate the highly suspicious affidavits claiming to be from the Home Affairs Dept. as well as a Letter of Good Cause to normalise my status.

It will certainly be helpful when Serg Stevens is prosecuted in substantiating my allegations and demonstrating I am not simply making excuses for not extending

### THE URGENCY

One pressing issue is that Serg Stevens consistently sabotaged my immigration status to use it against me. Serg Stevens knew I had no intention of “fleeing” South Africa. My life is here. I chose to spend time here because I love South Africa, and Cape Town in particular. Although these experiences have dampened that love, they have not extinguished it, and I will not allow these malicious individuals to chase me out of South Africa. Moreover, I have no intention of leaving until I have secured comprehensive justice.

However, in 2022, my mother, who is in her late 70s, was diagnosed with lung cancer. I have not seen her since leaving the UK at the end of 2020. Flight restrictions prevented me from seeing her in 2020 and 2021. In 2022, the theft and retention of my passport, followed by my unlawful arrest and detention in August, resulted in a two-month bail period until the charges were dismissed.

I should have been able to travel from that point, but I was unable to do so because my passport was still unlawfully retained from August through to the second arrest. This was done with the explicit intention of using my compromised immigration status against me whenever it was most useful to the landlords.

This was followed by lies told by Serg Stevens to motivate objections to bail, leading to three months in Pollsmoor. Again, when the prosecution dismissed all charges, I should have been able to travel to see my mother. At that time, the moratorium still existed, allowing those who had not extended their stay to do so. However, Serg Stevens then added a bogus immigration charge, resulting in another six months on bail until the Senior Public Prosecutor withdrew the charges upon investigating the representations.

By that point, more than a year and a half had passed since my last physical renewal, and I was outside the moratorium terms. Any standard application through VFS would be declined. My only recourse now is my Letter of Good Cause to the Director General of Home Affairs, which has yet to receive a response.

Due to Sergeant Stevens’ illegal actions, I have not been able to see my mother in the two years since he took control of my passport. His unlawful conduct has cost me two years that can never be recovered, and the longer this continues, the greater the risk that it will be too late. In that scenario, Sergeant Stevens will be solely responsible for creating circumstances that prevent me from seeing my mother before her death or during the years leading up to it.

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#### 4. MY ILLEGALLY HELD EQUIPMENT

After Mr de Swardt and Serg Stevens had successfully delayed the start of my urgent bail application for a full three months, on the morning that bail application was due to start and the defense and prosecution were finally given the details of the charges, the prosecution withdrew them. My equipment, devices, documents and data should have been returned then. Despite repeated requests from the attorneys Mr de Swardt and SAPS refused. The justification was that they intended to harvest all of the data for use in a future matter. In reality an illegal fishing expedition. As they had had three months by that point and have had a year and a half since the illegal arrest, the reality is that the purpose is to deny me access to the evidence of their criminality. Regardless of their motivation, there is no legal justification for the continued retention and the justification that they have used is shown to be false by virtue of the considerable amount of time that has lapsed since they were seized.

While I am assured that if I launch a case in the High Court to compel the police to return my equipment I would succeed as there is no possible legal justification or defense that they could put forward, I cannot afford to send tens of thousands of Rand on legal fees to do so.



## 5. DEFAMATION & THE TRUTH: THE PRESS COUNCIL. FORMAL COMPLAINT TO THE OMBUDSMAN

One of the journalists I have been speaking to suggested that I might find it easier to gain traction and to get investigations initiated, if I submit a complaint to the Press Council in regard to the fabricated stories that Mr de Swardt authored, motivated and managed, and that the Media24 group published, with a view to getting apologies, retractions and corrections. Until such time, the existence of the articles, seems to undermine my position and gives credibility to the fabrications they contain.

As such, last week I submitted a complaint. Backed up by 1,600 pages of files, documents, photos and videos, as well as links to much more. The attorneys have commented that due to every statement of fact being inaccurate and or specifically fabricated with the explicit intention of causing maximum damage, the only possible outcome would be Tier 3 sanctions.

Hopefully, the Press Council will handle the matter expeditiously. Unfortunately, my experiences over the last couple of years have eroded my faith in the organisations charged with governing, policing, and regulation.

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## 6. LITIGATION AGAINST THOSE RESPONSIBLE

Now that I have compiled the information and evidence necessary, I will instruct attorneys to litigate against those responsible, most especially the state, in an attempt to recover some of the more than R100 million their conduct cost me.

Again, the prosecution of Serg Stevens will assist in that and will also demonstrate that state employees and especially the police cannot commit crimes and expect to get away with it. As seems to be the case most of the time.

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### LIST OF THE UNLAWFUL CONDUCT OF SERGEANT STEVENS

**Below is a summary of the crimes committed by Sergeant Stevens and the Bellville Commercial Crime Unit.** References to Sergeant Duna are included because the issues relate to Sergeant Stevens. This is not an exhaustive list but includes major corruption, misconduct, and illegal actions:

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At present, I am in a form of limbo; until my immigration status is normalised, my visa terms prevent me from working or traveling to work elsewhere. My home, property portfolio, and business were stolen from me, including the owner of the Llandudno properties keeping many millions of Rand worth of possessions, furnishings, accessories, artwork, and sculptures after my arrest, as if I had vanished. As well as my extensive jewellery collection stolen while I was in Pollsmoor aided by the same people who threatened me with fabricated stories to complicate my bail if I reported the crimes, while simultaneously SAPS telling me any crimes I reported would be ignored.

I had a wonderful art collection and five properties I had transformed with time, money, expertise, and a considerable amount of love and passion. Now, I have nothing left. If I had the money to fund competent attorneys, I could pursue that route. But their campaign was highly effective, costing me well over R100,000,000 and benefiting the perpetrators by a similar sum.

There are more than two hundred incidents of corruption and criminality that I know of, and hundreds of individual criminal offenses that made up that campaign. However. Mr de Swardt's and

Serg Stevens positions of trust and their extensive connections have served them well to date.

I make no accusation I cannot prove. I would not waste my or anyone else's time if everything I say were not true and probable. But unless and until someone takes me seriously and is prepared to take on what is not an easy task, my efforts will have no impact.

My only hope is that someone very senior, above and beyond corruption and influence, takes up the matter and instructs those capable of investigating the criminality to do so. As the only person to have contacted me and taken up this, it has provided me with real hope in regard to seeing justice done.

Thank you very much indeed for your time and attention in these matters.

Kind regards

Darren de Rodez Benavent Russell

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<b>SUMMARY: UNLAWFUL CONDUCT OF SERGEANT STEVENS &amp; BELVILLE COMMERCIAL</b>
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**Regarding the offenses and illegal activities associated with Sergeant Stevens and Belville Commercial, I have included a summary below. Where there is any reference to others, such as Sergeant Duna, it is because the issues feed into ones related to Sergeant Stevens. This is not an exhaustive list but includes some of the most significant examples of corruption, misconduct, and unlawful actions:**

#### **UNLAWFUL INTERFERENCE WITH PASSPORT AND IMMIGRATION STATUS**

1. The theft of my passport, then secretly and illegally keeping it for the explicit purpose of making visa extensions impossible.
1. With the explicit intention, to then use my compromised immigration status against me.
2. And to do so at a point in the future as and when the landlords decided it would be the most effective, helpful, and needed.
3. Which Sergeant Duna and Sergeant Stevens then did on multiple occasions
4. Immediately after the August arrest when the Investigating Officer Sergeant Duna refused to release me despite the very minor nature of the charges, justifying it solely on the basis of my immigration status and the lie that I was wanted by Home Affairs, and that they had asked him to retain me for deportation.
5. At the initial appearance at Wynberg Mag Ct on 9 August where the Investigating Officer Sergeant Duna told the court I was an illegal immigrant, that I had never extended my visa since landing, that I was wanted by the Home Affairs Department, that I was illegal from **23 March 2021**.
6. This was a position he maintained and repeated during the two weeks of the contested bail application. misconduct Serg Stevens was happy to repeat, capitalise on and expand.

7. More generally by creating a situation where I could not open an SA bank account or satisfy any of the formalities related to my stay, the business, etc, leaving me very vulnerable to all sorts of attacks and accusations, which he and then **Sergeant Stevens** would go on to fully exploit.

I reference Sergeant Duna, to help demonstrate the identical way in which both investigating officers conducted themselves. Their extremely close working relationship with Mr de Swardt was very evident and even received comment from the magistrate.

It was only under cross-examination by my advocate that the Investigating Officer Sergeant Duna admitted that he had my passport and had done so for some time. Only then realising I had not lost it, but that it had been taken and kept.

Similarly, under cross-examination Serg Duna admitted that the notes he referenced every time he was asked a question and before answering had been provided by Mr de Swardt.

### **SERG STEVENS DIRECT AND PERSONAL ROLE IN THE SABOTAGE OF MY VISA STATUS & ITS UNLAWFUL USE AGAINST ME**

1. A strategy and practice Sergeant Stevens was happy to continue when the passport was passed to him for all of the same reasons including the following.
  1. Including making considerable capital in the media about my immigration status, alleging it was intentional and for some nefarious reason.
  2. Repeating these same unfounded allegations in the magistrate's court, NPA etc.
  3. Starting with using the immigration status to help motivate an arrest, both with his superiors to justify an arrest
  4. And later with the magistrates.
  5. By misrepresenting the situation as entirely intentional on my part and motivated by some criminal intent.
  6. Knowingly accepting the passport from Sergeant Duna, in the full knowledge that it was stolen property, that SAPS had no right to have it, and knowing the reasons why it had yet to be returned.
  7. Using the immigration issue as one of the reasons given to the prosecution to object to bail when **Sergeant Stevens** had the bail which I had already been granted then revoked illegally [19 December 2022]
  8. **Sergeant Stevens** using the immigration issue at subsequent appearances as a justification for continued period of remand and ultimately to secure a rejection of the bail application [14 Dec 2022 through 13 March 2023]

Remembering that on every occasion Sergeant Stevens used the immigration issue, e.g., with those listed below, he failed to mention that he had the passport; that it had been stolen and held illegally by SAPS since; that SAPS had refused the many requests to return it; that they knew my real visa history. And yet Sergeant Stevens and SAPS consistently and intentionally misrepresented every aspect of the immigration, passport, and visa matter.

- (a) the NPA,
- (b) the courts,
- (c) to other police officers, stations, or units,
- (d) to the Home Affairs Department,

**In fact, when Sergeant Stevens was making the false statement that I had never extended my visa since arrival to the courts, the magistrates, the NPA, the Home Affairs Dept., and the police that I had never extended my visa since arrival, he knew that to be a lie as**

- i. The paperwork we later discovered in the docket after we obtained it seven months after the arrest showed I had extended towards the end of 2021, taking me into 2022.**
- ii. Sergeant Stevens knew all his statements, including those to the NPA, the magistrate, other officers, the courts, and staff, were lies, as the stamp from the home affairs department granting the visa extension was in my passport itself. The same passport that was in Sergeant Steven's possession**

**SERG STEVENS INTERFERENCE WITH, AND SABOTAGE OF, VISA & IMMIGRATION STATUS FROM THE BEGINNING, through the START OF THE BAIL APPLICATION and throughout**

**2. Sergeant Stevens** used the immigration issue when the bail application finally started. Hoping to use it to have bail rejected, again still failing to tell the prosecution of the history or his illegal possession of the passport.

1. For the avoidance of any doubt, the charge was:

**“inter alia, contravening the provisions of the Immigration Act 13 of 2002, as amended ("Act"), in that upon the expiration of his VISA, on 23 March 2021, he failed to depart from the Republic of South Africa, hence in doing so he remained illegally within the Republic”.**

- 1. Sergeant Stevens** then used the immigration issue when the prosecution withdrew all of the charges, insisting they proceed with the bogus charge.
- 2. Despite knowing about the HAD's automatic extension throughout 2021, the physical visa extension application and approval at the end of 2021 that carried me into 2022, as well as theft and retention since**
- 3. Sergeant Stevens** then used the immigration issue as the sole justification for demanding a bail of R100,000 on the premise I could abscond by hopping on a plane and flying out of SA. Again, despite knowing the impossibility of such a suggestion as he had my passport. But not sharing that information with those who would then make the decisions on my case, including whether I stayed in prison or whether I went free.
- 4. Sergeant Stevens** then used the immigration issue to keep and extend both the bail and the bail conditions, trapping me in the country, vulnerable to any fresh attempts he may make to incarcerate me.
- 5. Sergeant Stevens** used the immigration issue to continue to withhold my passport, despite having no right to do so **and it not being a condition of either bail.**
- 6. Sergeant Stevens** used the immigration issue to control the application and timing of the visa extension process, agreeing to “loan” me my own passport, on the condition that I have it back to him a couple of days later as soon as the extension had been submitted. Making me sign my own passport out.
- 7. Now knowing the exact date my extension application would be submitted via VFS, using contacts within VFS or the passport office in Pretoria to ensure a rejection. (Something I cannot prove, but the fact that due to the huge backlogs, the reply which was only expected in the usual three to five months process came back pretty much immediately.**

8. The visa agency commented that they had never had a visa application turned around this after even before COVID-19 and absolutely never since, therefore someone had interfered with it.
9. **Sergeant Stevens** used the immigration issue to continue to prosecute the charge **pushing towards a full trial**, thereby both extending my period of bail, extending the period I could not travel and resulting in totally unnecessary additional legal bills. As well as even more stress than he had already caused.
10. Throughout, from the point of the arrest, through my three months in Pollsmoor, Sergeant Stevens constantly obstructed the attorneys and even the prosecution, failing to show my attorneys the docket or any information and evidence related to charges. Making compiling a defence to the immigration charge extremely difficult.
11. Further, refusing to do so after bail was granted and through the past bail and pretrial period, ignoring the attorney's demands to provide it. Again, making compiling a defence to the immigration charge extremely difficult
12. The conduct of **Sergeant Stevens** continuing with the malicious prosecution for an offence he knew I could never be found guilty of, necessitated the preparation and submission of Representations to the Senior Public Prosecutor, at which point he still continued to resist and continued to refuse to withdraw the charge.
13. Only once we had obtained permission to submit representations, did **Sergeant Stevens** finally provide us with the docket so that we could see the contents and prepare Representation to the SPP

**My equipment and dockets had been seized from my home.**

**I was in Pollsmoor with no contact with the outside world and only very occasional and far too short meetings with the attorneys.**

**My passport was illegally held by Sergeant Stevens**

**As such, the only record of my visa extension and my right to be in SA through to 2022 was therefore the hardcopy visa stamp inside my passport.**

**Sergeant Stevens was aware of that fact, which is why he was confident/arrogant enough to tell lies to the courts the prosecution and even my defence attorneys. I had no way to prove my statements, as Sergeant Stevens had every means by which I could do that. And he fully exploited that.**

## **SERGEANT STEVENS'S ABUSE OF THE CRIMINAL JUSTICE SYSTEM, NECESSITATED THE SUBMISSION OF REPRESENTATIONS TO THE SENIOR PUBLIC PROSECUTOR RE THE BOGUS IMMIGRATION CHARGE**

2. Importantly, the Representation was exceptionally detailed and contained many of the allegations and statements I had been making throughout 2022, and that I included within the complaints to IPID, PSIRA, Alan Winde etc and contained in this document.

In fact, the attorney advised against such detailed Reps. I had insisted as it had always been my belief since getting bail in August that Mr de Swardt, Serg Stevens, and their clients would try again and that I would be in a better position if the NPA knew the context, background, fabricated evidence, and the real motivations.

The attorney's position was that it was unnecessary as they did not believe anyone would be so brazen as to do it a second time. Unfortunately, they were wrong.

1. After a month of investigations, the SPP requested a further month to investigate its contents, due to the number of allegations and information it contained. After fully investigating the matter for two months and despite the best attempts of **Sergeant Stevens**, Mr de Swardt and Belville Commercial Crime, the SPP confirmed the unreserved withdrawal.
2. It had been the view of the attorneys that the SSP might offer 'diversion' rather than full withdrawal to "save face." I had taken that out of the Reps and confirmed I would not accept that. Only a complete withdrawal was acceptable to me.
3. The withdrawal by the SPP, as well as the SPP making no attempts to simply downgrade the charges via a diversion, shows that the matter had no prospect of success at trial and that **Sergeant Stevens** continued to prosecute and persecute regardless.
4. The very definition of a **malicious prosecution**, laying a false charge, knowing it to be false, one with no prospect of success, purely to cause the accused significant harm.

Failing at each one of those points to explain to either the prosecution or the magistrate the reason why I had not extended. Instead, he lied to both the prosecution and the court, saying I had never extended, and that I was illegal from March 2021. Including the instruction to object to bail and the sabotaging of the bail application

#### **SERG STEVENS ABUSE AND MISUSE OF STATE RESOURCES & MISUSE OF AUTHORITY, power and position**

2. The large amount of state and taxpayer money and state resources that Sergeant Stevens knowingly wasted in pursuit of both the malicious prosecutions and the campaign's goal to incarcerate me and then extend incarceration until they were unable to do so also raises concerns. Not to solve a crime or catch a criminal, but purely because of the strategic advantage it gave him, Mr. de Swardt, and his clients. The use, abuse, and waste of limited manpower, as well as the prosecutor, magistrate, and court's time and resources. This massive resource waste would apply to:
  1. The creation of the docket and its state of suspended animation, creating it, then leaving it until it was needed.
  2. SAPS's motivation and use of time and resources, including Belville Commercial, Hout Bay, Hawks, and so on.
  3. The exceptional amount of money and resources the operation of 14 December would have consumed, including two dozen personnel in total.
  4. The waste of time, personnel, money, and significant resources by engineering the involvement of the Special Task Force
  5. The criminal justice system's time, personnel, and resources wasted by the multiple appearances at court throughout the process.
  6. The Correctional Services wasted time, personnel, and resources during the three months of wrongful imprisonment at Pollsmoor prison.
  7. The waste of time, personnel, and resources of the senior public prosecutor with the unnecessary representations
  8. Some of the various SAPS units and stations were misled and deceived into thinking they were taking down a national criminal.

**Failing at each one of those points to explain to either the prosecution or the magistrate the reason why I had not extended. Instead, he lied to both saying I had never extended. And that I was illegal from March 2021. Including the lies told to force the prosecution into objecting to bail when they had no intention of, and the sabotaging of the bail application.**

## **SERG STEVENS CONTINUED PERSECUTION OF ME**

2. **Even after the SPP withdrew** the final charge, Sergeant Stevens continued to state that he and SAPS intended to bring back the initial charges and possibly even lay new charges.
  1. Resulting in tens of thousands in wasted legal fees.
  2. Yet more uncertainty, and stress
  3. The further effect of limiting and prohibiting contact with former guests to check they had been refunded or found alternative villas because Sergeant Stevens had classified them as potential witnesses and would mispresent the contact as attempts to interfere with witnesses.
  4. Doing so purposely so that we could not ask them what happened when they turned up to check in. as well as to keep them out of pocket, otherwise they would lose the possibility of using them to bolster allegations of fraud.
  5. The (false) justification for continuing to (illegally) withhold the equipment.

## **THE DOCKET:**

2. The docket itself is a very clear indication of the criminal actions and intentions of **Sergeant Stevens**. As well as another very clear indication that he was **not** working for and on behalf of the state or the public, but rather working for Mr de Swardt and the landlords.
  1. A docket that has absolutely almost no contributions from **Sergeant Stevens**, and not a single legitimate one
  2. A docket where there was no attempt whatsoever to gather evidence or information before the arrest.
  3. A docket where there was no attempt whatsoever to gather evidence or information after the arrest and during remand when Sergeant Stevens used the excuse, **he needed more time for "further investigation," to delay the start of the bail application and extend my time in Pollsmoor**, but then failed to do any whatsoever.
  4. **Despite the fact he was in theory preparing to contest that bail application**
  5. A docket where there was no attempt whatsoever to gather evidence or information after I was granted bail.
  6. **Despite the fact he was in theory preparing to go to trial**
  7. Sergeant Stevens's docket shows that the only activity was by one of Mr de Swardt's clients, Paula Disberry. Strangely all of these were provided on the same day despite the people having no connection to each other and living on different continents. Precisely at the same time that I was in the middle of litigation with Ms Disberry, indeed at the peak of that litigation, fending off her attempts to take the property back. The entire content of the contribution from Ms Disberry coming in at that point on 7 June,
  8. But having the flimsiest possible docket did not deter Sergeant Stevens and it did not matter, because it was still a docket, and a docket is a very powerful thing if it is in the wrong hands. In Sergeant Stevens's case, someone who had no problem misusing and abusing his authority and position, to push through the flimsiest possible docket in pursuit of justifying equally flimsy criminal charges to execute an arrest.

9. **A docket where he knew the only evidence was from one of the landlords, whom I was in the middle of very significant civil litigation and conflict, for whom he and Mr de Swardt were actively working.**
10. **And there is no question that Sergeant Stevens knew that evidence would be thrown out if the matter ever got to court.**
11. And yet he made no effort to add to or replace that evidence with any of his own.
12. Despite having full knowledge of the very significant and material lack of any information or evidence, as well as the highly questionable source and credibility of that evidence, its resulting inadmissibility in court at trial, he intended to use the docket itself to maximum effect.
13. In the lack of any real evidence, the docket had clearly been cobbled together, manipulated and misrepresented, simply to try to create a docket just sufficient enough so that it could pass the minimum requirements of a magistrate.
14. What is noticeable is the attempts to circumvent, ignore and void due process and the usual conditions of executing an arrest and or a seizure.
15. The fact the approaches by Serg Stevens for an arrest warrant were declined by Magistrates, speaks volumes.
16. As does the fact that despite the decline he went on to execute an arrest.
17. **To date I have only been able to find a seizure warrant and cannot find an arrest warrant.**

#### **THE RESOURCES DEPLOYED TO FILL THE DOCKET**

2. What makes the docket all the more concerning, was that given the resources deployed to filling it should have run to thousands of pages.
  1. The docket spans a period of a year and a half. During which time, a considerable number of people and police stations were actively working on building it. This included:
    - Hout Bay SAPS.
    - Camps Bay SAPS.
    - Belville Commercial Crime.
    - the I.O Serg Stevens.
    - the I.O Serg Duna.
    - the I.O known only as Bennet.
    - and any other police officers with whom any of the consortium have a special relationship.
    - Mr de Swardt. appointed and fully employed for a year of that with the sole purpose of creating sufficient "evidence" or means to remove me.
    - Denis Dalton and Johan Schalkwyk, the highly questionable PIs who had unlimited and unrestricted access to my home, laptops, devices, and all data.
    - Andre du Rand, the personal security detail they provided who would access my laptops when I was not in the office and search the house when I was out, looking for anything, as well as the suitcase and safe of ash and diamonds.
    - Paula Disberry, Keith Broad, Inge Broad, Raj Moonsamy who were highly motivated to do whatever was necessary to remove me, which included threatening, blackmail and bribing people they felt may make potential witnesses, threatening them with ten to thirty years unless they signed witness statements written for them and gave evidence to a pre prepared script.



- the various attorneys for those individuals,
- the numerous articles published via News24 as a result of the relationship with Mr de Swardt (now the subject of a complaint to the press council) including their appeals for victims to come forward (where none did).
- and of course, all of my devices, data and documents covering the last 5-8 years that were seized by SAPS.
  2. So, it is hard to think of someone more investigated, more targeted, more of an open book, for whom more data could be held. **Which makes the docket, whether in its prearrest state, its post arrest state, or its final 2023 state, all the more alarming and highlights the corrupt relationships that were at play?**
  3. It would be laughable if Serg Stevens tried to justify this with the excuse of poor, shoddy, or negligent police work. For a docket to be that empty and one where the I.O had so much opportunity and access to every conceivable piece of information, its state has to have been intentional.

### THE SUSPICIOUS (INTERNAL) SEIZURE WARRANT.

2. The suspicious circumstances that surround the seizure warrant, and its execution are another clear indication that there was nothing normal, legal, or legitimate about Sergeant Stevens's arrest and detention.
  1. An application for a seizure warrants somehow justified by a docket that was a year old by that point, a docket on which there had been negligible activity, where what activity there had been all by one of the main protagonists of the campaign, where no victim had come forward, where no new evidence, and absolutely no sudden and urgent need for either an arrest or the seizure of equipment.
  2. **An application for a seizure warrant is based on the clear requirement that the information cannot be obtained another way.** In this regard as in all others, **Sergeant Stevens** misled the court, the magistrates that he saw, and possibly those officers that he worked with.
  3. **Sergeant Stevens** had worked closely with Mr de Swardt for some time by this point and knew that Johan Schalkwyk, Denis Dalton, Mario Boffa and ADR had enjoyed complete and unlimited access to all devices, data, and documents for two months they were at Fisherman's Bend and found nothing. ADR had also downloaded and stolen the data contents which were passed to Denis Dalton / Johan Schalkwyk and onto Mr de Swardt.
  4. There was no reason to suspect I was about to flee, in particular, because I had invested a fortune in the properties, and it was the properties which generated the revenue on which I lived.
  5. Further, **Sergeant Stevens** had my passport thereby making fleeing impossible regardless.
  6. **Sergeant Stevens** was also aware that his colleague Mr de Swardt had my new replacement passport stolen on the instruction of his clients Keith Broad and Paula Disberry.
  7. There was no new information, there was nothing that would suggest any imminent changes of circumstance or intentions.
  8. I had fully cooperated after the first arrest, attended every court appearance, abided by every timeline, condition of bail, and request for information.
  9. **In addition, a seizure warrant necessitates some kind of urgency that means seizure, and immediate seizure, is the only practical option to harvest evidence, without such urgent action that evidence will be lost or compromised.**

10. In this regard Sergeant Stevens misled everyone again. There was nothing about the 'case' or 'docket' that warranted urgent action.

## **SERG STEVENS CORRUPT MOTIVATION BEHIND THE ARREST**

2. **The urgency did not stem from the needs of an Investigating Officer or an investigation, but the needs of the landlords.**
1. The arrest and the seizure had been left to the last moment, i.e. until the point at which it was necessary. In the very significant civil court matter between myself and Keith Broad, the court was due to issue its verdict around the end of the first week of December. As such, no one would know what the decision of the court would be until the second week of December. If Keith Broad won, and the court awarded him the property, there would be no need for an arrest. If Keith Broad lost, an appeal had to be prepared and submitted before Monday 19 December, so effectively Friday 16 December. This was a very small window of opportunity.
  2. **Therefore, only once that decision was known (5-6 December) and the appeal was drafted and ready (8-12 December), comfortably before the deadline (16 December) was an arrest needed. The arrest happened precisely within that window.**
  3. This is why the seizure warrant was only requested the day before the arrest and signed off (BY SAPS OFFICERS) two hours before the arrest itself.
  4. And why even the supposed attempts via the magistrates only took place the day before the arrest. In itself to give the impression of urgency, trying to rush it through, because any examination of the docket and circumstances would have resulted in a rejection.

**It is now more than two and a half years after the date the offence was supposed to have taken place, and it is more than a year and a half since the arrest. What Belville Commercial Crime does not seem to understand is that justifying the continued unlawful retention of the equipment on the (unlawful) basis that they still need to download the data indicates that the arrest and detention were not related to a genuine investigation.**

**Had it been, the data would have been downloaded immediately, and certainly during the remand period.**

**It also shows that there was no urgency in seizing the data and equipment.**

**And it further shows that the reason they refuse to return the equipment has nothing to do with the docket or other fishing expeditions.**

**Nor do any of the false reasons for not returning the equipment justify or explain why they cannot have harvested the data and returned the devices.**

**These devices held the evidence I would need to defend against any charges, or in the event of my arrest, to present a strong bail application.**

**By denying me my devices, they deny me how to defend myself. By denying me my devices, they also deny any future attorneys the means by which to mount even a passable defence.**

**What they also deny me is the significant amount of evidence of their criminality that is on the devices, laptops, and hard drives.**

## **ARREST WARRANT AND PRE-ARREST PAPERWORK**

2. To date I have been unable to find an application for an arrest warrant or an arrest warrant. I know there was no arrest warrant for the August arrest, nor was there permission to arrest in the jurisdiction of central Cape Town police, and nor was there any form of a docket.

**1. In fact, no one has ever seen any paperwork, or a docket related to that arrest.**

2. I had always assumed there was an arrest warrant for the December arrest because how else would you be able to organise two dozen police officers to raid someone's home, to have a SWAT team blast their way in and through all five floors of that home, and arrest someone.

**However, I have been unable to find an application for an arrest warrant or the arrest warrant itself.**

1. I understand that **Sergeant Stevens** and Mr de Swardt had the requests for an arrest warrant declined by magistrate(s). [the housekeeper overheard them discussing this]. However, again **in breach of due process and the intentional failure to follow due process**, they took the identical file to other magistrates to try to get a different outcome.
2. I do not understand how a police officer can take a docket to a magistrate for an arrest warrant, get rejected, and then take that same docket with no additional evidence to another magistrate until they get the answer they want.
3. I also do not understand how a police officer can bypass a magistrate when seeking a seizure warrant. The whole purpose of requiring magistrates to grant seizure warrants is precisely to stop the police from granting themselves seizure warrants. But Sergeant Stevens did exactly that, by having an "urgent and necessary" seizure warrant that was neither urgent nor necessary, signed off by a senior colleague.
4. I can only assume that the real reason that they had the seizure warrant signed off, ostensibly internally, was because it was considered that there were insufficient grounds for a magistrate to justify the issuing of one.
5. I am sceptical about the credibility of blaming jurisdictional disputes. Llandudno is not some backwater, the various courts and likewise the various police officers and units cannot expect us to believe that they did not know under whose jurisdiction an area fell or that this was the first occasion arrests had been executed in Llandudno. And a few minutes on Google provides the answers.
6. It simply adds to all of the other flagrant abuses of due process that Sergeant Stevens had a fellow police officer sign off the seizure warrant.
7. And is also one of two dozen reasons that explains why he tried very hard to keep us from seeing the docket.

## **SERG STEVENS '14 DECEMBER LLANDUDNO OPERATION.**

2. Regarding the operation of 14 December, the misconduct of **Sergeant Stevens** was extremely serious. He and Mr de Swardt acted like South American dictators, not South African policemen.

1. Sergeant Stevens was the only Investigating Officer in regard to the matters, before, during and after the arrest. Everything about the investigation, the arrest, the charges, the bail, the trial all fell within his remit and under his exclusive control.

2. Officially, therefore, every decision was his, his responsibility and his alone. While I have no doubt that the person calling the shots and giving the orders was Mr de Swardt, Mr de Swardt had no official rank or right to be part of such an operation and therefore Serg Stevens acted as his proxy. Therefore, all decisions and actions were officially those of Serg Stevens
3. Sergeant Stevens chose the size and makeup of the team that conducted that operation. That size, makeup, and the different departments and units that made it up were wholly inappropriate considering the charges and circumstances.
4. Sergeant Stevens chose the date.
5. Sergeant Stevens chose to seek to seize equipment.
6. Sergeant Stevens chose to include the special task force.
7. Sergeant Stevens organised every aspect of the operation that day.
8. Sergeant Stevens had created and facilitated a full media circus, a choreographed exit, my intentional humiliation, and significant press manipulation.
9. And as I go on to list much else. So Serg Stevens is responsible, liable, and accountable for everything that happened that day.

#### **SERG STEVENS DEC 14 SECRET ILLEGAL AND UNOFFICIAL SIDE OPERATION LLANDUDNO**

2. **And this would include one of the most significant and unlawful aspects of Sergeant Stevens's operation that day was the illegal, secret unofficial raid and arrest at the other property in Llandudno, 16 Leirmans Road.**
  1. Which had absolutely no official or permitted part in the arrest?
  2. As the Investigating Officer and the leader of that day's operation, it is impossible **Sergeant Stevens** was not fully aware of that illegal operation at 16 LR.
  3. Everyone gathered early in the morning of 14 December in the car park of Camps Bay SAPS, to discuss the plans and their roles in the coming day's operation. Then the team headed to Llandudno as one unit, after entering Llandudno a significant part of the team peeled off to go to the other property, just two roads away.
  4. Where this separate team remained for an hour.
  5. While the major component of the team went to Fisherman's Bend to arrest me.
  6. The unofficial party included Mr de Swardt, several real police officers, and Denis Dalton, another private individual and self-styled private investigator with no police or official rank and who at the time was advertising a PSIRA membership he did not have.
  7. Over the intercom, Mr de Swardt falsely presented himself as a police officer on official police business. "this is the police, open up."
  8. Once inside the property, he arrested Markus the housekeeper, handcuffing him,
  9. With the group threatening to shoot the housekeeper if he resisted or tried to run.
  10. On realising that Ollie Sokanyile's girlfriend was of European nationality Mr de Swardt/Denis Dalton decided not to arrest her, instead telling her that she had a choice and could either a) leave immediately and escape arrest or b) remain and be arrested.
  11. Forcing both of them to try to get Ollie Sokanyile to the property so Mr de Swardt / Denis Dalton/ Sergeant Stevens could arrest and imprison him to make good on the threat/promise made by Mr de Swardt 4 months earlier at the July illegal evictions.
  12. Forcing the housekeeper to hand over the keys to the property

13. Then taking the housekeeper in handcuffs to 32 Fisherman's Bend to join the official arrest,
14. Where Mr de Swardt went directly to the 5th floor where **Sergeant Stevens** and I were located.
15. Bringing the arrested and handcuffed housekeeper with him, Mr de Swardt entered the bedroom. Sergeant Stevens saw both Mr de Swardt and the handcuffed housekeeper.
16. Sergeant Stevens had a brief conversation during which they discussed the operation at 16 LR. With Serg Stevens asking how it went and Mr de Swardt showing Serg Stevens the keys. Serg Stevens congratulating Mr de Swardt.
17. The housekeeper was left standing by the door in full view of Sergeant Stevens while they spoke, and then Mr de Swardt took the handcuffed housekeeper downstairs to wait with the others who had been detained.
18. Sergeant Stevens cannot claim that he was unaware of or did not authorise and assist in that illegal operation.
19. This again brings us back to the same question, as to who he was working for, and whose interests in which he was acting.

**This is covered in detail in the conversations with the housekeeper about the events of that day.**

[https://drive.google.com/drive/folders/1vxz4dTHEYIKCKOC3EGj6\\_pY2lr6d1d1u?usp=drive\\_link](https://drive.google.com/drive/folders/1vxz4dTHEYIKCKOC3EGj6_pY2lr6d1d1u?usp=drive_link)

#### **MR DE SWARDT AND PROPERTY OWNER CONFIRMATORY PHONE CALL**

2. During which the housekeeper also mentions that once Ollie's girlfriend had fled, Mr de Swardt had taken the keys, walked around to inspect the property Mr de Swardt took the housekeeper to fishermen. On the way Mr de Swardt made one phone call. To Inge Broad, the owner of the house he had just taken possession of.
  1. During which Mr de Swardt confirmed that he had been successfully and taken over the property
  2. They are heard congratulating each other on achieving their goal.
  3. And Mr de Swardt says "We have got him. Her will not be coming back this time." A clear reference to myself

#### **ILLEGAL ARREST 3 OF 4. THE HOUSEKEEPER AT LEIRMANS**

2. The arrest of Markus the housekeeper was the third illegal arrest executed by Mr de Swardt and his co-conspirators at SAPS in aid of achieving their goal. For the record:
  1. No arrest warrant had been sought or obtained to arrest the housekeeper.
  2. There was no investigation of any kind into the housekeeper.
  3. Indeed, the arrest was the first occasion on which Mr de Swardt, Denis Dalton and Serg Stevens had met or officially knew of the housekeeper.
  4. Likewise, no arrest warrant, seizure warrant or warrant of any kind, had been sought that gave these people the right to enter the property. In fact, no permissions of any kind had been sought,
  5. For the simple reason that part of the operation did not officially exist because there was no legal justification for it

6. Further, it was direct breach of the High Court interdict issued on 4 august by Judge Van Zyl
7. And a breach of the order granting me possessions and ordering the eviction of Mr de Swardt, the 8 thugs and Keith Broad. The same Mr de Swardt who then re-entered the property on the false basis of leading a police officer operation.
8. His arrest was for no purpose other than to remove him from the property and having changed the locks ensure that was permanent.

#### ILLEGAL ARREST 4 OF 4. OLLIE SOKANYILE

2. The fourth of four illegal arrests followed in January 2023. This time it was Ollie Sokanyile's turn.
  1. Ollie Sokanyile was the property manager at the time of the illegal evictions and assaults of a few months earlier in July. On 22 July, the guests who were staying at the property enjoying a vacation called to say that nine men had broken and forced their way into the property and were trying to evict them. Ollie went to the property to come to their aid and found Mr de Swardt and 8 huge thugs-for-hire.
  2. Mr de Swardt made concerted efforts to force the guests to leave, including telling them they had been scammed, failing to see the irony of telling guests who had booked a holiday villa in Llandudno for the week, who were staying in that same holiday villa in Llandudno, enjoy their weeks holiday that they had been scammed.
  3. When this did not work, he lied and told them the thugs were the real guests.
  4. And when that did not work the thugs told the guests to "fucking pack your things., you must go now now."
  5. Ollie who had done no more than try to protect the guests and resolve the situation was told by Mr de Swardt to go away, when Ollie refused Mr de Swardt said "if you don't, I will put you in prison."
  6. This was the reason Mr de Swardt, Denis Dalton were so keen for Ollie to have been present during their illegal operation and why they had pressured his girlfriend and the housekeeper to get him to come to the property. All so Mr de Swardt could deliver on his threat of five months earlier.
  7. Having missed that opportunity to exact a spiteful revenge, Mr de Swardt had the housekeeper from Fisherman's Bend deceive Ollie and lure him to the property on the [pretence he could collect his belongings,
  8. His belongings, like mine, his girlfriends, had been in our homes when our homes were taken and had not been returned. Mine have still not
  9. When he arrived, Mr de Swardt, and SAPS officers were waiting. One is believed to be Serg Stevens, but I cannot say that with 100% certainty as one provided their names, ID or any information.
  10. Mr de Swardt arrested him, handcuffed him, put him in the car and took him to Hout Bay SAPS
  11. **Where they kept him in a cell for a full week before taking him to Wynberg Ct where Mr de Swardt/SAPS tried to have him sent to Pollsmoor but failed when the attorney for Ollie challenged the prosecution about the bogus nature of the charges**
  12. **To be clear, Mr de Swardt had achieved his goal by that point, he had taken over the two properties for their owners, stolen all my possessions and savings in doing so and had me locked up in Pollsmoor. Ollie was not part of his mission or brief. Like Markus**
  13. No arrest warrant had been sought or obtained to arrest the housekeeper.

14. There was no investigation of any kind into the housekeeper.
15. **The arrest and detention were for no other purpose than a spiteful retaliation and a bully's show of force because Ollie refused to abandon the guests to Mr de Swardt and the thugs.**

[https://drive.google.com/drive/folders/11rrj\\_lrlAL5uwP-8VBHh74tUrjszstuL?usp=drive\\_link](https://drive.google.com/drive/folders/11rrj_lrlAL5uwP-8VBHh74tUrjszstuL?usp=drive_link)

#### ILLEGITIMATE USE OF THE SPECIAL TASK FORCE.

**2. Serg Stevens also has questions to answer with regard to the completely unnecessary and absurd use of an armed SWAT team. A use that had nothing to do with any genuine concerns or operational needs but was for entirely selfish reasons.**

1. I cannot conceive of any remotely similar arrest where a Specia Task Force team would have been used. The arrest of a 54-year-old man, for three cases of transactional fraud, who had no history of violence, no record of resisting arrest, and no suggestion he was armed or dangerous, indeed nothing whatsoever that could justify the inclusion of an armed SWAT team.
2. I believe Sergeant Stevens intentionally misled various police officers as to the need for the STF to join the arrest.
3. I do not pretend to be an expert in such things, but from what I do know the involvement of the STF is usually reserved for arrests where there is a genuine expectation that there are firearms on the property which could be used against the police, or arrest involving very high-profile targets, arrests for firearm-related offences, sometimes for issues related to narcotics. Sergeant Stevens cannot claim there were any similar concerns.
4. One of the real reasons was to aid in maximising humiliation, personal and public.
5. Helping to generate media interest, yet more damaging articles, and even further damage to my reputation.
6. Helping **Sergeant Stevens** and Mr de Swardt continue to build the idea that they were the heroes in this story, investigating and taking down some international fraudsters.
7. It also added credibility and legitimacy to what were entirely false accusations, as the STF, much like the raid and arrest itself, gave everyone the clear impression the charges were legitimate, and the crimes were very serious. Why else would the police invest much time and resources in an arrest unless the suspect was a very serious and significant criminal?
8. But the main reason was to help Sergeant Stevens, Mr de Swardt, and Denis Dalton in their search for the safe with the diamonds and the cash. Which was the main reason for the seizure warrant as well.
9. Any normal arrest for three charges of transactional fraud would be a very quick process; arrive, arrest and leave. However, my home was enormous at circa 20,000 sq. ft, and had over thirty rooms, it would have been impossible to have searched the property for the safe without making it very obvious.
10. As such, the STF enable t the fastest possible search of the property, while also disguising the true purpose.

**The housekeeper and others who saw the operation at my home that day commented that it looked like an arrest of a president or a drug cartel boss.**

#### UNJUSTIFIABLE RISK TO LIFE.

- 2. Another issue is the real risk to life: By definition of including a large team of heavily armed military personnel, no doubt told to expect some form of resistance, psyched up and ready**

**for trouble, storming a property that had multiple people inside, that had so many rooms over such a large area, there was a very real risk something could go very wrong, with someone accidentally injured or killed as a result.**

1. Doors were brown open, STF personnel scaling walls and crashing into rooms, pointing armed assault weapons at those in the rooms. When they burst into my bedroom, several came from the stairwell and others from the other side via the left. Had someone given the impression of learning to get something it is very conceivable someone could have gotten shot.
2. **Sergeant Stevens** is responsible for creating that situation and a set of circumstances with many potentially dangerous or fatal outcomes, and he did so with no possible **legitimate** basis for their inclusion.
3. Rather, the inclusion of the special the inclusion of the special task force was too purely personal reasons and highly illegal ones at that.

### **CONSPIRACY TO COMMIT THEFT (the safe, THE SUITCASE OF CASH AND DIAMONDS)**

2. This helps explain why Sergeant Stevens departed from the accepted policy and rules of arrest, again failing to follow procedure, acting with criminal intent,

Taking me to the master bedroom unaccompanied by any other officers.

1. Serg Stevens did so on the false premise that I now needed to show him each room of the property myself. This mad no sense to me at the time because the police had by then already searched every room.
2. They had done so with the housekeepers showing them around, which I also thought strange as my understanding is that I should have been present in each room as it was searched. Rather they asked the two housekeepers, one of whom was a casual worker and the other was the head housekeeper clement+++
3. Only when I walked in did I realise it was a set-up. Waiting for me in the bedroom as if it were just a coincidence was Mr de Swardt and Denis Dalton. As soon as I walked in, they demanded to know where the safe was hidden. I asked, "what safe?" They replied, "the big one behind the secret wall" When I told them they were in the wrong property and several months too late, as that was in the Camps Bay villa, which had been lost after the first arrest Denis Dalton, Mr de Swardt, and Sergeant Stevens were all visibly surprised, disappointed, and angry.
4. Their intel had obviously been that it was at my home in Fisherman's Bend.
5. But then their intel also included what I had dismissed at the time as an absurd notion that also hidden in my home was a suitcase of diamonds and cash. But greed is powerful emotion, and that rumour soon became fact in the minds of those who wanted to find it. Andre du Rand the personal security detail had been told by Denis Dalton, Johan Schalkwyk , Mr de Swardt to find it while he was living at the property and would search the house on the few occasions I was out of the house.
6. Sergeant Stevens grabbed me by the arms and pushed me out of the room. When I asked, "what about the rest of the tour," he just pushed me forward, told me to keep walking and mind my own business. Taking me to the kitchen and then out towards the front. After the master bedroom, we did not check any of the rooms as per his justification for my sudden trip to my bedroom.
7. When Serg Stevens asked me to sign forms to say I was happy with the search, arrest etc I told him that I was not.



**+++ whom Mr de Swardt and Serg Stevens had flipped a few days before the arrest, telling Clement of the plan to arrest and remove me, and giving him a choice: either stay loyal to me and be unemployed after my arrest and possibly arrested himself OR agree to work for the new owner, who had given Mr de Swardt the authority to offer a job**

**This is yet another fact that shows that Mr de Swardt was working for and with the owners and that the arrest had been coordinated with them, indeed instructed by them, to ensure if fitted with their specific needs and timelines.**

**How else would he have the authority to offer the housekeeper a full-time job on behalf of the owner. A job which he did in fact accept, beginning to officially work for the owner minutes after I was taken away, when the new owner arrived as pre-arranged once the coast was clear.**

**I only found all this out after being granted bail and speaking with those present that day. It therefore seems to me to be highly inappropriate that I was not present while they searched my home, but rather kept in my bedroom office area and away from the search.**

**And equally inappropriate that the person showing the officers around for the search was someone by then working for Serg Stevens and Mr de Swardt and against me**

#### **SERG STEVENS AND MR DE SWARDT'S UNLAWFUL JOINT OPERATION. WHO WAS IN CHARGE.**

2. One of the most significant, inexplicable, and alarming issues of the operation that day was that Mr. de Swardt, a private individual with no official position, no position in SAPS, and no official or legal role in the arrest, was, by everyone's assessment, clearly in charge of the entire operation, giving orders, and controlling personnel who deferred to him. "I thought he was the chief of police," the housekeeper said.
  1. Mr. de Swardt has no position in SAPS, any government unit, body, or department.
  2. Serg Stevens was acutely aware of the mandate that Mr de Swardt was working to fulfil on behalf of his clients.
  3. Even the most cursory involvement of Mr de Swardt in the raid, search, or arrest was highly suspect and could undermine the investigation and arrest, as well as open the entire operation up to well-founded allegations and render any evidence obtained useless in court. Serg Stevens was aware of this.
  4. However, Mr de Swardt was not merely assigned a key role; he was given THE key role, clearly in charge, clearly giving the orders, and clearly running the entire show.

**The housekeeper and others who witnessed the operation at my home that day expressed their belief that Wouter de Swardt was in charge of the operation.**

**They further noted that everyone was deferring to his authority and instructions, leading them to believe he was the chief of police. However, he should not have been officially involved in any police operation or matter.**

#### **SERG STEVENS TEAM, CO-CONSPIRATORS AND COLLEAGUES: DENIS DALTON, WOUTER DE SWARDT & JOHAN SCHALKWYK**

2. People often say that you can judge a person by the company they keep. Should this be the case, Serg Stevens would face severe criticism. His close and highly inappropriate relationship with Denis Dalton, Johan Schalkwyk, and Mr. de Swardt was alarming, can have no legitimate justification and given their criminal conduct can only have been for equally criminal reasons.

1. It is hard to even imagine what the justification Serg Stevens would attempt to give for the presence and involvement of private investigators like Denis Dalton and Johan Schalkwyk in the December 14 operation. People who had no role in the investigation and no legal or official purpose being there
2. Furthermore, Denis Dalton and Johan Schalkwyk were not even registered with PSIRA at the time, despite their advertising to the contrary. They deceived everyone, me included, into believing they were genuine private investigators with PSIRA membership and a whole list of qualifications.
3. Denis Dalton and Johan Schalkwyk were actively working for the "consortium" (the clients of Mr. de Swardt), with as well as for and with Mr. de Swardt.

We had instructed them to investigate the consortium and compile evidence of their crimes and proof of my innocence, but Mr de Swardt and Paula Disberry had flipped them the prospect of getting rich off of the spoils of their campaign, including planting the idea of the suitcase of cash and diamonds as well as the bank accounts supposedly containing millions.

The conduct of Denis Dalton and Johan Schalkwyk included, but not limited to:

- Stealing my replacement passport for Mr de Swardt, instructed by Paula Disberry to do so, with the of knowledge of everyone working on putting me in prison, including Serg Stevens
- Passing the passport to Mr de Swardt, who handed it to Paula Disberry and Serg Stevens
- Downloading the data from my devices and passing it to Mr de Swardt to pass on to Paula Disberry and Serg Stevens
- Providing Mr de Swardt with the passwords to our platform accounts to access the accounts, download data and sabotage or steal bookings, which he passed on.
- Threatening and harassing potential witnesses into signing witness statements written for them by Paula Disberry/ Mr de Swardt
- Forcibly taking witness statements under duress, including taking Mario Boffa to an undisclosed address to a deserted property and threatening him

**1. Most significantly:**

- Using any opportunity when I was out to search the property for the safe that everyone thought obtained diamonds and cash.
- **Embezzling over a million Rand during their three weeks in charge of security and investigating Mr de Swardt**
- **Their conspiracy in an intricate plan to drug me and access the bank accounts.**
- **And if that did not work, torture me for the details, access he bank accounts, transfer the balance to themselves and then murder me and dispose of the body.**

2. Setting up an online villa agency to scam guests, a fraud set up in the image of the one I was alleged to have run.

**[SEE THE TRANSCRIPTS AND VIDEO RECORDINGS OF THE CONFESSIONS OF MARIO BOFFA]**

The beauty of their plan was that if they could successfully paint me as a fraudster, and I was dead, firstly there would be no one to report the crime, secondly if the funds were in secret account know one other than me would know they had been stolen.

As Mr de Swardt had already successfully created the idea that I was an international crook, a fraudster and busy scamming people, it would be very easy to spin that I had fled to spend my millions. With the assurance of Mr de Swardt and Serg Stevens, there was almost no possible prosect of either being discovered or investigated.

**What they assumed they were doing was stealing stolen money, in which case it would not even be possible to report the crime had that been the case**

**Until the arrest I was unsure how deeply involved Serg Stevens and Mr de Swardt were. But the stunt in the bedroom proved they were all deeply involved and involved together. There was a very clean plan, and I suspect was the reason for the task force.**

## **THE ILLEGAL, CORRUPT, UNJUSTIFIED ROLE OF THE THREE “PRIVATE INVESTIGATORS” DENIS DALTON, WOUTER DE SWARDT AND JOHAN SCHALKWYK**

### **2. The tripartite relationship and dynamic of that day, was both alarming and confusing to me.**

1. When I did some research, I established that private investigators could have a more prominent role in an investigation than would be the case or would ever be permitted in the UK. But there are limits, especially at key, crucial and sensitive moments such as an arrest, search, and seizure.
  2. For Mr de Swardt to be present, PSIRA or not, considering he made no secret of his plans for me, cannot have been legal.
  3. For Denis Dalton and Johan Schalkwyk to be present, particularly bearing in mind their very recent history of embezzlement, fraud, theft, blackmail, and the conspiracy to drug, torture and murder, cannot have been legal.
  4. Even less legal bearing in mind they were not PSIRA members at the time.
  5. I was then and remain now baffled how they suddenly found themselves involved in the ‘investigation’ and promoted to a position of seniority that they were now helping Mr de Swardt to lead the operation.
  6. As baffled when I discovered that it was Denis Dalton and Mr de Swardt who had been in charge and lead the illegal and secret police operation at my other Llandudno property.
  7. And most baffled that Mr de Swardt and Denis Dalton were allowed to walk around my home unsupervised and unaccompanied going wherever they as if they owned it.
- Unsupervised

## **THE NATURE AND DEPTH OF THE RELATIONSHIPS BETWEEN Mr de Swardt, HIS CLIENTS AND BELVILLE COMMERCIAL**

### **2. In regard to Wouter de Swardt, Keith Broad, Paula Disberry, I admit i do not know the specific nature of the relationships with personnel at Belville Commercial Crime and Hout By SAPS, or with which officers specifically they have relationships, but i am absolutely certain that such relationships have played a very significant part.**

1. It is possible that Wouter has been able to persuade Belville that i was some arch criminal, although that neither explains nor excuses their many crimes in pursuit of me,
2. To my mind the police involved can be split into five categories
  1. Those who worked with and for Mr de Swardt and knew of the truth, knew the real motivation and objectives, and knew I was to be removed regardless and in spite of the evidence. I would put Serg Stevens and Serg Duna firmly in that group. As well as Denis Dalton and Johan Schalkwyk. This group knew what the campaign was about, who the clines were, what their objectives were and we happy to do whatever was necessary to achieve those objectives,

- 2. Those who Serg Duna, Serg Stevens and Mr de Swardt shared some of that information with and were happy to assist.**
- 3. Those who Serg Duna, Serg Stevens and Mr de Swardt were able to convince I was a fraudster and should be taken down by whatever means, without due process, evidence or all the norms of an investigation and prosecution. Essentially the end justifying the means.**
4. Those who Serg Duna, Serg Stevens, Mr de Swardt or Belville and Hout Bay senior officers were able to convince I was a fraudster and who were not privy to things like the docket, evidence, or anything that would suggest it was anything other than a legitimate operation.
5. Those simply following orders, e.g. support officers and Special Task force involved in the 1 December operation.

I do not know who, but I am also confident that there had to have been senior officers at Belville Commercial Crimes that fall into one of the first three categories. The way the "investigation" was managed, the way they were happy to sign off seizure warrants, to sanction illegal operations, to aid in what was clearly a property grab, to ignore every signal that things were highly suspicious, the targeted pursuit of me, none of this would be possible without one or more senior officers' support.

The fact that Paula Disberry was in charge of the docket and the investigation from December 2021 through to July 2022 when Mr de Swardt took over also suggests direct relationships between the key players and one or more senior officers at Belville Commercial Crime. Mr de Swardt's very close working relationship with officers at Belville Commercial Crime would suggest the same.

1. What I do know is that whatever the relationship and the motivation a few people have managed to hijack and then weaponize the resources of an entire unit.
2. I remain aghast that Serg Stevens was able to motivate, organise and execute an operation that was more like an invasion than an arrest. Two dozen different personnel in my home, more guns than in a movie and the cost and resources must be enormous. For what?
3. What I am absolutely certain of was that Sergeant Stevens knew there was no fraud or scamming, If he thought there was, he would have investigated it. But there is not the slightest hint of an investigation. Affidavits provided by my then enemy, not one single item that he had contributed to the docket before my arrest, and the sole item in the docket he obtained was the HAD affidavit, obtained weeks after my arrest,
4. It is inconceivable that even the sloppiest most negligent police officer who was genuinely investigating a matter could have produced so little, in fact nothing. Yet he felt able to execute an arrest, then object to bail then extend my remand, take my home, my keys pass them to the owner, and justify two dozen personnel and an armed SWAT team.
5. And I am as confident that at least one senior officer at Belville Commercial Crime, although possibly more was also privy to the real motivation, context, and goals. I simply cannot accept that Serg Stevens and Mr de Swardt alone could deceive an entire unit. Unless they had help from someone very senior.

## **HOUT BAY SAPS**

2. I am absolutely confident that Mr de Swardt and Keith Broad had Hout Bay SAPS in its entirety on side and that the commander there was deeply involved. A close friend I was told of Keith Broad and Mr de Swardt, the way his station was used for the first arrest, second arrest, third arrest, fourth arrest (OS), first detention, second detention third detention

(OS), as well as his refusal to execute the arrest warrant issued for Keith Broad, and instead allowing me to be arrested with no paperwork, docket or evidence, shows the relationship was very close and certainly not lawful

### **FALSE AFFIDAVIT OF SERG STEVENS TO AID IN HIS MALICIOUS PROSECUTION.**

#### **3. There was no part of Serg Stevens's operation of 14 December that related to the issues of immigration, visas, or passports.**

1. Sergeant Stevens committed perjury by lying on the affidavit given four months after the arrest in April 2023, stating that he had asked me about my passport, discussed my visa/immigration states, and my illegal status in SA etc in a retroactive attempt to insert the charge into something it played no part in,
2. The affidavit is wholly and demonstrably false.
3. Self-evidently false - as the Investigating Officer would hardly ask the suspect for his passport when everyone including the suspect, and the Investigating Officer knew the Investigating Officer had his passport.
4. Self-evidently a lie as the visa, immigration or passport issue is not mentioned in any of the documentation before the arrest.
5. Self-evidently a lie as there is no mention of these matters in the application for a seizure warrant either. Something that would be highly relevant in creating the impression it was both necessary and urgent if Serg Stevens could mispresent or imply I may fly away and flee.
6. Self-evidently a lie because there is no mention of these issues in any of the affidavits or documents provided by the other officers involved in the operation,
7. Nor is there any mention in any of the post-arrest paperwork.
8. Nor did it form any part of documentation completed relating to the remand or imprisonment, which reflected only "fraud x 3", including on the documentation sent to Pollsmoor and even my prison card,
9. As well as the documentation that the prison produces with each appearance at court.
10. In truth, other than the false affidavit of Sergeant Stevens and the two incorrect HAD affidavits, one obtained by each I.O, including the one that Sergeant Stevens obtained six weeks after the arrest purportedly from the Home Affairs Department employee, there is not a single other SAPS document related to the immigration issue.

**The only points at which the visa/passport/immigration issued played any part was (1) when using it to force the prosecution service to change their stance from not objecting to bail to objecting to bail by claiming I was a flight risk and (2) not again until the start of the bail application when Sergeant Stevens had had his fraud charges thrown out by the prosecution and had suddenly inserted the immigration charge, again to advance his primary goal of detaining me and keeping me detained**

**Compounding his multiple other unlawful actions, Sergeant Stevens committed perjury to help him in his equally unlawful attempts to prosecute a charge that he knew to be bogus, to improve his chances of then unlawfully detaining me.**

### **THE IDENTICAL STRATEGY, CONDUCT AND CRIMES OF SERG DUNA AND SERG STEVENS**

2. When I compared the conduct of Sergeant Duna and Sergeant Stevens to see if there were any similarities, I wrote a list of everything that happened and how they behaved. I could think of seventy things that stood out about both arrests, things that were unusual, criminal, unlawful, concerning, detours from standard conduct or procedure, and things which should not or would not usually happen in a normal arrest.

I then went through the two different arrests, by the two different Investigating Officer's.

**The results are astonishing, alarming, and highly relevant. What the table shows is that Serg Duna and Serg Stevens acted identically on 68 out of 71.**

1. The list which included the breaches of the codes of ethics, the crimes/unlawful actions, all the matters that represented obstruction and frustration of justice, unlawful arrest, unlawful detention, neglect of duty, breach of due process etc. so in theory, as no I.O should have conducted themselves in any way other than by the book., neither of their lists should have included any such issues. Yet each I.O's investigation, each I.O's arrest, each I.O's detention, each I.O's approach, methods and aims and each I.O's handling of the pre bail application and bail application stages were like a carbon copy of the others.
2. The only differences I could find were at the margins. For example, Duna/Mr de Swardt pinged my phone to find me, but Serg Stevens did not; Serg Stevens motivated the use of the Special Task force and Serg Duna did not; and Duna had absolutely no docket, whereas Serg Stevens there was at least something called a docket.
3. Other than that, everything about the way they managed things was the same.
4. As each of the seventy actions would be considered unusual, as almost all would be considered conduct unbecoming of a police officer, and as the majority were illegal, it is very clear these are not coincidences.
5. The common denominator between the two Investigating Officer's was Mr de Swardt and his clients, in particular the campaign and goals, things they all universally shared.
6. And I do not think that it a controversial statement to make, but the actions of Serg Stevens and Serg Duna were very clearly always in pursuit of the goals of Mr de Swardt and his clients.
7. **Goals, as well as conduct, methods, that I had outlined in multiple court papers, emails, and documents long before the arrest took place and long before I had even heard of or met Serg Stevens**
8. The application we submitted to the High Court in October 2022 details the corruption, crimes and methods of Belville Commercial Hout Bay and the investigating officer. Again, It was drafted a full two months before I had contacted with Serg Stevens and yet the behaviour and conduct it describes were repeated by Serg Stevens in every regard when it was his turn to do the arresting and detaining.

[\[CASE NO. 7902.22 APPLICATION TO HEAR ORAL EVIDENCE AND AFFIDAVIT\]](#)

**[SEE THE CHAPTER IN DUNA AND STEVENS ]**

## **THE SUSPICIOUS AND KNOWINGLY FALSE HOME AFFAIRS DEPARTMENT AFFIDAVITS.**

2. **Of equal concern are the two affidavits purportedly from the Home Affairs dept.** I say purportedly because the affidavits are both false and the statements made within them are an impossibility.
  1. With both of the Home Affairs Dept employees swearing under oath that I was illegal when my initial leave to stay of 90 days from the point of landing had ended **on 23 March 2021**

2. Despite the fact that it would have been impossible for any Home Affairs Department employee not to have known of the automatic extension the department had issued throughout all of 2021. Especially as this was the department's most significant policy of the last decade.
3. Despite the fact that I had physically extended my visa in late 2021 which took me into 2022
4. Despite the fact that if you look at the Home Affairs Department paperwork itself which includes a printout from the Home Affairs Department database, in the corner are the dates I was permitted to be in SA until, and it shows **31.12.21**. Showing this date on **FOUR different documents** that the very same people writing the affidavits provided
5. **So, their own department's official documentation (that they had included in the file they sent) clearly showed that their statement that I was illegal as of 23 March 2021 was false.**

1. **For one Home Affairs Department employee to have made such a fundamental 'mistake' would be highly unusual. For two Home Affairs Department employees, from two different offices, provided five months part, to have made the same fundamental mistake, is impossible.**

1. **The only common denominator between these two Home Affairs Department employees was Belville Commercial, the corrupt Investigating Officer and Mr de Swardt who were the ones to procure both affidavits and then submit the fabricated evidence in criminal proceedings.**
2. It was the initial opinion of the visa agency that the affidavits were so inaccurate that they had to be forgeries. It was the attorney's view that the affidavits were from actual Home Affairs Department employees but were knowingly false in exchange for bribes or other inducements. Or that they were pressured into providing inaccurate information. Whatever the explanation they were requested , processed, and introduced by the I.O and the I.O is responsible for these demonstrably false affidavits.
3. **Where this becomes very significant is the number of occasions this issue and these documents were used to cause me very significant harm, to detain me and to keep me detained. Serg Stevens presented information and documents he knew to be false to the courts to send and keep me in Pollsmoor prison, and for as long as he was able to maintain the charade he intended to go to and prosecute a trial.**

**I do not pretend to know the provenance or the authenticity of the Home Affairs Department's affidavits. But what I do know is that no Home Affairs Department employee, let alone two Home Affairs Department employees could not have made such significant mistakes or provided statements that ran contrary to the information on their systems and information that they enclosed with their statements. Manging somehow to completely forget the Covid19 pandemic and suddenly unable to read the data they printed out and they attached to their affidavits.**

## **FORMAL COMPLAINT TO HOME AFFAIRS DEPT RE SERG STEVENS AND REQUEST FOR AN INVESTIGATION**

2. This was one of the reasons for my formal complaint to the Home Affairs Department to motivate an investigation into how **Sergeant Stevens** came to be in possession of these statements that purported to be speaking on behalf of the Home Affairs Department.
1. Whether the employees were complicit, whether they were threatened, bribed or deceived, whether the documents were genuine or forgeries, and hopefully to motivate the Home Affairs Department to take action as it would appear that their power and authority

were intentionally used and misrepresented by **Sergeant Stevens** in pursuit of his attempts to arrest me, remand me and extend remand for as long as possible

2. I cannot say what the outcome of any investigation will be, but I am confident it will find that some very dodgy went on.

### **LETTER OF GOOD CAUSE TO THE DIRECTOR GENERAL OF HOME AFFAIRS.**

3. This has also been a significant part of the reason I have had to submit a Letter of Good Cause to the Director General of Home Affairs.
  1. Because of the actions of Belville Commercial, Serg Stevens, Serg Duna, as well as Mr de Swardt, Paula Disberry, Denis Dalton, Keith Broad, et al, I was unable to extend my visa through 2022 and almost half of 2023. As such, when I was finally able to apply for an extension, it was a year and a half later than I should have.
  2. The correct procedure is to submit a Letter of Good Cause to the Director General of Home Affairs. Which I did earlier this year, although like much else have yet to hear.
  3. I have also specifically asked not to have to file any forms or requests via immigration offices for fear of interference.
  4. Having complied with every visa and immigration rule from the first time I came to SA two decades ago and in all of the eight or so years I have lived here over that time, the only reason I did not in 2022 and 2023 was because of the illegal conduct of Serg Stevens, Belville Commercial and Serg Duna

### **SERGEANT STEVENS' UNLAWFUL AND CORRUPT ACTIONS ON BEHALF OF THE LANDLORDS.**

2. The highly suspect, unethical, and illegal relationship **Sergeant Stevens** has with the landlords. His interaction with them is of very considerable concern. Sergeant Stevens cannot pretend the interaction and relationship had anything to do with the case against me or gathering evidence as there are no contributions from Keith Broad, Inge Broad, or Ragi Moonsamy on file or in the docket.

Why then was he enabling the illegal takeovers of the properties?

And why was he communicating with them, about them, and arranging their return to the property as soon as I had been taken away?

### **UNLAWFUL EVICTION AT 32 FISHERMAN'S BEND**

1. As Sergeant Stevens was taking me through the garage to the car, I said to the staff who were standing there in handcuffs, "Please don't let them take the property, that's why they are all here." Considering what was happening, the amount of manpower, resources and planning that had gone into that operation, the idea that once I had been taken away anyone would be able to do anything to stop the takeover was naïve at best.
2. Just as I said that Sergeant Stevens took out the keys to my home ( a large bunch that looked as though it was a combination of the housekeeps keys that he must have taken from the housekeepers and my own keys that he must have taken from my office),
3. He then handed the keys to my home to Mr de Swardt (to pass to the owner Raj Moonsamy), which he did a few minutes later.
4. Serg Stevens did not make the slightest attempt to conceal the fact that he was handing the keys to my home to someone who had no right to have them, but every motivation to want them.
5. In no arrest, and under no circumstances would it ever be usual, legal, or proper to take the house keys of the arrested person's home. And even worse, in no arrest, would the



Investigating Officer then give those keys away.

6. In any normal arrest the occupant and legal tenant would retain ownership and control of their own house keys, and it would be for them alone to decide those to whom they were given.
7. Serg Stevens had no right to be holding my keys in the first place. Serg Stevens had no right to take them from me or the housekeepers. They were my keys, it was my home, I had a legal and valid lease, and I had spent R2,000,000 refurbishing it, R1,500,000 in rent and utilities, including R250,000 in rent just a few days earlier.

#### **8. I was the sole legal tenant**

9. **No court order existed giving anyone the right to occupy that property or remove me.** That Sergeant Stevens knew it was my home is indisputable. He was arresting me in my bedroom, in my home and all of the paperwork including the seizure paperwork makes it very clear it's my home. By handing my keys to anyone he committed a serious crime. By handing them to Mr de Swardt, the man who had been employed for that very purpose, demonstrates the real purpose of the arrests and operation that day, and demonstrates the extent and the depth of the corruption, criminality, and misconduct of Sergeant Stevens.

As well as answering the question of who he was working for, why and to what end.

1. In the car on the way to Hout Bay Saps when we had not yet even left Llandudno, Sergeant Stevens said "Ragi is on his way", At first, I thought he was talking to me, but he was either talking to one of the other officers in the car or whoever he was on the phone to.

Apart from the fact that it was revealing that he referred to him by his nickname. (His name is Rajiv Moonsamy, yet Sergeant Stevens called him "Ragi" and only those close to him would have used the nickname.), what was he doing getting involved in that.

1. As per the testimony of the housekeeper, Ragi walked into the house minutes after I was taken away in what had been a pre-planned re-entry, a few minutes later the owner's PA arrived and then two other employees. Mr de Swardt gave him the keys that Sergeant Stevens had given him to the landlord.
2. Mr de Swardt, Ragi, his PA, two employees and clement then went into private meeting in my office.

**1. What Serg Stevens had achieved was an incredibly fast eviction, with no need for court orders or legal niceties, at a fraction of the cost of going through the civil courts, and with the full cost met by the South African taxpayer.**

1. The unlawful manoeuvres to keep me in Pollsmoor allowed the owners to consolidate that theft.
2. Thanks to Sergeant Stevens, all this was done with no consequences or comeback for the owners, and to everyone on the outside appeared to be a legitimate police operation with no connection to them.

**.... AS SUCH, ON 14 DECEMBER SERGEANT STEVENS MANAGED TO EFFECTIVELY ENSURE A SUCCESSFUL EXECUTION OF AN ILLEGAL EVICTION, BY DISGUIISING IT AS AN ARREST**

#### **UNLAWFUL EVICTION AT 16 LEIRMANS ROAD**

2. Likewise, Sergeant Stevens's interest in the success of the secret and illegal operation by Mr de Swardt, Denis Dalton, and the SAPS officers at the other property, when Mr de Swardt returned.

1. And the fact Mr de Swardt felt it appropriate to show Sergeant Stevens the keys to 16 LR as if showing off a prize.
2. The success of the illegal eviction at 16 LR was entirely due to the unlawful assistance, cover and means provided by Sergeant Stevens
3. Mr de Swardt then passed the keys to 16 LR to the owners, his clients,
4. Although this time, the disguise was for the benefit of the occupants and anyone watching as they had not attempted to legitimatise, justify, explain, or seek consent for the raid and arrests at 16 LR.
5. **As with Fisherman's Bend, I was the sole legal tenant.**
6. **No court order existed giving anyone the right to occupy that property or remove me.**
7. **In fact, a court order existed, reaffirming my right to occupy the property and my right alone**
8. **As well as an interdict against Keith Broad and anyone working for him**
9. **As well as a Protection order explicitly prohibiting such action**
10. That Sergeant Stevens knew it was my home is indisputable. He was arresting me in my bedroom, in my home and all of the paperwork including the seizure paperwork makes it very clear it's my home. By handing my keys to anyone he committed a serious crime

**.... AS SUCH, ON 14 DECEMBER SERGEANT STEVENS MANAGED TO EFFECTIVELY ENSURE A SECOND SUCCESSFUL EXECUTION OF AN ILLEGAL EVICTION BY DISGUIISING IT AS AN ARREST**

#### **SERG STEVENS DENIAL OF MY RIGHTS AFTER ARREST**

2. Sergeant Stevens was solely responsible for the denial of my rights.
  1. First at the arrest refusing my requests to call my attorney: At the house, when I asked Sergeant Stevens if I could call my attorney, he asked me for the number. To which I replied I did not know their number off by heart, but it is in my phone... **Sergeant Stevens** refused to help and replied, "You can't have your phone it's already been logged into evidence."
  2. I asked if someone could google the number and get it as I knew the name and address of the firm. **Sergeant Stevens** again refused to help and replied, "And how are you going to call them, you don't have a phone now."
  3. A Hawks officer (friendly and professional unlike the majority there) overheard and said it would be fine to find the number through the clear plastic bag, **Sergeant Stevens** reluctantly agreed. I suspect only because now others were aware of his obstruction. But he then took over and insisted he dial the number, keeping the screen and keypad away from me. When he dialled, he waited a matter of seconds and then hung up and said, "No one is answering, that's your call."

#### **The two issues with this:**

- Firstly, he did not leave a telephone ring for more than a couple of rings, which was unreasonable.
  - Secondly, when I asked the attorneys later whether they had a missed call that day, they went and checked and confirmed they did not. So, it would seem he rang a number, but it was not the attorney's number, and I suspect he did so intentionally.
4. When I arrived at Hout Bys SAPS and asked again, Sergeant Stevens refused. He told me he would arrange a call when I was being processed. However, he did not return to

process me for about three days.

5. Every time an officer passed by the cell, I asked to make a call, and each one said, only your Investigating Officer can authorise that and he has to be present and happy to sanction it.
6. One friendly officer who had been there in August told me that I was wasting my time as **Sergeant Stevens** had instructed everyone to give me no assistance and turn away any visitors.
7. I was only able to get a call when **Sergeant Stevens** returned to process me. He had to do something at the front desk, so sat me there to wait. I took the opportunity of there being members of the public close by in the reception area to ask asking him very loudly if I could now make my call after being refused for three days. He reluctantly agreed and finally got my call.

**ONLY MANAGING TO GET A CALL TO MY ATTORNEYS THREE DAYS AFTER BEING ARRESTED, AND ONLY THEN BECAUSE THE CIRCUMSTANCES MADE IT VERY HARD FOR HIM TO DECLINE.**

#### **MANIPULATION AND FABRICATION TO INTENTIONALLY MISREPRESENT THE CASE INCLUDING THE TOTAL ABSENCE OF ANY INTEREST IN, OR ATTEMPT TO, INVESTIGATE**

2. At no point during the five days, I was kept in the cells at Hout Bay SAPS did **Sergeant Stevens** ask me any questions related to the cases.
  1. On one occasion he asked, "Do you want to make a statement" I replied, "Yes, once my attorneys are here." (this was before I had finally been able to make a call to them). His reply was "Ok, so, you're refusing to make a statement." I said, "No, that's not what I said, I said once my attorneys....." He interrupted me and said "As I said, you're refusing to make a statement. Noted" and walked off.
  2. Then, just before being moved to Wynberg Mgs Court on 19 December, as we waited to go out to the transport, he asked "So, do you still not want to make a statement". Conscious of not giving him any opportunity to imply I was not being cooperative I said a simple "YES. I do." Sergeant Stevens replied, "Okay, so you want to confess then." I was taken aback. I replied, "No I do not.," **Sergeant Stevens** laughed and walked off.
  3. This mirrors the experience of the first arrest when the Investigating Officer finally told me that I was being arrested for "theft of three old TVs" several days into the stay at Hout Bay, after he too had refused to let me make a call, and as I went to reply to the accusation, and begun to explain, he shut the folder and said, "tell that to the court, it does not concern me".

**1. So, for the entire time I was kept in the cells at Hout Bay, which was a total of ten days across the two arrests, the Investigating Officers did not ask me a single question about any of the cases.**

1. The reason I mention this is because my responses would have been academic and irrelevant as they were not arresting me with the intention of having a trial. And they were not arresting me as a result of an investigation. Nor were they arresting me to help with an investigation. But rather they were arresting me and keeping the charade of a bone fide investigation, so that they could incarcerate me until they could not hold me any longer

**In reality, any statement I would make or questions I would answer would prove an inconvenient truth.**

## THE ILLEGAL PURPOSES AND REASONS FOR THE LACK OF ANY INVESTIGATION

2. If **Sergeant Stevens** is to be believed, the arrest was for three charges of fraud. Five if you include the two charges Sergeant Stevens added while I was in the cells at Hout Bay SAPS. The allegation was that I was running a sophisticated fraud, which covered the six substantial luxury villas that I had long leased and refurbished.

A supposedly very active and elaborate as well as a very lucrative scam that was creating thousands of victims in SA and all over the world, including making double, triple and quadruple bookings. And that according to Mr de Swardt in the articles he provided for News24 which **Sergeant Stevens as well as colleagues at Belville Commercial Crime were only too happy to participate in**, I had defrauded guests out of **R32 million in the preceding year**.

1. In no similar or remotely similar investigation ever, would the suspect **not** be interviewed.
2. **Fraud cases are usually the most complex to come before a court, they certainly generate the most information and documentation. An Investigating Officer would usually conduct multiple extensive interviews with a suspect arrested for fraud. Especially because in a fraud case, the details matter. Yet neither Investigating Officer spent even one minute asking me a single question**
3. Very importantly, if I were the fraudster that they claimed I was and that was genuinely what the arrest was for, there would be a very serious and urgent need to understand the operation. Whether to:
  - **obtain information for a pending prosecution,**
  - **to aid with the current investigation, and**
  - **more immediately to prepare the state counterargument if it was going to object to bail.**
4. In addition, and crucially, to identify past victims, current victims, and most importantly those who would soon become victims. Whether to avert that happening, to identify them for use as witnesses, or to identify those who would have a claim to whatever cash and assets the business had in the event of a prosecution and guilty verdict. Capturing the essential information as soon as possible to act upon it.
5. The alleged scam was based on the premise the online profiles would process these phantom bookings, so the scope and potential for victims were enormous. And as platforms like Booking.com are almost entirely automated, the considerable potential for new victims, certainly did not end with my arrest.
6. If anything, the potential to create victims was far greater after my arrest as the booking system would continue to accept and process bookings with no human supervision, and every one of these bookings would end in disaster as those villas were no longer in my possession.,
7. By definition, the fact that people make bookings for stays in the future and sometimes well into the future, the booking, the transaction, and the stay come at different points in time. It is a chain of events and a sequence the police would need to interrupt to mitigate further losses and victims.
8. But the Investigating Officer did not ask a single question. Despite the fact that the very nature of the business of taking bookings from guests for stays at the properties for dates spanning a year into the future would mean there were potentially hundreds of bookings and thousands of guests who were still to arrive for their stays. It would be essential to interview the accused as soon as possible so these guests could be identified, contacted and warned. And at the very least establish the routes with which they could avert the disaster

9. As well as obtain basic details about the operation and the systems to shut it down and stop it, otherwise if the system remained operational and online this alleged scam would simply continue creating a whole new batch of victims.
10. Further, if the arrest were for fraud and the result of a genuine investigation who is to say I did not have accomplices, or a system set up that my absence meant the fraud could continue In any arrest for fraud, these would be serious and urgent considerations.
11. But they did not ask a single question. And that was for two reasons.
  - i. **Firstly, it was not a genuine investigation in any respect, but merely a cover or disguise for the illegal actions of Sergeant Stevens on behalf of the landlords.** So, the “facts” were of no interest, and as mentioned, the facts would be seriously inconvenient.
  - ii. **Secondly, stopping guests from arriving was the opposite of what they wanted.** They wanted and needed guests to arrive so they could be turned into victims and from victims manipulated into laying criminal charges.
    - A) To supplant the current criminal charges when they inevitably came under scrutiny and failed,
    - B) to bolster a wholly fully inadequate docket,
    - C) aid in trying to get bail declined, legitimize the fabrications that they had been making for a year,
    - D) provide “evidence” and “victims” in light of their total failure over the last year to do so and
    - E) to aid Keith Broad in the civil proceedings he had prepped before the arrests ready to launch once I was arrested

**No real investigation for fraud, especially one supposedly defrauding tens of millions, ever ceases simply because a suspect is arrested.**

**There would be very significant information, activity and evidence before the arrest, but in theory far more after.**

**Yet, from the moment I was arrested and detained all activity, effort and attempts at gathering evidence ceased. Quite simply because they had achieved the real purpose of the arrest.**

## **THE PLAN TO CREATE VICTIMS POST MY ARREST**

2. **Probably the most shocking of all of Serg Stevens’s actions was his role in using my arrest and removal from the property as an opportunity to create victims.**
  1. Had they interviewed me there was the potential for so much of this plan to go wrong. For example, if I had mentioned the platforms they would lose any chance of deniability.
  2. Mr de Swardt, his client’s Keith Broad, Inge Broad, Raj Moonsamy, Serg Stevens all knew how the villa operation ran. They absolutely knew that all of our guests came via platforms such as Booking.com and Airbnb. In fact, at the time, we only used Booking.com, which they all knew and knew how to contact as had done so many times trying to have our profiles pulled down.
  3. At the time there were three residences left, each accommodated 8 bookings a month so 24 per month in total. With an average number of guests per booking at 12-18 that was 360 guests er month, representing total of 1,440 guest over the four months of summer season December to April

4. If the accusation were that we made double, triple, or quadruple bookings then that figure would be between three thousand and six thousand guests.
5. None of whom would know the properties had been taken from me and all of whom would arrive from all over the world expecting to check in only to find out at that point that they were homeless.
6. Had Serg Stevens contacted Booking.com to explain the properties were no longer under my control then Booking.com would contact each set of guests and either find them an alternative villa or arrange a refund, comfortably before their arrival.
7. By not doing that it meant not only did the guests arrive to find they had nowhere to stay but for any that had made payment they were substantially out of pocket.
8. For any guests trying to find a luxury villa that was available immediately and for the period they needed would be extraordinarily difficult, and extremely expensive. As well as very stressful.
9. Serg Stevens knew all of this. In fact, it was this was their intention.
10. There can be no other plausible explanation for the abject failure to contact the platform.
11. This is further evidenced by the fact that Serg Stevens failed to make that call immediately after my arrest or in the week I was at Hout Bay SAPS, or after I was sent to Pollsmoor when they knew it would be a long time before I was ever out and able to
12. And after each set of guests arrived, they still failed to inform the platform.
13. Instead, what they did do, was take detailed notes from each group, to manipulate and misrepresent as if the guests had been the victims of a scam
14. From this Mr de Swardt produced a dossier he passed to Keith Broad to use in the application he was pushing through the civil courts in my absence. Knowing I would not be in court to explain why these guests had arrived to find they had nowhere to stay, explain that when they booked the villas were mine to let out, and explain that these guests were only in that position because of the plan to put them in that position.
15. With each set of guests, Mr de Swardt and Inge Broad told the distraught holidaymakers that they had been caught in a huge scam, that when bookings were taken there was no right to do so or no villas on which to do so, were one of thousands, stood no chance of getting their money back or an alternative villa. They were expressly diverted away from contacting the platform or their credit card company who would have actioned refunds or alternative villas.
16. Instead, they tried to manipulate them into laying criminal charges.
17. Everything about that plan and their actions show' their true intent.
18. In the absence of any real victims, they explicitly set out to remedy that by creating victims.
19. I cannot think of a more immoral or illegal thing a policeman can do than create victims.
20. **And even more repugnant was the fact that they then intended to use these victims to inflict further injustices and all to provide Keith Broad with a potential advantage in the civil court proceedings.**

**So, they were prepared to cause hundreds of people to lose their dream villa vacation, cause them to arrive and find themselves homeless. Cause millions of rand in losses, try to ensure they were diverted away from recovering those losses and inflict the most extreme distress, all for a marginal advantage in the appeal application.**

1. As well it must be said, to assist in the upcoming attempts to extend the period of incarceration.

### **THE DOSSIER THAT WAS CREATED OUT OF THEIR PLAN TO CREATE VICTIMS**

2. The plan and purpose of the plan is evidenced by the dossier Mr de Swardt created from the gest's misery.
  1. Submitting that dossier in the appeal application in which he listed the eleven groups that had turned up expecting to check in and then been told they had been scammed.
  2. These guests who we have spoken to since all tell the same story. Given the speech as above and left in no doubt a call to the platform would be a waste of time.
  3. Not content with causing so much misery and loss, even the dossier itself is a masterclass in fabrication. In the dossier Mr de Swardt and Keith Broad claim of the eleven sets of guests all eleven paid into the Cape Exclusive Residences bank account. On checking only two had.
  4. The majority of the guests were not in fact mine, but rather those that Denis Dalton, Johan Schalkwyk and Mario Boffa had either scammed or were ones they had embezzled the money from.
  5. Of the remainder, one of the two who had paid CEP had made the booking after my arrest.
  6. In summary, just one of the eleven was a booking we had accepted and whose payment we had processed. Yet Mr de Swardt and Keith Broad told the court all eleven were. Of course, omitting to mention the real cause of the guests plight or the fact that when the bookings were taken there were villas on which those bookings would be accommodated.
  7. All of this again highlight the motivation and rationale behind the submission of the appeal and my removal, allowing Keith Broad to bulldoze his appeal through, allowing him to fabricate and misrepresent the content of that application, and do so in the knowledge no one would be able to expose the lies.
  8. Aided by the fact every item of data, every piece of information and every document were by then locked in a SAP's facility, denying me or my attorneys any opportunity to mount even the most basic defense.

### **THE REAL INTENT AND STRATEGY OF SERG STEVENS**

2. The fact that neither I.O. asked any questions also demonstrates that their strategy was to object to bail and stall the start of the bail application. Had they intended for the bail application to be heard they would have had to provide the prosecution with substantial evidence to stand any chance of winning that argument. The docket as it existed fell very very far short of that.
  1. were mentioned, it contained affidavits misrepresenting the law and that were fundamentally false, as well as the affidavit of Serg Stevens lying about the role of immigration in the arrest, and the only "evidence" to speak of was the three affidavits that had been obtained by one of the landlords I had been in intense battles in the civil courts with. The complete disinterest in obtaining any information, let alone any credible evidence, shows that the facts were to play no part in what followed.

### **PROOF OF THE PLAN BY SERG STEVENS AND Mr de Swardt TO CREATE VICTIMS**

**2. What Mr de Swardt and Serg Stevens seems to have missed, is that the dossier they produced is black and white evidence of their own crimes.**

They knew what would happen when they did not let the platform know of the change of control, they knew guests would turn up and be homeless. But all they did was take their details for use both in the civil and the criminal courts.

And each time they failed to tell the guest that it was their fault that they were standing their homeless and out of pocket because:

1. Firstly, it was Serg Stevens along with Mr de Swardt's who had executed the arrest, (to effect and disguise two illegal evictions), and it was therefore they who were responsible for taking the properties away and
2. Secondly, they compounded this by not letting the platform know.
3. So, the list of 11 groups of guests produced by Serg Stevens and Mr de Swardt's to aid them in the civil and criminal courts is ample proof of both the crime, the victims, and the cost of that plan.
4. A plan that was intended to impact every single guest who had a booking, which had the potential to be thousands of people.
5. Interestingly, the platform only took the profiles down in late February because obviously no one had been paying the platform's invoices.

**From the point at which the profiles are suspended, frozen, removed, deactivated, or paused, the platform contacted every guest who had a booking for any dates from that date forward, capturing every booking and guest.**

**The platform then either found them alternative villa options for their dates or provided refunds.**

**That is exactly how the system should work and that is exactly how the system would have worked as soon as Serg Stevens had contacted the platform .... Except he did not contact the platform. And the guaranteed result of not contacting them was the arrival of every guest who had made booking prior to my arrest. And even some who had made bookings after my arrest.**

**Serg Stevens and Mr de Swardt felt their misery, distress, and significant losses was a price they were happy to pay for some small strategic advantage in the civil and criminal courts.**

**THE GOAL WAS TO IMPRISON NOT TO GO TO TRIAL**

2. This and much of what I mention above and below, and the contents of the docket as well as their conduct throughout demonstrate that the "investigation," the docket, the charges and the arrest had nothing to do with my committing crimes and everything to do with the owners very well-funded and resourced campaign to take the properties back.

Because such moves were illegal this necessitated that I be removed and for a decent enough period to consolidate the theft

1. My continued detention was the goal in and of itself, with no intention of getting to a trial. As it stood, any advocate would have torn the Investigating Officer and the prosecution's case to pieces. There would have been a very real need to add substantially to the docket. Yet, despite having had a full three months after t arrest to add to the docket, no investigation took place, and nothing was added.



**In the end, point was proven by the prosecution's immediate withdrawal of the charges when they saw them.**

**If they did not feel confident enough to even try to fight a bail application, then clearly the docket as it stood, a full three months after the arrest, was inadequate to have even justified the arrest in the first place.**

## **DECEMBER 19 – THE FIRST APPEARANCE:**

2. This unlawful, unethical, and very serious misconduct continued and escalated when I appeared at Wynberg Mag Court, where the judge read the file and then granted me bail of R2000, with no conditions.
  1. The paperwork was completed and signed by the Magistrate, and they were finished with me when the Investigating Officer Sergeant Stevens (on the instruction of his 'master Mr de Swardt) objected to bail and insisted that the prosecution change their stance and object.
  2. **Sergeant Stevens** attempted to have bail declined by telling three very significant lies.
    - **Firstly, that "five new charges had come in" – this was entirely untrue,**
    - **Secondly that there were "serious issues from Paarl" - this was also entirely untrue,**
    - **Thirdly I had intentionally evaded extending my visa, was in the country illegally, was wanted for deportation by the Home Affairs Department and was a flight risk. All of which were untrue. As well as impossible, and as Sergeant Stevens had my passport. Yet again, a fact he omitted to mention.**
  3. As a result, the bail was simply rescinded.
  4. What should have happened at that point, was that **Sergeant Stevens** should have charged me for these supposed five new charges and sought my arrest and detention afresh based on those. Had there been genuine then bail would likely have been declined. But he did not do that, because they did not exist.
  5. **This significant breach of due process, and the illegal and immoral tactic of lying to secure the desired outcome resulted in my being sent to Pollsmoor prison, where thanks to the further efforts of Sergeant Stevens I remained for three months.**

**Not one shred of evidence exists in the docket or anywhere else that any of the reasons given were anything other than fabrications made up on the spot in a panic to scupper the bail that had been granted.**

**Crucially, we only saw the docket in June 2022, a full seven months after the arrest. As such, if any of the statements made by Sergeant Stevens were true, there would be evidence of them in the docket.**

**But what passed for evidence in the docket was by then more than a year old (the case to which they referred was a year and a half old) and nothing had been added to the docket in the year since.**

## **In regard to those specific lies**

- **"five new charges had come in" – twenty months later – nothing was ever heard of these charges after that day.**
- **"serious issues from Paarl" – no one knew what that meant on the day, or in the months since and no one has any idea even now.**

- **"I had intentionally evaded extending my visa, was in the country illegally, was wanted for deportation by the Home Affairs Department and was a flight risk." Already covered in detail**

## **REMAND PERIOD: BEFORE THE START OF THE BAIL APPLICATION. THE UNLAWFUL DETENTION, AND THE CRIMES COMMITTED TO EXTEND IT**

2. **Despite the fact it was an "Urgent Bail Application," Sergeant Stevens was able to extend the period of remand very significantly. By a full three months in the end. And did so by perjuring himself.**

1. As an example, the urgent bail application of **August 2023** started immediately. I was arrested on **4 August**, after managing to keep me much longer than permitted (keeping three days beyond the 48-hour maximum with no attempt to justify that) Hout Bay SAPS took me to Wynberg Mag Court on **9 August**.

We had expected Bail to be granted, and that I would go home. However, Mr de Swardt and the Investigating Officer had suddenly totally changed the charges from the theft of three old TVs to the junk contents of one of the rooms. Then they changed it again to say rather than junk it was highly valuable items including Krugerrands and cash valued at 835,000.

This fabrication was to make the offence a Schedule 5 offence thereby making a make a bail application significantly more difficult. Which they knew would have the effect of necessitating what I can only describe as a mini trial. That process added a further two weeks.

1. To draw a parallel with the second arrest, when the bail application was due to start and the Investigating Officer finally let everyone see the charges, the prosecution withdrew them.

**The point is that the immediate withdrawal by the prosecution showed there was no prospect of success and therefore it is self-evidently the case that without such a stunt, or in the case of Sergeant Stevens's obstruction of justice and the demonstrably false statements he made on 19 December, I would have gone home that day.**

1. But even without the stunts and attempts to obstruct and frustrate justice on 19 December, I would have been home within a month, had the proceedings followed any normal or reasonable bail application. But this was not a normal or reasonable bail application, and instead, Serg Stevens managed to delay matters by three months and tried his best to delay it still further, with anything he could think of that may.

## **IMBALANCE OF POWER**

2. In such a situation, where the Investigating Officer holds all the cards, if the Investigating Officer chooses to make an allegation, the accused must produce enough evidence to disprove it, sufficient enough to win a bail application.
  1. But when an Investigating Officer has no qualms in literally fabricating allegations, it is extremely hard to counter and this abuse of due process and the imbalance of power, turns a justice system into a joke, but one that is terrifying for the accused.
  2. When that same I.O will not even confirm what the accused is charged with, it is impossible to prepare bail application.
  3. When that same I.O has ensured that the accused devices, equipment, data, and documents have been confiscated and neither these or the data on them is available to the accused or his attorneys then there is absolutely no prospect of a fair application.

4. When that same I.O is feeding prosecutions lies, and when those lies change constantly, then he is creating an absolutely hopeless position for the accused.

## THE SIGNIFICANCE AND PURPOSE OF THE CRIMES SERG STEVENS COMMITTED

2. The actions of Serg Stevens were far more significant, serious, and extreme than simple perjury. Or even the crimes of obstructing, interfering, with, frustrating or defeating justice.

These are often where someone has acted in a way that has the result of impeding the operation of the legal system, hindered the judicial process, conducted, and aimed at preventing the proper administration of justice, and actions that disrupt the judicial process. I.e. the actions are the end in and of itself.

For Sergeant Stevens and Serg Duna, the many occasions on which they committed these crimes were the means to a different end. That end being the additional crimes of knowingly unlawfully arresting someone, knowingly unlawfully detaining someone, knowingly unlawfully trying to artificially and unlawfully extend their detention.

1. And the crimes do not end there, because these were also a means to achieving the end goal. That of illegally evicting a legitimate tenant from their property,
2. To facilitate further crimes enabling the theft of his home, his assets, his possessions, and his artwork,
3. And steal the premiums in rental income and capital values.
4. To do so for private individuals by knowingly using and abusing your powers as a police officer to make these crimes possible
5. To further then use and abuse your powers as a police officer to give these private individuals protection from any consequences for their crimes.
6. And in enabling all of this, allowing them to void, subvert, and ignore the legal routes to remedy, the laws related to the rights of tenants and individuals and do so contrary to all proper due process.
7. And on top of all this, to use the criminal justice system itself to achieve those goals, and to use his position, the power of the police and the criminal justice system to legitimise the outcomes.
8. In other words, each crime Serg Stevens committed, each breach of the codes of ethics, and each unlawful or immoral act was for and in aid of broader equally criminal objectives and were interlinked to each other.
9. As well was premeditated, carefully planned, executed for strategic advantage and in full knowledge of the consequences, because it was the consequences of his crimes that were their purpose.
10. Serg Stevens cannot claim that what happened as a result of his actions and crimes was collateral, unintended or unforeseeable damage because what happened as a result of his crimes was the intended result.

## BAIL APPLICATION APPEARANCES, SERG STEVENS ATTEMPTS TO EXTEND DETENTION

2. . The next appearance was scheduled for **6 January 2023**. Present at the hearing were Sergeant Stevens, Mr de Swardt, and the attorney for Keith Broad and Raj Moonsamy (the owners of the two properties in Llandudno that Serg Stevens had taken possession of, cleared of all occupants, and handed them the keys for). Sergeant Stevens, Mr de Swardt, the owners, and their attorney worked closely together before, during and after the arrest.

1. During that hearing the magistrate was told that I could not use either property as a bail address. This was illegal, as both properties were mine, I had sole rights of occupation, with valid leases with years left to run, there was no court order granting anyone possession, and I even had an interdict on 16 Leirmans against Keith Broad and anyone connected with him in any way, going anywhere near the property. And on 32 FB I had just paid R250,000 in rent a few days before the arrest, on top of the R1.5 million in rent, deposit and utilities paid before that point.
2. But Sergeant Stevens was aware of the powerful effect a contested bail address would have, to achieve bail certain basic conditions are essential, including that the accused will not interfere with a witness, will not repeat the offence, and has an address acceptable to the court. A bail address cannot have complications and question marks over it. Because that was not the time nor the forum to discuss the merits of the legal occupation and add to a mini-trial a version of spoliation proceedings, the attorney's advice was that their statement had no merit in law, that, that the manoeuvre was illegal (misrepresenting to the court I had no right of occupation) and that if the matters were debated in any court, I would win the point, BUT it would add additional time to the bail application while those arguments took place. So, having removed both my homes as bail addressed, we had to go back to the drawing board with no obvious solution.
3. Serg Stevens knew I had a home; he had arrested me in it. He also knew the whole purpose of the actions against me was to take those homes from me illegally, because I was the legal tenant, and no court would award the owners possession. So, the lies to the court were even more disingenuous because the lies were told to achieve what they were telling the court was already the case.

### **SERG STEVENS CONTINUED LIES TO THE COURT**

2. In addition, at the **6 January** appearance, to complicate matters further, **Sergeant Stevens** said he needed more time for "further investigation" and that they intended to add "money laundering" charges. I knew at the time it was simply another lie and another stunt to delay matters. There had been no laundering or even a hint of laundering.+++++ **NEVER HEARD OF AGAIN**
  1. [This was a continuation of the pattern of perjury, obstruction and frustration of justice, fabrication of evidence and the failures to follow due process that had been and would continue to be the basis on which both Investigating Officers conducted themselves throughout the entire process, and almost without exception.
  2. In the testimony and submissions of Serg Duna and **Sergeant Stevens**, I struggled to find a single truthful statement under cross-examination in the first bail application.
  3. When the advocate pressed the Investigating Officer to confirm had provided him with the folder of notes he would refer to before answering every question the Investigating Officer admitted it had come from Mr de Swardt.
  4. When pressed further as to whether before and after each of the many appearances Mr de Swardt has prepped and instructed him as to what to say the Investigating Officer acknowledged that he had.
  5. When my advocate confirmed to the court that the items in question had not been stolen but we in professional safe storage with the full knowledge of the landlord who I had put on the account with unlimited access, the magistrate instructed the Investigating Officer to go to that unit, as the findings would show immediately which side was telling the truth. In the 3-4 days between appearances so that the Investigating Officer had more than sufficient time when the court reconvened the Investigating Officer admitted he had not even gone. The magistrate was furious, and rather than end the malicious prosecution the bail application had to continue to a conclusion.

6. The extent, extreme nature and significance of the lies told by **Sergeant Stevens** and Sergeant Duna stunned even the attorneys. Far more used to criminal proceedings than I was, but when I asked how it is even possible that police officers can act in such an extreme and criminal way, with such arrogance, and not the slightest concern they would ever face the consequences of their actions, the attorneys said that unfortunately in SA, that is often the reality. That a fraction of the offences the police commit is reported, and even fewer are investigated, of those investigated the majority do not make it to completion or a meaningful finish line. Of those few that do often the officer's manage to get acquittals, and of those few that make it to the end and are found guilty, the penalties are astonishingly light. Far lighter than any citizen would expect to receive for the same offence. In other words, the amount of police officers who are ever brought to book is a fraction of 1% of all crimes committed by police officers and those who are found guilty can expect to escape suitable punishment. Meaning the vast majority stay in their positions
7. I have to admit I found this shocking and surreal. That you are incalculably better off committing crimes if you are a police officer than a private individual would seem to be the very definition of injustice. As well as a huge and continuing incentive for police officers to commit crimes.
8. And as used to corrupt and criminal police officers as the attorneys where I remember feeling very worried when they said that they had never come across such brazen abuses and ones that were so well coordinated.
9. As an indication of how little the corrupt offices fear repercussions when **Sergeant Stevens** arrested me and we walked through the area of my office that had dozens of big notes on the wall as reminders, **Sergeant Stevens** pointed to the one that said "Paula Disberry", and asked why that was included, I said, "to complain about the illegal August arrest". He laughed in my face, and said "pathetic"," you're wasting your time."]

## OBSTRUCTION AND PERJURY

2. The matter was pushed back again, by almost a month, to **2 February 2023**. At that appearance, **Sergeant Stevens** again said they were not ready and **needed "more time for further investigation"**.
  1. This time the excuse was that they needed to apply for my bank record and phone bills.
    - Even though they had had a year in which to do that,
    - and they had had six weeks since the arrest to do it.
  2. The magistrate was very unhappy with **Sergeant Stevens** and his tactics and specifically commented that this was an **"urgent bail application"** which by definition means it was urgent, and he saw neither any signs of urgency nor was very concerned that it all seemed anything but urgent. Referencing the time I had already spent in Pollsmoor.
  3. Despite being on the urgent roll, the defendant had already spent almost two months in custody and the bail application had not even begun.
  4. And by the fact the prosecution had been manipulated into objecting to bail there is an onus on the police the courts, and the prosecution to expedite matters, to justify and validate that objection. Especially because if the courts find that the objection is it be overruled then every day the accused spends in prison is a day that they should not have.
  5. To ensure **Sergeant Stevens** could not delay matters further, he laid down a timetable. By the next hearing date, everyone must be ready to name a start date and be in a position to start, the Investigating Officer **Sergeant Stevens** must decide what the defendant is being charged with and have the details of the charges and the dockets delivered to the

prosecution and defence no later than **28 February**. The magistrate set 9 February as the next appearance date to confirm all of this.

## **MORE INTENTIONAL FAILURES TO FOLLOW DUE PROCESS**

2. **On 9 February** everyone did confirm that they were ready to go, although the Investigating Officer **Sergeant Stevens** had still not confirmed what the charges would be, and pushed for the bail application to start as far into the future as the court would tolerate. A date of 13 March was agreed. Adding almost another month to my detention

## **CONTEMPT OF COURT**

3. To my knowledge, in contempt of the direction of the magistrate, **Sergeant Stevens** failed to confirm the charges on **28 February** as directed.

## **THE DELAYED START OF THE BAIL HEARING AND THE THREE MONTHS OF POLLSMOOR PRION THAT RESULTED**

4. On **13 March 2023**, I was taken to Wynberg Mag Court, and **Sergeant Stevens** finally confirmed the charges.
  1. Serg Stevens had managed to keep the docket, its contents, and the charges a secret for the full three months.
  2. **The charges were the same as they had been at the arrest.**
- **There were none of the additional five fraud charges Sergeant Stevens had stated categorically were in additional to the other charges,**
- **There were no charges, or anything remotely related to Paarl, where Serg Stevens had said significant matters were coming from.**
- **There were no money laundering charges.**
- **An examination of the docket months later when we were finally allowed to see it showed they had not attempted to even ask for bank or phone records.**
3. And in support of those charges all the docket contained were three affidavits dated nine months prior, that Paula Disberry had helped provide at the height of our fight with each other in the civil courts. Quite bizarrely managing to get all three signed and witnessed on the same day as each other's and hers even though everyone was in a different country.
4. The attorney commented that they had never seen such a slim docket, even for minor crimes, but that but had to have been the slimmest docket in history about charges of fraud.
5. **Within thirty minutes the advocate returned to the court cells to tell me all the charges had been withdrawn before the application had even started.**

**At that point, I should have been free to go home, without the need to be granted bail, without restrictions on my movements that bail would mean, without restrictions on my leaving SA to travel that would come with any bail terms. I would be able to travel, for example, to see my mother for the first time in three years. And free of the stress and cost of fighting a malicious prosecution.**

**The three months in Pollsmoor had been horrific. I had had everything I had built stolen.**

**All I wanted at that point was for the nightmare to end. But Serg Stevens had other ideas. I was not a human being to him, or even a suspect or the accused. I was an obstacle to be removed by whatever means necessary, regardless of the personal consequences for me and others.**

**And so, rather than allow me to be free of that nightmare, he added the immigration charge. Knowing it to be bogus and knowing it would ultimately fail. But until it did, he could continue my persecution.**

## **ANOTHER MALICIOUS PROSECUTION**

2. As part of that continued attempt to keep extending my detention, the Serg Stevens **insisted an immigration charge be added and prosecuted.**

1. The attorney commented that the "investigating officer is relentless, immovable and has no interest in anything we or the prosecution have to say", one of the attorneys who didn't know the background said, " the man was obsessed with keeping you in prison", both were furious that **Sergeant Stevens** had been successful in achieving just that for three months, with "smoke and mirrors", a polite way of telling lies.
2. The attorney took the view that as the immigration charge could be dealt with at a later date, was not significant and as the prosecution had confirmed that they would not object to bail for a charge like that, it was best to leave disputing that until after I was released from Pollsmoor, rather than risk spending any more time in that place.

## **CONTINUED ATTEMPTS TO UNLAWFULLY DETAIN AND EXTEND AN UNLAWFUL DETENTION**

2. It was assumed the attempts by **Sergeant Stevens** to extend incarceration were finally over. But in one last attempt he demanded a bail sum of R100,000. Fortunately, the magistrate, prosecution and advocate had begun to get a sense of the real motivation at play. My advocate argued that a bail of R100,000 had no bearing on the offence, would be extreme even in the most serious of cases, and was intentionally punitive. Importantly he argued that bail of R100,000 was the same in effect as not granting at all. The magistrates agreed and bail was set at R10,000
  1. Serg Stevens had no possible justification for the demand for bail at such a figure. The charge he insisted upon, was one count of a breach of the immigration act. In no conceivable scenario would an Investigating Officer demand a bail of that figure for that offence. **Again, speaking to his true motivation**
  2. And that is before one even factor in the fact that the charge he insisted upon, was.
    - a) wholly false and secondly,
    - b) he had my passport in his possession, which he did not reveal to the prosecution. A passport that showed that the charge to be bogus, unlawful, and untrue. A passport which by that point had been illegally withheld for over a year.
    - c) he also had within the docket, which we had yet to see, affidavits from the HAD, which had attached to them further proof this new charge was entirely bogus.

## **BOTH MAGISTRATE RECOMMEND AN INVESTIGATION**

2. Interestingly, in the first bail application, the magistrate was so unhappy with the circumstances, matter, the case, especially the I.O very significantly, and the Investigating Officers testimony very specifically, that after he had finished his summing up that was scathing about both the Investigating Officer and the case, he called for an investigation.

And as the magistrate was discussing bail with the defence and prosecution **the magistrate in the December to March bail application did exactly the same, calling for an investigation.**

- 1. What does it say about the cases, the Investigating Officers, the puppet master Mr de Swardt, his clients who had instructed the arrests, SAPS in general, that two different magistrates, in two different matters, heard months apart, unaware of the other, both called for investigations?**

## THE IMPACT OF SERG STEVENS'S CONDUCT ON ME

### 2. I left Pollsmoor on 14 March 2023. Exactly three months after the arrest

1. Less than a year earlier before the campaign really got underway, I had six very large, very luxurious residences including in Camps Bay. Llandudno, Hot Bay, that I had transformed, spending a year of my life working 18-hour days every day. And spending my life savings in the process.

Having been the one identify and execute the opportunity, to take all the risks, do all of the work, meet the entire cost myself I had created a collection of properties that even on the most conservative estimates would have generated twenty million a year in profits as a result.

We had Super Host status via Airbnb, Preferred Partner Plus status on Booking.com, and hundreds of 10/10 and 5/5-star reviews from dozens of guests who had stayed and had a fantastic time. We had lovely hard-working staff who ran the lettings and the management of the portfolio and the guest experience.

I had a beautiful home. One that I shared with my three dogs. Where finally after years of working every day of the year, obscene hours, etc I thought I could relax a little and enjoy the fruits of my labour.

But that was before the landlords managed to enlist the unquestioning assistance of Belville Commercial, Sergeant Stevens, Serg Duna, Hout Bay SAPS

- 1. Because of the conduct of Serg Stevens, on leaving Pollsmoor all that I had quite literally were the clothes on my back. The same clothes I was arrested in three months earlier, that were filthy, falling apart, full of lice, and far too large due to loosing almost a quarter of my bodyweight.**

- I did not have a cent to my name.
- My bank account had been closed.
- My home had been taken.
- My dogs had been taken.
- Even my jewellery had been taken.
- The landlords of both properties, i.e. the ones who had instructed the arrest, had taken both properties and every single item within them. All told some 1,500+ items with a value in excess of R4 million. Even my books, clothes, furniture, accessories, and my artwork.
- My new home was a tiny room at the back of a house belonging to my attorney that he had offered when we needed a bail address to be able to get bail at the 13 March appearance when Serg Stevens added the immigration charge. And even that was only for a week until the new tenants moved into the house itself.
- All of my devices, laptops, phones, hard drives, documents had been seized and Serg Stevens was refusing to return them.



- With no money, no phone, no laptop, mounting a defence or investigating what had been done to me was a near impossibility. And without money, phone, or laptop there was no way to rebuild my life or even apply for a job.
2. And for good measure, Mr de Swardt had destroyed my reputation with his fabricated stories in the Media24 publications. Aided as always by the special relationships he enjoys with certain SAPS officers.
  3. Sergeant Stevens had taken my liberty, kept me in prison for months, and made all of the above possible.
  4. Without his involvement and his ability to hijack the power of the state, in particular the police and criminal justice system, to aid private individuals in an entirely private and selfish campaign to rob me of millions and deceive everyone in the process, pretty much none of what they achieved would have been possible.
  5. It was because what they were doing and wanted to achieve were highly illegal that the normal routes to taking over or taking back a property were not available to them.  
**Ironically, because their goals and methods were highly illegal, they used the police to achieve them.**
  6. **And in doing so they legitimised their illegal conduct.**
  7. **Providing protection and impunity from the consequences**
  8. And positioning me as the villain, with them as the victim
  9. And all that achieved far faster and far cheaper than any other route and **funded almost entirely by the South African taxpayer.**

## THE IMPACT OF SERG STEVENS'S CONDUCT ON OTHERS – THE REAL VICTIMS

2. I was not the only one affected by the conduct of Serg Stevens and Belville Commercial Crime.
  1. The more than one hundred guests who arrived post my arrest who Serg Stevens had purposely turned from guests to victims, all of whom left stranded, homeless, and out of pocket.
  2. Ollie Sokanyile, who was made homeless the day Mr de Swardt, Serg Stevens and Denis Dalton illegally took over the property.
  3. Ollie Sokanyile again, who was unlawfully arrested, taken to Hout Bay where he was unlawfully kept for a week, then taken to Wynberg where they tried to send him to prison.
  4. Markus, 16 Leirmans Housekeeper, who was unlawfully arrested, handcuffed, and told he would be shot if he caused problems, then taken from his home, made homeless, left to walk to Hout Bay to find somewhere to live.
  5. Ollie Sokanyile's girlfriend, mad homes on 14 December and told to leave immediately or be arrested.
  6. The housekeepers, who lost their jobs.
  7. The managerial staff, contacted by Belville Commercial Crime and scared out of their minds, and left, thereby losing their jobs, and scared they were about to be arrested.
  8. Chandre Abrahams, pursued, victimised, harassment and intimidated, threatened with ten to thirty years in prison unless she signed witness statements written for her.
  9. The victims of assault and eviction of July 2022 who Hout Bay turned away and refused to take their statements, and then refused to act on the charges aid at Central Cape Town SAPS

10. My mum who had to fund my legal fees after the second arrest whose debt remains as the means by which I could repay the loan was taken from me.
11. Any of the 2022 guests scared off by being contacted by the consortium and or Belville Commercial Crime

And there are many more victims .....

## POLLSMOOR PRISON

2. Anyone who has seen Pollsmoor Prison and I mean inside the prison, not the sanitised visitors area will appreciate how horrific even a day in that place is.
  1. I was locked in a cell of 45+ men, in a cell made for 15 men.
  2. It was so cramped the only space you have is your bed.
  3. I was the only white guy of the several hundred on my wing and one of only a handful of the 7,000 inmates.
  4. All of whom are treated like vermin by the guards.
  5. We got 30 minutes out of the cell per week. So just 6 hours over the three months
  6. When I left, I actually could not stand properly I had used my legs so little.
  7. The cells are infested with lice and cockroaches.
  8. Our cell was raided by the STF, who punched, kicked and electrocuted inmates.
  9. Making calls was impossible, contact with the outside world equally impossible.
  10. Food consisted of a tiny bowl of porridge at 8am, then some rice with remnants of a protein and some bread for lunch at midday, then nothing until 8am the next morning
  11. I had to transfer myself into a gang dominated cells to be able to make the first calls.
  12. The appearances at court were horrific, an experience that starts at 5am the morning of the appearance involves transportation to the courts, in vans filled three times capacity, locked in the cells under the courts so packed you can only stand, on each occasion the gang members rob the newbies, taken to holding cells for the appearance, then repeating the experience in reverse, returning to Pollsmoor, stripped naked and searched, put in a holding cells and finally returning to your own cell at circa 11am the next day. **Thirty hours after leaving it.**
  13. Given the experiences here I was lucky to get out alive.

## COMPOUNDING THE LOSSES AND DAMAGE

2. As if Serg Stevens, Belville Commercial Crime et al had not taken enough from me, they have denied me the ability to report crimes and further made concerted efforts to thwart me doing so.
  1. Having seized and failed to return my equipment on which much of the evidence was stored, they handicapped me significantly.
  2. On each occasion we or others attempted to report crimes we were either thwarted, rejected out of hand or the docket buried.
  3. When the housekeepers went to Hout Bay to report the assaults, they were first given demonstrably false reasons why the police could not accept the charges and then literally thrown put.

4. When they went to central cape town saps to lay the charges, the docket was sent to Hout Bay saps who binned it.
5. When I tried to report the theft of my jewellery to Hout Bay SAPS they refused to help
6. And they also stated that as any docket would come to them because Llandudno was within their jurisdiction, they would also make sure it was buried.
7. With Belville Commercial Crime, Hut Bay and Camps Bay firmly within sphere of influence of Mr de Swardt I stand no chance of having any charges accepted or any matters investigated.

## SEIZURE AND DATA , FAILURE TO RETURN EQUIPMENT AFTER 20 MONTHS

2. If the seizure were for an investigation whether legal or illegal SAPS could have copied the drives and returned the equipment. The retention of vital data as well as expensive devices disabled my ability to regain any semblance of a normal life.
  1. **As at the time of drafting this document SAPS still illegally hold all of the above devices, equipment, data, documents, and phones.** Necessitating the purchase of a new laptop and phone. Unnecessary expenditure at a time when it could be least afforded, while SAPS held over R100,000 of equipment.
  2. Everything should have been returned when the charges were dropped in March 2023. SAPS kept them on the basis of further investigation, which is in itself illegal. And then similarly tried to justify the retention because of the bogus immigration charge. But even when that was withdrawn, they refused to return anything. Their attitude had "well sue us for it."
  3. And whilst court action would be almost certain to result in a court order to return everything, as well as a costs order against the state (and yet more expense to the taxpayer), the client was not in a position to fund another R100,000 in legal fees.
  4. The warrant of arrest and the seizure warrant related solely to the three fraud charges. As soon as those charges were withdrawn the police should have returned all the equipment, devices, documents, and information. Not only did they fail to do so, but then despite a number of requests and eventually formal demands they point blank refused. Despite having no legal grounds whatsoever for their stance.

## IF THE FRAUD ALLEGATION WERE GENUINE WHY HAVE SAPS NOT ALREADY DOWNLOADED DATA

1. I so not think it in any way controversial to say that where an arrest has genuinely been made for fraud, then one of the primary roles of the police, if not the primary role is to ensure there are no more victims. If the scam were for a bogus hotel, taking reservations for a place that did not exist, the police would both try to get hold of any victims as soon as possible, but also ensure that there were no more victims, by pulling down the advertisements and informing booked guest they need to make alternative plans. The same would apply to a food wholesaler defrauding customers by selling them dodgy or contaminated food. Immediately after an arrest, you would track and trace customers., both those already affected and those likely to be affected.
2. Whatever the scam, whether fake airline tickets, dodgy credit cards, etc, the police do not close their operation when an arrest has been made. Often in fact the majority of the investigation starts once an arrest has been made and additionally once files, devices, data, and documents have been seized.
3. I cannot think of a single example of an investigation, especially one into fraud, where the operation ceases once the accused is arrested. Other than the false affidavit of **Sergeant**

**Stevens** , the docket has not one single new or additional piece of evidence or activity after my arrest

**THE FACT THAT SAPS HAD NOT DOWNLOADED THE DATA SIX, OR TWELVE OR EIGHTEEN MONTHS AFTER THE ARREST SHOW THAT THERE WAS NOTHING GENUINE ABOUT THE ARREST AT ALL**

#### **DIRECT & PRECISE CORRELATION BETWEEN POLICE ACTIVITY & CESSATION OF ACTIVITY WITH THE LANDLORDS CAMPAIGN & GOALS**

58. Given the state and particularly the SAPS officer's extensive criminality, along with the evident collusion and corruption, it is reasonable to assume they were keen to minimize my access to evidence.

1. **Theoretically, all activities, including those involving various SAPS officers, investigations, charges, and court appearances, should have continued regardless of the landlords' success or failure in achieving their goals**
2. If they claim that the two issues—A) landlords regaining their properties and B) arrests and detentions—are completely unrelated, then the fact that the owners regained their properties should have had no impact on the criminal investigations, charges, court appearances, or overall activity.
3. However, since the final properties were reclaimed and secured, all SAPS activities, charges, attempts at arrest, and detentions have ceased entirely.
4. Analysing the activities of each landlord and their respective campaigns reveals that their contributions and efforts peak during their attempts to reclaim the properties and cease once they have succeeded.
5. **For PD, the conflict period was December 2021 through October 2022.** Essentially the period:
  - PD and Benette became active when the third lease period approached, with the earliest termination date being March 2022.
  - During the period of May/June, when it became clear that I intended to contest her attempts to take back the property through the civil courts, she contributed the affidavit and other documents she had solicited.
  - She and KB saw the arrest in August as their best chance to reclaim the properties.
  - and then September/October, when, after having experienced the horror of Pollsmoor and the realisation of what the landlords were not just capable of but prepared to do, I offered her back her property, and a settlement agreement was signed.
  - **Once PD achieved her goal, her activity, her "help" for the investigation, and the activity of those SAPS officers she worked with, ceased entirely.**
6. **For KB, the pattern is the same, with his own activity spanning December 2021 through April 2023.**
  - With his own direct efforts of the two-pronged approach of direct illegal action and the 'legal' action of December 2021 to June 2022.
  - Having failed, his appointment of Wouter de Swardt around June 2022 signalled a shift in the campaign's direction, and the onboarding of SAPS led to the first of two significant eviction attempts in July 2022. This was followed by my spoliation proceedings, his malicious prosecution, and attempts to bury me in Pollsmoor as retaliation.
  - followed by the relative lull as we awaited the November hearing, which, after he lost it in early December, led to the second significant attempt to take over the property and remove

me as an opponent.

- that attempt from December 2022 to March 2023 directly correlated with his application in the High Court
- **Once KB achieved his goal, which was crystallized in April 2023, his activity, his "help" for the investigation, and the activity of the SAPS officers he worked with ceased entirely.**

#### **7. For RM, the pattern is also the same.**

- Having stayed out of the campaign in any significant way for the majority of 2021 and 2022 in the knowledge I had paid a year's rent in advance, meaning no action by him or by SAPS on his behalf could result in securing and keeping the property, his opportunity would only present itself on the expiry of that lease year and only if the rent for the entirety of the next year was not paid in advance.
- His assistance was crucial because he wielded significant influence with SAPS, particularly in Hout Bay, and he had made it clear that an arrest was unacceptable for as long as it suited him. I remain the tenant.
- His actions started in November 2022 as the month of December drew near. The combination of KB/WOUTER DE SWARDT successfully persuading him about my criminality, his window of opportunity from 10 December to 17 December for the remaining payment, and the desire of his friends, the new owners, to move in earlier than expected around 20 December, led to his approval in the first week of December.
- and his help continued from the arrest through to the bail application, correlating with the period needed to consolidate and secure the takeover of the property.
- **Once RM achieved his goal in March 2023, his activities, including his "help" for the investigation and the activities of the SAPS officers he worked with, ceased entirely.**

#### **8. And crucially for SAPS, the pattern of activity, whether of individual officers of units or stations, directly correlates with the activity, timetable, and needs of those same private individuals.**

- The involvement of Belville Commercial by PD as her efforts intensified and the only docket activity of June 2022 directly correlating with the peak of his attempts
- The July/August malicious prosecution, arrest, and detention, correlating with KB's attempts to take the property and deflect my attempts at recovery
- The December arrest and detention correlating with the tiny window of opportunity that RM had and (10-17 December) the equally tiny window of opportunity KB had (6 to 16 December)
- The December to March remand correlating with RM's need to secure and legitimise the unlawful takeover and KB's need to get his appeal through the civil courts through to a successful outcome with me as an opponent

9. The attempts to continue with the impression of going to trial on the immigration matter and the illegal and continued retention of my equipment were more about handicapping any chance I had of either recovery, litigation against those involved, or reporting their criminality than they were about any real intent to hold a trial

**If SAPS and Serg Stevens suggest that all these needs, wants, spikes in activity, and lulls—both individually and collectively—are coincidental, then we are looking at odds similar to winning the lottery.**

**Consider the sheer number of coincidences: the simultaneous cessation of SAPS activities, charges, and detentions exactly when the landlords regained their properties; the synchronized peaks in landlords' efforts and SAPS actions during property reclamation; and the abrupt halts in both once the properties were secured.**

**The statistical improbability of all these events aligning purely by chance is astronomical.**

**Each instance of activity and inactivity, each arrest and release, and each investigation and its sudden termination, all perfectly mirroring the landlords' progress, strongly suggests a pattern too deliberate to be mere coincidence.**

### **FRAUD CHARGES AND THE DOCKET**

59. The docket was inadequate even to justify or motivate an arrest, evidenced by the rejection of the request for an arrest warrant by the magistrate. It was inadequate even to justify the prosecution service started a contested bail application. This is a damning indictment given the low bar set in South Africa where the system operates differently to that of the U.K. where you must pass a high evidential bar before arresting and certainly before charging whereas in SA you can arrest and then gather evidence. But considering it failed the two most basic and easiest tests, how then was this to be the docket for prosecuting even a slightly complex mater.

1. And yet the docket, supposedly this docket was for a matter as complex as fraud, consists of

- The vast majority of the content is procedural and administrative documents associated with the arrest itself or the seizure that would be included in any docket where there has been an arrest.
- A third relates to the immigration issue, consisting of the two false affidavits from the employees at the HAD (including their attachments which demonstrate the false nature of the affidavits), and Serg Stevens own false affidavit given four months after the arrest.
- What remains was entirely the work of OD, including her own affidavit, and filled out with twenty pages of the lease agreement.

2. Other than the above the docket contains nothing else.

3. Nothing obtained directly by Serg Stevens, and nothing obtained by Serg Stevens as the result of any investigatory work.

4. Nothing in the six months after the supposed complaints (a full four months after Camps Bay confirmed they were civil matter and found no fault on our part and closed the docket)

5. Nothing in the six months after the activity of Paula Disberry (in itself motivated to assist her in our court battles)

6. With the only activity, coming in June and in December, when Mr de Swardt's clients needed the assistance of SAPS to aid them in the civil arena.

7. And as importantly, nothing after the arrest itself. At which point the docket should have become full of documents resulting from investigation work that a) comes after all arrests, b) comes before and during a bail application, especially one the I.O seeks to oppose and c) comes before any trial.

8. And as Serg Stevens had told the court he needed more time for further investigation when trying to extend my unlawful detention then at the very least there should be paperwork

related to those issues

9. Crucially, there should have been documents and evidence related to the “serious” issues that Serg Stevens had used to overturn my bail and get me sent to Pollsmoor.
10. **On those like matters, he used so successfully, as on everything else, there was not a single document or evidence any of what he said was true.**

### **THE REAL AND UNALWFUL USE AND PURPOSE OF THE DOCKET, AND THEREBY THE ARREST**

60. The only logical conclusion is that what I had been saying since August 2022, before I even knew of the docket or the involvement of Belville Commercial or Serg Stevens, that the arrest and detention had nothing to do with investigating a crime, but rather in securing my detention and thereby my removal. Both from the properties and as an opponent in the civil courts.

1. If anyone demonstration of the true intent of the arrest and detention were needed it was in the Investigating Officer’s selective se of it. The I.O refused to provide the docket at or after arrest, during the period of remand, and in the months after obtaining bail when insisting on the bogus immigration charge. We only got the docket after obtaining permission to submit representations because Serg Stevens had no choice and was ordered to. **[Until the point Serg Stevens was forced to give us the docket in June 2023, we had appeared monthly at Wynberg Magistrates court and on each occasion Serg Stevens had an excuse because we could not have the docket].**
2. Whenever I spoke with the attorneys during the three months of remand in Pollsmoor and repeatedly asked what the charges were, they replied that they could not tell me because they did not know. Because Serg Stevens would not confirm.
3. In fact, no one knew what the charges were to be.
4. It was impossible to prepare either a defence or a bail application when we did not even know what the charges would be when that started.
5. **In the end Serg Stevens left it until the day the bail application was due to start, some three months after the arrest, to confirm the charges.**
6. While in Pollsmoor my only contact on the outside was Lauren Van Riet. She had been the practice manager at my property attorneys Louis Herbert. I had become good friends with Louis in 2022 but unfortunately, just prior to my arrest he had been diagnosed with brain cancer and had to suddenly close his practice, then never recovering from the brain surgery that followed, passing way in March 2023. I was unaware of the closure of the practice as it came after my arrest, as a result I had been unable to get hold of Louis, but Lauren had intercepted a message and replied. From that point onwards Lauren worked incredibly hard to help me and in particular in consulting with attorneys and family, to get me out on bail.
7. As the I.O refused to confirm what the charges would be or provide a docket, everyone made concerted efforts to try to obtain confirmation or a docket. Lauren called the courts, the police and anyone she could think of that may have a copy,

In going through Louis emails Lauren sent after the closure of the practice, she found emails from the attorney for Kith Broad, sent in January, then I believe others followed in February and March.

Where she found what she thought was a copy of the docket. It listed charges , other supposedly live dockets, the various malicious prosecutions, information about the arrest and other information that would be related to SAPS files. Lauren sent this to the attorneys, and we all began to work on the ‘docket.’

However, what it turned out to be was the application to the High court submitted by Keith Broad the day after my arrest. That application was the significant reason for my

arrest. Ei to be able to submit an application that contained fundamentally false statements and fabrications without an opponent to challenge them.

1. That the application by the client of Mr de Swardt contained the nearest thing to a docket on the matters and charges was a profound shock.
2. **So, the I.O could not confirm the charges or any details of the state's case to the defence, the prosecution or the court and could not provide any files, dockets or related information, regarding the state's case to the defence, or the prosecution or the court, but the I.O could supply all of that to Keith Broad and Mr de Swardt. To aid in their attempts to deceive the civil courts to achieve their goals**

**1. How can it be, and how can it be right, that Mr de Swardt, Keith Broad, Paula Disberry, knew more about the criminal case, what I was to be charged with, the contents of the docket and the intention of the police, than i as he defendant, my attorneys, the magistrate or the prosecution?**

### **PIE (PREVENTION FROM ILLEGAL EVICTION ACT) / ROGUE LANDLORDS**

61. "PIE legislation (The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act) plays a crucial role in SA role in stopping rogue landlords, including by:

- Prohibiting unlawful evictions: Landlords cannot evict tenants without following the legal process, which includes obtaining a court order.
- Restoration proceedings: providing the means by which a tenant who has been illegally evicted can recover their home.
- Preventing self-help measures: Landlords are not allowed to take matters into their own hands, such as changing locks or cutting off utilities to force tenants out<sup>2</sup>.

These measures help protect tenants from unfair treatment, and landlords taking the law into their own hands.

1. The actions of Serg Stevens made that legislation irrelevant.
2. By executing an arrest and detention Serg Stevens managed to illegally evict the tenant and make it look as though it was no such thing and had no connection with the owners' battles in the civil courts to achieve that same goal
3. It provided the landlord with protection from spoliation proceedings, criminal prosecution, and any responsibility for the illegal eviction.
4. And by keeping me detained it removed my ability tom launch proceedings or take any action or recover it
5. However, the landlords gave away their true intent in court when xxx
6. Had the arrest been unconnected, and the situation was one where a tenant had been arrested, there would be no reason for the owners to send an attorney to court saying the tenant would be blocked from re-entering their home. In itself illegal eviction

[24.08.22.WCHC.Sokanyile v Broad.pdf \(legalbrief.co.za\)](#)

[Court's message in Llandudno case: Do not take matters into your own hands | Ground Up](#)

### **STATEMENT REGARDING "MEMBERS" OF THE TEAM/ SERG STEVENS UNOFFICIAL TEAM**

58. Abuse of resources and personnel



1. Nowhere on the arrest statement does it make any reference to the illegal, secret, and unofficial raid, arrest, and illegal eviction at 16 Leirmans road.
2. Nor does this statement or any of the statements mention the present Of Mr De Swardt
3. Nor does this statement or any of the statements mention the present of Mr Denis Dalton
4. Nor does this statement or any of the statements mention the questions about the safe or the search for the safe
5. Nor does this statement or any of the statements mention that whatever reason was used to justify the special task force turned out to also be false.

### **THE SIGNIFICANCE OF THE MISCONDUCT**

63. I cannot think of a more heinous or hypocritical crime that a police officer can commit than using the criminal justice system to create and inflict injustice. To use the law itself to do extremely unlawful things.

1. Additionally, using the criminal justice system to obstruct and defeat justice
2. Including to sabotage or enhance proceedings in the civil courts
3. Furthermore, using the criminal justice system as a tool to void and evade some of the most significant pieces of legislation any country has, such as the rights of tenants in their homes
4. By abusing the powers entrusted to him, Sergeant Stevens has managed to overrule the judiciary and parliament, making both irrelevant.
5. The police are supposed to respect and uphold the laws passed by parliament and scrutinized, enforced, and evolved by the judiciary and courts.
6. They are not supposed to act in a way that uses their authority to legitimize illegal conduct, making the courts, parliament, the executive, and the laws of a country irrelevant and of no value if you have the right connections within.

### **CORRUPTION AND MISCONDUCT THAT UNDERMINES THE ACCEPTED HIERARCHY**

63. As any police officer will know, the hierarchy of authority in South Africa is designed to ensure a system of checks and balances among these branches. The President leads the executive branch, the Parliament holds legislative power, and the Judiciary operates independently to uphold and interpret the law.

SAPS is by definition subservient to all of the branches of government, is responsible for enforcing and upholding government legislation, must comply with those laws, and cannot ignore or undermine any laws enacted by Parliament. Laws that they are the ones charged and legally bound to enforce.

1. If SAPS ignored or undermined these laws, it would violate their most fundamental duty and subordinate the executive, parliament, judiciary, and SA citizens who voted for them to the police.
2. What Serg Stevens had managed to do was void legislation enacted by parliament, adjudication by the judiciary, had become enshrined in law and precedent as one of the most fundamental principles of a civilised country. Ignoring it as if it did not exist and creating a position where there was no recourse to that same law.
3. A law that was passed for the explicit purpose of stopping landlords like Keith broad from doing what he did and doing what he had done multiple times before that.

## POST POLLSMOOR PERSECUTION

63. I had naively expected that having successfully delayed matters sufficiently to keep me in Pollsmoor for three months and having successfully managed to illegally evict me by executing an arrest, and thereby enabled the landlords to get away with their crimes, that Serg Stevens would not continue to prosecute and persecute.
1. His attempt to keep me in Pollsmoor when the bail application finally started on 13 March 2022, had a purpose. The hearing for the appeal Keith Broad had submitted the day before my arrest, had been the reason for my arrest, and despite Keith Broad's best attempts to railroad it through while I was in Pollsmoor the judge had pushed it back because of my absence. The hearing was the day after my release. In reality, it was the same as being absent as I had been unable to instruct attorneys on the matter because of my detention, further I had no devices, documents, data to give to an attorney to help construct a defense, and no time to do so with the limited time the attorneys could spend when visiting Pollsmoor focused on the current criminal case and the impending bail application, in itself made all the more difficult because Serg Stevens would not confirm the charges
  2. But to be certain I could contribute nothing to a constructive attempt to fight Keith Broad Serg Stevens was instructed not to let me out until after the matter had been settled and in Keith Broad's favour.
  3. Much of the reason for the constant attempts to delay the start of the bail application was the judge's reticence to hear the case in the absence of the tenant. So, each time it was ushered back in the hope I would be able to present a defense the onus fell to Serg Stevens to ensure I was not released. In the knowledge that in the end the judge would have no choice but to hear and conclude the matter
  4. However, even after the attempt to keep me in Pollsmoor by adding the bogus immigration charge had failed, and even after the attempt to keep me impose more by demanding an obscene bail sum of 100,000 Rand also failed it became clear that Serg Stevens was not yet finished with me.
  5. he could have let the immigration charge fall away once Keith Broad had achieved the outcome, he desired from the hearing but instead he continued through March April May and June pushing a prosecution and therefore a trial. Although there was no intention of having a full trial as that would have exposed the bogus nature of the immigration charge, but he was content to push the process and delay that process for as far as possible.
  6. Thereby keeping me on bail keeping my movements restricted keeping me vulnerable to another attack and depleting me of what little money I had left paying on necessary legal fees.

## BELVILLE, SERG STEVENS AND SERG DUNA. PRE-OCTOBER

63. As mentioned, it is highly unlikely and improbable that the corruption and criminology were restricted to Serg Duna, Serg Stevens, and Mr de Swardt. Far too much happened; far too many rules, laws, and procedures were broken; far too many resources were used and deployed; far too many personnel were enlisted and used.

For the corruption and criminality not to go beyond and above Serg Stevens and Serg Duna would have meant it was necessary for Serg Stevens to have convinced his superiors of the credibility of the allegations, the veracity of the evidence and the intention to pursue the matter to full trial.

If his superior officers were aware of any factors that speak to the true nature of the campaign, then they had to have been complicit.

1. If his superior officers were aware of any factors that speak to the true nature of the campaign, then they had to have been complicit.
  - i. The docket that contained no genuine evidence obtained by SAPS.
  - ii. The docket that contained no genuine evidence obtained by SAPS.
  - iii. The false nature of the august charges
  - iv. The intentional contempt of court by Serg Duna in not going to the storage unit.
  - v. The attempts to obstruct and interfere with justice through the fabrication of charges and the inflation of the value of goods.
  - vi. The Paula Disberry malicious prosecution
  - vii. The striking lack of activity on the docket in the year prior to the arrest
  - viii. The sudden request for a search warrant and the bogus claims it was either necessary or urgent.
  - ix. The unusual and suspicious use of the STF
  - x. The miscarriage of justice and fundamental breach of the successful attempt by Serg Stevens to get the prosecution to object to bail
  - xi. The failure of Serg Stevens to undertake any of the investigatory work necessary if his reasons for delay were genuine.
  - xii. The complete absence of any attempts to conduct an investigation after the arrest.
  - xiii. The failure to harvest data.
  - xiv. The failure to contact guests post-arrest, whether to aid in an investigation or to ensure they did not become victims.
  - xv. Or, for that matter, the fact that after the raid and search nothing was found, including whatever it was Serg Stevens had used to motivate the involvement of the STF in the first place.
  - xvi. Or the fact that every charge laid and every attempt at prosecution that had so far emanated from Belville Commercial Crime or HB had failed the moment it was scrutinised by anyone outside of Belville Commercial Crime and HB.
2. **The list of issues that would give any senior officer cause for alarm is almost endless and includes the more than two hundred occasions when Serg Stevens, Serg Duna, or SAPS did something they should not have. For a commander to be ignorant of all of them is an impossibility.**
3. **And yet, even after the failure of the attempts, Serg Stevens continued and continued with the blessing and support of Belville Commercial Crime.**
4. **As evidenced even now with the commander's defence of being indefensible, he is still refusing to return the devices he holds illegally, still claiming they intend to continue to investigate, still backing the stance taken by Serg Stevens and backing the campaign by Mr de Swardt.**
5. **Therefore, unless the commander has taken Serg Stevens at his word, is unfamiliar with the background, context, or history, has never seen the docket, is unaware of the failure of every attempt, and is unaware of the involvement of Mr de Swardt and the interference of the landlords, it is likely that the commander and others were involved and knew exactly what they were doing and why.**

**"BENETTE"**

63. This would include the role of the person known only as "Benette." Those who were contacted by Benette have different understandings. some said it was a police officer from Belville Commercial Crime, who appeared to be working closely with Paula Disberry, others have said that because of the way in which Belville Commercial Crime appeared to be working for Paula Disberry that they were a private investigator, collaborating with the police but not for the police.

1. The simple fact there are two different understandings show how blurred the lines were and how much deception was involved.
2. If Benette is a SAPS officer, what were they doing working for and on behalf of Paula Disberry
3. If Benette was not a SAPS officer, what were they doing representing to people including people they had identified as potential witness that they were a police officer and that they had the power of a police officer officers.
4. And what was Benette doing when telling people, they were working on a high-level fraud case, that the person faced ten to thirty years in prison, unless they signed witness statements that Paula Disberry had drafted for them
5. Or for that matter offering people immunity from prosecution, something only the senior state prosecutor has the power to do, and something only ever done when one person's testimony can materially impact the outcome of a trial.
6. To this day, we do not know who Benette was. What we do know is they were very active between the beginning and middle of 2022 and by everyone's account working for and with Paula Disberry

## **BELVILLE TARGETING OF CHANDRE ABRAHAMS AND OTHERS**

63. The fact that Belville Commercial Crime were complicit and that high ranking offices were involved in the campaign ,effectively working for and on behalf of Mr de Swardt, his clients, in particular Paula Disberry and Keith Broad, is evidenced in so much of what happened. One example is the conduct of Belville Commercial Crime after my first arrest during my time in Pollsmoor when they contacted a number of people trying to frighten them., threaten them, deceive them into testifying and signing prewritten statements.

The way they behaved then and since can have no legal or legitimate justification or explanation.

1. It is interesting to note that Keith Broad, Paula Disberry, Peeter Van Wyk, Mr de Swardt and Raj Moonsamy have all claimed at various points to have significant power, influence, authority, and access when it comes to SAPS. Something I firmly believe to be true and also believe explains how they were able to get whole units to do their dirty work.
2. I suspect that at the outset, they were successful in deceiving these officers and units into believing I was some international crook. But regardless of whether they began the process with that conviction, what followed clearly showed the campaign had other motives and that I was being targeted.

## **COMPLAINTS TO DATE**

63. To date I have submitted complaints to the following ministers, bodies and organisations and am devoting myself to this project full time in the hope that everyone involved is exposed, investigated, and prosecuted and that they received sentences commensurate with them.

1. Premier Alan Wine

2. The Press Council Ombudsman
3. The Home Affairs Department,
4. IPID,
5. IID Western Cape
6. PSIRA,
7. Minister of Home Affairs
8. Minister of Police,
9. Director General of Home Affairs,
10. Western Cape Minister of Police Oversight and Community Safety,
11. Commander of Central Cape Town SAPS,
12. Premier Alan Wine,
13. Senior State prosecutor, National Prosecuting Authority

## COMPLAINTS & ACTIONS TO COME

63. I will as recommended, file a complaint with the Western Cape Police Ombudsman
1. Lay criminal charges where appropriate.
  2. Initiate legal proceedings against those involved, including the state, minister of police, News24, Mr de Swardt and his clients.
  3. Commence with a concerted effort to have journalists investigate and report on all the facts of the campaign so as to get the truth into the public domain.

## "CONSPIRACY TO" AND COLLUSION WITH THE CONSORTIUM

63. By arresting me what Sergeant Stevens had managed to do in less than an hour undid a years' worth of litigation, meant over a million rand in legal fees was entirely wasted, had meant the stress I had gone through fending off attack after attack by Keith Broad had been for nothing, resulted I my home and business being taken, my possessions stolen, my reputation destroyed, my finances decimated, as well as resulting in a third of that year being spent in Pollsmoor. In addition, ruining the holidays of hundreds of guests and causing them significant distress and loss.

But as mentioned, he was not working alone, and his actions were to achieve the shared goals of the consortium of landlords. By acting as a group, pooling resources, strategizing, planning, each using their own position and advantages to advance their campaign and achieve the shared goals, they were by definition co-conspirators.

1. **Conspiracy is an agreement between two or more people to commit an illegal act, along with an intent to achieve the agreement's goal. Usually but not always including an overt act.**

**Conspiracy** generally carries a penalty on its own. In criminal law, all members of a conspiracy can be held liable for the actions taken by any member to further the conspiracy's goals. Because of derivative liability this means that even if a conspirator did not directly commit the criminal act, they can still be held responsible if they were part of the agreement and intended to achieve its unlawful objective<sup>1</sup>.

Conspiracy statutes usually assign the same punishment for conspiracy as for the target offense.

And conspiracy applies to both civil and criminal offenses, e.g., conspiracy to commit murder, or conspiracy to commit fraud. **The main elements are:**

- **Agreement:** Two or more people agree to commit a crime.
  - **Intent:** All conspirators have the specific intent to commit the crime.
  - **Overt Act:** At least one conspirator takes a step towards completing the crime.
1. **Therefore, Serg Stevens is guilty of conspiracy to commit whole series of crimes, and likewise Mr de Swardt, Paula Disberry, Keith Broad, Raj Moonsamy et al are equally guilty of committing a whole series of crimes, including every crime that Serg Stevens committed.**
  2. **Whatever the full list of crimes committed by the group or "consortium," they are all guilty of conspiracy to commit all of those crimes.**
  3. **If you add the crimes committed by Mr de Swardt, add the crimes committed by the individual landlords and then add the crimes committed by SAPS and the SAPS officers, the tally is in the hundreds. And as they fit perfectly the very definition of a conspiracy, they are all accountable.**

### **SOUTH AFRICAN TAXPAYER**

63. As mentioned, the vast majority of the illegal part of the campaign and the entirety of the campaign that involved SAPS, was not funded by those who would ultimately and did ultimately benefit from it, but rather by those who unlike the landlords, are neither wealthy or privileged, and can least afford it, the South African taxpayer.
64. This issue is additional to the issue of the state's power, personnel and resources being used and abused and is all the more objectionable because of the inherent deceit and unfairness of having an illegal campaign where the primary goal is the enrichment of already wealthy individuals funded by ordinary South Africans

### **BREACH OF INTERDICT AND HIGH COURT ORDERS**

65. The operation of Serg Stevens on 14 December was also a violation of the High Court interdict, which prohibited Keith Broad, Mr de Swardt, and any individual who was known to them or working with or for them from entering or near 116 Leirmans Road.
  1. The police are effectively nullifying High Court interdicts, judgements, rulings, and orders by committing unlawful acts and disguising them as lawful ones by "disguising" that breach through an arrest.
  2. This is the most egregious hypocrisy conceivable and represents multiple layers of deceit, crimes, and breaches of codes of conduct.

### **ISSUES OF WIDER SIGNIFICANCE**

63. The campaign, corruption, and criminality raise significant and profound issues.
  1. These encompass, but are not restricted to:
    - The protection of the perpetrator from any consequences by the use of arrest to execute and disguise illegal evictions.
    - The utilisation of the same tactic in numerous other contexts, where an individual can acquire an advantage by eliminating their opponent from circulation without appearing to be involved.

- The utilisation of arrest and detention as a strategy to facilitate private campaigns and vendettas
- hijacking the state for personal gain
- Similarly, the weaponization of the state to support that campaign.
- The fact that the South African taxpayer provides nearly all of the funding for such a campaign is of the utmost importance.
- The fabrication of victims by private individuals and SAPS in the absence of actual victims, either to facilitate a malicious prosecution or to address a lack of evidence in a docket or investigation?
- The strategic use of remand and incarceration to remove an opponent from circulation.
- The ease with which SAPS can extend remand without any genuine justification.
- The inability to report, investigate or prosecute for issues such as perjury or the obstructing a frustration of justice.
- The huge disparity between the ability of the wealthy and the poor to achieve a just outcome or to have injustices investigated.
- The use of the criminal justice system to enhance and or supplant litigation on the civil courts.
- The ease with which independent arms of the state such as the NPA, SAPS, the courts, can be manipulated and influenced into aiding such a campaign.
- The ease with which private individuals can obstruct justice.
- And importantly the complete lack of routes to have that investigated or prosecuted.
- The complete failure of those responsible for policing the police to do so.
- As well as the failures of everyone responsible for or with the authority to investigate corruption and criminality, including an astonishing level of apathy and disinterest.
- Developing a system that incentivises criminal behaviour, particularly extreme criminality.

- .....The intentional use of the criminal justice system to perpetrate injustice, The utilisation of the criminal justice system to commit, conceal, and protect against investigation or prosecution, the utilisation of the legal system to facilitate illegal activity, and the utilisation of the powers that are intended to combat crime to carry out criminal activities.

## CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA – CHATER 2. BILL OF RIGHTS

63. As well as addressing the dozens of violations of my rights under the Constitution of South Africa, some of which are listed below:

### **CHAPTER 2, SECTION 35. ARRESTED, DETAINED AND ACCUSED PERSONS**

1. Everyone who is arrested for allegedly committing an offence has the right
  - a. to remain silent.
  - b. to be informed promptly.
    - i. of the right to remain silent; and
    - ii. of the consequences of not remaining silent.

**c. not to be compelled to make any confession or admission that could be used in evidence against that person.**

**d. to be brought before a court as soon as reasonably possible, but not later than**  
**i. 48 hours after the arrest; or**

-  
**[DR]: At both the first and second arrest this right was violated.**

ii. the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day.

e. at the first court appearance after being arrested, to be charged or to be informed of the reason for the detention to continue, or to be released; and

**f. to be released from detention if the interests of justice permit, subject to reasonable conditions.**

2. Everyone who is detained, including every sentenced prisoner, has the right

**a. to be informed promptly of the reason for being detained.**

**[DR]: This right was violated at the first arrest.**

**b. to choose, and to consult with, a legal practitioner, and to be informed of this right promptly.**

**[DR]: At both the first and second arrest this right was violated. Obstructing my right to call my attorneys for days on the second arrest and completely on the first**

c. to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly.

**d. to challenge the lawfulness of the detention in person before a court and, if the detention is unlawful, to be released.**

**[DR]: At both the first and second arrest this right was violated. Despite knowing both cases were fabricated the I.O continued to pursue them and with the purpose of unlawfully detaining ,me.**

**e. to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment; and**

**[DR]: At both the first and second arrest this right was violated.**

Anyone who has seen Pollsmoor Prison and I mean inside the prison, not the sanitised visitors area will appreciate how horrific even a day in that place is.

I was locked in a cell of 45+ men, in a cell made for 15 men.

It was so cramped the only space you have is your bed.

I was the only white guy of the several hundred on my wing and one of only a handful of the 7,000 inmates.

All of whom are treated like vermin by the guards.

We got 30 minutes out of the cell per week. So just 6 hours over the three months

When I left, I actually could not stand properly I had used my legs so little.

The cells are infested with lice and cockroaches.

Our cell was raided by the STF, who punched, kicked and electrocuted inmates.

Making calls was impossible, contact with the outside world equally impossible.

Food consisted of a tiny bowl of porridge at 8am, then some rice with remnants of a protein and some bread for lunch at midday, then nothing until 8am the next morning

**I had to transfer myself into a gang dominated cells to be able to make the first calls.**

**The appearances at court were horrific, an experience that starts at 5am the morning of the appearance involves transportation to the courts, in vans filled three times capacity, locked in**



**the cells under the courts so packed you can only stand, on each occasion the gang members rob the newbies, taken to holding cells for the appearance, then repeating the experience in reverse, returning to Pollsmoor, stripped naked and searched, put in a holding cells and finally returning to your own cell at circa 11am the next day. Thirty hours after leaving it.**

**Given the experiences here I was lucky to get out alive.**

f. to communicate with, and be visited by, that person's

i. spouse or partner.

ii. next of kin.

### **3. Every accused person has a right to a fair trial, which includes the right**

**[DR]: What I had was the very definition of an unfair trial and the very opposite of a fair trial. When the I.O has no problem with fabricating evidence, fabricating cases hat don exists or reasons to object to bail that don't exist, has no respect for due process or the courts, has even less respect for the ethical codes of conduct that govern all police officers and where his primary goal is to imprison you at any cost, it is the definition of injustice**

#### **a. to be informed of the charge with sufficient detail to answer it.**

**[DR]: At both the first and second arrest this right was violated. At the second in particular with the I.O refusing to confirm the charges for the entirety of my detention, only telling ius as the bail application was about to start.**

b. to have adequate time and facilities to prepare a defence.

**[DR]: At both the first and second arrest this right was violated. At the second especially. They seized all of my equipment, devices, data, and documents and refuse to even give me a copy of what was on them.**

**The detention itself which was unnecessary and unlawful made compiling a defence or bail application almost impossible,**

**The unlawful objection to bail rendered me and my attorneys at a massive disadvantage. The unlawful theft of my home, making me homeless , further inhibited the ability to mount a fair defense and with the incomparable imbalance of resources of the prosecution versus me it was never going to be fair situation.**

**The decimation of my finances, making even instructing attorneys almost impossible  
All of the above were not consequences of the actions of SAPS and Serg Stevens but the actual intention itself.**

c. to a public trial before an ordinary court.

d. to have their trial begin and conclude without unreasonable delay.

**[DR]: At both the first and second arrest this right was violated. Kept at Hout Bay far longer than needed, with attempts on both occasions to delay proceedings and on the second occasion successful attempts that resulted in an URGENT BAIL APPLICATION starting three months after the arrest.**

e. to be present when being tried.

f. to choose, and be represented by, a legal practitioner, and to be informed of this right promptly.

g. to have a legal practitioner assigned to the accused person by the state and at state expense if substantial injustice would otherwise result, and to be informed of this right promptly.

h. to be presumed innocent, to remain silent, and not to testify during the proceedings.

i. to adduce and challenge evidence.

**[DR]: At both the first and second arrest this right was violated.**

**How can a defendant adduce and challenge evidence when it is fabricated?**

**How can a defendant adduce and challenge evidence when the I.O refuses to provide them with the docket?**

j. not to be compelled to give self-incriminating evidence.

k. to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language.

**l. not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted.**

**[DR]: At both the first and second arrest this right was violated. Attempting to convict me of bogus immigration charges when in reality there was not only no offence committed but the offence I was accused of (although never charged with) was a legal impossibility.**

m. not to be tried for an offence in respect of an act or omission for which that person has previously been either acquitted or convicted.

n. to the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing; and

o. of appeal to, or review by, a higher court.

4. Whenever this section requires information to be given to a person, that information must be given in a language that the person understands.

**5. Evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise detrimental to the administration of justice.**

-

**[DR]: At both the first and second arrest this right was violated.**

**Evidence was fabricated.**

**Evidence was manipulated.**

**People seen as potential witnesses were harassed, threatened, intimidated, bullied.**

**Evidence supplied by persons with an agenda contrary to justice.**

## SECTION 26.

**26.3. No one can be evicted from their home, or have their home demolished, without an order of the court made after considering relevant circumstances no legislation may permit arbitrary evictions.**

**Between Serg Duna and Serg Stevens, they managed to help and execute half a dozen illegal evictions as well as facilitate very substantial theft.**

[\[1\]](#) "The Consortium" was a term that began being used back in early 2022 as a shorthand way to reference the group of landlords who worked and conspired together. The term was used extensively in the legal proceedings, both criminal and civil. The landlords have rejected the term "consortium" but accept they worked together. The reason they have been keen to dismiss the labeling of the group is because of the enormous liability they all have in terms of the "conspiracy to" offences they

have all committed. We use the term as a quick and easy way to reference PD, KB, IB, GB, Wouter de Swardt, Serg Stevens , Serg Duna, RM, Denis Dalton, JS