

# ADDENDUM TO COMPLAINT REGARDING SERGEANT STEVENS

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## ATTACHED

NEWS24COMPLAINT

NOVEMBER HIGH COURT APPLICATION

REPRESENTATIONS TO THE SENIOR PUBLIC PROSECUTOR

FORMAL COMPLAINT TO THE NATIONAL PROSECUTING AUTHORITY

TRANSCRIPTS OF THE VIDEOS, AUDIO AND WHATSAPP EXPORTS

KEITHS BROAD'S DECEMBER APPLICATION

Colonel Collett Mclean  
SAPS Provincial Detective Service Western Cape  
29 Corporation St,  
Cape Town City Centre,  
Cape Town, 8000

26 August 2024

Dear Colonel McLean

**Re: Reporting extensive corruption and criminality**

Thank you very much indeed for taking the matter up and offering to see me

I am unsure which of my approaches has reached you. As I was not making progress with SAPS or IPID, I widened the number of organisations, departments and locations I was emailing in the hope of finding someone who would respond and take up the matter.

I have found it extraordinarily difficult to get the various matters investigated. Probably a mix of reasons, including: a) scepticism, as the events seem far too extreme to be real, with one attorney I had approached replying to a summary of events as ““extreme, excessive and improbable”, but as extreme and unbelievable as they may sound, I can promise that they are all accurate, b) the more general problem of people either not doing the job for which they are employed, such as IPID, or each person passing responsibility to someone else, with no one actually taking responsibility and acting, c) the fact that Mr de Swardt has on many occasions made clear that his connections and relationships in SAPS and the Hawks make him untouchable, d) the fact that the only public narrative, thanks to the articles authored, motivated and managed by Mr de Swardt, through associates at Media24 means, I am perceived as the villain, and the landlords as the victims. When the polar opposite is the truth.

The one exception was PSIRA. I reported extensive corruption to both IPD and PSIRA after my release in April 2023, having spending three months in Pollsmoor Prison for crimes I did not commit. IPID have ignored that initial complaint, the subsequent complaint form and the two dozen emails since.

I also reported the criminality, corruption and the failure of IPID to respond to Aklan Wendi, having got initial promises to look into the matter and respond I began chasing again this month and a Robert Shaw, and Regan thaw, replied to say they would read the material when they have time. Unfortunately, time is the one thing I do not have on my side.

PSIRA, however, took the matter seriously, the senior inspector began an investigation in April 2023 and earlier this year they had a long meeting with Ollie Sokanyile, one of the other people that Mr de Swardt and his friends at SAPS had arrested and imprisoned. On that occasion purely out of spite, as the promised revenge for having stood in his way at one of the evictions where he turned up with eight criminal thugs to forcibly enter, assault the occupants and eject them.

Fortuitously and coincidentally, just when I was beginning to despair of getting any traction, the day after your colleague contacted me, Mr Boosyens has confirmed that Mr Wouter de Swardt (sole proprietor, director and operator of Fox Forensics) is to be formally disciplined by PSIRA.

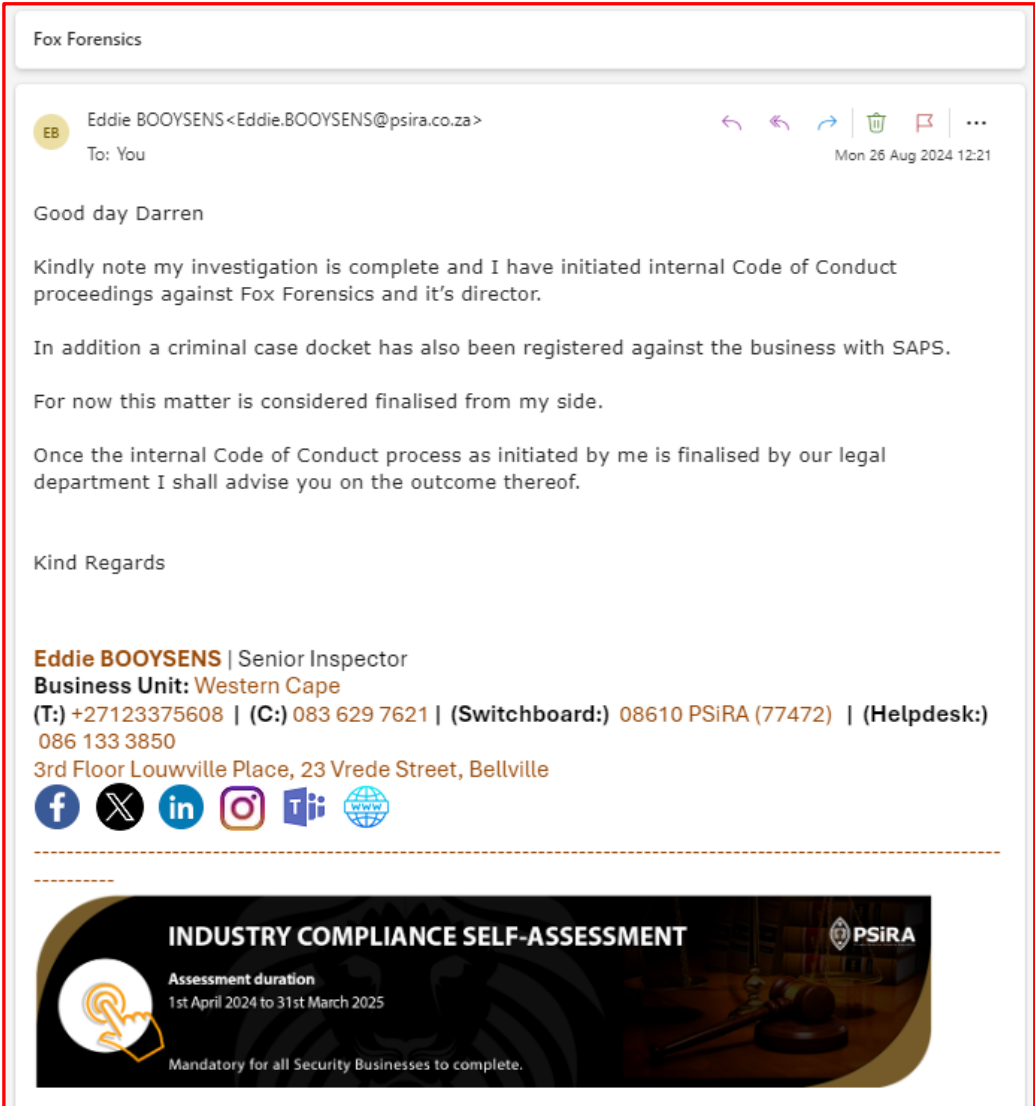
They will update me when there is more information but based on the extremely serious nature of the allegations against Mr de Swardt, I imagine this will result in his expulsion from the organisations, and whatever other sanctions are available to them to use against their members.

**Crucially, PSIRA have passed a criminal docket to SAPS that relates to the various criminal offences committed by Mr de Swardt**

As I am sure you are aware, disciplinaries of this kind are very unusual, few complaints result in full investigations, even fewer in investigations of this length and breadth, fewer still that include interviews with independent witnesses and victims, and it is extremely rare for PSIRA to compile and submit a criminal docket.

This gives an indication of the seriousness of the illegality and criminality.

This is great news, particularly considering the considerable resources and connections Mr de Swardt has and will have deployed to avoid this outcome.



However, inevitably the criminal charges will not cover anything like the full scope of the crimes committed because PSIRA’s remit and jurisdiction relate to the conduct of individuals in their capacity as private investigators, and not in the wider sense. Further, I am confident that unless pursued by someone senior and with determination, Mr de Swardt will be able to use his connections within SAPS to make the criminal matters disappear.

Therefore, it remains crucial that someone with significant seniority within SAPS, who is willing and able to take on that task, be appointed to do so

Apart from the general and understandable skepticism that normal people would embark on campaign such as this, or over something so apparently insignificant as property. The reality is very different, I had entered into long leases on the premise I would spend several million Rand vastly improving and transforming the properties, in return for a long tenure (e.g., five years) so that I could recoup my investment of time, expertise and money. The transformations had the result of more than tripling the nightly rates and also tripling the occupancy rates, and the combination of which were increases of a thousand percent on previous revenue. Across the properties and over the five-year tenures that equated to a premium of more than R140,000,000.

This and the millions added in capital value were the rote motivation of the campaign. In the case of Mr Broad who appointed Mr de Swardt, it had always been their plan to take the property back once the refurbishments were completed, thereby benefiting from a free refurbishment, so that they could sell it for millions more, to settle very considerable personal debts. As evidence by the fact that Mr Broad had the property advertised at R31,000,000 just days after he had me arrested on December. Circa R13,000,000 more than its value of only a year previously.

There are too many crimes to list them all here, and I have included the timelines below which is a useful chronological account of the campaign, the criminality and the corruption. As a result of which, I spent almost four months in Pollsmoor Prison, which they had tried very hard to turn into many more months and years and would have succeeded had it not been for two very competent magistrates.

Their crimes including, but are not limited

- Four illegal arrests of three different people,
- Three wrongful imprisonment of two different people, including the property manager Ollie Sokanyile, imprisoned out of spite for getting in the way of Mr de Swardt a full six months earlier, when he went to the aid of the guests and housekeeper he and the eight thugs were trying to evict, and who went on to assault, throw on the streets, change the locks and then squat. And myself on two occasions, in August from 4 to 23 August, and in December from 14 December 2022 to 14 March 2023
- The August arrest with the purpose of sabotaging the spoliation proceedings I had brought in response, and the December arrest to disguise two illegal evictions and enable an application via the courts to retake the property. In the appeal application that his client Keith Broad had prepared just prior to my arrest, and submitted the morning after my arrest, secure in the knowledge that the arrest had removed his opponent so he could railroad the application through the courts while Mr de Swardt and Serg Stevens kept me incarcerated.
- Again, purely for advantage in those proceedings to create the narrative of a scam, the plan to create hundreds of victims<sup>1</sup>, in the absence of actual victims, by not informing the platform of my arrest and the change of control of the villas. In doing so, wrecking the holidays of hundreds of people who had booked prior to the arrest, by not telling the platform after my arrest, that the properties were no longer under my control, or telling them after each set of guests turned up. Each group arriving to find that they were homeless. Then trying to manipulate them away from resolution, i.e., contacting the platforms or credit card companies, to create loss, and trying to manipulate misrepresented fraud charges
- The two dozen illegal attempts to take over the properties, where SAPS were either complicit or intentionally looked the other way

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<sup>1</sup> The; landlords themselves, four private investigators, nearly full time through 2022 and some of 2023, several police units and stations, all motivated and in some cases paid, to find evidence and in the absence of any to create it. And despite these enormous resources reach and unrivalled access they found nothing, so they made it all up,

- The use of arrest to disguise the illegal evictions , with Mr de Swardt and SAPS handing the landlords the keys to their properties as they arrived on schedule minutes after I was driven away
- The 22 and 24 July evictions and assaults  
[https://drive.google.com/drive/folders/11rrj\\_lrlAL5uwP-8VBHh74tUriszstul?usp=drive\\_link](https://drive.google.com/drive/folders/11rrj_lrlAL5uwP-8VBHh74tUriszstul?usp=drive_link)
- The assistance of SAPS during the evictions  
[https://drive.google.com/drive/folders/1wrQf\\_DHeR2yDJmQpz7jD2pbkARAPAWz6?usp=drive\\_link](https://drive.google.com/drive/folders/1wrQf_DHeR2yDJmQpz7jD2pbkARAPAWz6?usp=drive_link)
- The secret, unofficial and illegal operation at one of my Llandudno properties, while everyone was distracted by the spectacle of my arrest at the other
- The use of remand to remove opponents
- Executing arrests without warrants, as in August, or obtaining arrest warrants already rejected by Magistrates, as in December. And doing so with a docket made entirely of contributions from one of those same landlords, pf some six months earlier, so it was ready to use when an arrest was considered most optimum.
- The lies told by the Investigating Officer to the court, the prosecution and the attorneys to justify the refusal to let me go and the objection to bail, including that I was wanted by the Home Affairs dept for deportation, that I had never extended my visa since arriving, that I was illegal as of 23 March 2021. When all the while that same officer had my passport in his possessions
- The theft of my passport, and its illegal retention by Mr de Swardt, then Serg Duna (Mr de Swardt's proxy in the first arrest), then passed to Serg Stevens (Mr de Swards proxy in the second arrest), with the explicit aim of making visa extensions impossible, so that they could and then did use that fact to both object to bail and to prosecute
- The harassment and intimidation of witnesses, with people like Mr de Swardt impersonating a police officer and purporting to have powers and authority he did not have, as well as SAPS officers similarly doing so, by lying to anyone they thought could be a potential witness and threatening them with ten to thirty years in prison unless they testified to a prewritten script and signed pre written affidavits, and promising them immunity if they agreed  
[https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVqWAFkt?usp=drive\\_link](https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVqWAFkt?usp=drive_link)
- The protection order obtained by demonstrable perjury, with the full knowledge of Saps Hout Bay and served on me while was in their cells in the August for almost a week waiting for them to take me to Wynberg magistrate's court. Including the fact he had lied and said he lived at the [property and the thugs of Mr de Swardt's were mine sent to intimidate his family, obtaining a 500m exclusion zone around the property, even though everyone knew I lived there and it was us who were attacked.
- While at the same time ignoring the protection order I had obtained months earlier, as well as the arrest warrant for Mr Broad issued after he breached it, and the letters from the attorney to the commander of Hout Bay, demanding he execute the warrants
- The baffling ability to control significant state resources, including the equally baffling motivation of a fully armed special task force team raiding my home, and the two dozen personnel that were involved in that arrest, for three white collar matters, that the original IO had dismissed as civil dispute, and had closed the files. No guns, narcotics or threat of violence to justify such a spectacle.
- The astonishing fact that Mr de Swardt, **a man of no official rank or position was able to motivate, manage and manipulate an investigation.** Doing so with fabricated evidence and **then lead the arrest and lead the two dozen police officers from STF, saps and hawks. There was absolutely no question in the minds of anyone present that day who was very firmly in charge, giving the orders and taking control** [https://drive.google.com/drive/folders/1vxz4dTHEYKCKOC3EGj6\\_pY2lr6d1d1u?usp=drive\\_link](https://drive.google.com/drive/folders/1vxz4dTHEYKCKOC3EGj6_pY2lr6d1d1u?usp=drive_link)
- The presence during the arrest, both at the illegal raid and arrest at the other Llandudno property and at my arrest, in my home not just of one private investigator, but three. The same private investigators

hat only a few weeks earlier had embezzled R1.2 million and planned to drug and torture me to get the details of the bank accounts to empty them, then murder me, dispose of the body and spin a story in tune with the narrative that the scammer had run off to spend his millions. Underpinned by the fabricated online petition and the media24 content. [MARIO COMBINED VIDEO CONFESSIONS.mp4](https://drive.google.com/drive/folders/14IRq9VIMvS4FGg29fs-z46yyIfnwJzl?usp=drive_link)  
[https://drive.google.com/drive/folders/14IRq9VIMvS4FGg29fs-z46yyIfnwJzl?usp=drive\\_link](https://drive.google.com/drive/folders/14IRq9VIMvS4FGg29fs-z46yyIfnwJzl?usp=drive_link)

- The intentional rigging of the bail applications, in some cases months in advance by initiating malicious prosecutions so it appeared there were other live dockets, as well as falling to close the August docket despite it being thrown out by the judge, again, to be used to mispresent as live / current investigation when they decided the next arrest was needed
- And in other cases, e.g., the August arrest by changing the charge itself as I appeared in court from the theft of three TVs to the theft of three junk contents of a back room that everyone knew was in safe storage and then suddenly inflating the value of the items to R825,000 purely to put it as a Category 5 offence making bail far harder to obtain
- The initial charge itself of “breaking and entering” my own home and the “theft” of three old TVs the owners knew had been taken by guests’ weeks earlier and that had replaced with brand new TVs
- The bogus immigration charge that was a legal impossibility, including the affidavit given four months after the arrest attempting to inset it into proceedings in which it had no place

And the list literally goes on and on..

What is especially scary is that it is not saps as an organization that was corrupt or criminal. But a handful of officers, with whom Mr de Swardt worked, were able in turn to convince or manipulate their station or unit.

The fact Mr de Swardt was so easily able to deceive and use SAPS, like a private army, duping them into assisting, with a mix of convincing but fabricated evidence and the assistance of just a few officers

Although, that said, Hout Bay and Belville Commercial must be complicit, because they must have been aware of the side operation on 14 December when Mr de Swardt peeled off with several officers and equally aware of the absurdity of the arrest and raid considering the charges. How high up this involvement went or how wide I cannot know. But the entire Hot Bay SAPS were complicit, and I suspect a significant portion of Belville Commercial Crime

I cannot remember the specifics as it was too traumatic, but I think there were maybe two dozen people at the arrest, including a full armed swat team, multiple Hawks officers, multiple Belville commercial crimes officers, multiple Hout Bay officers

**Which raises the issue of the fact that Mr de Swardt and his clients were not only able to weaponise the state against me, to hijack the power and resources of the state to aid in a purely private vendetta but do so fully funded by the South African taxpayer.**

PID have proven themselves either unwilling or incapable of investigating the very serious and illegal behaviour of the officers involved. Perhaps the ‘guilty’ verdict of the PSIRA investigation will motivate them to act but based on the fact they have ignored dozens of emails since April 2023, I am not hopeful. Mr de Swardt as a private individual with no official rank would not fall within their jurisdiction anyway. And Sergeant Duna who arrested me in December, laughed when he saw one of the post notes on my wall said “IPID” saying they were pathetic and toothless.

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

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## THE PRESS COUNCIL. FORMAL COMPLAINT TO THE OMBUDSMAN

For the same reasons, 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, with a view to getting apologies, retractions and corrections.

[https://drive.google.com/drive/folders/1QIQBheG60-5Jge\\_alW6Wln6aYdnGSfa1?usp=drive\\_link](https://drive.google.com/drive/folders/1QIQBheG60-5Jge_alW6Wln6aYdnGSfa1?usp=drive_link)

The scammer narrative was chosen intentionally, because of the power it carries, labelled a scammer every approach is dismissed, to date their criminality has gone with any investigation let alone.

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<sup>2</sup> 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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## THE URGENCY

I had anticipated that sixteen months after first filing complaints, including IPID, PSIRA, the Premier, the Home Affairs Dept etc, these would have concluded by now, and those responsible for the campaign would be being prosecuted, and my immigration status normalized. Unfortunately, that is not the case, and I am unable to travel and live in fear of reprisal.

“I am trying to get everything sorted out as quickly as possible. My mother, who is in her late seventies, was diagnosed with lung cancer in 2022. Because of the sabotage of my visa extension by SAPS, Mr de Swardt and his clients<sup>3</sup> I have been unable to visit her. In fact, due to the COVID-19 pandemic, I have not seen her since leaving the UK in December 2020.

I am hopeful that the Letter of Good Cause to the Director General of Home Affairs, as well as my complaints to multiple relevant bodies, will result in the normalization of my immigration status.

I would have been able to travel from the point where the bogus immigration charge was withdrawn in September 2023. As such, the impossibility of extending my visa has resulted in the loss of almost a year when I could have spent precious and irreplaceable time with my mother.

There is now a very real risk that it will be too late if significant progress is not made very quickly”

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## THE NOW VERY REAL AND PRESENT DANGER

Having raised the matters last year with the Home Affairs Department, IPID, PSIRA, Home Affairs Minister, Minister of Police, Director General of Home Affairs, the Western Cape Minister of Police Oversight and

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<sup>2</sup> Other than the dates of hearing and procedural matters

Community Safety, Commander of Central Cape Town SAPS, Premier Alan Wine, as well as the British Embassy, now that I have accumulated more information and evidence I have been recontacting them

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.,

Having spent R750,00 on the two entirely unnecessary defenses 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.

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## **THE NATIONAL PROSECUTING AUTHORITY**

I have also written to the National Prosecuting Authority, in 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. Although I have neither received a response nor even an acknowledgement of receipt.

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## **NORMALIZATION OF SABOTAGED IMMIGRATION STATUS**

Having had the state sabotage my visa extensions, steal and illegally hold my passport, it does not seem unreasonable to think it is the very least it could do is normalise my visa status 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.



The facts speak for themselves, yet Mr de Swardt and SAPS managed to make the facts say something else entirely

Remembering it was the bogus accusation about my immigration status that the Investigating Officer used to object to bail which resulted in my spending almost four months in total in Pollsmoor Prison

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**MY ILLEGALLY HELD EQUIPMENT**

After Mr de Swardt and the Investigating Officer 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 effect 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.

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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 retained control of my equipment, 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 every 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

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**THE AIMS**

In terms of aims, the reams of reading material can be summarized as per the attached table. Four main aims of normalizing my visa status, returning my illegally held equipment, motivating investigations and charges in regard to <Mr de Swardt, SAPS and those responsible, and the ability to lay criminal charges in the knowledge they will be properly investigated.

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At present I am in a form of limbo or purgatory; my visa terms say I cannot work, but also cannot travel, e.g. so as 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 of possessions, furnishings accessories, artwork and sculptures after I was arrested as if I had been vanished) with no path to bring those who stole it to justice, an extensive jewelry collection stolen by my then fiancé while I was in Pollsmoor the first time, aided by the same people and threatening me with fabricated stories to complicate my bail if I reported the crimes while at the same time telling me any crimes I reported would be ignored).

I had a wonderful art collection, five properties I had transformed not just investing time, money and expertise but a considerable amount of love and passion. I literally have nothing left. If I had the money to

fund competent attorneys I could look at that route. But their campaign was highly effective, costing me well over R100,000,000 and benefiting the perpetrators by a similar sum.

All in all there are circa two hundred incidents of corruption and criminality that I know of and hundreds of individual criminal offense that made up that campaign.

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.

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

Mr de Swardt's connections, including family with high-ranking positions, have served him well to date. Although I strongly suspect any help they have given is probably in good faith, assuming he is telling the truth

At the moment it feels like I am forever knocking on closed doors. I appreciate how busy you must be and that there is a vast amount of reading material. In an attempt to sum things up as succinctly as I am able, I have copied the letter to the NPA directly below

Thank you very much indeed for your time and attention in these matters. As the only person to have contacted me and taken up this it is hugely encouraging,

Kind regards

Darren de Rodez Benavent Russell  
+0795481226

## LINKS TO SOME OF THE MOST INFORMATIVE FOLDERS AND FILES

### **Main Folder**

[https://drive.google.com/drive/folders/1Uo0NcDizPFCAmxGgAE1jN4ISFhk7rFbC?usp=drive\\_link](https://drive.google.com/drive/folders/1Uo0NcDizPFCAmxGgAE1jN4ISFhk7rFbC?usp=drive_link)

### **Summary Of the R200 Million Campaign (Inc Index). Docs 21-22.Pdf**

The main documents bringing the various component parts of the campaign into one file.

[https://drive.google.com/drive/folders/15jXeK4e-sdmwH9EFAL5ZwOjMpXWj3jTy?usp=drive\\_link](https://drive.google.com/drive/folders/15jXeK4e-sdmwH9EFAL5ZwOjMpXWj3jTy?usp=drive_link)

### **Corruption And Criminality. SAPS, State, Mr De Swardt, Consortium, Keith Inge Broad. Doc 24**

Document of the extensive criminality and corruption of the campaign by Mr de Swardt, his clients and certain SPAS officers

[https://drive.google.com/drive/folders/1VGsomJ4meT7kl-aet5EQfbRg\\_1PD\\_icx?usp=drive\\_link](https://drive.google.com/drive/folders/1VGsomJ4meT7kl-aet5EQfbRg_1PD_icx?usp=drive_link)

### **Audio and Transcripts of the conversations with the housekeeper of 16 Leirmans**

Detailing the role of Mr de Swardt in the arrest and raids

[https://drive.google.com/drive/folders/1vxz4dTHEYIKCK0C3EGj6\\_pY2lr6d1d1u?usp=drive\\_link](https://drive.google.com/drive/folders/1vxz4dTHEYIKCK0C3EGj6_pY2lr6d1d1u?usp=drive_link)

### **Audio and Transcripts of the conversations with the Portfolio Manager**

In charge of the whole portfolio, Chandre explains the criminal actions of the consortium members while I was in Pollsmoor on the first occasion including the threat to put anyone who didn't sign witness statements written for them in prison for ten to thirty years

[https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVgWAfkt?usp=drive\\_link](https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVgWAfkt?usp=drive_link)

### **Videos and transcripts of the illegal evictions and assaults by the 8 thugs of 22 and 24 July**

[https://drive.google.com/drive/folders/11rrj\\_lrlAL5uWP-8VBHh74tUriszstuL?usp=drive\\_link](https://drive.google.com/drive/folders/11rrj_lrlAL5uWP-8VBHh74tUriszstuL?usp=drive_link)

### **Video & transcript of SAPS officer 24 July intentionally misrepresenting the law saying the thugs had every right to "fuck you out of here"**

[https://drive.google.com/drive/folders/1wrQf\\_DHeR2yDJmQpz7jD2pbkARAPAWz6?usp=drive\\_link](https://drive.google.com/drive/folders/1wrQf_DHeR2yDJmQpz7jD2pbkARAPAWz6?usp=drive_link)

### **Album of the portfolio – Google Photos**

<https://photos.app.goo.gl/4PpGYLwdfd2ejyas9>

### **Ablum of the portfolio Google Drive**

[https://drive.google.com/drive/folders/16l-sZD3jJE-j90xqZmPQfOICIPT1QTSQ?usp=drive\\_link](https://drive.google.com/drive/folders/16l-sZD3jJE-j90xqZmPQfOICIPT1QTSQ?usp=drive_link)

### **Video & transcript of the home invasion**

Where Keith Broad attempted yet another illegal eviction and kicked the door in, shattering it into two pieces, later claiming in court papers he knocked, and it fell apart to the touch

[https://drive.google.com/drive/folders/1XKnw3PAR5TFCmjKzWDvGwl-MoBlay1A5?usp=drive\\_link](https://drive.google.com/drive/folders/1XKnw3PAR5TFCmjKzWDvGwl-MoBlay1A5?usp=drive_link)

### **Confessions series of videos, where Mario Boffa confesses to the plan by the private investigators to embezzle r1.2 million, and to drug and torture me to access the bank accounts, murdering me once completed**

[MARIO COMBINED VIDEO CONFESSIONS.mp4](#)

[https://drive.google.com/drive/folders/14IRrq9VIMvS4FGq29fs-z46vyYfnwJzl?usp=drive\\_link](https://drive.google.com/drive/folders/14IRrq9VIMvS4FGq29fs-z46vyYfnwJzl?usp=drive_link)

### **Malicious prosecutions 1 to 4 including 4 months in Pollsmoor**

[https://drive.google.com/drive/folders/1YjzSI1peqsQKuyVzMhzaDrA6XYaqcPIJ?usp=drive\\_link](https://drive.google.com/drive/folders/1YjzSI1peqsQKuyVzMhzaDrA6XYaqcPIJ?usp=drive_link)

### **Representations To The Senior Public Prosecutor Re Bogus Immigration Charge**

[https://drive.google.com/drive/folders/1enyafIYte16fiPqlo7SZa7NsewHLLFyb?usp=drive\\_link](https://drive.google.com/drive/folders/1enyafIYte16fiPqlo7SZa7NsewHLLFyb?usp=drive_link)

## **Press Council Ombudsman. Complaint Re Fabricated Articles & Defamation**

[https://drive.google.com/drive/folders/1QIQBheG60-5Jge\\_alW6Wln6aYdnGSfa1?usp=drive\\_link](https://drive.google.com/drive/folders/1QIQBheG60-5Jge_alW6Wln6aYdnGSfa1?usp=drive_link)

### **1. Complaint To the Press Council Re Media24 Regards Multiple Articles Published. Docs 1-5.**

The Complaint, The Breaches of The Code of Ethics and Conduct

### **2. Complaint To the Press Council Re Media24 News24. Docs 6-20.Pdf**

Media24 and their refusal to engage included copy correspondence. The articles and a detailed analysis of the content. The allegations Addressing the specific fabrications. Media24 News24 Addendum^.. News24 Articles. Selection Of. English & Africans (Compressed). Mr de Swardt Dossier. Post December Arrest Dossier. Cases Listed. Wouter De Swardt Online Reviews. Wouter De Swardt's (WDS) Dossier Used in Civil and Criminal Proceedings Analysis of The Submissions of Wouter De Swardt His Clients and Saps .Case No. 7902.22 Application to Hear Oral Evidence and Affidavit Da ren Russell IPID 6 August 2024. Chasing Report of Corruption and Criminality. Including File Index ...L003. Representations Re Vis (Full Length) To the Ssp. On Behalf of My Client 29.6.2023...National Prosecuting Authority 15 Aug 24

The Abhorrent Post-Arrest Plan to Create Victims. Saps Mr de Swardt His Clients. The Real Victims, Villains, Winners, & Losers. Chapter 11. Mr de Swardt, Saps. Wouter De Swardt (WDS) Of Fox Forensics. The Man His Methods and His Criminality

## **Complaint to PSIRA**

[https://drive.google.com/drive/folders/11kE9hYVJyRww6hB7KPTg\\_2JvIDzuH9B?usp=drive\\_link](https://drive.google.com/drive/folders/11kE9hYVJyRww6hB7KPTg_2JvIDzuH9B?usp=drive_link)

## **Complaint to IPID**

[https://drive.google.com/drive/folders/1qzW1vzLL08016yy8PjVcHP7suTK\\_Q6-J?usp=drive\\_link](https://drive.google.com/drive/folders/1qzW1vzLL08016yy8PjVcHP7suTK_Q6-J?usp=drive_link)

## **General Of Home Affairs. Letter Of Good Cause & Request for Investigation**

[https://drive.google.com/drive/folders/1enyafIYte16fiPqlo7SZa7NsewHLLFyb?usp=drive\\_link](https://drive.google.com/drive/folders/1enyafIYte16fiPqlo7SZa7NsewHLLFyb?usp=drive_link)

## **The consortium members and Mr de Swardt**

[https://drive.google.com/drive/folders/1K0yAO6tD8zbW-3RatCet\\_-31sVJnt7nX?usp=drive\\_link](https://drive.google.com/drive/folders/1K0yAO6tD8zbW-3RatCet_-31sVJnt7nX?usp=drive_link)

Wouter de Swardt's (WDS) dossier used in civil and criminal proceedings

Analysis of the submissions of Wouter de Swardt his clients and saps [updated July 2024]

Formal complaint about Psira member Wouter de Swardt. Including direct involvement in police cor...

WDS dossier. Post December arrest dossier. The cases instigated by Mr de Swardt

Wouter de Swardt (WDS) of fox forensics. The man his methods and his criminality arrest and detention as a tool for strategic advantage

WDS

## **FORMAL COMPLAINT TO THE PRESS COUNCIL OMBUDSMAN.**

### **THE PRESS OMBUDSMAN – PRESS COUNCIL**

410 Jan Smuts Avenue Craighall Park 2196

21 August 2024

Dear sir/madam

### **Re Formal Complaint Concerning Several Articles Published by the Media24 Group**

I would like to submit a formal complaint against Media24 in regard to the highly defamatory articles they published. Articles that have caused me very significant damage and loss and articles that were motivated and authored with the specific intention of causing damage and loss.

The articles are listed below:

21-Aug-23	A Briton who has allegedly been renting out guesthouses that do not belong to... has finally been arrested where he is hiding in the Upper Cape in one of the rich man's houses, he occupies.	Julian Jansen	Rapport (News24)
23-Aug-22	Briton who allegedly defrauded people with accommodation, gets bail	Ané van Zyl	Netwerk 24
23-Aug-22	A British man who allegedly defrauded members of the public and tourists out of thousands of rands and damaged property has been released on R30 000 bail.	Die Burger	DIE BURGER / Netwerk 24
17-Dec-22	Brit arrested again after bail of R30 000 for the same rental scam	Maygene de Wee	Netwerk 24
14-Jan-23	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions	Carin Smith	News 24
*Jan 2023	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions	Ground up	Ground News (taken from New24)
02-Feb-23	Case adjourned against Briton who rents, and re-lets houses	Maygene de Wee	Netwerk 24

I understand that News24, Netwerk24 and Rapport are all part of the Media24 group of companies.

I am not a legal professional and I have drafted my complaint based on the procedures I have read on your website. I apologise if my complaint is amateurish or omits anything that may be needed. I will do my best to explain.

Media24 played a fundamental role in the campaign against me<sup>4</sup>. A campaign that included extraordinary criminality and corruption<sup>5</sup>

Other than procedural matters, for example, court dates or confirmation of getting bail, every statement of fact in the numerous articles that span the six-month period of August 2022 to February 2023, is false<sup>6</sup>.

Not just incorrect, but entirely fabricated<sup>7</sup>. And I can prove every statement is a fabrication.

I do not believe that simply adding in "according to" or "allegedly" indemnifies, excuses, or excludes a publication from responsibility for articles that are so demonstrably false and libellous.

Keith and Inge Broad hired the private investigator Wouter de Swardt to take back their property once I had spent millions transforming it and to do so by any means possible. In doing so Mr de Swardt used connections within SAPS and would seem to have induced, deceived, persuaded Media24 to assist. As I go on to say, I cannot know how he did this, whether he had them convinced I was as he portrayed and managed to manipulate a series of articles to assist in his goal.

The purpose of the articles was to legitimise the scam narrative and assist the owner of 16 Leirmans Road in his attempts to take back the property. Having induced and deceived me into taking out a lease so I would transform the property, adding millions to its value. In return, I was to enjoy a five-year lease, recoup my investment of time, money, and expertise, and eventually turn a profit.

There was no intention to allow me to remain beyond the period of time it took me to refurbish his property. At which point the plan was to remove me and sell the property for many millions more than it had been worth as is evidenced by the fact that Mr Broad had the property listed for sale within days of arrest, for R13 million more than its valuation just a year earlier.

<sup>4</sup> [Summary of the R200 million campaign](#) – the main document cataloguing the campaign

<sup>5</sup> [Corruption & Criminality: The Weaponisation Of The State For Personal Gain](#) – document cataloguing the corruption and criminality masterminded by Mr de Swardt on behalf of his clients, the landlords.

<sup>6</sup> [Keith Broad Lies & Misinformation.](#)

<sup>7</sup> [Application For The Admission Of Oral Evidence To Expose The Industrial Scale Perjury](#)

Further, as a result of the transformations, rental values per day had tripled, and occupancy rates had tripled, making an average increase of 900% based on the rents the landlords were previously achieving.<sup>8</sup> Over the life of the leases that equated to a premium of over R150 million. At its heart, the motivation for the campaign was for the landlords to steal that premium and benefit from the capital value increases now rather than in five years' time.

Considering I had undertaken and funded all of the improvements, and Mr Broad had neither undertaken nor funded any of them, the main premise of the articles that I had caused significant damage to the properties is demonstrably false. As is evidenced by both the price increase of 70% a year earlier and the photographs from before and after my transformations, as well as the more than one hundred thousand photos I took throughout.

I have spent the last sixteen months, 18 hours a day, every day, researching, investigating, and drafting. And there are thousands of pages amongst the folders and files, proving every one of the statements that I have made are true. Inversely, every one of the statements made by Mr de Swardt, Keith Broad, Inge Broad, Ragi Moonsamy, and their attorney<sup>9</sup> et al are fabrications, and fabrications with a purpose.

A very small selection of this is contained within the documents I am providing; I can provide as much as is needed on any one of the issues should that be necessary.

The index documents contain links to over two hundred folders and files<sup>10</sup>. But to avoid overload, in my outline of the complaint, I have focused on the fundamental issues behind the complaint.

In addition to the fact that the publication published wholly fabricated information, that information was extraordinarily damning and therefore damaging in every conceivable way. Financially, reputationally, emotionally,

The publication aided a wholly criminal and corrupt enterprise, with Mr de Swardt/Investigating Officer Sergeant Stevens instructed and paid by the landlords, with the explicit aim of taking the properties back. This is detailed in the various timeline documents, which outline the chronology of the campaign, the crimes, the corruption, the attacks and the use and abuse of the media<sup>11</sup>.

That Media24/News24 knew it was aiding Mr de Swardt I have no doubt, that it knew of the criminality and corruption, I cannot know or comment. But unlike a private individual, as a journalistic enterprise, there was a duty of care, as well as a professional obligation and moral requirement to verify the sources, the motivation, the veracity, and the credibility, of the people and of the information.

And on these obligations, I am certain they did absolutely nothing.

What I cannot know or prove beyond all reasonable doubt is whether Media24 were

- A. duped into assisting and thereby negligent in their conduct,
- B. whether their complicit role was in the full knowledge of the motivation and interrelated nature of the issues but with no knowledge of the criminality and corruption, and therefore negligent and in breach of all codes of ethics journalists work to
- C. or whether their complicit role was in the full knowledge of the motivation and interrelated nature of the issues and with further no knowledge of the criminality and corruption, and therefore acted criminally.

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<sup>8</sup> [Rental Incomes Before and After](#)

<sup>9</sup> Johan Victor is the attorney representing the landlords and misrepresented himself as representing the "victims"

<sup>10</sup> [Index Of The Folders With Links](#)

<sup>11</sup> [Timelines, a chronology of the campaign, corruption, criminality and attacks](#)

I genuinely hope it was the former, A.

Although the facts certainly suggest it was one of the latter two, B or C. these facts include but are not limited to:

1. WDS<sup>12</sup> has enjoyed a close working relationship with News24 for some years and has appeared in or authored a number of articles.
2. It is clear from the content that this was not simply negligent reporting. The fact that 100% of the statements of fact are false, across 6 different articles, by at least four different journalists, cannot be excused as sloppy journalism.
3. The fact the articles were 'written' by four different journalists also suggests some direction from someone senior at the publication.
4. There appears to be no due diligence undertaken, and no research of any kind. What could purport to be research or information was provided by Mr de Swardt and his client Inge Broad<sup>13</sup>
5. The question is therefore what kind of relationship he enjoys with News24, such that multiple otherwise unconnected journalists can accept research passed to them as fact, without verifying any of it.
6. The one connecting factor across all the articles is the key role of Mr de Swardt.
7. The articles do not even attempt to disguise the fact that they are character assassinations.
8. No balance of any kind has been attempted.
9. The articles were only ever published where the news could reflect badly on me.
10. No articles were ever published when the news would reflect well on me.
11. Similarly, no follow-up to the damning articles was ever published.
12. When I contacted News24 in the hope of engaging them so that dialogue would enable me to demonstrate the false nature of their articles, that approach was rejected outright.
13. The reasons given for that rejection were also false. Based on the circumstances - the reasons were false; based on the law - the reasons were false, and based on their previous conduct - the reasons were false

If the publication was a university paper, run by students with no experience or resources, and no codes of ethics to adhere to, then it would be possible that such articles were the result of multiple failures on the part of the 'journalists,' as well as extremely negligent journalism.

But Media24 is South Africa's largest publisher of news. It is extremely well-resourced and staffed by professional journalists with the means and ability to thoroughly research every story, as well as anything submitted to them. So, another question is why in the case of these articles did they fail so completely to do that?

Had they, it would have become very clear that something very sinister was afoot.

So, while I cannot prove News24 were aware of the context, background and real motivation of Mr de Swardt and his clients, they were certainly obligated to make themselves aware, and knowingly or not, they were complicit in aiding a highly illegal, immoral, and corrupt campaign.

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<sup>12</sup> [WDS, The Man, His Methods, The Crimes And The Corruption](#)

<sup>13</sup> See the court papers showing Inge and Keith Broad were the clients of Mr de Swardt

With the exception of the help Mr de Swardt received from 'friends' within SAPS, Media24's role in the campaign was the most significant and the most effective stratagem.

A stratagem that continues to reward their criminality even today.

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## THE USE OF THE ARTICLES

[This is also covered in the section below entitled "[THE CONSEQUENCES OF THE ARTICLES](#)"]

What my approach to News24 made clear, was that the motivation for the articles was not simply to ruin me, financially and reputationally, but that the articles had a very specific purpose. To aid in the malicious prosecutions, to aid in the illegal arrests and wrongful imprisonment, and to aid in the various attempts through the civil courts to take back the property

And Media24 knew this. While they may or may not have known of the true motivation behind the articles and the use those articles would have, they knew I was in litigation with the landlords, they knew we were fighting each other on various fronts, they knew the first arrest was the result of allegations made by the very same landlords, including the landlord they gave such a prominent role in the 14 January 2023 article, they knew the articles would represent a considerable 'win' for those same landlords, bolstering their various efforts, and inversely significantly damage me and mine.

Media24 also knew that Mr de Swardt, as a 'professional private investigator', was working for and on behalf of those same landlords. As such, again, while I cannot prove they knew of the criminality or the true motivation, it is self-evident that Mr de Swardt was working to advance the aims of his clients. Those same clients were given such a prominent role in the articles and in the so-called witness testimony.

The articles were not presented to them by some unconnected party, the articles were not motivated by some well-meaning whistle-blower, and the articles were not the result of independent research being undertaken by one or more of the journalists.

The articles and their content were brought to the publication by Mr de Swardt, the information was provided by Mr de Swardt, the context was framed by Mr de Swardt, the "witnesses" were provided by Mr de Swardt, and the entire exercise was managed by Mr de Swardt.

As Media24 knew that the clients of Mr de Swardt and I were in conflict in multiple arenas including the civil and the criminal courts, as an absolute minimum, there was a fundamental issue of bias, and logically there was the equally important issue as to motivation.

And yet Media24 felt there was no need to even superficially seek any balance, to undertake any due diligence, let alone seek to independently verify the information. Every person interviewed was those proposed by Mr de Swardt, and all of those were either his clients, their attorney or the specific SAPS officers working for Mr de Swardt/Investigating Officer Sergeant Stevens.

If a politician or their paid private investigator brought a story to the newspaper that was highly damaging to their rival, would the publication simply print the lies on mass? Would the publication include interviews with only those people put forward by the politician or their private investigator? Would the publication make only superficial attempts at obtaining comment? Would the publication make no attempts at balance? Would the publication only publish a whole series of articles, when the rival politician was unable to reply and failed to seek comment when he was? And would the publication reject the approaches of that politician when he sought to open a dialogue?



Were a publication to do any of the above they would be severally sanctioned. In my case, they did all of the above.

I have enclosed the index of folders and files, and below I have highlighted some of the most relevant. I appreciate that the Press Council's role is not to adjudicate the rights and wrongs of the campaign against me, but I feel bound to demonstrate that the allegations within the articles were fabricated, and of course, I am unsure how much information and evidence is necessitated by that task.

It is also my hope that in filing this complaint and in supplying the information, if in fact Media24 were duped and deceived by Mr de Swardt/Investigating Officer Sergeant Stevens and his clients, as SAPS were, as the NPA was and as they HAD was, then reading the material will enable them to see that.

While that does not excuse their very significant breaches of the Press Code, it may at least bring them to the realisation that Mr de Swardt/Investigating Officer Sergeant Stevens may have succeeded in portraying himself as a professional law-abiding private investigator, whereas he in fact a criminal, responsible for a campaign of astonishing corruption and criminality, responsible for causing me losses in the tens of millions, for making his clients as many tens of millions, and responsible for creating potentially hundreds of victims<sup>14</sup>. As well was responsible for five illegal arrests of three different people, three wrongful imprisonments of two different people, industrial-scale perjury and obstruction of justice. It is Mr de Swardt/Investigating Officer Sergeant Stevens, his clients and SAPS that should be the focus of Media24's investigations and expose.

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## **CONVENIENTLY AND INTENTIONALLY IGNORING EVENTS, DEVELOPMENTS, INFORMATION**

One of the things which stands out is the selective reporting. For example, reporting the August arrest but not reporting the withdrawal of the charges, reporting the granting of bail but not the magistrate's scathing attack on the case itself, reporting the visa issue but not reporting that cross-examination exposed the fact that the Investigating Officer was in possession of my passport and had been for months, since its theft by those same landlords, reporting the bail amount but not the details of the protracted bail application that included the investigating Officer failing to attend the storage unit as directed by the magistrate. Or for that matter reporting the arrest<sup>15</sup>, but failing to report it was illegal and the product of a malicious prosecution.

In December, reporting the arrest, but not my release on bail, reported my being sent to Pollsmoor but did not report when the charges were thrown out by the prosecution the moment they saw them, reporting the visa issue but again failed to report the Investigating Officer had had my passport from before the first arrest and still had it to that point, to make a visa extension impossible, reporting negatively on my visa status implying it was intentional but failing to report when the Senior Public Prosecutor threw out that charge to on receipt of Representations.

Would a publication report a politician losing one election but fail to report them going on to win another? Would a publication report a politician losing an election and lodging a complaint about the veracity of the result due to alleged interference and then fail to report the outcome of that investigation? These are two sides of these coin just as they are the two sides of a story. But in every case, Media24 reported only the side that painted me in the worst possible light.

It is alarming that the articles run as if an ongoing story. Yet Media24 managed to skip all the chapters that demonstrated the false nature of the charges and the allegations and to as well as focus on only the chapters that maintained the discredited narrative.

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<sup>14</sup> [WDS, Saps, Consortium's, Abhorrent Plan To Create Victims In The Absence Of Real Ones. Post December Arrest](#)

<sup>15</sup> The articles incorrectly refer to that arrest as being for fraud when it had nothing whatsoever to do with fraud.

I should point out that by discredited I mean in terms of facts, of the court appearances and of every occasion the narrative was tested. However, in terms of the public narrative, for which News24 are entirely responsible, the narrative remains wholly intact, and is extremely defamatory and exceptionally damaging.

But Media24 chose to publish not one story, but half a dozen and over an extended period of time. This clearly creates a narrative and a series of stories. Where it would not be unreasonable to expect a beginning, a middle and an end. But in the case of Media24, there was only the middle, and that middle was a highly selective period. A period that could be misrepresented in the most damaging way possible.

And crucially, the articles were only ever published when Mr de Swardt was actively motivating them, and when they had very real and either current or imminent purposes.

When the goal had finally been achieved, by removing me and railroading the appeal through without me as an opponent, the series of articles ended. As soon as the articles had served their purpose, there were no more articles.

There are so many relevant facts like this that would make the defence that these are coincidences very unconvincing.

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## THE DESIRED OUTCOMES

I seek the maximum possible sanctions, including a genuine apology, the retraction and correction of every false statement contained within the articles.

The response of the publication will indicate whether there is any real contrition and will also help answer the question of whether they were intentionally complicit or whether they were duped into being complicit. **The truth justifies being reported. Apologies and retractions will not undo the damage done. Only publishing the truth will.**

I have now read hundreds of articles published by the same publisher, and while I acknowledge I may be biased, I have come across one that is as negative and damning as those about me.

How does an apology, no doubt not published in the same prominent position, even begin to do justice for not just one but six articles, and moreover six articles that have been available online for two years?

Articles that the publication had the opportunity to retract and correct a year ago when I first approached them.

Articles published in both Afrikaans and English

A search for my name brings up article after article by news24.

And those articles have spawned others. Others are based entirely on the content of News24.

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## LITIGATION FOR DEFAMATION

When answering the question about future litigation, I can confirm that at present there is no litigation underway or prepared in regard to the defamation. The reason I cannot state that there will never be litigation after the decision of the Press Council is that it is a decision that depends very much on the response of Media24.

My strong preference is that complaining to the Press Council brings a satisfactory solution and closure.

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I can say in all honesty, that it is not my desire to pursue litigation against Media24. I have quite enough battles on my hands, and with litigation likely against the state (illegal arrest, malicious prosecution, wrongful imprisonment and the systemic corruption that enabled Mr de Swardt/Investigating Officer Sergeant Stevens to weaponise the state) as well as the Mr de Swardt/Investigating Officer Sergeant Stevens and his clients, and potentially criminal charges being laid against them as well, I would much prefer not to enter into litigation against Media24.

As mentioned, my motivation and aim of the complaint and in compiling the evidence is to get as much of the truth into the public domain as possible. The only way that will happen in any comprehensive way would be for Media24 to investigate and publish the truth and do so willingly and enthusiastically. My hope is that on seeing the evidence, if they have been duped, then their journalistic integrity would drive them to do so.

If, however, they refuse to accept their very significant misconduct and only comply with the absolute minimum letter of any sanction, particularly if that means insignificant apologies, with the end result of having changed no one's mind, then it would be unwise to rule out litigation, if that proves the only way to have the public narrative changed as fundamentally as it needs.

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## **PRIVACY, DIGNITY AND REPUTATION**

Media24 did not feel it necessary to investigate any of the matters presented to them before destroying my reputation, probably irreparably so.

I was very proud of the collection of properties I had worked so hard to create and worked my life to be able to do. Any examination of the thousands of photographs will demonstrate what an achievement that was, and how unique and special the collection was. Precisely the reasons the landlords set about stealing it from me.

In the space of a year, based on thirty years of experience and hard work I have created a wonderful collection of highly desirable luxury residences that were in exceptional demand by overseas tourists. And because of the significant investment at the beginning, this resulted in annual rent rolls of R25 million on a cost base of just R5 million.

Rather than lauded or applauded for this achievement it was misrepresented in the most extreme way possible as some sort of a scam. The absurdity that anyone would a) need to scam when they had created a near self-managing gold mine appears lost on Media24, b) the equal absurdity that anyone would destroy the goose that lays the golden egg by committing a handful of scams to in theory generate a few hundred thousand rand when on even a conservative estimate I could and would have sat back and banked profits of R20 million a year seems equally lost on Media24.

The fact that they published such absurd statements, for example, that I had scammed R32 million in the preceding year alone, demonstrates they did no due diligence. Working on the basis of our own data, with an average booking of R40,000, and an average stay of three nights, that sum would mean I had scammed over 800 bookings, and with an average group size of twelve, that would equate to 9,600 defrauded guests. Putting aside the fact that not one single defrauded guest has ever been found, the sheer volume of defrauded guests that such a figure would result in, would a) have altered even the sloppiest journalist to the possibility the information they were being fed was false and b) enabled even the sloppiest journalist to verify such a claim because of the evidence a scam of that size would inevitably have left

With almost ten thousand scammed guests the amount of online content, reviews, complaints to platforms, complaints to banks or credit card companies, to police, the amount of chatter in online forums or articles in other publications would have been absolutely enormous.

Scamming even a handful of guests will leave a footprint. Scamming ten thousand guests would leave a footprint akin to a stampede. And yet, in the absence of any such footprint, and with the only “evidence” of scamming provided by the private investigator who was working for the landlords/interviewees, it defies belief that the articles were published with content mirroring Mr de Swardt’s allegations almost verbatim.

Moreover, I believe it is an irrefutable point that the content of the articles was so extreme and the allegations so damaging, that the consciousness of publication was not just inevitable and foreseeable but guaranteed.

It was therefore the absolute duty of the journalists and Media24 to check and verify the information they were provided very carefully before publishing. And before publishing again, and again and again.

Not only did they not do that they chose to ignore development that would have given any reasonable or professional journalist concerns or reason for pause and doubt. When I was granted bail in august, the magistrate’s scathing summing up and call for an investigation, the withdrawal of the charges a couple of months later, my wins in the civil courts, the withdrawal on first sight of the charges related to the December arrest, my bail in that matter, the withdrawal by the SPP of the bogus immigration charge. None of these key events seems to have resulted in Mdia24 rethinking its approach or revisiting its articles.

And that is not all the publications ignored. It ignored the dozens of extremely positive reviews, the 10.10 reviews on booking.com, the 5/5 reviews on Airbnb, the fact I enjoyed Superhot status from the first quarter to the last of having the Airbnb profile, that I enjoyed preferred partner plus status on booking for the entirety of the account<sup>16</sup>.

There was so much evidence even without contacting me that would have alerted a journalist at the very least to the fact something was amiss.

And when I say without contacting me, the fact that they made no real efforts to do so, only ever putting the call into an attorney when I was in Pollsmoor prison and unable to respond and failing to make any attempt to contact me in the many months I was not in Pollsmoor, again, implies something very nefarious.

The rejection of my approach, and the reasons given for that rejection, suggest it is not unreasonable to wonder if there is something sinister about the report or the relationship between the publication and the mastermind of the campaign.

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## **REASONS FOR SUBMISSION NOW**

There are several reasons for the submission of a complaint now.

1. I was unaware of the Press Council until earlier this week when a journalist mentioned the organisation and recommended, that I submit a complaint. The suggestion was in response to my comments about the difficulty in getting the truth into the public domain when the only public narrative that exists is one where I am a fraudster.

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<sup>16</sup> Which considering even one complaint would have resulted in that being removed and the account closed would have been a very significant alarm bell that the information they were being provide to publish was false

2. As a result of the illegal conduct of Mr de Swardt/Investigating Officer Sergeant Stevens and his clients I was in prison when every one of the articles was published. Of serious concern in and of itself. The last article I am aware of was published on 2 February and it was not released until 14 March 2023.
3. I was not aware of the articles until sometime later when they were pointed out to me.
4. I tried to make a very reasonable approach to News24 which I had perhaps naively expected would be taken up.
5. Because a significant part of my complaint relies on the fact that the content is wholly inaccurate and further that it is fabricated, it has been necessary for me to research, investigate and draft sufficient information to prove those points. The amount of information is enormous, running to thousands of pages and has taken a considerable amount of time, as it is only myself doing so.
6. Further, as Mr de Swardt/Investigating Officer Sergeant Stevens had all of my devices, equipment, hard drives, data and documents seized in December and despite the charges being withdrawn, despite the direction of the magistrate to return them, despite the fact it is highly illegal to still retain that equipment, he has ensured that as at today none of it has been returned to me. Precisely to thwart my attempts to get the truth exposed. I have therefore had to pull everything together from secondary sources which has been an extraordinarily time-consuming exercise. To have submitted a complaint without answers to every possible question and evidence to prove my allegations would risk failing, and the matter is far too significant to risk that.

I had hoped to have had the items returned to me by now, so I could access the wealth of evidence on them, but I have resigned myself to the fact it will require a court order. As such, I have accepted also I must work with what I have and cannot delay in the hope saps will comply with the law.

7. Had I submitted a complaint without such information I would have been at risk of allowing Media24 to dismiss my attempts by portraying the allegations and content of the articles accurate?
8. A reading of the material will demonstrate the effort and resources Mr de Swardt/Investigating Officer Sergeant Stevens, and his clients have invested in removing me from circulation, including the multiple illegal arrests of myself and others. Including the illegal arrest of Ollie Sokanyile, out of spite and revenge. I genuinely fear for my safety and liberty when Mr de Swardt/Investigating Officer Sergeant Stevens becomes aware of my efforts to get the truth into the public domain.
9. I was advised that until such time as I had reported the various issues pertaining to the criminality and corruption, **(for example IPID, PSIRA, the Minister of Police)\*\*\*** that it would be safest not do anything that may result I Mr de Swardt/Investigating Officer Sergeant Stevens trying yet another attempt at an illegal arrest, having demonstrated repeatedly they were happy to use arrest and detention for strategic advantage, that my leaving sufficient time between the withdrawal of the charges and beginning my own campaign to expose the truth, thus will remove such a tactic from their armoury, as they cannot now create yet another malicious prosecution some two years after I last had possession of the portfolio.
10. As per the contact form provided, I have now submitted letters and complaints to the organisations and people listed below. Although still very exposed and vulnerable to another attack, I cannot wait further for the various investigations into Mr de Swardt/Investigating Officer Sergeant Stevens, SAPS etc to conclude and for penalties to be applied or charges laid.
11. I had hoped that at the very least the PSIRA investigation would have concluded by now and Mr de Swardt would have been stripped of his PSIRA membership and PSIRA laid criminal charges. This has not yet happened, although I remain hopeful that it will.

**Mr de Swardt/Investigating Officer Sergeant Stevens has proven himself willing and capable to use the most extreme measures to achieve goals. If he would put an innocent man in prison, twice in my case and the once in the case of ollie simply to get himself strategic advantage for his clients, you can imagine what he would be prepared to do to avoid publication of the truth, or the potential of criminal charges and prison,**

12. Crucially, I find myself in a Catch-22 position. I had hoped, and arguably for my safety needed, the various bodies responsible for investigating corruption and criminality to have investigated and concluded their investigations, and the appropriate penalties applied.

That would have removed the credibility of Mr de Swardt/Investigating Officer Sergeant Stevens, as well of much of his access to power, influence, and the state, and by definition I would be in a safer position to extend my attempts including tackling the defamatory articles. However, as has been pointed out to me on a number of occasions, until those defamatory articles are addressed, removed, apologies and retractions issued and ideally the truth published, I would find it almost impossible to motivate those organisations into investigating the corruption and criminality.

In the main because as soon as I contact anyone or any organisation, even the most cursory research mentions these articles and I am immediately dismissed as a scammer, a fraudster, a con artist, and my attempts to motivate investigations appears to be an attempt to distract from that.

Which means the articles have served their purposes very well, by painting me as the villain and the landlords as the victims, and I now find it extraordinarily hard to get anyone to take me seriously, and by virtue of the scammer narrative, everything I say, do or provide is treated with scepticism or cynicism.

Until such time as those articles are removed and corrections issued it is impossible to even attempt to rebuild my life.

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## THE CONSEQUENCES OF THE ARTICLES

It is almost impossible to convey the damage these articles have done. I have tried by way of a brief list below which includes some, but by no means all, of the effects these articles have had on myself, and every aspect of my life.

### Their purpose in the civil courts

The illegal arrests, the wrongful imprisonments, were used for strategic advantage. To disguise what were illegal evictions. For example, on 14 December 2022, both 32 Fisherman's Bend and 16 Leirmans Road were illegally taken back by the landlords, and with no court order.

In addition, Keith Broad timed the instruction to arrest with the submission of his appeal to overturn the 5 December decision to allow oral evidence, thereby postponing the matter to April 2023. aware his case remain extremely weak, that his submission were almost entirely either fabrications or misrepresentations, and unhappy to wait, the arrest and detention allowed him both to consolidate the illegal eviction of 16 Leirmans Road and railroad through the appeal with no opponent.

When the matter was heard the News24 articles formed a major part of the court bundle. Using the articles to portray me as a thoroughly bad tenant, a scammer, to destroy my character and to create a picture in the judge's mind that Keith Broad was the victim, and I was the villain.

This was one of the key purposes of motivating the articles. Because it allowed for what I call **the laundering of lies**. Effectively washing lies clean enough they could be accepted as the truth. And this required recycling them through various mediums, the Media24 articles were the primary example.

Keith and Inge Broad have repeated the same lies since the beginning, in an attempt to hide their plan to motivate me to lease then renovate the property so they could take it back, the spread multiple untrue allegations. These included that there were significant rent and utilities arrears from the start and throughout, that they neither knew of or gave consent to the renting out of the property, that they neither knew of or consented to the refurbishments and that in fact the refurbishments were tenant damage. (the same refreshment that they feature front and centre in the sales and lettings literature and are solely responsible for the property price nearly doubling in a year).

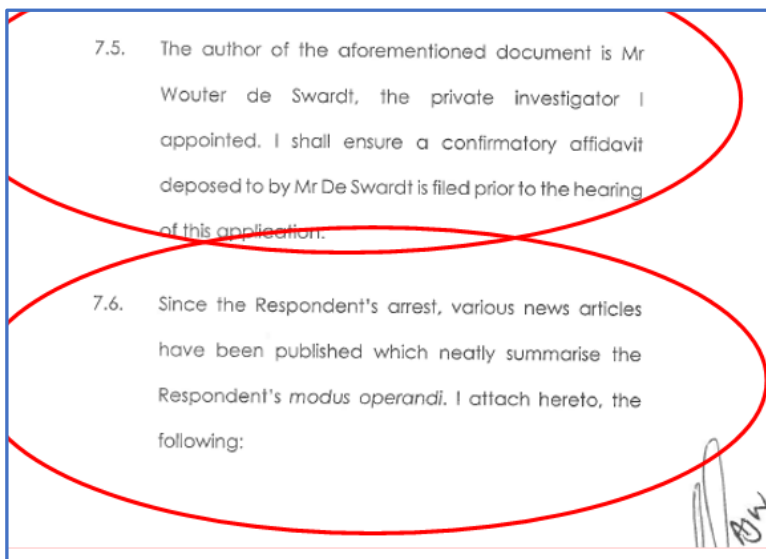
So, to give the lies legitimacy and credibility they motivated and then fed the articles, with the same lies. Being clever to leave out Inge's surname and then when the time came for the attempt to push matters through the courts when I was incarcerated, these were presented to the judge as evidence of the claims. Omitting to mentioning it was Keith's private investigator Mr de Swardt/Investigating Officer Sergeant Stevens who was responsible for the publishing of the stories, it was Keith's wife who provided the fabricated answers during the interviews, it was Keith's their attorney who provided further misleading information.

Precisely the same strategy was followed with the criminal cases, where the charges were laid by the very same Keith Broad and Inge Broad, as well as those executed by WDS. Using phrases like "it has come to my attention that...."; "I am led to believe ....", as if entirely unconnected with the matter for which he was introducing evidence for.

This brazen strategy is highlighted by the introductory comments: **"I believe it prudent to address the events which have transpired since the last date this matter was enrolled for hearing (8 November 2022), which events are directly related to the purpose of this application and the relief sought by the First Applicant. It is further necessary to place these events before the Court considering the content of the affidavit under reply. 7.1. On 14 December 2022, the Respondent was arrested for a second time and is, at the date of this affidavit, imprisoned in Pollsmoor."**

Failing to mention the arrest was organised by the same Keith Broad and executed by his private investigator Mr de Swardt/Investigating Officer Sergeant Stevens OR that the first arrest was the result of a malicious prosecution by his wife Inge Broad, which had subsequently been thrown out and where the magistrate had called for an investigation.

The lies told.





7.6.1. IOL Article titled "I almost got scammed by Darren Russell – the alleged Cape Town Airbnb swindler" dated 16 January 2023, marked as "KB4";

7.6.2. News24 Article by Carin Smith titled "Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions" dated 14 January 2023, marked as "KB5";

7.6.3. Netwerk24 Article by Maygene de Wee titled "Brit wéér in Kaap aangekeer ná verhuurslenter" dated 17 December 2022, marked as "KB6";

The articles from News24 proved an extremely powerful tool, very much because it gave the impression of being entirely independent of and unconnected to Mr Broad

### **Their purpose criminal courts.**

Without repeating the above, the strategy was used in exactly the same way in the criminal proceedings by presenting the articles as actual evidence of scamming, criminality, fraudulent operation, malicious damage, rent arrears and thoroughly bad character. The fact that there was not a shred of evidence to support the allegations, and that Mr de Swardt/Investigating Officer Sergeant Stevens had proved himself very capable in fabricating and manipulating evidence to suit did not matter. Because it was published in respectable publications and had been published half a dozen times over an extended period, to the reader it was the truth.

The articles were used to motivate arrest, to justify it, to motivate objections to bail and to extend my incarceration.

### **Their purpose is to motivate R Moonsamy to join.**

The articles were used to motivate the one landlord not part of the consortium to join their efforts, as part of a plan to ruin my reputation and undermine the trust of everyone of any significance.

### **Relationships with family and friends**

For the same reasons, the articles have damaged pretty much every relationship I can think of. Because the articles are so damning, phrased in such a way that there is no room for doubt, with no attempt at balance or counter argument; because they were published by a respected publication; because they were published repeatedly, with each article online leading readers to the other article; because they were done in such a way as if narrating a story; because that's tory focus only on the months the news was bad for me and because the articles only published very selective details of those few months, I doubt there is a single reader who came away not thinking the contents were factual and not thinking I was a thoroughly repugnant human being

Importantly, the nature of the allegations themselves makes the power of the articles exponentially greater and the damage exponentially worse. By calling someone a scammer, conman, or fraudster, you sew doubt into the minds of even the most loyal, and you make everyone else view everything you do and say thereafter with almost insurmountable cynicism and scepticism. Because I was labelled a very clear and charming



scammer by WDS, even the most convincing argument I put forward is met with the attitude “Well you would say that” and “Yes, your argument and evidence are convincing, but you are a fraudster, it is your job to make people believe lies”

I do not feel these comments are in any way controversial. It is hard enough for example to convince people a story is false, if someone is falsely accused of hitting someone, shoplifting, drunk driving, whatever, but accused someone of being a fraudster, conman or scammer, then nothing that they can say or do that will change people’s minds. Especially when such a prominent publication has a whole series of articles that are so unequivocally damning,

**NB: My mother who is in her 70s, was diagnosed with lung cancer in 2022. I have not seen her since 2020, first due to COVID-19, then the theft and sabotage of my visa extensions, and currently due to the inability to get the Director General's replies. No matter how much love or respect a mother has for their son, to have read those articles undermines even the strongest bonds.**

**My mother is of a generation and attitude that people don’t go to prison unless they have done something wrong, that everyone in a position of power, whether the police, the media, or the state, do their job diligently, honestly and not lie. She is English, has only ever lived in suburban middle-class England and has never experienced the worst South Africa has to offer. She would not be human if added to the arrests and prison time the multiple articles by apparently multiple different publications and multiple journalists did not leave her wondering what kind of son she has.**

**It is my greatest fear that she may pass away before the truth is exposed.**

#### **Approaches in regard to laying criminal charges.**

In the same way, the articles have made almost every other task either considerably more difficult or impossible. One of the tasks that will need to be done will be laying of criminal charges. I have already been told I am unlikely to be taken seriously when doing so as a result of the articles.

#### **The inability to rent a home.**

Likewise, any application to rent a home almost always involves at least some use of Google, in which case an application would be rejected out of hand considering the content. And that is without factoring in that many estate agents will already be more than familiar with the articles.

#### **The inability to rebuild.**

Likewise, any attempt to lease a property in an attempt to rebuild what has been taken from me would be rejected out of hand. Who would rent a property to someone so publicly vilified and who had been found guilty by the publications of every cardinal sin a tenant can be guilty of, despite the fact every court of law has found the total opposite?

#### **Approaches to organisations charged with investing corruption.**

Likewise, approaches to the various organisations responsible for example for policing the police, for corruption, for investigating the role of the HAD employees, for corruption within SAPS, as well as those responsible for good governance and for ensuring those organisations do their jobs, are hardly likely to take someone seriously when those articles exist.

While the fabricated nature of the content as well as the motivation for the articles is dealt with in detail within the various folders and files, it would be unusual person that be prepared to read that much material, having no doubt first seen those articles.

Whether we like it or not, the first thing anyone does, potential employer, potential partner, or whatever, is to Google someone's name. the minute they do that whatever relationship I was looking to foster is dead in the water.

### **Approaches to attorneys**

This applies to attorneys when seeking one to take on the various lawsuits, for example against the state, APS or the individuals.

Regardless of how convincing the person is and how comprehensive the evidence a) the nature of the articles creates artificial barriers that must be overcome and b) the articles create an immediate cynicism that results in not getting to that point at all.

### **Further complicating my visa status**

And this too applies to the normalisation of my visa and immigration status. Because of the sabotage of the last few years, I must and indeed have applied to the Director General of Home Affairs, detailing the campaign against me, the intentional interference in my immigration status, the thefts of my passports and submitting a formal complaint about the dodgy affidavits. But as with all the above, I will first have to counter the scepticism the articles will undoubtedly generate.

As far as everyone is concerned, I am one voice, and that one voice has explicitly been classified as a crook, a scammer, a fraudster, and a clever and personable one at that. Versus the sight and reach of Media24 and the multiple articles by multiple journalists,

The number of articles and the number of journalists, disguise the fact that at its core the only narrative is that of Mr de Swardt/Investigating Officer Sergeant Stevens and Keith Broad, the only evidence is their words, and that "evidence" is entirely false.

### **Loss of my home, business, and income**

While not solely responsible, the two factors that made the impossible possible, i.e. enabling private individuals to commit serious crimes with impunity were the role of SAPS and Media24. It is possible if not likely the campaign would have failed without the assistance of either. The creation of the scam narrative in the minds of everyone was absolutely critical and crucial to the success of the campaign.

Aside from the goals of the campaign, the cost to the business in lost bookings and cancelled bookings runs into the millions. Would anyone book a villa through someone multiple news publications that had written articles about scamming, guests, taking guests' money, damaging properties, squatting, and defrauding R32 million? Absolutely not/ so from the point of the first article right through the losses were enormous. In some sense hard to quantify as it is impossible to know what business you have lost by virtue of the fact it does not come to you.

Certainly, many guests cancelled and explicitly referred to the articles as the reason.

And where I ever to try to rebuild the collection, aside from the impossibility of getting an agent to lease me a property, how would I get guests to book with articles of that nature either published or findable?

### **My personal life**

The same theory applies to my personal life. I can predict with complete accuracy the path any new relationship will take, no matter how well it may be going, no matter how great the dating, the minute someone googles my name and sees those articles it's game over. Regardless of whether I have briefed someone beforehand or not. Again. Because of the credibility of the publications, the broad spread of the articles and the absolute and confident nature of the phrasing and content

### **My dignity**

There are few more humiliating things than being taken away in handcuffs in front of people and in front of the media. But the one saving grace of that is that as painful as that moment is, it is only a moment. But when that is then published including the photograph of that moment and a blow-by-blow account, and that content is then seen by millions of people, including those whose opinion means something, the humiliation is permanent and does not go away.

### **My reputation**

The above, below and attached address the issue of reputation and the effect on reputation that was foreseeable and inevitable when Media24 decided to publish the first article., the second, the third, the fourth, the fifth and the sixth.

### **My attempts to expose the truth.**

As above, I can only reiterate the same points and rationale.

### **The many actual victims**

While it may not have been the intention of Media24 to create victims, other than myself, their conduct has done precisely that.

Long with the SAPS officers, it was the single biggest asset in the campaign and of all the originations involved, whether duped or complicit, by far the most damaging in its effect.

In the document “The Real Victims of the Campaign”, I go into more detail about the hundreds of victims the campaign created, some intentional, some as acceptable collateral damage. These articles made the campaign exponentially more successful, and I would argue the campaign would have failed without them, then the publications and the articles must accept responsibility, at least in part for the victims created by that campaign.

Including those it frightened into cancelling, those it caused to worry about their booking until it had been completed, and those scared into believing the lies told by WDS, Keith Broad, and Paula Disberry that they would serve ten to thirty years in prison if they didn’t testify to scripts written for them and sign witness statements drafted for them

### **Including those that were intentionally created by the post-arrest plan - aided in significant part by theatricals’**

Including, those guests WDS, Inge Broad, Keith Broad, R Moonsamy and the corrupt SAPS officers turned into victims by intentionally failing to inform the platforms of the change of control so they would continue to show up. Mr de Swardt pointed the guests towards the articles to provide proof and credibility to his lies about the scam and his lies about there being no available route for guest to recover their losses. Despite the fact that there were several such routes.

### **Enhanced rewarded and consolidated the crime and corruption.**

What the articles have also done is provide those\ who committed the crime and were responsible for the coroutine protection from investigation and from the consequences of their actions.

It has rewarded their criminality and made my ability to expose the truth almost impossible. It has allowed them to do the most immoral and repugnant things and avoid any blame, instead laying the blame firmly on me.

### **The media**

Any new reporting of the campaign or any facet of it will start from a position of that narrative. Only the most dedicated, diligent and hardworking journalist would put the thought and time into digging deep enough to learn the truth.

As such, any media coverage in the process or yet to come will take that narrative as the base and that will inevitably although unfairly influence the outcome of any publication, article, or program.

Rather than having the advantage of the truth when telling my story, I have the disadvantage of first having to overcome all of the articles, the inevitable assumptions, and the credibility gap between my version and the (false) but apparently credible published version.

Even the article “I almost got scammed by” was spawned solely because of a reading of the Media24 articles, which led the journalist who had not been scammed to assume he had almost been scammed.

It is hard enough to battle against articles based on fabrications, but to then have to battle articles based on the premise that someone was almost scammed because of these fabricated articles is like fighting one’s own shadow.

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It was very clear at the outset, that Keith and Inge Broad could never risk the truth of their plan being public. As landlords they had a tenant who had paid all their rent in full and on time, paid all their utilities in full and on time (R1,100,000+ at the time of the first illegal eviction), had been a perfect tenant, and had spent millions on the property transforming and improving it beyond recognition. A tenant they had induced into doing so on the promise of a five-year tenure to recoup the outlay. If it became known that they had planned this from the start and planned to take the property back once the works were completed from the start, they would be seen as thoroughly vile human beings.

As such, the building of the scam narrative was essential both to propel and enhance the campaign and to do so in a way that made them look like the victim and me like the villain.

And that was achieved as a result of the article published by Media24.

The articles are a word-for-word repetition of their allegations. Allegations that were fabrications that media24 legitimised and gave credibility to

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And all of the above were both foreseeable and inevitable. Yet Media24 felt no compunction or reservation in publishing “facts” as handed to them. handed to them by the private investigator of the people I was in the middle of a very public war with and using those same people as witnesses and interviewees presenting them as credible, independent, and unconnected, when they were the very opposite.

And to do so with no due diligence, to keep doing so, to keep doing so when there were many red flags (including the charge being withdrawn the summing up of the magistrate, the Investigating Officers admissions, perjury and failures, charges thrown out, dockets kept artificially alive, charges discredited and clearly false). Ignoring those red flags and going to the next article.

When the victim of this reporting approaches them in a very polite, friendly, and professional manner asking if they would engage purely so he can provide information he thought a professional publication would want to see, they reject that approach and do so for reasons that cannot have been true.

As I have said throughout it is possible that Mr de Swardt was able to deceive the publication into believing his version of events and able to hide the real motivation and his and his client's true aims. While that does not excuse the conduct of Media24, it may go some way to explain how a reputable and well-regarded publication can have been so complicit in a criminal enterprise. And to such great effect.

If that is the case then I imagine Media24 would be right furious at being used in such a way. But that is a matter for them. although a matter I am happy to provide whatever information they may require to satisfy themselves with the accuracy of every statement that I have made.

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In finishing, I was unsure of what form the complaint should take. **So, I have made comments below the relevant sections of the Press Code. [“BREACHES OF THE PRESS CODE OF ETHICS AND CONDUCT”](#)**

**“2. News24 Media24 Defamation And Their Refusal To Engage. Article Analysis”**

This includes a full analysis of each article and includes some of the links to evidence-related files. The analysis was written sometime prior to contacting News24. Since that time considerably more evidence has come to light, but the analysis is already long enough without making the document even longer.

As mentioned, I am absolutely confident I can supply as much information and evidence as may be necessary to substantiate every statement I make and to disprove every statement within the News24/Media24 articles.

**3. News24 Media24 Article of 14 January 2022. Interview with Inge Broad (Client of Mr de Swardt). Fabrications Inc. Damage and Arrears**

An analysis of the statements made by Inge Broad (the client of WDS) in the articles.

**4. Media24/News24 Addendum. Various additional documents**

Additionally to this to keep the size of the other documents suitable for emailing are a selection of other related documents.

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If I have made any errors or need to make adjustments, I am happy to do so.

In the interim, I thank you for your time and attention in this matter.

Yours sincerely

Darren de Rodez Benavent Russell  
0795481226

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**\*\*\* LIST REFERRED TO ABOVE**

**IPID**

Complaint filed April 2023 with the Chief Executive

**PSIRA**

Senior Investigator Eddie Booyens handled the complaint.

**PREMIER WESTERN CAPE. ALAN WINDE**

Western Cape Premier: Mr Alan Winde

Media Liaison Officer: Regan Thaw

Chief of Staff: Ms Tammy De Decker

Western Cape Director-General: Dr Harry Malila

Head of Office Director-General: Mr Robert Shaw

***\*\* Robert Shaw and Regan Thaw handling the complaint***

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## **DIRECTOR GENERAL OF HOME AFFAIRS**

Director-General: Livhuwani Tommy Makhode, Mr.

Deputy Director General - Civic Services: DDG Thomas Sigama

Acting Deputy Director General - Immigration Services: ADDG Modiri Matthews

Deputy Director General - Counter Corruption & Security: DDG Adv. Conny Moitse

## **MINISTER OF POLICE**

Senzo Mchunu

## **WESTERN CAPE MINISTER OF POLICE OVERSIGHT AND COMMUNITY SAFETY**

Anroux Marais

Johannes Bouwer

## **HOME AFFAIRS MINISTER**

Dr Leon Amos Schreiber (Minister of Home Affairs) (DA)

## **CENTRAL CAPE TOWN SAPS**

Station commander at Cape Town Central SAPS, Brigadier Gerda van Niekerk

Community Police Forum (CPF) chairman, Marc Truss

## **BRITISH EMBASSY/ F C D O**

Sahkile Nxumalo

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## **ENCLOSURES:**

**I MUST STRESS THAT THESE FILES ARE PROVIDED IN THE STRICTEST CONFIDENCE, AND WHEN SHOWN TO MEDIA24 IT MUST BE MADE CLEAR THESE DOCUMENTS CANNOT BE PASSED TO THEIR COLLEAGUE/ASSOCIATE/CONSULTANT MR DE SWARDT. TO DO SO WOULD LACE ME IN VERY REAL AND GRAVE DANGER**

### **2. News24 Media24 Defamation And Their Refusal To Engage. Article Analysis**

**AS ABOVE.** The various News24 files merged, including the rejected attempts to engage and the analysis of the articles

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### **3. News24 Media24 Article of 14 January 2022. Interview with Inge Broad (Client of Mr de Swardt). Fabrications Inc. Damage and Arrears**

**AS ABOVE.** An analysis of the statements of Inge Broad, landlady and owner of 16 Leirmans. Represented by Media24 as fact

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### **4. Media24/News24 Addendum. Various additional documents**

**AS ABOVE**

Demonstrating a relationship that stretches back many years

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## **Summary Of the Two Hundred Million Rand Campaign [Exc Attorney Chapters]**

A general summary of the campaign, bringing together the various issues.

(including the graphical section of videos, audio recordings, images, documents, charts tables and graphs)

## **Timeline. Chronology Of Corruption and Criminality.**

The timelines related to corruption, criminality and multiple attacks.

## **Saps And State Corruption and Criminality. Part 1 [Updated July 2024]**

Document on the corruption and criminality of the campaign, with particular reference to the involvement of SAPS and the state

### **Copy of the attachments that accompanied my email to News24.**

Index of the Principal Documents and Evidence Folders (Original sent News24 12 Sept 2023)

### **Letter To News24 In Regard To The January Article 10.9.23**

The initial approach to News24 was rejected.

### **Copy of the emails of 12 and 13 September to and from News24**

The rejection of my approaches by News24 and my reply

### **Copy of some of the articles**

Copies of some of the published articles.

### **Copy of the December court application and replies**

The December application submitted in the same 24-hour period as the arrest, was almost entirely drafted by Mr de Swardt/Investigating Officer Sergeant Stevens with the provision of the dossier compiled entirely by Mr de Swardt/Investigating Officer Sergeant Stevens. Crucially including the Media24/News24 articles he had authored/motivated and the offshoots of

### **Flow chart and relationships.**

Flow chart showing the interconnectivity of the relationships and their purpose

Flow chart showing the use of Media24 in the campaign and the laundering of lies through the media to give them credibility

### **The fabricated Mr de Swardt/Investigating Officer Sergeant Stevens dossier and its use**

The dossier created by Mr de Swardt/Investigating Officer Sergeant Stevens to aid in multiple arenas and proceedings that include the articles front and centre as the key part of that approach

### **National Prosecuting Authority 15 Aug 24**

Letter to the NPA reporting the corruption, the hijacking of the state to weaponize it against me in an entirely private campaign, funded by the South African taxpayer.

### **Contact Form for All Organisations Bodies and Persons**

Updated/new list of organisations and persons being contacted in regard to the campaign, corruption, and criminality.

### **Independent Police Investigation Directorate. Letters Of 6 And 11 August 2024 (inc emails)**

The most recent of two dozen letters chasing a reply, including chapter 1 of the summary.

### **The Abhorrent Plan by Mr de Swardt/Investigating Officer Sergeant Stevens, Keith Broad, and Inge Broad to Create Victims**

For and during which the Media24 articles were the single most significant aspect used when trying to mispresent the guest's position to them

### **WDS (the source and author)**

WDS, the man, his methods and his criminality

Analysis of the Dossier of WDS

Corruption and criminality, WDS, his clients and SAPS

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## **VIDEO AND AUDIO**

### **Graphical Summary,**

Including video recordings, photographs, audio recordings, charts, tables, and graphs

### **Audio of the witness testimony of the housekeeper of 16 Leimans Road re Mr de Swardt/Investigating Officer Sergeant Stevens's illegal conduct,**

With special regard to the illegal operations of Mr de Swardt/Investigating Officer Sergeant Stevens, the illegal arrests, and the illegal eviction executed on behalf of his clients Keith Broad, Inge Broad and Ragi Moonsamy

[https://drive.google.com/drive/folders/1vxz4dTHEYIKCK0C3EGj6\\_pY2lr6d1d1u?usp=drive\\_link](https://drive.google.com/drive/folders/1vxz4dTHEYIKCK0C3EGj6_pY2lr6d1d1u?usp=drive_link)

### **Audio of the witness testimony of the portfolio manager Chandre Abrahams,**

Hounded and harassed by Mr de Swardt, PD et al, threatened with ten to thirty years in prison if she did not give false testimony and sign witness statements written for her

[https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVgWAfkt?usp=drive\\_link](https://drive.google.com/drive/folders/1OhfMAGZCdBFIEWrMrF5i7uPYkVgWAfkt?usp=drive_link)

### **The Home Invasion by Keith Broad**

Videos and transcripts of one of the illegal eviction attempts executed by Keith Broad, where he kicked in the front door.

[https://drive.google.com/drive/folders/1XKnw3PAR5TFCmjKzWDvGwl-MoBlay1A5?usp=drive\\_link](https://drive.google.com/drive/folders/1XKnw3PAR5TFCmjKzWDvGwl-MoBlay1A5?usp=drive_link)

### **The Illegal Evictions and Assaults of Mr de Swardt**

Video recordings of one of the illegal evictions and assaults carried out by WDS

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

[https://drive.google.com/drive/folders/1NwfNewpslNvjTmM8Owr1r6Z4suxxwyX?usp=drive\\_link](https://drive.google.com/drive/folders/1NwfNewpslNvjTmM8Owr1r6Z4suxxwyX?usp=drive_link)

### **The Confessions of Mario Boffa include Embezzlement, Drugging, Murder, and Theft.**

The video recordings of the confessions of Mario Boffa including the embezzlement of over a million rand and the plan to drug, torture and murder me to empty the bank accounts. As well as their working relationship worth WDS

[https://drive.google.com/drive/folders/14lRg9VIMvS4FGg29fs-z46yyIfnwJzl?usp=drive\\_link](https://drive.google.com/drive/folders/14lRg9VIMvS4FGg29fs-z46yyIfnwJzl?usp=drive_link)

*\*\* A selection of transcripts of the audio and video recordings of the witness accounts are within the same folders*

### **WDS sabotage of visa and immigration status**

Detailing the central and decisive role of Mr de Swardt/Investigating Officer Sergeant Stevens in the sabotage of my visa and immigration status with the express intention of using that against me

[https://drive.google.com/drive/folders/1V\\_8C7lCj78FH\\_AhJE-TcblTz8YB5z-Mr?usp=drive\\_link](https://drive.google.com/drive/folders/1V_8C7lCj78FH_AhJE-TcblTz8YB5z-Mr?usp=drive_link)

### **Evidence collection**

A selection of transcripts of the audio and video recordings of the witness accounts

I can send these under separate cover as there are too many documents to include in the emails

[https://drive.google.com/drive/folders/1laIJs6KPDGLZ0d9XH1T5L8-DYQCc8qD\\_?usp=drive\\_link](https://drive.google.com/drive/folders/1laIJs6KPDGLZ0d9XH1T5L8-DYQCc8qD_?usp=drive_link)



## BREACHES OF THE PRESS CODE OF ETHICS AND CONDUCT

The Press Council of South Africa adopts the following Code for print and online media (together referred to as “the media”).

### PREAMBLE

The media exists to serve society. Their freedom provides for independent scrutiny of the forces that shape society and is essential to realising the promise of democracy. It enables citizens to make informed judgments on the issues of the day, a role whose centrality is recognised in the South African Constitution.

Section 16 of the Bill of Rights sets out that:

*1. Everyone has the right to freedom of expression, which includes:*

- a) Freedom of the press and other media.*
- b) Freedom to receive and impart information or ideas.*
- c) Freedom of artistic creativity; and*
- d) Academic freedom and freedom of scientific research.*

*2. The right in subsection (1) does not extend to:*

- a) Propaganda for war.*
- b) Incitement of imminent violence; or*
- c) Advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm.*

The media strive to hold these rights in trust for the country’s citizens, and they are subject to the same rights and duties as the individual. Everyone has the duty to defend and further these rights, in recognition of the struggles that created them: the media, the public and the government, who all make up the democratic state.

The media’s work is guided at all times by the public interest, understood to describe information of legitimate interest or importance to citizens.

As journalists we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, and exhibiting sensitivity to the cultural customs of their readers and the subjects of their reportage, and acting independently.

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### Application of the Press Code

1. This Code applies to the following content published by members:

1. all content that is published in a printed edition.

1. all content that is published on a website operated by a member.

1. all content that is published on a social media account operated by a member; and

1. all content that is created by a member and published on any platform that is available on the world wide web (i.e. online) or in digital format.

2. All content published by a member through one or more of the platforms mentioned in 1 must comply with the Code, regardless of whether the content is in written, video, audio, pictorial or any other form.

3. Members must ensure that when they share content created by a third party through their social media accounts (for example by retweeting) they do so in a manner that is compliant with this Code.

4. Members must develop their own social media policies, guided by this Code.

**The articles qualify under these definitions.**

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## **Chapter 1: MEDIA-GENERATED CONTENT AND ACTIVITIES**

### **1. Gathering and reporting of news**

The media shall:

- 1.1 **take care to report news truthfully, accurately, and fairly.**

**No care was taken to print the news truthfully, accurately, or fairly. This is evidenced by the fact that other than statements about court procedures every statement of fact is false.**

- 
- 1.2 **present news in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarization.**

**No attempt was made to present news in context and in a balanced manner. There was a very clear departure from the facts by distortion, exaggeration, misrepresentation, and material omissions. I cannot comment as to whether these were intentional or negligent.**

- 
- 1.3 **present only what may reasonably be true as fact; opinions, allegations, rumours, or suppositions shall be presented clearly as such.**

**The publication presented fabrications as facts.**

**While the obligatory “according to” was used in some instances, in the context of the articles these were presented as confirmation of the facts and no attempt was made to obtain contrary views.**

- 
- 1.4 **obtain news legally, honestly, and fairly, unless public interest dictates otherwise.**

**I would argue that the information was not obtained fairly in that it was provided as a completed package to the publication by sources with very clear and self-evident vested interests.**

- 
- 1.5 **use personal information for journalistic purposes only.**

- 1.6 **identify themselves as such unless public interest or their safety dictates otherwise.**

- 
- 1.7 **verify the accuracy of doubtful information, if practicable; if not, this shall be stated.**

**There was no attempt to verify the accuracy of the information, nor was this stated. The very clear impression given was that the statements for example of Inge Broad were accurate.**

**Much of this information was freely available and easy to find. For example, the properties they alleged I caused such significant damage were being advertised for R31 million rand just days after my arrest, the articles of 17 December, 14 January and 2 February were published in that time frame. The advertising material showed a property that looked exceptional, many of the features heroed in the material were changes I made, and the simple fact of its vastly increased value based on a year earlier, for which adverts were also available online, should have given the journalist pause for thought at the very least. The**

problem is they made no attempts at research because they swallowed what was presented to them in its entirety.

There are many examples of this. Not least the constant references to the August arrest as being for the same crimes or criminality, i.e. fraud. In reality, fraud played no part in the August arrests. The arrest was for “breaking and entering” and “theft” of three TVs. The charges were a matter of public record and covered in detail at the initial hearing and the two weeklong bail application. There can be no excuse for a journalist getting the charges wrong, and the fact the result of ‘error’ as with any and all of the ‘errors’ was far more damaging than publishing the accurate position is also relevant.

Further, the reporting was highly selective. As an example, the publication reported the fact that I was granted bail. But it failed to report any of the other facets of the Magistrate's decision or summing up. During which he was highly critical of the charges, the case, and the handling of the case and had very serious and direct criticisms of the IO, his conduct and his testimony including failing to go to the storage unit when directed.

The publication also failed to report the fact that the magistrate called for an investigation because of these concerns.

There can be no excuse for selectively reporting one facet of the proceedings but failing to report all the others.

If the journalist were present during the hearing, they will have witnessed all this first hand and would be obligated to provide fair and balanced reporting. If they were not present, how does the journalist defend accepting the account of someone else a) without checking it and b) when that person has a Very clear vested interest.

WDS was present and in fact lead the illegal arrest, he was at every single hearing, sitting directly behind me being very vocal and very pejorative, and the advocate and magistrate exposed the fact that he was controlling the IO like a puppet master, and under cross examination the IO admitted the notes he was reading from were provided by Mr de Swardt

The fact the journalist felt it warranted no mention that the IO had failed to go to the storage unit as directed by the magistrate, because that would have immediately proved that I had not stolen anything, or the anger of the magistrate in chastising the IO, raises further questions as to independence and professionalism of the journalists.

And having had no less than five separate court appearances during that process, three of which were near full day hearings, ow can a journalist even get the charges themselves incorrect.

**13 September 2023**

**Dear M Russell**

**Thank you for your email. As you are an accused of various serious criminal charges, as set out by News24's report.**

**(<https://link>) News24 will and cannot get involved in the case against you before the court. When you appear in court, News24 can report on the case.**

Kind regards

George

George Claassen

Public Editor/Ombud News24, & Media24 Community Press

Lesersredakteur/Ombud News24, & Media24 se Gemeenskapsers +27218513232 (

South Africa/Suid-Afrika/Mzantsi Afrika/Iningizimu Afrika/Afrika Boroa/Aferika Borwa if no reply, please contact me at +27835432471)

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The response was dated 13 September 2023

The excuse for not engaging could not have been any more incorrect.

1. At the date of the reply, I was not accused of any crimes, there were no pending charges and no pending proceedings.
2. Hover, at the dates the articles were published, I was accused of various serious criminal charges and the publication did get involved in the case before me before the court.

It was totally contrary with the facts and the circumstances.

The fraud charges behaving been withdrawn as soon as the prosecution saw them on 13 March 2023, and the bogus immigration charge being withdrawn by the SPP of submission of the representations, submitted in June 2023 and withdrawn two months later.

---

1.8 seek, if practicable, the views of the subject of critical reportage in advance of publication, except when they might be prevented from reporting, or evidence destroyed, or sources intimidated. Such a subject should be afforded reasonable time to respond; if unable to obtain comment, this shall be stated.

The journalists failed to do this. Their superficial attempts were limited to contacting my attorneys while I was incarcerated and unable to respond. But that does not excuse their complete failure to contact me in the 7 months of 2022 prior to the fist arrest when the battles with the landlords first started, nor their failure to try to contact me from august 2022 to December 2022, between arrests or their failure to contact me from March 2023 to the present day.

And it most certainly does not explain their rejection of my approaches to them when I attempted to put the record straight. O the naïve assumption a reputable publication would want to know when they had published entirely fabricated stories.

---

1.9 state where a report is based on limited information and supplement it once new information becomes available.

The publication has failed on both counts.

1. The report was clearly based on limited information as its contents originated from a very small pool, and crucially a completely interconnected pool. Mr de Swardt/Investigating Officer Sergeant Stevens, the clients of Mr de Swardt/Investigating Officer Sergeant Stevens, their attorney, and his chosen SAPS officers. Where motivation and gain were also very evident.
2. No attempt was made to supplement the limited information with new information.
  - a) No attempt was made to supplement information about one outcome, e.g. being arrested, with new information, e.g. those charges being thrown out and withdrawn.
  - b) No attempt was made to supplement information by contacting me for comment once I was released.
  - c) No attempt was made to supplement information when I tried to do just that when I contacted the publication.

---

1.10 make amends for presenting inaccurate information or comment by publishing promptly and with appropriate prominence a retraction, correction, explanation or an apology on every platform where the original content was published, such as the member's website, social media accounts or any other online platform; and ensure that every journalist or freelancer employed by them who shared content on their personal social media accounts also shares any retraction, correction, explanation or apology relating to that content on their personal social media accounts;

1.11 prominently indicate when content that was published online has been amended or an apology or retraction published. The original content may continue to remain online but a link to the amendment, retraction or apology must be included in every version of the content which remains available online.

The response of the publication will indicate whether there is any real contrition and will also help answer the question as to whether they were intentionally complicit or whether they were duped into being complicit.

Apologies and retractions will not undo the damage done. Only publishing the truth will. The truth justifies being reported.

I have now read hundreds of articles published by the same publisher, and while I acknowledge I may be biased, I have to yet come across one that is as negative, damning, unilateral or one sided, as those about me.

How does an apology, no doubt not published in the same primary position, even begin to do justice for not just one but seven articles, and moreover seven articles that have been available and online for two years,

Further, articles published in both Afrikaans and English

In addition, articles that have spawned copycat articles based on nothing more than the content of the Media24 articles.

Nor will a simple apology undo the damage caused in both civil court proceedings and criminal court proceedings?

Which therefore make the false justification by Media24 for not engaging with more all the more distressing, unreasonable, and unfair.

They hid behind the excuse that current court proceedings meant they could not engage, yet there were no current court proceedings, and they were more than happy to report and engage when there will current proceedings, thereby providing substantial assistance in what were entirely malicious prosecutions.

A search for my name brings up article after article by the Media24 group.

---

1.12 not be obliged to remove any content which is not unlawfully defamatory; and

1.13 not plagiarise.

## 2. Independence and Conflicts of Interest

The media shall:

- 2.1 not allow commercial, political, **personal, or other non-professional considerations** to influence reporting, and avoid conflicts of interest as well as practices that could lead readers to doubt the media's independence and professionalism.

The only logical or reasonable conclusion is that personal, non-professional and quasi professional influence was brought to bear to have motivated such vitriolic and inaccurate articles.

And in significant part explains the extraordinary conduct of Media24.

I would argue the issue of conflicts of interest run through much of the issues.

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2.2 not accept any benefit which may influence coverage.

I cannot comment nor do I seek to imply there was any have influenced coverage. Whether some casual, "you scratch my back, ill scratch yours," was at play or not, again, I cannot know or comment.

But I do feel the cosiness of the relationship between Mr de Swardt and Media24 played a significant role. A charitable view is that he long standing relationship enabled Mr de Swardt to motivate, effectively author, articles, with no independent verification or proof and was able to effectively have his version accepted without challenge, The less charitable view is that he used the long-standing relationship, to have articles published that significantly aided his clients and Media24 neither cared or knew.

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2.3 indicate clearly when an outside organization has contributed to the cost of newsgathering; and

While I do not claim Mr de Swardt made any financial contribution for publishing articles he in all bit name was the author of, his contribution, fundamental role obliged the publications both to investigate his claims and I believe make clear in the article his connection to his clients, the same landlords whom they interviewed and quoted, and the shared aims of Mr de Swardt and the client/landlord/interviewees

I would respectfully suggest that the publication must have been aware of his role, even if only as the instructed and paid private investigator of the landlords/interviewees.

2.4 keep editorial material clearly distinct from advertising and sponsored events.

---

### 3. Privacy, Dignity and Reputation

The media shall:

3.1 exercise care and consideration in matters involving the private lives of individuals. The right to privacy may be overridden by legitimate public interest.

While I am sure that the publication will argue that the right to privacy may be overridden by legitimate public interest, I would argue that the articles were unnecessarily personal, mocking, humiliating, including the references to my then fiancé.

As well as the bizarre choice of photograph



And the comment “screaming” was both untrue, and humiliating.

As was the very hands o role media24 played in what was a campaign to cause me the maximum humiliation. The fact that they consider it journalism to publish what remains to me a horrific image of my being taken away on 14 December, yet not a more positive image of my leaving court having had all the charges withdrawn on any of the three occasions that happened is indicative of the kind of journalism that is at play.

---

3.2 afford special weight to South African cultural customs concerning the protection of privacy and dignity of people who are bereaved and their respect for those who have passed away, as well as concerning children, the aged, and the physically and mentally disabled.

---

3.3 exercise care and consideration in matters involving dignity and reputation, which may be overridden only if it is in the public interest and if:

I would argue that there was no public interest element in the presentation of the information.

And while I do not seek to blame News24 for the humiliation of the arrest, the being sent to Pollsmoor, the humiliation and indignity of almost four months in Pollsmoor, or the twenty court appearances, they



certainly enjoyed ring side seats, and chose to report it in detail, when at its worst, never once seeking to restore my dignity or reputation when those issues had been resolved, in my favour

3.1.1 the facts reported are true or substantially true; or

Other than issues such as dates, and some of the procedural matters, none of the facts reported were true. They were fabricated by the people I was in documented conflict with, with the purpose of assisting them in that conflict.

---

3.1.2 the reportage amounts to protected comment based on facts that are adequately referred to and that are either true or reasonably true; or

The comments and what were purported to be facts, were untrue.

---

3.1.3 the reportage amounts to a fair and accurate report of court proceedings, Parliamentary proceedings, or the proceedings of any quasi-judicial tribunal or forum; or

The reportage is neither fair nor accurate in regard to its reporting of either the criminal court proceedings or the civil court proceedings.

1. Failing to report the dozens of factors that would have supported my position.
2. Reporting only the factors that supported the position and campaign of Mr de Swardt/Investigating Officer Sergeant Stevens, KB, IB et al.
3. Failing to report on the flip side to each coin, i.e. reporting the arrest but not the withdrawal
4. Reporting court matters incorrectly, including stating that the December arrest was a second arrest for fraud.
5. Incorrectly reporting the nature of the charges in August
6. Incorrectly reporting the civil court proceedings and instead portraying them as attempts by me as underhand attempts to avoid eviction and the landlord clearly positioned as an innocent victim of my nefarious conduct in court.

3.1.4 it was reasonable for the information to be communicated because it was prepared in accordance with acceptable principles of journalistic conduct; or

As above, I cannot see any evidence that any of the information received from Mr de Swardt was cross checked, investigated or verified in any way or any meaningful way. It appears to literally have been waived through as submitted and without change. Except of course by adding the odd “according to.”

---

3.1.5 the article was, or formed part of, an accurate and impartial account of a dispute to which the complainant was a party.

The account is the very opposite of an accurate or impartial account of a dispute. It was an entirely fabricated account for the purpose of aiding in that dispute and was very successful in that regard.

---

3.4 not identify rape survivors, survivors of sexual violence which includes sexual intimidation and harassment\* or disclose the HIV / AIDS status of people without their consent and, in the case of children, from their legal guardian or a similarly responsible adult as well as from the child (taking into consideration the evolving capacity of the child), and a public interest is evident, and it is in the best interests of the child.

3.5 only disclose sufficient personal information to identify the person being reported on as some information, such as addresses, may enable others to intrude on their privacy and safety, and such disclosure shall only be made if in the public interest.



*\* The World Health Organisation inter alia defines sexual violence as follows: “Sexual violence encompasses acts that range from verbal harassment to forced penetration, and an array of types of coercion, from social pressure and intimidation to physical force...”*

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#### **4. Data protection**

Members of the media shall:

4.1 take reasonable steps to ensure that data containing personal information under their control is protected from misuse, loss, and unauthorized access.

4.2 amend inaccuracies in published personal information where a person requests a correction.

4.3 inform the affected person(s) and take reasonable steps to mitigate any prejudicial effects where it is reasonably suspected that an unauthorized person may have obtained access to personal information held by the media.

4.4. use and disclose personal data only for journalistic purposes.

*\* “Personal information” is defined as follows in Section 1 of the Protection of Personal Information Act 4 of 2013: “Personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the person; and (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.*

#### **5. Discrimination and Hate Speech**

The media shall:

**5.1. avoid discriminatory or denigratory references to people’s race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, and not refer to such status in a prejudicial or pejorative context – and shall refer to the above only where it is strictly relevant to the matter reported, and if it is in the public interest; and I still fail to see either the relevance of sexual orientation forming any part of any of the articles, or the denigratory and mocking way in which this element was reported.**

5.2 balance their right and duty to report and comment on all matters of legitimate public interest against the obligation not to publish material that amounts to propaganda for war, incitement of imminent violence or hate speech – that is, advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

#### **6. Advocacy**

The media may strongly advocate their own views on controversial topics, provided that they clearly distinguish between fact and opinion, and not misrepresent or suppress or distort relevant facts.

#### **7. Protected Comment**

7.1 The media shall be entitled to comment upon or criticise any actions or events of public interest; and  
7.2 Comment or criticism is protected even if it is extreme, unjust, unbalanced, exaggerated and prejudiced, as long as it is **without malice, is on a matter of public interest, has taken fair account of all material facts that are either true or reasonably true, and is presented in a manner that it appears clearly to be comment.**

- I would argue there was very significant malice. Whether that be on the journalist or undoubtedly of Mr de Swardt who malicious was published unvetted by the journalists,
- I would argue the matter was not of public interest, especially in that no research was undertaken as had it been the matters as presented to the journalists would not have been the matter as presented to the public. Further, the very significant issues of public interest have been ignored wholesale by the publication.
- Media 24 have failed absolutely to take fair account of all material facts and have accepted falsehoods as the truth.
- The articles very clearly read as if fact. Any reading of the article leaves the reader in no doubt as to my guilt for a whole host of crimes, illegal and immoral actions. All of which were untrue. And most perversely, what the landlords accused me of what precisely what they had been doing.

## 8. Children

In the spirit of Section 28.2 of the Bill of Rights\* the media shall:

8.1 exercise exceptional care and consideration when reporting about children\*\*. If there is any chance that coverage might cause harm of any kind to a child, he or she shall not be interviewed, photographed or identified without the consent of a legal guardian or of a similarly responsible adult and the child (taking into consideration the evolving capacity of the child); and a public interest is evident.

8.2 not publish child pornography\*\*\*; and

8.3 not identify children who have been victims of abuse or exploitation, or who have been charged with or convicted of a crime, without the consent of their legal guardians (or a similarly responsible adult) and the child (taking into consideration the evolving capacity of the child), a public interest is evident, and it is in the best interests of the child.

\* Section 28.2 of the Bill of Rights in the South African Constitution says: "A child's best interests are of paramount importance in every matter concerning the child."

\*\* A "child" is a person under the age of 18 years.

\*\*\* Child Pornography is defined in the Film and Publications Act as: "Any visual image or any description of a person, real or simulated, however created, who is or who is depicted or described as being, under the age of 18 years, explicitly depicting such a person who is or who is being depicted as engaged or participating in sexual conduct; engaged in an explicit display of genitals; participating in or assisting another person to participate in sexual conduct which, judged within context, has as its predominant objective purpose, the stimulation of sexual arousal in its target audience or showing or describing the body or parts of the body of the person in a manner or circumstance which, in context, amounts to sexual exploitation."

## 9. Violence, Graphic Content

The media shall:

9.1 exercise due care and responsibility when presenting brutality, violence, and suffering.

9.2 not sanction, promote or glamorise violence or unlawful conduct; and

9.3 avoid content which depicts violent crime or other violence or explicit sex, unless the public interest dictates otherwise – in which case a prominently displayed warning must indicate that such content is graphic and inappropriate for certain audiences such as children.

---

## **10. Headlines, Captions, Posters, Pictures, and Video / Audio Content**

10.1 Headlines, captions to pictures and posters shall not mislead the public and shall give a reasonable reflection of the contents of the report or picture in question; and

10.2 Pictures and video / audio content shall not misrepresent or mislead nor be manipulated to do so.

I refer back to the absolutely unnecessary inclusion and prominence of such an inappropriate photo being used on what was a matter that bore no relationship to the photograph. Photographs of myself and my partner naked, with flowers in our hair, cannot be considered in any way appropriate.

I also refer back to the fact that the publication saw fit to publish a photograph of me being taken away by the police, which as you can imagine is a photograph I find very distressing, yet failed to publish any photographs that may relate to the many 'wins' I had had before and after that photo was published.

---

## **11. Confidential and Anonymous Sources**

The media shall:

11.1 protect confidential sources of information – the protection of sources is a basic principle in a democratic and free society.

11.2 avoid the use of anonymous sources unless there is no other way to deal with a story, and shall take care to corroborate such information; and

An anonymous source was used incorrectly quoted. When referencing an agent in Llandudno, the comments match no circumstances I was a party to. The source had to have therefore been the landlord or their agent. The anonymity gave the impression of a modus operandi and of a wider scale coverage than was the case.

Further, by not providing the last name of Inge Broad, it allowed Keith Broad to use the article in court proceedings to assist them while pretending to have no connection with the article or its publications. That anonymity allowed for the articles abuse a misuse.

---

11.3 not publish information that constitutes a breach of confidence unless the public interest dictates otherwise.

## **12. Payment for Information**

The media shall avoid shady journalism in which informants are paid to induce them to give the information, particularly when they are criminals – except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

## **Chapter 2: USER-GENERATED CONTENT AND ACTIVITIES\***

### **13. Principles**

The media:

13.1 are not obliged to moderate all user-generated content (UGC) in advance.

13.2 shall have a UGC Policy, consistent with the Constitution of the Republic of South Africa, governing moderation, and/or removal of UGC or user profiles posted.

13.3 may remove any UGC or user profile in accordance with their policy.

13.4 must make their policy publicly available and set out clearly the:

13.4.1 authorisation process, if any, which would-be users must follow, as well as any terms, conditions, and indemnity clauses during such registration process.

13.4.2 content which shall be prohibited; and

13.4.3 manner in which the public may inform them of prohibited content.

13.5 should, where practicable, place a notice on the platforms to discourage the posting of prohibited content.

13.6 should inform the public that UGC is posted directly by users and does not necessarily reflect their views.

13.7 shall encourage users to report content which may violate the provisions of their policy; and

13.8 shall particularly carefully monitor online forums directed at children.

---

## 14. Prohibited Content

Material constitutes prohibited content if it is expressly not allowed in a member's UGC Policy, and in Section 5.2 of this Code (which refers to Section 16 of the Bill of Rights and overrules anything to the contrary contained in a UGC policy).

---

## 15. Defence

**15.1 It is a defence for the media to show that they did not author or edit the content complained of.**

**The articles were clearly written by the journalists whose names accompany them. however, the original author, as well as the provider of both all the information and all the witnesses the paper may wish to investigate came from one person, Mr de Swardt.**

---

15.2 However, where a complainant has sent a written notice to the particular media, identifying the content concerned, specifying where it was posted, and motivating why it is prohibited (see Clause 14); the media must then either:

15.2.1 remove the relevant UGC as soon as possible and notify the complainant; accordingly, or

15.2.2 decide not to remove the UGC and notify the complainant accordingly. In the latter case, the complainant may complain to the Press Ombud, who will treat it as if the UGC was posted by the member itself.

*\* This section applies where a complaint is brought against a member in respect of comments and content posted by users on all platforms in controls and on which it distributes its content.*

THE WOUTER DE SWARDT DOSSIER: USED IN MULTIPLE ARENA FOR MULTIPLE PURPOSES INCLUDING BOTH CIVIL AND CRIMINAL

NO.	PUBLICATION	DATE	OWNER	AUTHOR*	AUTHOR*	PROPERTY	SOURCE / QUOTED	REFERENCED	TITLE	TITLE	JOURNALIST	INTRO
1	Rapport (News24)	21-Aug-23	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	Brit vas oor 'kul jou huur, kul jou daar - Brit stuck over 'cheat your rent, cheat you there	A Briton who has allegedly been renting out guesthouses that do not belong to him for two years has finally been arrested where he is hiding in the Upper Cape in one of the rich man's houses he occupies.	Julian Jansen	A Briton who has allegedly been renting out guesthouses that do not belong to him for two years has finally been arrested where he is hiding in the Upper Cape in one of the rich man's houses he occupies. The finely built Darren Russell, who according to photos of him and his boyfriend is only used to the best, appeared rather cool this week when he appeared in the Wynberg Magistrate's Court.
2	Netwerk 24	23-Aug-22	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	Briton who allegedly defrauded people with accommodation, gets bail	Briton who allegedly defrauded people with accommodation, gets bail	Ané van Zyl	A British man who allegedly defrauded members of the public and tourists out of thousands of rands and damaged property was released on bail of R30 000 on Tuesday. Darren Russell's (52) bail application was completed on Monday in the Magistrate's Court in Wynberg and he was released on bail on Tuesday.
3	DIE BURGER / Netwerk 24	23-Aug-22	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	n Britse man wat lede van die publiek en toeriste glo uit duisende rande bedrieg en eiendom beskuldig het, is op borgtog van R30 000 vrygelaat.	A British man who allegedly defrauded members of the public and tourists out of thousands of rands and damaged property has been released on R30 000 bail.	Die Burger	
4	Netwerk 24	17-Dec-22	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	Brit weer vasgetrek ná borgtog van R30 000 vir dieselfde verhuursleutel (Briton apprehended again after R30 000 bail for the same rental scam)	Brit arrested again after bail of R30 000 for the same rental scam	Maygene de Wee	A British citizen who was arrested for fraud on 4 August this year and released shortly after on bail of R30 000 was arrested again on Wednesday on similar charges. Detectives attached to the police's provincial commercial crime investigation unit arrested Darren Russell (52) this time at one of the luxury houses in Llandudno that he rents and then apparently sublet.
5	News 24	14-Jan-23	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS / IB / RM / JV	Civil Court Proceedings / Criminal Court Proceedings	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions	Carin Smith	Darren Russell, a British citizen who came to South Africa on a visitor's visa in 2020, has been arrested on charges of fraud
6	Ground News (taken from New24)	*Jan 2023	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions		Ground up	Second arrest for Cape Town luxury accommodation 'scammer' suspected of pocketing millions
7	IOL	16-Jan-23	IOL (Based entirely on the articles by Media24)	ARTICLE BASED ON THOSE BY MEDIA 24				Civil Court Proceedings / Criminal Court Proceedings	I was ALMOST scammed by Darren Russell		Vernon Pillay	It is not everyday that you wake up to the news that you could have been scammed and by the grace of god or some miracle, you escaped losing thousands of rand.
8	Netwerk 24	02-Feb-23	MEDIA24	WDS	KB/IB	16. LEIRMANS RD	WDS	Civil Court Proceedings / Criminal Court Proceedings	Saak uitgestel teen Brit wat hui (Case postponed against Briton renting and re-renting houses)	Case adjourned against Briton who rents and re-lets houses	Maygene de Wee	A British pier fan who is accused of defrauding the owners of luxury mansions on, among others, Cape Town's Atlantic coast out of millions of rands, apparently had not yet given financial instructions to his lawyer when he appeared in the Magistrate's Court in Wynberg on Thursday.
8	Petition	Nov-22	Spawned by and made reference to Media24 articles	MB	ESS		NA	An application is being submitted for the removal of	Stop the scammer		Mari Boffa / ESS	

# THE CONSORTIUM, STATE & ATTORNEY LIST OF CRIMES & ACTIONS

SEE OTHER TABS THAT DETAIL THE MORE THAN 500 INDIVIDUAL OFFENCES COMMITTED BY WDS, KEITH ROAD, INGE BROAD, PAULA DISBERRY. NONE OF WHICH HAVE BEEN INVESTIGATED

## Compare and Contrast

no	CRIME / ACTION / ALLEGATION	OUTCOME	MEDIA24		
1	Theft				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
2	Breaking & Entering				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
3	Fraud				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
4	Fraud				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
5	Fraud				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
6	Fraud				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
7	Fraud				
	Malicious prosecution				
	Charge laid to sabotage High Court proceedings	INVESTIGATED	REPORTED		
	Thrown out by the magistrate post bail	WITHDRAWN	NOT REPORTED		
8	Immigration				
	Malicious prosecution				
	Charge laid to maintain accused under bail conditions	INVESTIGATED	REPORTED		
	Withdrawn by the senior state prosecutor on receipt of representations	WITHDRAWN	NOT REPORTED		

The respective lists of alleged crimes of the Consortium versus DR. All of the charges against DR were malicious prosecutions, each with its own purpose, and all were withdrawn. Importantly, the moment each one of the charges was outside of the purview of the specific SAPS officers and under any form of scrutiny they were found to be wholly false and fabricated and or manipulated. As such, whether via the bail applications (mini trials), the Representations to the Senior Public Prosecutor, or the attorney discussions with the NPA the charges against DR have been fully examined and found to be without merit. However, not one of the crimes committed by the consortium or their proxies has yet been investigated or tested. The list which is not yet complete, exceeds seven hundred individual offences. Even if a fraction were to proceed to court the sentences would be measured in the multiple decades per individual. AND IMPORTANTLY, AS A CONSORTIUM, WHERE THE ACTIONS OF THE ONE BENEFIT THE MANY THE CRIMES OF THE ONE ARE THE RESPONSIBILITY OF THE MANY.

## **THE LIST OF CRIMES AND ACTIONS OF MR DE SWARDT, HIS CLIENTS, SERGEANT STEVENS, AND SAPS. NONE OF WHICH HAVE BEEN REPORTED BY MEDIA24**

From 2021 to 2023, their methods and crimes have included but are not limited to.

1. A dozen attempted and actual illegal evictions. Including the secret and illegal operation at LR under the cover of the illegal operation at 32 FB
2. Including using 8 criminal thugs to forcibly enter a property, beat up and evict the occupants
3. Aggravated assault
4. Assisting private individuals to nullify court orders and ignore high court orders and interdicts
5. Blackmail
6. Bribery, including bribing witnesses
7. Breaches of the laws governing arrests including allowing their untreated access to the property during the arrest
8. Common assault
9. Common law perjury, on an industrial scale
10. Conspiracy to drug
11. Conspiracy to torture
12. Conspiracy to murder
13. Contempt of court
14. Crime injuria
15. Defamation and criminal defamation
16. Defeating and/or frustrating the course of justice
17. Delicta liability
18. Denying the accused their legal and human rights
19. Denying the client his call to an attorney on the first arrest
20. Denying the client his call to an attorney on the second arrest
21. Embezzlement
22. Extortion
23. False affidavits
24. Falsifying prearrest information saying guns were at the property knowing this to be untrue
25. Forgery including home affairs documents
26. Fraud
27. Harassment
28. Intimidation of the witnesses
29. Illegal arrest of august 2022
30. Illegal arrest of December 2022
31. Illegal arrest of the housekeeper of December 2022
32. Illegal arrest of ollie January 2022



33. Attempted illegal arrest of ollie and his partner in December 2022
34. Impersonating a police officer
35. Including knowingly inflating the value of goods 2000% beyond their actual value and including goods not even present so the crime would fall within a section 5 offence
36. Intentionally causing the client maximum humiliation
37. Intimidating witnesses including threatening them with 10 to 30 years of imprisonment if they did not cooperate and sign witness statements written for them and promising them immunity from prosecution if they did
38. Introducing knowingly forged home affairs documents and a false consortium affidavit planting multiple media stories
39. Keeping the client for 6 days at Hout Bay on both occasions on the instruction of the private individuals to provide a head start in stealing the properties contents and bank accounts
40. Knowingly assisting in the rigging of bail applications solely for the purpose of trying to extend the period of incarceration
41. Knowingly constructing a protection order based entirely on perjury and serving such while in the cells of Hout Bay police station
42. Knowingly motivating and allowing private individuals to order a full swat team armed raid on the targets home (on 3 civil disputes dating from 2021 turned into fraud files by police officers at Wouter de Swardt instruction. Such a case would never have resulted in such a raid)
43. Knowingly participating in the placing of an entirely false charge (three times)
44. Libel
45. Lying to the NPA, SAPS, HAWKS
46. Misrepresentation by individuals impersonating police officers and or authority they do not have and of police officers mispresenting authority they don't have
47. Multiple malicious prosecutions (including Mr de Swardt/Investigating Officer Sergeant Stevens and kb in august 2022, Mr de Swardt/Investigating Officer Sergeant Stevens and pd in October 2022, rm/kb/WDS in December 2022. WDS/ss in March 2023)
48. Multiple physical assaults including by armed thugs with criminal records on innocent and defenseless housekeepers
49. Obstruction of justice
50. Obtaining arrest warrants from magistrates having already been declined by one or several magistrates with exactly the same application
51. Perjury, on an industrial scale
52. Physical harm to the client
53. Police colluding with the private individuals and private investigators to specifically engineer as long a remand as possible to enable private individuals to steal property personal possessions property contents and artwork to enable an illegal eviction so as to steal r6 millions of refurbished
54. Private individuals giving orders for arrests
55. Pursuing the accused with no official file or docket
56. Refusal to execute high court arrest warrants
57. Refusal to take statements to investigate such



58. Refusing to attend the storage unit as directed by the judge (in an attempt to avoid dismissal of a charges)
59. Sabotage of due process and court proceedings
60. Search and seizure warrants abused, with the search of the property demonstrably not connected with the arrest warrant
61. Slander
62. Tampering with documents
63. Taking instructions from private individuals to enable the illegal possession of property against various court orders interdicts and all tenancy related statutes including pie, thereby breaching the prevailing high court interdict
64. The illegal retention of the client's equipment including phones and laptops
65. The inclusion in the raid of the ESS private investigators who had only a month earlier plotted to murder the client)
66. The many intentional attempts to have the clients' platforms and online advertisement pulled down.
67. The premeditated plan to create hundreds of victims causing them millions in losses in an attempt to build a new file on the client and aid in the civil and criminal arena
68. The setting up of an entirely fraudulent property agency advertising the clients' properties as if there they were winning and without permission taking millions in deposits with no intention or ability to deliver the holidays booked
69. Theft and illegal retention of R4 millions of contents and possessions
70. Theft of R150 millions of rental income
71. Theft and retention of a British passport ( on two separate occasions) interference in the visa extension processes
72. Theft and retention of a British passport ( on two separate occasions) interference in the visa extension processes
73. Threats to kill the dog belonging to os and he client
74. Threats to the client and his safety
75. Tortious interference
76. Use of SAPS for purely personal objectives, including use of illegal arrest to advance the interests of private individuals and other matters such as collusion between police and individuals in regard to a choreographed pre-planned media ambush at the December arrest
77. Witness statements obtained by coercion
78. Wrongful imprisonment

## CASE NO. 7902.22 APPLICATION TO HEAR ORAL EVIDENCE

When reading this application, it is important to remember that Keith denies all of its contents and did so under oath. There is nothing in the below that is untrue. The whole purpose of seeking the admission of oral evidence was to effect a trial, so that witnesses would have to testify under oath and be cross examined. The only way to eexposesKeith's litany of lies that make up all of his court submissions,

IN THE HIGH COURT OF SOUTH AFRICA (WESTERN CAPE DIVISION, CAPE TOWN)

Case No: 7902/22 In the matter between:

KEITH BROAD

First Applicant

WILLEM CHIRWA

Second Applicant

And

DARREN DE RODEZ BENAVENT RUSSELL

Respondent

APPLICATION FOR POSTPONEMENT and  
ALTERNATE AND SUPPLEMENTARY RELIEF

**TAKE NOTICE** that at the next hearing of this matter on 8 November 2022 application will be made by Respondent for an order in the following terms:

1. The above matter under Case Number 7902/22 be postponed till (see accompanying proposed schedule) 2023 for oral evidence to be heard; a date as long as necessary into the future to cater for the filing of further affidavits and the discovery of documents herein, and the filing of supplementary Heads of Argument.  
The two affidavits filed by Respondent in the past month be permitted to be filed, and they declared to form part of the record herein.
2. Costs of this application to stand over for later determination.
3. Alternately to 1-and 3 above; that the main application be refused, with costs, including the fees of all postponements and all interlocutory applications, whether completed or not, to the date hereof.
4. Further and ancillary or alternate relief thereto.

**TAKE NOTICE** further that the affidavit of **DARREN RUSSEL** hereto annexed will be used in support hereto.

DATED AT CAPE TOWN THIS

DAY OF NOVEMBER 2022.

Per : \_\_\_\_\_

J HERBERT

Respondent's Attorneys  
2<sup>nd</sup> Floor, 28 Wale Street,

Waalburg Building Cape Town; 8001

**To** The Registrar of the High Court  
**CAPE TOWN**

**AND TO Thomson Wilks Inc**

Attorneys for First and Second Applicant

18<sup>TH</sup> Floor, 2 Long Street **CAPE TOWN**

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[Service via email]

(Ref: E Louis/TR/MAT19826)

**BOX 111**

**IN THE HIGH COURT OF SOUTH AFRICA**

(WESTERN CAPE DIVISION, CAPE TOWN)

Case No: **7902/22**

In the matter between:

**KEITH BROAD**

**First Applicant**

**WELLEM CHIRWA**

**Second Applicant**

**And**

**DARREN RUSSEL**

**Respondent**

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**FOUNDING AND SUPPLEMENTARY AFFIDAVIT**

When reading this application, it is important to remember that Keith denies all of its contents and did so under oath. There is nothing in the below that is untrue. The whole purpose of seeking the admission of oral evidence was to effect a trial, so that witnesses would have to testify under oath and be cross examined. The only way to eexposesKeith's litany of lies that make up all of his court submissions,



I, the undersigned,

DARREN RUSSEL

Do hereby make an oath and say that:

1. I am the Respondent in the above matter, currently residing mainly at 32 Fisherman's Bend, Llandudno, Western Cape, having been forcibly evicted from 16 Leirmans Road, and had mine and staffs lives threatened. They even threatened the lives of our dogs, should we return (documented in the Affidavit on the spoilation proceedings),
2. The facts herein contained are within my personal knowledge and are both true and correct, save where the contrary appears, in which event I declare them to be true and correct to the best of my knowledge and belief.
3. I depose to this Affidavit in support for my Notice of Motion seeking for this matter to be diverted or postponed in order for oral evidence to be heard, with other relief, alternately that the main application by the Applicant herein be dismissed with costs, as prayed for.
4. It is submitted that, based on the facts of the matter as laid out in my initial Answering Affidavit, and the recent further Opposing Affidavits herein, there are clearly material disputes of fact in this matter which, at the very least, cannot be decided on the papers, and perhaps suffice to make this application undecidable by the application at all.
5. The First Applicant has made various inaccurate allegations in his Supplementary Affidavit, most of which have been identified, particularly in my Answering Affidavit. Insofar as these allegations have not been challenged, then I pray they each be challenged, insofar as they differ in content from the allegations made by me in my various statements, and that the contents mentioned below and deposed to elsewhere be used in support of such denial, and Applicant be put to the proof thereof.
6. In this matter, regrettably, the First Applicant is the engineer of the very matters he then relies on to seek my eviction and destroy my character.
7. The First Applicant has conducted an extensive and vicious campaign against me, my life my dignity, my finances, my relationships (personal and business) and my quality of life. A quality of life that has been profoundly affected and very seriously impoverished. He has mounted attacks on every aspect of my life. Then seeks to benefit from the result of his actions
8. The First Applicant seeks to dismiss statements like this portraying them as irrelevant, tactical or false. If I were making this up, the assessed and perceived threat would be negligible, and it would not be necessary to have three round-the-clock armed bodyguards that I now have living with me at my home and accompanying me everywhere I go. Due to the threats, attacks, and harassment, including from the First Applicants friends in SAPS, as well as Ms Disberry, her partner Peter Van Vyck and her agents and those she employs to systematically destroy my life, I have not had a normal life with any peace in almost a year and it has worsened. I have not taken my dogs on a walk in nearly six months that is not accompanied by one to three armed bodyguards. Indeed, the number of walks I take them on is shamefully few. I am not imagining the alarm system with beams and CCTV and offsite monitoring that we have had to have installed. At Considerable cost. A cost I cannot afford since the First Applicants assaults on my finances. And if these things were only in my head, I would not have had to contact the British Consulate and the Foreign Office to seek their intervention and protection. And for them to investigate and speak to their opposite numbers in South Africa. (declined initially due to various treaties and then taken up due to the severe nature of specific issues of note). And we would not have needed

to involve other regulatory bodies including IPID to cast a careful eye on matters to date and to collate and protect the files we possess that demonstrate constant breaches of criminal law. Files that for our safety are held by three different firms of attorneys

9. The fact that we have had to fall back on a body such as IPID is in itself an indication of how far the First Applicant and his co-conspirators have gone. He has mounted several attacks on our finances. Clearly every time he attempts another illegal eviction (and so far, there has been six documented illegal evictions executed by the First Applicant) with SAPS involvement in at least half, then not only do we have to incur considerable legal fees but we also have to cancel bookings and refund payments. These evictions were always carefully timed to coincide with the arrival of guests to give the First Applicant the maximum leverage. These included a couple who had flown from Germany and left standing outside the property with their 2-month-old baby, hysterical and crying they and we had been locked out. SAPS were called by us and when they arrived began to assist but then as before and since they took a call and immediately left never to return. The fact that we had to beg and negotiate to get back in (and even then, that only happened due to our attorney phoning the First Applicant directly and telling him of our intention to launch an urgent High Court action), is an obvious example of the megalomaniacal way in which the First Applicant deals with others.
10. After only one day those guests insisted, they leave and be refunded as they could not get past the trauma of the first day and enjoy themselves and were fearful the First Applicant would do it again. Sometime later we were reliably informed that the First Applicant then used that situation and the very public distress of the guests standing outside and clearly seen by neighbours to claim that we were letting the property and then not granting access to guests on arrival and keeping their payments. A lie he has been very active in promoting along with his co-conspirators in the consortium of which he is a principal member. Conveniently omitting the truth or the fact we did refund the guests. There are at least a dozen bookings of high value that have been cancelled over the last year due to the First Applicants' illegal evictions and harassment.
11. When it was apparent the First Applicant was not going to be able to take his property back either by legal means or illegal means, and we assume in a vengeful response to our obtaining a Protection Order against the First Applicant; he along with Ms Disberry, a landlord of the property in Camps Bay equally keen on misappropriating our investments, contacted the platforms where the villas were advertised and told them a series of lies that were intentionally so serious in nature that every single online platform the villas were listed on was pulled down that very day. The lies including that we were in the properties illegally, letting the properties to guest illegally, and operating a scam etc. etc. It took the agency over two months to get these fully operational again, during which time millions were lost as without an online presence there they literally took bookings. This type of action he repeated several times.
12. Conscious that the illegal eviction attempts on the 22<sup>nd</sup> and 24<sup>th</sup> would reflect very badly on him and others involved the first applicant attempted to quash any possibility of the matter becoming public or litigious and once again deploying his special friendships at Hout Bay police station with SAPS and in particular Sergeant Duna. Who contacted those he knew had been presented to ask for the names and whereabouts of anyone else who was witness to the forcible, illegal and violent eviction. At the time we thought odd as there was no investigation into the events of that day to our knowledge but we soon realised they wanted to identify and silence any witnesses
13. It was Sergeant Duna of SAPS who lead the attempt to arrest me along with Wouter de Swat. I realised early on the special connection with the First Applicant when he eventually told me the charge for which I was arrested, his interview of me consisted of him telling me the arrest was for theft. When I asked what for he was nonchalant and said a couple of TVs and a microwave, as i began reply he closed the file tapped it and said that was for me to tell the judge and it was of no interest to him. At that he walked away. In court he perjured himself on multiple occasions. And the Home Affairs print out he showed me at the station showing I had no

visa extensions was a forgery. The Affidavit purporting to be from the Home Affairs dept was also a forgery. Both said I had member renewed my visa which was wholly untrue.

14. And we can only assume the corruption went much higher as the attorney dealing with the repossession proceedings contacted SAPS Hout Bay police station any items and write to the commander on the 29<sup>th</sup> of July demanding the arrest warrant that had been sent to the station to arrest the First Applicant be exercised and he be arrested immediately as had been the order of the court weeks earlier
15. The First Applicant also constantly misrepresents the property as a business enterprise. That is not factually correct. It is first and foremost a home. No one spend that amount of time, care, attention, love and money on a property purely as a commercial enterprise. The difference is that by sub-letting the property out to short stay guests from overseas it alone could fund the rent, bills and importantly the refurbishment of the property. My passion is interior design, and it allows me to enjoy that as both a hobby and one that helps fund that hobby and enhances my home. So, the fact that guests may book for a day or two or a week does not make it any less a home. The further difference is that there is, or should I say, there was, more than one home. The rational being that with more than one when my home is let, I can stay in the other which releases up dates in the diary to be booked without my incurring the very high costs of short stay accommodation. It would be pintles to secure a let or a week at a good rent only to have to pay a premium rent to move elsewhere. And with 3 dogs, moving at short notice and in Cape Town would be enormously expensive and the choice very restricted.
16. The more homes there are the more fluid and flexible the diary becomes, and I am led by the guests booking rather than dictating when a premises is technically available to stay in, that maximises the potential and number of or guests.
17. At its peak there were 5 villas. But due to the greed of the members of the consortium (effectively those landlords who were trying to get their properties back once the money had been spent and the properties transformed) there is now just two. If the court grants the eviction of this property, then because there will be no second home and no flexibility the model itself no longer works., there will not be enough income to support the home and therefore I will lose that too. And the First Applicant will have been successful in making me homeless. Successful also in destroying what has effectively taken my life to build and reducing me from five homes all of which I have made beautiful and spent all my money on, my life's savings in fact, on then have no home, no savings, no pension, no means of supporting myself.
18. The First Applicant also omits to mention that on several occasions this year he has contacted the landlord/owner of the property at Fisherman's Bend trying to recruit him to their group and trying to poison his mind against me. Not content with taking way all of the homes and trying to take away this property before the Court he has been busy trying to take away the last property that has not had proceedings to date. So the First Applicant is again extremely disingenuous when he tries to say the property Leirmans is not a home and I don't reside there as a) the reason I have no wish to spend time there is because every night when I go to sleep I wonder if thugs are going to turn up to evict us or much worse and b) he is trying his best to ensure we have nowhere else to live which would make Leirmans even more important in reality. The owner of 32 Fisherman's Bend has until now been the only one who has not tried to misappropriate my time and money and has always been extremely fair, reasonable and professional to deal with. Unlike the other landlords he is not obsessed with extracting every cent from the property and is as quick a time as possible and values the benefits of a long-term relationship. But now after months of the First Applicant trying to poison his mind and additionally via gossip spread amongst others that has been initiated by the First Applicant and his colleagues in the hope it filters back to the owner and anyone else whom we may have a relationship with now and in the future him now even his confidence has been shaken. Added to that fact that as a result of the First Applicants relentless attacks on us and our finances we are at an absolute minimum R20 million worse off as a direct result of the

relationship with the First Applicant. If every loss and resulting loss is factored in that figure is double. And every time we recover, we are subject to another attack.

Everything from Henning nearest for something I didn't do, the near month that I was away from the property in business resulting in its almost total collapse, or the half million are legal fees does that matter alone cost, or the in excess of 1 million the legal fees and the civil matter have cost, we have a 1 million in lost Rent as a direct result of his specific illegal eviction is related to the specific guess were due to check in at that point. Added to that the millions where we have had to cancel bookings or simply keep the diary empty in response to another illegal eviction or a pending attack.

19. On top of the tens of millions he cost as when he had the platforms taken down off-line in their entirety it took us two months to remedy, and enormous reputational damage and millions in identifiable lost bookings as a result of the slander online.
20. That is before we even begin to factor in it but not been for the relationship of the first applicant all of our obligations would've been paid in full, and we would've had extremely healthy reserves which would then have been allocated traditional Villas which in its self-generated additional revenue and profits. So, the actual losses are almost impossible to calculate but they would be absolutely enormous. Put on a purely accounting basis only and subject to the most rigorous audit we can attributed least 20 million in losses to the actions of the first applicant and his colleagues. Not content with all the above every time we get a new employee, they sit about undermining the employees relationship with us and their faith in us and try to convert them to the camp. If that does not work, then they feed their mind with so many disaster scenarios including the stress of lifetime imprisonment and invariably cause damage on the way out. So now through no fault of our stand we stand on the brink of litigation on the one property we have left. And it unquestionable when we say this is not our fault. If any one of the individual matters above had not happened to rent would be paid. So, it is not as if we are saying if it were not for all of the above the rent would be paid when the reality is if only one of the above had not happened the rent would have been paid long ago which shows both how robust we are and the effort put into recovering every time we are attacked. But no individual or business can withstand this level and regularity of attack
21. So, for the First Applicant to use the fact that I used to have more than one home as an important part of his own eviction proceedings is sickening. Because of the First Applicant some 34 years of hard work including 7-day weeks, 50 weeks of the year, every year, is maybe a couple of months away from total annihilation. I have spent several millions improving his property, besides the months of time and effort to beautify Applicant's property.
22. And in June of this year, the First Applicant suddenly and without warning pushed the eviction hearing back to November to clear a space for their alternative strategy. To manufacture cases along with Ms Paula Disberry through lies, deceit, intimidation, threats and harassment so that they could use and indeed abuse SAPS the police and criminal justice system to do their dirty work for them and save on the cost of attorneys. Indeed, we have had several reports of him, Ms Disberry, her partner Peter Van Vyck, police officers and even private investigators in their pay threatening and or bribing potential witnesses into giving distorted, disjointed and often false information to aid in the manufacture of yet more charges. Including three people so far who have confirmed they were both threatened with 30+ years in prison if they did not cooperate and provide whatever was asked of them including witness statements written for them. including WhatsApp messages, voice notes/recordings, videos and other evidence of Ms Disberry, her partner Peter Van Vyck, police officers in their pay and even private investigators in their pay threatening and or bribing potential witnesses.
23. This includes a specialist fraud investigator who we have evidence of manufacturing evidence and threatening witnesses including threats they will serve 10, 20, 30 years or life in prison if they do not cooperate, yet a as a



private investigator she has no powers to make such threats. Indeed, the accounts we have received at state that she gives the impression of somehow being part of the SAPS police or criminal justice system whereas in fact she is pursuing the matter in her capacity as an investigator and not as a police person. Witness accounts say that she is underhand in not making her role, her brief and her status as a civilian clear. Instead leaving the impression she is part of an official investigation by the state. Therefore, giving weight to her threats of decades in prison if the person does not do as asked. And offering a total amnesty and state protection to those who assist them. Despite the fact they know that even where there was a crime, which there is not, they / she absolutely no power to make such promises. Even where any of these people police officers they have no such power and, in the cases, where they are not police officers and or not part of an official investigation to do so is a criminal offence.

And the threats on which those promises were based is entirely false regardless.

24. The First Applicant was acutely aware the proceedings we had initiated after his forcible illegal eviction which were highly likely to succeed, which did in fact would result in a Court Order against him, an interdict and potentially punitive costs as well. In an attempt to avoid this, an entirely false charge was laid by his wife claiming that I had stolen old items from the property when in fact the First Applicant and his wife were well aware that the items had been carefully inventoried and taken to a professional storage unit. Storage units to which he is the co-signatory. As a result, the special relationship the First Applicant has with a number of the members of SAPS at Hout Bay police station he was able to lay a charge with little or no evidence and ask they 'fake' an investigation, arrest me, ensure they hold me and do not let me go and then from the prison their agents would take over to ensure bail was denied. As such, there was not even an arrest warrant or formal docket at that stage.,
25. An astonishing amount of effort was then put in to arrest me. The two specific officers (one a friend of the First Applicant and one paid by the First Applicant) going to each of the villas one by one and then repeating the exercise providing no official information, no case number and not even their names. But simply repeating the same message that "Mr Russel should attend SAPS Hout bay police station urgently". Which I was strongly advised not to do as it was clear something sinister was afoot. It was a clear attempt to take me out of circulation prior to the hearing and by whatever means, force me to withdraw them. They carried out an illegal arrest just 10 minutes before the hearing was starting and then took me to the police station where I spent five days and nights in the cells and subsequent to that two week at Pollsmoor prison. I was not even told what the charge was until several hours into my stay at the police station and had to spend the journey from the point where they arrested me to the police station.
26. I was arrested in the centre of Cape Town near the CBD. The SAPS officers had no jurisdiction there and had obtained no permission to be there. They along with Wouter de Swart were there in a nonofficial capacity having no arrest warrant and no permission to be within a jurisdiction of another police station, as I understand it.
27. After arrest, on the way to the SAPS station, listening to the two of them refer to their buddy Keith Broad by first name and reciting all of the lies that he had told multiple other people, it was at this point that I realised I was not only dealing with a man who felt it was acceptable to carry out illegal evictions and to increase their effectiveness by hiring a private investigator to coordinate the various attacks as well as employ the services of eight gigantic and I am told armed thugs. But a man who had no qualms about committing perjury or lying to the police creating a fake criminal charge and sending an innocent man to prison purely to advance his position in a civil matter.
28. In fact, it has become the modus operandi of the First Applicant and the other members of the consortium. (The "Consortium" being a term we use to describe the collection of owners, their "private investigators" \*, paid thugs, and others who have come together to act in a coordinated way to increase their effectiveness.

Allowing one to benefit from the action of another while not appearing responsible). \*We have used the term private investigators loosely as enquires have shown some have no experience, qualifications or license and therefore present themselves fraudulently as private investigators and others have a very questionable track record. Including framing of innocent people; The theory being if you can create, invent or manufacture criminal charges it both avoids the considerable cost of civil litigation as it uses the resources of the state rather than the individual and its affect is far more punitive and debilitating . It also allows those who are responsible to stand back and pretend they have nothing to do with the matter. Further allowing them to both play the victim and to maintain a facade of respectability. Yet behind the scenes they are busy manufacturing evidence, starting on nurturing, feeding or laying false criminal charges that through threats, intimidation, bribery and terror they create the evidence sufficient enough to give it a chance at arrest and trial. With the thinking being that if you do this often enough then one must surely stick.

29. At every stage the First Applicant has made much capital of the fact that I'm from the United Kingdom and his various claims about the renewal of visas in portraying some nefarious motive for not extending and portrays it further as if it was a choice. My United Kingdom citizenship has put me at a disadvantage partly due to the fact that the First Applicant exploits the situation - he has been fundamental in creating it; (he was complicit in the illegal retention of my passport on the First occasion when my passport was taken and kept by them for 6 months. Which necessitated me ordering a new passport from the UK which took the UK Passport Office over three months to issue. And now that I finally got a new passport they have once again stolen it and hold it ransom in exchange for my agreeing X or Y. The First Applicant knows this full well yet gives the impression a) of someone who simply cannot be bothered to renew their visa or has a sinister reason for not doing so he gives the impression of someone that simply does not want to renew their visa implying there is some sinister reason for not doing so and conveniently not mentioning that he and Ms Disberry and Mr Peter Van Vyck had my passport for the majority of this year. And secondly coming from the United Kingdom I had always assumed that when you have a dispute then the proper thing to do is to settle the matter in court and abide by whatever the judgement might be, whether you are happy with it or not. And as such I was naive in assuming that would be the case here too. But I have learned the hard way that things you think are impossible are routine for some people and institutions you assume are incorruptible can be bought and used to someone's personal advantage.
30. At every stage the First Applicants legal attempts to misappropriate my time and money have failed he has opted for an illegal route.,. Therefore, whilst we hope otherwise, we suspect that should he not be successful in these proceedings we will find a 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> concocted charge they and SAPS have been busy manufacturing and building
31. Not content with having me arrested on a false charge and sent to Pollsmoor Prison the First Applicant had carefully pre-planned (with other members of the consortium, who also contributed in what can only be described as a carefully planned ambush) how the prosecution would handle the bail application and engineered it so as to make the granting of Bail almost impossible. Including with the help of SAPS inflating the value of the items. Originally the claim was under R100k and then while the files was in SAPS hands it increased twice more to an incredible and ridiculous amount of almost R1,000,000 (ten times the estimate they made on laying the charge) because SAPS and the PI they were advised of the material impact of values in terms of Bail applications which made the crime a Schedule 5 Offence (in line with murder, rape etc). With the purpose of making bail almost impossible. The Visa issue was also used in an attempt to scupper any chance of getting bail. Which I found sickening bearing in mind it was the First Applicant's colleague Ms Disberry who stole my passport and kept hold of it illegally to aid in their extortion, with the full knowledge of the First Applicant. The SAPS officer showed me a printout from the Home Affairs dept which we have since learned was a forgery. Along with an affidavit, also now believed to be a forgery. When I said to the officer that's close documents cannot be real as I knew I had extended my visa at least two- or three-times last year and the documents showed I never extended it since arriving Again he said that's not a matter for him that's for the judge and the

bail hearing. He seemed completely disinterested in anything I might say that brought any of the stuff into question. When the attorneys tried to speak to him, he was equally evasive and he ignored all of my requests to be able to make a call and or make a call to my attorney. The only reason my attorney knew where I was because a friend had contacted them. In the entire time I was at the station I was unable to make a single call out

32. The same colleague Ms Disberry who later when it was clear the case was falling apart provided a last-minute attempt to scupper my bail by providing an affidavit which was clearly an attempt to mimic the charge to create the impression that stealing items from the property is how we work. To create the impression of a pattern. Although we noticed with interest she declined to testify., we assume because she knew under scrutiny the perjury would become evident. It is an absurd notion considering the millions we spent on each property that we would go to such lengths for example purchasing 600 thread count Egyptian cotton sheets and then steal the four-year-old very worn and stained cotton sheets we inherited. But the ludicrous suggestion that we stole from her property and the even more implausible values put on the items was a clear attempt by Ms Disberry to help her friend achieve his goal as the two have been working together for some months in their constant attempts to create and manufacture as many charges as possible exploiting their special relationships at SAPS in the hope that one may stick. And in doing so had made my life a living hell. Hounded and hunted like an animal by the First Applicant, by Ms Disberry, by Mr Peter Van Wyk, by Gail Broad (the First Applicants cousin and the agent for 3 of the villas, Jenny Swifty, Keith Broad, Inga Broad, by Richard and Maureen Schaffer by the private investigator Wouter de Swart, by the sham private investigators Johan Schalkwyk and Dennis Dalton with their bodyguard/jailor Andre du Rand and fundamentally SAPS at every stage. I have had my home bugged, and found hidden cameras installed, staff have been threatened, and witnesses hounded and tracked by SAPS , the house watched throughout the period of the last year, including by SAPS a private investigator hired three or four months ago to deep dive into me and my past to find something anything that they can use to attack me with or bring yet another charge against me for. illegal eviction after illegal eviction, (aided by SAPS on the last two occasions) slander and defamation on an industrial scale, targeted intentional sabotage of our online marketing, interference with and gerrymandering of bookings and our diary to help create clashes or double bookings in an attempt to bring about what it is they have tried to accuse us of, stealing of guests, innumerable counts of perjury, extremely unhealthy relationships with multiple members of SAPS, extremely unhealthy involvement in encouraging, supporting, leading, financing, investigations into me in the hope any investigation might lead somewhere, intimidation of witnesses and intimidating others into being witnesses, threats and harassment, resulting in multiple resignations, theft of my passport for a second time. This time we are told stolen to order for Ms Disberry and Mr Peter Van Wyk.
33. Due to the First Applicant making sweeping statements that are incorrect and his portrayal of some issues as black and white when in fact they're very complex and others that are complex when they are very black and white and his dismissal of the very serious issues that I raise as if they are not important or that I am not telling the truth I would like these to be examined in detail. It cannot be right that the First Applicant can dismiss the enormous level of criminality as if it is somehow not relevant and at the same time making broad ranging claims that he says are fundamental to the issue
34. His false claims are not limited to the courts. On top of his constant misrepresentation of the facts to others the First Applicant would go out of his way to target those whose opinion can have a material effect on my life. Including but not limited to the neighbours, local community, local security, the police. As well as guests. And having SAPS give the clear impression these are facts and indeed spreading the lies on behalf of their friend and client. Even targeting the one remaining landlord who has resisted the First Applicants attempts to join with him and the others in their premature and brazen grab for the vastly improved assets. Constantly attempting to undermine me as a tenant. And failing to be honest in his discussions including for example that

were it not for the First Applicant I would be in an enormously better financial situation with all obligations up to date and very healthy reserves besides.

35. Not content with slander and libel on this industrial scale upon my illegal arrest he briefed journalists with an extremely one sided and entirely false account of the lead up to my arrest and the reasons for it. Directly creating two front page stories which were clearly set out to ridicule., mock, humiliate and undermine me. To publicly trash my reputation to millions of readers and subscribers.
36. He has constantly lied about my conduct as a tenant. These have included but are not limited to the First Applicant telling the courts as well as friends, neighbours, the local community, the local security firm, the local police and the state-wide police, the media, the online community that the reason for the eviction was that we were behind with our rent and or utilise. A story passed on also by SAPS at both Hout Bay and Camps Bay. Yet at no point where we ever behind on either rent or utilities. In fact, as we paid quarterly for the vast majority of the tenancy we have been between one and three months ahead don rental payments. And having had to pay the First Applicants electricity bill directly to the municipality when they cut it off having paid, I'm every month for three months we effectively loaned him almost R60,000 towards the utilities on top of what we paid. So often had he told this lie about rent arrears we had to get the managing agent branch manager Anton Moller to provide an affidavit to the courts. Indeed, Mr Moller has been the only honest, professional, decent person we have had dealings with since arriving in Cape Town and it was his professionalism and near inexhaustible patience that kept the relationship alive in the first few months. His extremely professional management of the property and his mediation kept the worst of the First Applicant at bay. Ince, he resigned it became carnage,
37. We refurbished the property from top to bottom and by any measure it is infinitely better than it was when we started. But reading the First Applicant submissions he portrays refurbishment as damage, improvement as destruction, renovation as dismantling. Giving entirely the wrong impression of the transformation. It is extremely disingenuous to use the very considerable improvements that a tenant has made as a means by which to force an eviction. Countless occasions the First Applicant has been asked to identify any of the changes that we made that he would like to put back to how they were when the lease ends. And he has failed to name one. He doesn't want the wall to put back, up he does not want the hole in the wall where the door is now to be filled. He does not want the old kitchen back where the new kitchen stands. He does not want the old sofas back where the new ones stand. He does not want the old house back where the new house stands. Yet he does want to take the money we have sunk into the property that he now seeks to deny us having any benefit of.
38. We are at a further disadvantage if the matter is decided on the papers alone. Unlike the First Applicant we have always been very truthful and given an accurate account on every matter. However, the First Applicant seems to have absolutely no qualms about misrepresenting the truth or telling outright lies to the point where he contradicts himself from one matter to another saying whatever is necessary to say to get a win at that stage. That places us at a considerable disadvantage. We therefore need the opportunity to demonstrate what he says is untrue.
39. One example being when he illegally evicted us from the property when the private investigator and their eight thugs broke in, took over the house, having first beat up and thrown out the housekeepers we had called a professional security firm whose details were passed to us by the attorney dealing with the civil matters as being highly professional and effective in being able to defend the property and the housekeepers from attack. As the private investigator and the eight thugs were outside, they were constantly trying to find vulnerable spots so they could break in. Because the front of the house is actually the two garage doors with the house set back behind this it is quite hard to find an easy spot to break in. The thugs had already managed to force open the garage doors but had not yet broken into the house. It was very clear the private investigator was in

regular communication with the First Applicant who was clearly controlling things from the safety of the phone like a general managing his troops from off the battlefield. The security firm should have arrived and then once inside been able to defend the housekeepers and the property from further attack. Unfortunately, they got there 20 minutes too late as the thugs had already broken in and were inside. Having arrived too late they stayed for a number of hours (as they had been paid for a full shift before coming out) waiting our instructions in case we wanted to file an urgent claim in the High Court First thing the next morning and to ensure that the people in the property did not assault anyone else and as best as we could check they were not destroying the property itself. Those facts are indisputable and backed up by WhatsApp conversations between me and the attorney, the offices and the attorney and those in the house and both of these. Yet the First Applicant had no problem lying when seeking a Protection Order and saying he lived at the property when actually he lives in Constantia, that he was at the property at the time when he clearly was not, that the security firm were actually my “henchmen” sent for the purpose of intimidating him and his family yet he knew their actual purpose, and that it was he under attack that day when in fact it was his paid thugs attacking innocent housekeepers. and these professional security people sent to protect the guests were in fact my henchman sent by me to intimidate him and his family. Back-to-back lies. His home is in Constantia, and he has not been residing at Leirmans since October of last year. He was not at the property at the time, and he was under no threat. Twisting the story 360° he was able to obtain a protection order. A protection order he had finalised last month when despite turning up to the court managed to have the matter heard so quickly and the First matter on the road that it appears it was done and dusted before we even set foot in the court.

40. His affidavit in the Protection Order and his Affidavit in the spoliation proceedings are directly contradictory and a clear-cut instance of perjury for which the First Applicant should be sanctioned
41. Despite the extreme provocation and criminality throughout we paid our rent on time and in full for every month of 2021 and 2022 up to July 2022. However, in late June around the time the First Applicant pushed proceedings back we had been made aware that plans were afoot to a) take back the property with force, b) frame me for a crime I did not commit and c) if the opportunity arose and the circumstance were favourable to take me out altogether. Bearing on mind my payments to that time for rent and utilities totalled a million Rand I had become aware of the irony that I was actually funding the First Applicant’s attempts to sue and harass me and evict me. I was not prepared to fund either the illegal occupation of the property and I was certainly not prepared to fund my meeting a very sinister end. And as the intelligence was reliable the fact, I was likely to no longer have control of the property that very month, the idea that we should pay another quarters rent was unwise in the extreme. And as we were informed the First Applicant did indeed attempt two illegal evictions that month and was successful on one and as the intelligence suggested he did indeed file a false charge. The successful illegal eviction which involved the 8 thugs, many of whom had criminal records and some of whom were armed, was aided and made possible by SAPS who clearly took instruction to stay away and indeed left hastily when one unit arrived.
42. A charge that has since been thrown out, but the First Applicant seeks to have reinstated to suit him in these proceedings. The first Applicant using the diary of this court to chop and change his approach in conjunction with his illegal activities to achieve the same result in conjunction with his criminal attempts to use and abuse the Criminal Justice system as a third route to achieve the same goals. The first Applicants swaps, changes and interchanges his attacks using civil proceedings or criminal proceedings or outright criminal acts as a matter of strategy entirely to suit himself and based on cost versus effectiveness. Only then returning to the Civil Courts (which is the only place this battle should ever be fought in) when his attempts via illegal direct action and illegal false charges via the criminal justice system have failed. How can it be right that the First Applicant return to these civil proceedings only because his other multiple illegal attempts have failed. Having put these proceedings back for the very reason as to clear the field for these illegal attacks ,

43. Since which time, although we were awarded an eviction order, in an extremely underhand move to scupper this or render it useless he applied for the Protection Order rereferred to. And lied under oath in doing so. SAPS were asked to confirm they would be ready to assist but refused to reply. With his application stating that he lived at the property and did so with his family needed protection in the home from the thugs and henchmen that I was sending to intimidate him.
44. The purpose of this stunt was to complicate and stand in the way of us taking back possession of the property. So not only did he lie under oath to get the Protection Order, but he did so to frustrate the will of the High Court. Yet despite his flagrant disregard for the law and for the instructions and order of the courts he then seeks those same courts to grant him what he has not been able to achieve illegally. No doubt expecting us to abide by court orders he feels no compunction whatsoever to adhere to. The protection order very clearly stated that if I or anyone acting on my behalf or staff went within 500 m of the property we would be arrested As such despite what the First Applicant might say that has made our return to the property impossible. How can I be expected to live in a home where Protection Order prohibits me from going within 500 metres of it. Knowing as we now do the First Applicants propensity for trickery and his special relationship of the local police stations and its history of false arrest, we could not take that risk and no reasonable person would have expected us to. Bearing in mind his history with the legal evictions and the huge upset cause as well as the last two attempts at illegal eviction which included the army of thugs there was also no way we could risk the safety of guests. Knowing that not only can we not rely on SAPS but that if called SAPS will either stay away to facilitate the criminal actions of these people or attend if called to arrest me or any of our staff makes the risks even higher. As a result of this the property has sat there unoccupied because an order for his eviction has been granted and a protection order barring us from going anywhere near it has also been granted. Whatever the First Applicants intentions when he rushed to get the protection order as a tactic, he created the no man's land we now find. The amendment to the protection order having never until these papers been shown to us. We have never been provided with a copy of the protection order with any specific terms in it. Although it actually makes little material difference because it refers to the place where he might be. And nothing stops him from turning up to the property and should I or anyone I know be in or the way to the property and he is there technically that is a breach of the protection order. And he knows this.
45. So to break the impasse, to be pragmatic and introduce some common sense to the matter we asked for an explicit undertaking that we may go back into the property as can any staff or Guests and that the First Applicant will not invoke the protection order and that we, all the staff the guests can have peaceful enjoyment of that property unless and until such time as a court says otherwise. For some reason the First Applicant and his attorney have failed to provide that. They have given general undertakings the wording of which is vague and could be read in multiple different ways. We returned to them to ask for a specific and explicit undertaking in regard to points. It was an easy and quick thing to draft. The fact that they have chosen not to provide that explicit undertaking is in itself alarming. The question posed was a simple one; can we go back into the property without fear of arrest or harassment or assault or eviction. It is therefore a yes or no answer. Until such time as such an explicit undertaking is made it makes returning to the property fraught with potential danger. As a result, the First Applicant cannot seriously expect us to pay rent on a property that he took over illegally and forcibly and only returned when a court order was granted and to then scupper a return to the property by getting a protection order based on perjury as a stunt and as a tactical measure
46. The First Applicant conveniently forgets that the only justification for the huge sums of money spent at the very outset is that there is the potential to claw it back over the lifetime of our occupation. We do not spend that kind of money frivolously. The First Applicant saw the property in which I resided prior to 16 Leirmans Road in a meeting arranged for the very reason of seeing the business model in action. Where he and his wife spent two hours. Having seen the property in person which was a model for all others the First Applicant understood very clearly what was involved in the relationship. And it was understood very clearly the single most important issue to me was that of tenure. Hence the reason we agreed a five-year tenure. Not the two

years alluded to buy the First Applicant. The one non-negotiable and red line we had from the very start was that unless the tenure was a long one the idea simply didn't work.

47. If we did not have a secure and lengthy period of occupation, then spending even 1 million would be out of the question so spending two or three times that was clearly never going to happen if there was any questions whatsoever that our tenure would be less than five years. We cannot say with certainty whether the First Applicant entered into that agreement intending on breaking it as soon as we had finished spending money on the refurbishment or whether that decision was made as the refurbishment work completed when he realised, he could cash in prematurely. But what we do know is that this matter and all his other attempts to take the property are solely because he wants to profit from the investment of time and money. There was no confusion in the mind of the First Applicant as to the relationship and that longevity was the most important criteria and that the expenditure in the initial months would be recouped over the subsequent months and years. Nor was there any confusion we would be doing a full refurbishment, What the First Applicant seeks to do is pick apart the relationship taking from it all the best bits and leaving us with all the worst bits.
48. He wants to keep a very considerable improvement we have made to the property, but he wants to ditch us. He wants to keep the benefit of the achievable rent being doubled what it was before our works, but he doesn't want inconvenience of having to share that with anyone. He wants to keep all of the expensive furniture that we have bought. But he doesn't want the inconvenience of a bill from the shops. He wants to benefit from the millions spent but he does not want the hassle or commitment of a bank loan or monthly repayments
49. What he is effectively asking for is for us to give him R3 million, all of the expertise we put into the property, six months of hard work of which three months were 20 hour days every day of the month. Both physical labour and mentally taxing admin and sourcing
50. If the First Applicant is successful in getting the eviction order it sends a very clear message to any rogue landlord that they may try whatever illegal means of kicking out a lawful tenant and they will not only suffer no sanction, but the court will award them with that eviction. A clear message that a rogue landlord may use the courts, the court diary, SAPS and court orders interchangeably with illegal moves and criminal action. In some cases, with SAPS turning a blind eye and in t=others with their direct help. That a rogue landlord can opt out of the civil courts temporarily while they try various illegal manoeuvres and then return if those are unsuccessful. That a rogue landlord can ignore the orders of the court that don't suit them but then expect their tenant to abide by those orders that do suit them
51. If the First Applicant is successful in getting the eviction order he will gain possession of a property worth R3-5 million more than when the we took occupation on which the First Applicant can bank a rental income of over a million more per annum than before the we took occupation. Solely as a result of the millions spent as well as several months of my life and the years of expertise in refurbishing properties. I however would have to write off R3 millions of investments and write off the months of my life invested in refurbishing the property. . I would also have spent R1 million on rent and utilities for the last year of occupation yet seeing as the first 2+ months were spent refurbishing the property and therefore it was not lettable and seeing as from the 24<sup>th</sup> of December I have suffered a nonstop campaign of illegal evictions, intimation, harassment, illegal and false charges, arrests, imprisonment, there has not been one single month where we have had the opportunity either to market the property fully or place guests in the property other than in piecemeal fashion for fear of yet another illegal eviction or even worse another illegal arrest by SAPS. . In any normal situation an agent of a short-let luxury holiday villa would fill the diary as ,much as possible depending on demand and the diary would on a property of this standard have back to back lets for whenever it was available. But because I have never had any faith in our occupation or ability to peaceably enjoy the property bookings have been sporadic and widely spaced so that when another illegal eviction takes place the dairy is easy to manage and bookings

easier to reallocate. That has cost me significantly more than the sum paid in rent. I would also have to forfeit the profit I should have earned by being able to let the property over that 5-year tenure.

52. All this excludes the human factor, the fact that if the First Applicant gets an eviction order, then the holidays of at least 40 families who have booked some time ago will have to be cancelled. For many their only holiday of the year and for some the first since covid. The cancellations would send us into financial ruin. And everyone will lose their jobs and the guests their holidays.
53. Had I never met the First Applicant and invested that same amount of money in a property owned by a reasonable owner then he would have received many hundreds of thousands of Rand in income that I have not to date I would also not have had to pay out almost a million rand in legal fees both the criminal matter and the civil matters. I would not have spent three weeks in prison or gone through the stress of that horrific experience. I would not have lost R10 million from having the entire online presence removed by a spiteful landlord. I would not have lost the R8 million when the agency was destroyed while I was in prison on an entirely false charge. I would not have lost the millions lost when his jewellery was stolen while he was in prison. I would not have either lost or given up the other properties as a) he would never have fallen behind with the rent and , b) never been in prison therefore not given the owners the opportunity to serve papers without my being able to see them or doing anything with them. I would not have had to forfeit the premium over the rental outgoings of over R5 million that should have come in as a direct result of the works done. All told that fateful meetings of the First Applicant has lost me R20 million directly and double that figure when factoring in the impact on the other homes.
54. That figure can easily be tripled if you factor in were it not for the First Applicant then I would have had the funds to acquire more villas and in turn generate significant additional income
55. Had I not met the First Applicant I would also have enjoyed the life I came to South Africa for. A quality of life and life balance that London does not permit. A life with less stress and worry. Time with my dogs and with family and friends. Instead, I have not only had to put all that on hold but has been through experiences no human should ever endure, my life has been made into a living hell. In constant fear of another attack, whether physical or online or reputationally or financially. My personal and business relationships as well as reputation destroyed by the First Applicant and the consortiums (especially Ms Disberry's) attempts to destroy my life, frame me for things he did not do, indeed create the very things I am accused of so as to benefit from them, to misrepresent me and my character and intentions in the most sinister fashion possible. A campaign to enrich themselves further, to make the already privileged even more privileged masked by the pretence of a moral crusade. Where they use guests as pawns in their game. (Pretending they care for the wellbeing of guests but in reality, using their misery for their own strategic and financial advantage). And in using these guests as ammunition keeping them from a solution that is actually constructive and helpful to them. If there was the slightest concern for the guests, then the First Applicant or the others within the consortium would have provide the information of those they claim to care about for us to address
56. And crucially had I not met the First Applicant he would have had the resources to address any obligations or contractual commitments or remedy any breaches. robust But far better for the First Applicant to keep me in a state of severe financial distress and then take advantage of benefit from or make capital out of our inability to settle these. The consortia make very considerable capital from our alleged failures and portray as mercenary and heartless yet they knowingly although surreptitiously deplete us of all resources and then point to failures resulting from this as evidence of their accusations.
57. And the human cost goes far beyond that of myself. Staff have suffered due to the First Applicants constant assault on my personal finances and that of the portfolio and agency. Intolerable pressure on wages and invoices, unnecessary redundancies or job losses, delays and problems with contractors and



sub-contractors, relationships with landlords and suppliers, insurmountable and permeant conflict with platforms and marketing mediums.

58. The First Applicant chooses to lie and pretend he has an issue with item A or item B of the refurbishment. What the First Applicant fails to tell that court is the very first issue on which there was disagreement was when staff discovered the housekeeper Wellem spying on them and sending the First Applicant daily updates of the work that being done at the property. Both in writing and by photos. This was discovered as the refurbishments were nearing the end. When challenged Wellem admitted he had been doing this almost daily and since the start. So in fact the First Applicant had been informed and kept up to-date to a meticulous degree. Although without the permission or knowledge of myself When questioned about this at the first round table meeting the First Applicant saw nothing wrong with this behaviour and objected to the term “spy” saying “spying is what the Russians do. I am just protecting my interests by getting reports from inside the house”. When asked if I could find a new housekeeper and one I could trust the First Applicants response was “No. I trust Wellem, he is my eyes and ears and my only means to control the property” When pressed for permission to at least consider a replacement the reply was “Only if I choose the housekeeper, I need my own man on the inside” This was one of the first wake up calls to the fact that the First Applicant does not operate to the laws which are supposed to control behaviour. Bearing in mind he received daily updates as to everything we were doing and that he did not object to any of it demonstrates that his arguments about not having permission for X or Y is yet another tactic and has no merit in fact. If he had objected to any of the things we were doing he had ample opportunity to say so at the time or since. But because we were up-to-date with our rent utilities and because we were improving the property and behaving as a perfect tenant would he has had to grab at straws to find anything that can justify his attempt to misappropriate my time investment.
59. Has he asked for the door to be removed and the hole in the wall put back to a wall? No. Has he asked for the wall dividing the garden in two and totally obscuring the view of the ocean and skyline in a property where the greatest feature is its ocean view to be rebuilt? No.
60. The First Applicant is using these things amongst others to seek the my eviction when in reality these are smoke screens to cover the real reasons. The First Applicants claims the refurbishment works are in fact damage and I have not improved the property yet when he instructed a local estate agent to secure the sale of the property a few months ago (despite not having possession or one even close to that stage) he chose to use our photos of the property after we had finished the works and of my fittings, furnishings and designs. He misrepresents the vast improvements in the property as damage in these proceedings but is very happy to base the marketing campaign to sell the house exclusively on these very things.
61. By his own admission the removal of the top of the garden wall was a vast improvement. And the door put into the wall was in fact his suggestion. So to rely on the improvements to the property that he did not object to at the time so as to engineer our eviction from the property to enable him to misappropriate our time and investment is disingenuous at best.
62. The First Applicant understands very clearly refurbishment of the property is a holistic one. Something that we do to create an end product that we and our guests love. It is not an interior design service where the client is paying a substantial fee as well as footing the bill for the work itself and therefore can pick and choose what they do and do not like.
63. That is under written with the assurance that if there are things the client is not that keen on then at the end of the five years prior to the lease ending if it's not to be extended we would put those items back to how they were. So a landlord is protected in every regard. And the First Applicant conveniently forgets that under the original agreement bearing in mind the tenure was five years which would mean no empty periods, very few agency fees, and revenue for him of over R6 million. It is not unreasonable therefore to expect that if the

landlord wishes to receive a sum of R1 million and it is the Respondent who meets the massive cost of refurbishment both for as a home and to be able to pitch the property at the appropriate market which to do so that requires the property to be fitted and furnished to a styling and standard that will achieve that. It is not therefore for a landlord to suddenly intervene, pick and choose what they do and do not like according to their own taste. That is something that of course they can do when they are paying they are paying for their interior designer and their own refurbishment. The First Applicant agreed both by the agent and via various WhatsApp messages and communications and most importantly during his visit to the Villa prior to this one to see the model in operation that I would be permitted to refurbish the property to standard and taste that they knew the target market would like. So it is extremely bad faith both to use the very refurbishments themselves as a means to achieve an eviction and misrepresent investment and refurbishment as damage.

64. His choosing to use (without permission) the photos taken by ourselves with images of the refurbishments and furniture. With not one photograph of the property as it was or any items that pre-existed their occupation. Those photographs the First Applicant used for marketing show the very works the First Applicant is now misrepresenting as damages.
65. Prior to the most recent eviction of the 24<sup>th</sup> of July on all prior evictions I would be allowed back in if they had to agree to pay rent for the period of time the First Applicant had control of the property, something it was felt to be highly unfair but had little choice. This was really a form of unlawful enforcement or compulsion on another contracting party, and decisions made under such compulsion fall to be set aside, anyway, because of the forcefulness and illegally involved.
66. However, since I was granted bail in relation to the false charge the First Applicant laid against me we hired a Private Investigator to conduct an investigation into the surrounding conduct of the First Applicant, the consortium and SAPS to demonstrate and prove that my statements are true and the First Applicant and SAPS have lied constantly throughout these proceedings and absolves me of liability emanating from the spurious claims put forth by the First Applicant in his abovementioned Supplementary Affidavit. The judge was damning of the investigation, SAPS, the PI and the testimony of the investigating officer in his summing up. Despite all they had done to scupper bail he granted bail and with none of the conditions demanded by the prosecution. Including no requirement to hold my passport but despite this they still do. And have ignored requests to return it. The Magistrate in summing up ran through a number of issues which he said were alarming and or had serious questions to answer. Gesturing each time to draw a huge question mark in the air and on the last one making comment that that issue raised a huge "red" question mark.
67. As such, it is appropriate and just that the matter must be referred for the hearing of further oral evidence to prove my innocence of the claims about my character, and my actions herein, which Applicant alleges have given him the right to lawfully cancel this lease, and evict me from the property leased.
68. Whilst permitted to let to guests, all rentals and charges owing were paid timeously, and for a long time afterwards as well.
69. The Respondent I set out details and provides proof of conduct unbecoming of a human being undertaken by Applicant, including the following;
  - a. Numerous attempts to illegally evict Respondents and his staff from the premises, and to intentionally interfere with paying guests too;
  - b. Multiple attempts to illegally evict the Respondents and others with force and violence including on two occasions 9 men including 8 extremely large and aggressive paid thugs

- c. Actively engaging in a campaign to discredit the Respondents
- d. Laying false criminal charges against respondent, and creating false evidence, and getting others to do likewise, with the assistance of SAPS, leading to Respondent to being illegally arrested by SAPS, illegally detained by SAPS, illegally put in prison for a month, and unable to operate his business even after leaving jail; and planning further such charges the methods for which have involved those leading the investigation who despite their professional credentials and reputation in highly illegal and unethical practices including threatening witnesses, blackmail, false threats of decades in prison, false statements about their ability to absolve or exempt witness from prosecution, false statements about witness protection. In addition to bribery and coercion, Of particular note the involvement of Peter Van Wyk whose methods have included all of the above, and an alternating strategy of threats and bribery. Mr Peter van Wyk working closely with the lead investigator being especially active in framing the Respondent
- e. Alleging to the public, and to many online hospitalise and online marketing sites in particular, that the Respondent was dishonest, acting unlawfully, falsely sub-letting houses, stealing customers money, and other false charges, and so having him de-listed, and unable to conduct his business, and/or encouraging his customers to cancel their reservations;
- f. Alleging Respondent was in breach of the agreement when his was not;
- g. Cancelling the lease when he was unable to do so, and knowing that he did not have the right;
- h. Giving false witness and lying under oath to obtain interdicts against Respondent, rendering him unable to live in his own home
- i. Using unlawful force and coercion to oblige Respondent to waive or vary his rights.

- 70. The above actions by the First Applicant, acting in person or through his staff, associates and consultants, made it further impossible for me to be able to live peaceably the property or successfully ensure the property can earn revenue via the agencies employed to secure that revenue
- 71. Any of the above actions, and/or them all collectively, rendered it impossible for me to perform in terms of the lease, and/or earn income, but excused the me from the obligation to pay such rental and charges as may have been due from when the First Applicant did commence in January 2022, as the First Applicants conduct was deliberate and unlawful, and further exposed the First Applicant to a damages claim by Applicant far an amount of many millions of rand, and an amount far in excess of any amount claimable by Applicant; Including millions in lost rental income directly resulting from his illegal evictions, millions in damages for pulling down all online marketing, millions for the false imprisonment and industrial scale slander and libel, millions in regards to the investment into the property having been duped into renovating his property for free,
- 72. Having come late to the reality of going to “against the man who has no qualms about lying who has had the benefit of a private investigator on the payroll for five months now and the considerable advantage over me and having had me put unlawfully in prison for almost a month of that it is only fair we have sufficient time to examine the evidence before us in regards to his and his colleagues criminality. Fortunately or unfortunately the file documenting this and the multiple other criminal acts of the First Applicant in the consortium runs to hundreds of pages. As the First Applicant has been dictating the timetable

73. so far he has had the luxury of poking at every corner of my life and those around me thereby enabling them to attempt to destroy it. We would like the opportunity to be able to demonstrate to the court that all the comments and statements we make entirely accurate and thereby allow the court to reach its opinion based on a full picture and one that is based on fact and not fiction.
74. The above evidence became more apparent after the filing of affidavits of affidavits had been completed herein, and so, if the supplementary affidavit of Applicant is not permitted to be filed herein, it is yet necessary that my supplementary affidavit be permitted to be filed and form part of the record herein, even if it means that this matter must be postponed to grant Applicant a chance to reply;
75. Further, it is essential that oral evidence be heard in this matter, and my affidavits indicates that there are several witnesses, besides myself, my partner and some staff members, which I would like to call to support his version of events, and counteract the false evidence Response will no doubt adduct to support his ingenious but false story;
76. Without being able to test such evidence under cross-examination, it would be impossible to establish with any degree of certainty which version is more probably the truthful one, on a balance of probabilities, if it is not decided from the above that there are too many disputes of fact to warrant the process chosen by Applicant to obtain the relief he seeks being continued with at all, but rather simply dismissed with costs, including the costs of all interlocutory applications herein;
77. Every statement in this affidavit and every claim I make I have proof of and make none of these statements lightly
78. Whether such supplementary affidavit is permitted to be filed or not, I pray that my supplementary affidavit be admitted, both this one and the one filed to oppose the allegations made by Applicant in the main case, already filed herein, and the contents of which I pray be incorporated as if forming part hereof.
79. If the main application is not thrown out now with costs, including interlocutory costs, because of the many factual disputed between the parties, as I ask do for, I then pray that both my additional affidavits files herein with annexures be nevertheless be admitted to the record and deemed filed herein, and that the main application be postponed to a date to be determined by the Registrar, giving enough time for the filing of any further affidavits to reply to the allegations made by both parties, and for the discovery of documents, with costs to stand over for late determination, or such alternate relief as this court may decide.

I therefore ask that the prayers sought herein be granted as prayed.

\_\_\_\_\_  
DARREN RUSSEL

Dated at CAPE TOWN on this the       day of NOVEMBER 2022, the said deponent acknowledges that he knows and understands the contents of this affidavit and that he had no objection to the taking of the Oath and he considered the oath as binding on his conscience, by uttering the words: "I swear that the contents of this declaration are true, so help me God"

\_\_\_\_\_  
COMMISSIONER OF OATHS

## GENERAL RELATED DOCUMENTS

# ARREST OF KEITH BROAD, WARRANT AND STATEMENT

SAFS 3M(a)

UID-AFRIKAANSE POLISIEDIENS SOUTH AFRICAN POLICE SERVICE

Part A

STATEMENT \* VERKLARING

Date: 07/2022 CAS no: 07/2022

in following particulars in respect of the offence / incident is supplied:  
in volgende besonderhede met betrekking tot die misdryf / voorval word verskaf:

PARTICULARS OF OFFENCE/INCIDENT \* BESONDERHEDE VAN MISDRYF/VOORVAL

offence / misdryf: 20220724 1730

description of Offence/Incident: Inankorensie / a Court Order.

method used / metode gebruik: Force Entry

type of instrument used: Broken with physical force

SCENE OF CRIME \* TONEEL VAN MISDAAD

name of place: No 16 Liebmans Road

name of place: Llandudno

area: Cape Town

postal code: 7800

type of premises: Residential

Date: 2022-07-25

Signature: [Signature]

Signature: [Signature]

1. In case of theft of a vehicle the statement must be confirmed on form SAFS 3M(g).  
2. In case of theft of a firearm the statement must be confirmed on form SAFS 3M(d).  
3. In all other cases the statement must be confirmed on blank folio paper.

1. In geval van diefstal van 'n motorvoertuig moet die verklaring op vorm SAFS 3M(g) voorgelees word.  
2. In geval van diefstal van 'n vuurwapen moet die verklaring op vorm SAFS 3M(d) voorgelees word.  
3. In alle ander sake moet die verklaring op 'n blanke folio papier voorgelees word.

SAFS 3M(a)

UID-AFRIKAANSE POLISIEDIENS SOUTH AFRICAN POLICE SERVICE

Part A

STATEMENT \* VERKLARING

Date: 07/2022 CAS no: 07/2022

in following particulars in respect of the offence / incident is supplied:  
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3. In alle ander sake moet die verklaring op 'n blanke folio papier voorgelees word.

Q.P.S. 0102

I, Darren Charles Alexander De Rozet Benavent Russell State under oath in English.

I want further police investigation.

I know and understand the content of above statement. I have no objection in taking the present oath. I will consider the present oath binding to my conscience.

Signature of Deponent: [Signature]

Signature of Officer: [Signature]

Officer: [Signature]

Address: 38 Buitenkant Street, Cape Town

Address: Cape Town Central Police Station

Q.P.S. 0102

I, Darren Charles Alexander De Rozet Benavent Russell State under oath in English.

I am a white male, British passport 562491523, residing at No. 32 Fish-bend Llandudno, Cape Town. Contact No. 0795481226.

On the 2022-07-24 time 13:30, I was contact by my employees Dwethu Tinalol Shanyile and Sylvester Sibaya. They informed me that they was forced out of the house that I am hired at No. 16 Liebmans Road, Llandudno, Cape Town. All property inside house is my property. They was forced to take what they could out of the house but leaving my furniture and personal belongings. By people hired by Keith Broad.

As accordance to the protection order paragraph 3.1.1 (a) I state that Mr. Keith Ronald Broad may not attempt or engage in harassment of me (complainant) and related persons. The respondent Mr. Keith Ronald Broad as per paragraph 3 (c)(i)(ii) may not enter the premises except for purpose of inspection, he may not evict me or any related person from the premises without a valid court order.

There is a warrant of arrest issued if any of the order instruction was contravened.

There was a assault docket open from my employee Dwethu Shanyile.

I lost furniture and personal items to the value of R100,000.

Signature: [Signature]

Signature: [Signature]



# ATTORNEYS LETTER TO COMMANDER HB SAPS DEMANDING K BROAD'S ARREST

As per the protection order and the previous arrest warrants. Ignored by his friends at Hout Bay. Interestingly, no one has ever seen the arrest warrant for the august arrest, because there was none



87 Dorp Street  
Stellenbosch, 7600  
P.O Box 675  
Die Boord, 7599

Tel 021 872 3014  
E-mail [johannes@oostco.co.za](mailto:johannes@oostco.co.za)  
Docex 25, Paarl

Our Ref: JL/W05647

Your Ref:

29 July 2022

**URGENT**

Colonel Syster  
Copy to: The Branch Commander  
South African Police Service  
Main And Mandela Road  
Hout Bay  
7872

Per email: [HoutbaySAPS@saps.gov.za](mailto:HoutbaySAPS@saps.gov.za); [SysterJ2@saps.gov.za](mailto:SysterJ2@saps.gov.za)

Dear Sirs,

**URGENT ACTION REQUIRED: OLWETHU SOKANYILE & OTHERS / KEITH BROAD & OTHERS: WESTERN CAPE DIVISION, HIGH COURT, ENROLLED 04 AUGUST 2022 AND CRIMINAL COMPLAINTS – WARRANT FOR ARREST OF KEITH BROAD**

1. I refer to our brief telecon with Cnl. Syster of yesterday.
2. As discussed, my clients are Mssrs Sokanyile, Silvester and Russell. The last-mentioned is a lawful tenant of 16 Liermans Street, Llandudno and all three were occupiers until 24 July 2022, when they were forcibly assaulted and evicted without court order, by unknown persons, who currently remain in the property.



Directors: M Oosthuizen - J Loubser - R White - A Jordean  
Senior Associates: M Meyer - N Searas  
Associates: C Neethling  
Professional Assistants: S Chapman  
Candidate Attorney: N Nel  
Registration Number: 1996/012322/21  
VAT Number: 4300160548



- 505 Buitenloof Studios, 8 Kloof Street, Gardens, Cape Town  
- 1<sup>st</sup> floor, Middehuizen Building, 304 Main Street, Paarl  
- 17 Panorama Drive, Somerset West  
- 87 Dorp Street, Stellenbosch  
- [www.oostco.co.za](http://www.oostco.co.za)

To: The Branch Commander – Hout Bay SAPS

Date: 29 July 2022

Our Ref: JL/W05647

3. Officers from your branch were on the scene but left, despite the request by our clients to remain on the scene and to keep the peace. Mssrs Sokanyile and Silvester attended to your branch shortly after the incident to lay criminal complaints but were shown away, with officers refusing to take their statement or criminal complaint.
4. Mr. Sokanyile heard the officers saying in isiXhosa to each other that the matter would not go anywhere. We confirm that the unlawful invaders threatened their lives and safety, in addition to assaulting them, and that their personal belongings remain in the house. Our clients attended to Cape Town Central on 25 July 2022 and laid the criminal complaints. We have spoken to the detectives and understand that the dockets have not yet been captured (as they are backlogged) and will thereafter be transferred to you.
5. The above actions were confirmed by the unknown men and Mr Wouter de Swart of Fox Forensics – Tel: 072 203 6660, to have been orchestrated by the owner of the property, **Mr. Keith Broad, residing at 29 Hermina Avenue, Constantia**, and who has taken the law into his own hands pending the hearing of an eviction application in the High Court at Cape Town on 16 November 2022. We are of the view that such eviction application is without merit and is doomed to fail.
6. A protection order was issued (in terms of Act 17 of 2011) on 02 March 2022 out of Cape Town District Court in favour of our client. Please see a copy enclosed, along with a copy of the warrant of arrest. The protection order has been breached. Kindly also see Mr. Russel's statement enclosed.
7. Kindly confirm when Mr. Broad will be arrested. We stand ready to deliver the original warrant of arrest to you at your convenience.
8. As an aside, we have heard reports from our clients of Mr de Swart pretending to be a police officer. We stand ready to forward statements in this regard.



Directors: M Oosthuizen - J Loubser - R White - A Jordaan

Senior Associates: M Meyer - N Sarkis

Associates: C Van Emmenis

Professional Assistants: S Chapman

Consultant: N Nel

Registration Number: 1996/012322/21

VAT Number: 4300160548



· 505 Bultenkloof Studios, 8 Kloof Street, Gardens, Cape Town

· 1<sup>st</sup> floor, Middelhuizen Building, 304 Main Street, Paarl

· 17 Panorama Drive, Somerset West

· 87 Dorp Street, Stellenbosch

· [www.dosthuizen.co.za](http://www.dosthuizen.co.za)



To: The Branch Commander – Hout Bay SAPS

Date: 29 July 2022

Our Ref: JLW05647

9. As further discussed, we intend to make urgent application on Thursday, 04 August 2022, and we will forward a copy of the High Court order immediately once it is to hand. The order being requested, will require your officers to grant all required assistance to the Sheriff and so as to immediately evict the occupiers currently present at the property and to reinstate our clients. We look forward to liaising with you in this regard and will supply private security to support you, if necessary.

10. We look forward to your response.

Your sincerely,

**OOSTHUIZEN & CO**



**JA LOUBSER**

(Per email: [johannes@oostco.co.za](mailto:johannes@oostco.co.za))

## REPRESENTATIONS TO THE SENIOR PUBLIC PROSECUTOR



ABRAHAMS & GROSS

ATTORNEYS NOTARIES CONVEYANCERS

THE SENIOR STATE PROSECUTOR  
WYNBERG MAGISTRATES COURT

Your ref  
Our ref JCSS/St/WB2607  
Ext 231/366  
Fax 086 514 9966  
Email Juan@abgross.co.za  
Date 29 June 2023

BY EMAIL

WITHOUT PREJUDICE

Dear Madam,

RE: REPRESENTATIONS – STATE / D C A B RUSSELL CAS NUMBER 81/12/2022  
MATTER : THE STATE V DARREN RUSSEL  
CAS NO : 81/12/2022  
CASE NUMBER : 4/1143/22  
POLICE STATION : Hout Bay  
WYNBERG DISTRICT COURT : Court 2  
NEXT ON THE ROLL : 28 July 2023

1. I refer to the above matter and confirm that I am on record as legal representative for Mr Darren Russell ("my client"), the accused in this matter.
2. I am addressing this letter to you at the instance of my client, who has been charged with, 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.**

3. **BACKGROUND TO THIS PARTICULAR MATTER:**

- 3.1. At the outset, my client was arrested for three counts of fraud by ZZ. During my client's six days at Hout Bay SAPS, another two charges were added by ZZ without reference to my client, and in the case of all five charges, without taking a statement or asking question about any aspect of them. Although my client was neither charged directly nor asked any questions about the two complaints.

**There exists very considerable evidence that the arrest in December, as well as the arrest in August, were instructed by private individuals for their own personal gain and that both arrests were illegal. The charges were manufactured to justify the arrest. Put simply, the arrests were illegal evictions in all but name. And the use of arrest to remove a tenant where no court would. In such a way as to steal tens of millions of Rand of refurbishments and rental uplift.**

My client had created one of the most exceptional collections of properties in Cape Town. Widely accepted as in the top one percent. Each is genuinely unique and a showcase of the skills, talents, and hard work of my client. Having accomplished this in effectively the space of 6 months, having worked 18-hour days, seven days a week from mid-2021 to the end of 2022, to make this all possible is a testament to an iron will, determination, and old-fashioned hard work. Investigating Officer Sergeant Stevens

If you look at the photo album [DR22] of photos taken of the villas my client transformed, that all of that is the product of one man's mind, determination, and work is incredible. When you consider all those projects were completed within the same year it is an exceptional endeavour.

Add to that my client creating a portfolio with an annual rental income of R25 to R30 million in the space of a few months. That must be one of the most astonishing achievements I have seen. One that should be applauded, recognised, and celebrated. Not attacked, defamed, and ridiculed.

My client demonstrates not only a unique eye for detail and an understanding of what high-end guests want but also logistical, and budgetary skills rarely found alongside a design flare.

These were not simply refurbishments or improvements but represented complete transformations.

As mentioned, had my client been left to get on with looking after and renting his collection, the rental income in 2022 alone would have been approaching R30 million. With a cost base of just R6 million. Thereby an annual profit in the first full year of operation of R24 million. It is an incredible achievement by any measure.

This, however, proved a fatal error on the part of our client. Having transformed the properties so completely, he also transformed their sale and rental values. The latter being precisely the point as the uplift in rental income and the tenure of five years was the sole basis on which Mr Russell entered into the agreement; so that he could recoup the very substantial investment of time and money.

The additional rental income my client's work, and investment had made possible across the properties and over a five-year tenure was more than R100 million. This, on top of the millions, added to their capital value.

Ironically, by transforming the properties my client transformed himself from a tenant any landlord would love to have into one who stands in the way of the landlords themselves banking that R100 million premium.

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t 021 422 1323 f 011 604 0038 | 1st Floor 56 Shortmarket Street Cape Town 8001 | PO Box 1661 Cape Town 8000 | Docex 61

By way of example, while my client remained the tenant, they continued to benefit from the rental of R100,000 per month, every month for five years, as well as a tenant who very demonstrably was taking great care of the properties.

But that also meant no access to the rental premium or the increased capital values until the end of those five years. If my client could be removed, then they would immediately be able to bank rental income of half a million a month and have access to much higher capital values by selling should they wish.

As well as benefiting from free multimillion Rand, interior designed, project managed property refurbishment. And if removed in the right way keeping all possessions, contents, furnishings, artwork, etc.

All this adequacy was demonstrated by the various landlords' actions immediately prior to and after the arrest.

In essence, my client envisions the projects. Visualising the end product before the first item has even been purchased. My client identifies the potential and takes all the risks. He uses his exceptional talents to design and achieve these sensational transformations. He plans projects manages and budgets. He has the joy of managing labour and the obtaining and evaluating of quotations. And very importantly, he funds every aspect of the works as well as the rent while the property is refurbished.

Then once all of this is completed, when the property is up and running as a very viable and profitable concern, the landlords take the properties off him. Like cocoos who never build their own nests, but rather sit and watch other birds do all the work and then once finished steal the nest for themselves.

And not just taking the properties, taking their entire contents. Ruining his reputation with slanderous lies and then putting my client in prison so he is unable to reverse their theft, defend himself adequately, counter their accusations, or ensure others know the truth.

Anyone who has done even mid-scale works on their own property knows the stresses and the challenges involved. Imagine then the stresses and pressures involved in a full property transformation. Then imagine that multiplied by five and in the space of a few months.

Imagine the sense of betrayal, disappointment, and distress when having done all that those who were already benefiting from my client in a way no landlord ever does (by way of the generous monthly rent, the 100% occupancy, the uplift in capital value, the vastly improved properties), then decide to steal back the properties. Thereby stealing the refurbishments, the time and money invested in those refurbishments and steal the only opportunity by which to repay that time and money,

At the arrest, no mention was made of any matters in relation to my client's visa or immigration status. There was no mention of any such matter on any of the paperwork either. My client's understanding is that at the first bail appearance the issue of "flight risk" was raised after bail was granted.

In addition, after the granting of bail, my client believes the Investigating Officer Sergeant Stevens told the state there were “at least five more charges on their way in” and “a number of issues from Paarl” also coming in. It was on this basis the state objected to bail. Bail was subsequently ‘revoked’. Although nothing was heard of any of the charges and issues the IO had said were on their way at any of the subsequent appearances, or at the bail application itself, or in the six months since. The count of contravening the provisions of the act was added at some point thereafter.

3.2. **On 13 March 2023, when the matter finally went before this honourable court, all the Fraud charges were withdrawn, hence the only remaining aspect to be dealt with is the charge relating to the contravention of the Act.**

3.3 In this regard, the charges, according to the documentation furnished to my client’s attorneys as part of the State’s bundle of further particulars are as follows:

3.3.1. Statement by Mr Siv my client Fino, an immigration officer with the Department of Home Affairs; and

3.3.2. Statement by Mr. Adrian Edric Jackson, an Immigration Officer with the Department of Home Affairs.

3.4. Indeed, the State’s case in relation to the current charge is based purely upon the Statements aforesaid.

### 3.5. **GENERAL BACKGROUND**

As we will come onto both statements are inaccurate. Neither provides context to the situation, which we hope to do in this Representation. Ahead of this, by way of introduction and with the aim of providing that context, we have provided an account of the period applicable both to the visa issues and the various matters at play that have resulted in the charge. We appreciate this is lengthy for either introduction or context, but the facts of the matter do not lend themselves to brevity or headlines. The below is as succinct as we are able while ensuring that as little as possible of material relevance is lost in the telling. The facts are unbelievable and even more so for being true.

3.5.1. My client came to Cape Town in December 2020 having been here many times over the previous two decades and having resided here from 2014 through to 2016. The intention was to split his time between his homes in London and Cape Town, with the longer-term aim of making Cape Town a more permanent base and eventually home. However, within days of landing the first South African strain of COVID-19 resulted in the flight restrictions making that impossible for the majority of 2021. Just as restrictions were easing in the latter 2021 Omicron wreaked havoc. Followed immediately by the thefts and illegal retention of his passport and replacement passport. As a result, my client has been unable to see friends, family, or his mother since December 2020. Something that has caused increasing distress. Made worse by his mother being diagnosed with lung cancer last year. As we shall go on to explain, for the State or indeed anyone to suggest the lack of a renewed visa is the result of any intention or desire on the part of my client has not the slightest grounding in truth. Unfortunately for my client, the truth defies belief.

- 3.5.2. My client leased and substantially refurbished his home in Camps Bay with the intention of being able to accommodate visiting friends and family. As this was not possible due to travel restrictions, the lower portion of the property was advertised on platforms such as Airbnb, and Booking.com in listings for luxury short-term holiday lets. (Contrary to the statements and affidavits of Ms. Paula Disberry (Ms. Disberry), she was fully aware and supportive of the rental of the property. Please see “**DR20**”, one of the dozen examples of perjury). This proved very popular resulting in a large volume of bookings, exceptional reviews, and my client achieving Super Host status on Airbnb in his first quarter. Retaining that status as well as achieving multiple similar accolades and awards across the platforms.
- 3.5.3. In the latter part of 2021, an agent who had been extremely impressed with the transformation of the Camps Bay property had offered him the villa in Llandudno on Leirmans Road belonging to her cousin Mr Keith Broad. And then the villas on Monterey Road belonging to her friends Richard and Maureen Schaffer. Her proposal was that my client would invest his own time, expertise, money, and resources to upgrade the properties. In return for a long-term tenure which is my client’s primary and overriding requirement. A minimum of five years to be able to recover the considerable investment. Agreements were reached and contracts were signed.
- 3.5.4. Crucially, it would later transpire that there had never been any intention of honouring the promised 5-year. Instead, the intention had always been to entice Mr Russell into entering a lease based on that promise, so that he would use his time, expertise, and money to transform each property, and then once completed the owners would find a way that he could be removed without having to recompense him. Ideally engineered a situation where they could keep all the refurbishments, furnishings, fittings, and artwork that made the properties so attractive to people looking to rent or buy.
- 3.5.5. Something demonstrated by the fact that the huge personal debts of Mr. & Mrs. Broad made selling the property not just preferable but essential. However, the sale achieved a price close to R30 million, and as the property had had no interest at R22 to R25 million in 2020-2021 that was impossible. Told by several agents that if they wished to secure a sale, they would either need to drastically drop the price or undertake a full refurbishment to achieve the price they. Already unable to service their current debts, both options were impossible. Hence deceiving my client into doing it all for them. Further demonstrated by the valuation and advertising of the property at R31 million immediately after my client’s second illegal arrest.
- 3.5.6. My client had also seen a large villa in Llandudno which he planned to move into and make a home. Moving from the Camps Bay property due to the landlord Ms. Paula Disberry as with all the landlords, having attempted an illegal eviction some 6 months earlier once my client had finished transforming the property. My client proved highly attractive to Ms. Disberry when he leased the property during Covid 19 when no one else would and has gone on to transform it. However, again, once the transformation was completed and COVID-19 began to recede suddenly my client was an obstacle to the landlord cashing in on his hard work. As he had already begun to get the measure of Mr. Broad it was sensible to secure a property that had not been negotiated by Mrs. Gail Broad and where circumstances suggested far less likelihood of the owner trying to take it back once transformed.

- 3.5.7. As planned, my client began the work on each property and over the following months spent circa R10 million doing so. The result was a collection of five of the most exceptional properties in Cape Town. With the reconfiguration of the property on Fisherman's Bend made six residences unrecognisable compared to how they were before my client's leases started. Fully refurbished, additional bedrooms added, gardens landscaped, fully interior designed, and all with bespoke customer-made unique furniture my client had sourced, designed, and made by craftsmen.
- 3.5.8. The result of this herculean effort was that each of the properties was worth several million more than before should an owner wish to sell. And each could now command rent many millions per year more than before. However, while my client was in occupation for the five-year life of the lease neither the sale nor rental premium created by my client were accessible to the owners. The rental premium would naturally go to my client to repay his vast outlay and risk. Although would then revert to the owner on the expiry of the leases. During this time the owners would receive substantial rental payments from my client. A pattern formed, as each property passed the point of transformation, excuses began to try to retake them and moves began to try to create the circumstances in which that would be possible. The landlords initially acting independently of each other soon realised the power of working together, although always careful never to give the impression of doing so. The landlords who had common connections including Mrs. Gail Broad combined to embark on what was to be a year-long campaign against my client. A war of attrition to ruin and remove him so they could benefit from his work. With an estimated combined increase in capital values of R30 million and a combined increase in rental income over the agreed five-year tenure of R100 million. Plus, the prospect if removed in the right way, misappropriates the millions spent on furnishings and artwork, which would remain in situ allowing the landlords to continue to achieve these premium rents.
- 3.5.9. Importantly, with most guests coming from overseas and via international platforms this meant the host can if so constructed, receive most of the revenue in foreign currency, euros, dollars, Stirling, etc. Which to someone from the UK such as my client offers no advantage. However, to someone resident in South Africa with very strict exchange controls, rules, and regulations as well as limits on receiving money and sending money out of the country, payment in foreign currency that never needs to land in this country magnifies the value enormously. As such, without realising or intending to, by transforming the properties and in such a way they could command hundreds of thousands of dollars my client had created a readymade gold mine and given the owner one hundred million reasons to have him removed. As just one example, the rent on 32 Fisherman's Bend is R100,000 per month. However, after my client spent millions refurbishing it, he was able to achieve R500,000 to R900,000 per month depending on the time of year. Several million more per annum
- 3.5.10. All the risks were taken by my client, the vision and concept came from my client, all the hard work was undertaken by my client, all the planning was executed by my client, and all the furnishings were designed and installed by my client, all the styling the product of my clients' talents, all the rent and effectively the landlords' mortgage during the refurbishment also paid by my client. The delivery schedules, the budgeting, the managing of workers and teams on site, and the gathering and selecting of quotations, were all done by my client. The branding and perfecting of the guest offering. The inevitable losses in the first few weeks before the villa is established are absorbed by my client. And of course, the entire project from start to finish, funded by my client. All so that when the works are completed, the money spent, the villa established, and the bookings rolling in, the owners can

invent or create a reason to retake the property just months after the five-year tenure had started. A tenure they never had any intention of honouring. Thereby denying my client any chance to recoup his investment. And not even given the opportunity to enjoy one season or peak season. With Ms. Disberry, Mr. Keith Broad, and Mrs. Gail Broad doing their best to sabotage what was left of the 2021 season after Omicron had decimated the sector. And Mr. Moonsamy, Mr. Boffa, Ms. Disberry, the Broads, Mr. de Swardt, and SAPS annihilating the 2022 season and peak season.

- 3.5.11. Mr Keith Broad had tried to achieve this directly, with a whole series of illegal evictions and attempted illegal evictions from as early as December 2020 (Again, just as the works were completed). As well as through the civil courts trying to get an eviction order based on the absurd notion that my client's refurbishments represented damage to the property. Having to rely on this spurious reason as my client had paid the rent for every month since moving in on time and in full and done so quarterly in advance. So rent arrears were not an option to take the property back.
- 3.5.12. Ms. Disberry was in a similar position in that the rent was up to date and the property vastly improved. So rent arrears or damage were not options available in trying to take the property. Despite being very aware my client wished to extend as far into the future as possible. Ms Disberry tried to rely on the fact that the lease said the tenant must make the landlord aware of their wishes to extend and it should be done by recorded delivery. To take back the property Ms. Disberry would need a judge who would grant an eviction order purely because the landlord was not told by a specific means of service. Ms. Disberry was aware that was highly unlikely.
- 3.5.13. As such, Ms. Disberry had to find other ways to take back the property prematurely. This would go on to include stealing my client's passport and retaining it illegally to compromise his visa and immigration status, with the intention to exploit that in various ways. Pursuing and corralling guests who had any form of grievance whatsoever into one amorphous group on her promise of resolution. (When in fact she had no interest in their welfare, instead needing them as ammunition in her campaign to ruin my client. Knowing that were she successful in ruining him this would inevitably mean no prospect of actual resolution to anyone for whom resolution meant financial recompense). Other measures included starting and perpetuating a campaign that painted my client not as he was; someone who had invested his life savings and thousands of hours into transforming the properties and a near obsession with ensuring guests had the most perfect holiday. Instead portrayed as some international criminal mastermind, who takes bookings with no intention of the guests ever staying, who operates a sham business, with fake villas and triple and even quadruple bookings. This campaign included print media, social media such as Instagram, and constantly contacting the platforms to repeat the same false statements (usually that the villas did not exist) with the purpose of having my clients' profiles pulled down. It happened on around two dozen occasions over the course of the year.
- 3.5.14. Our client took the view, for the first few months at least, that no matter how well-connected and well-funded, and no matter how aided and protected by the police he was not prepared to let these individuals steal from him. And so, despite being outnumbered, out financed, and unable to deploy anywhere close to their resources or established networks they had, he continued to fight on multiple fronts to defend what he had built. As none of the landlords had yet enjoyed any success in removing my client either through legal or illegal means, they hired a self-styled "private investigator" by the name of Mr. Wouter de Swardt. Placing and centralising control of the campaign



into one person's hand. Someone who could dedicate themselves on the task full-time. To coordinate efforts, use his connections in SAPS and his understanding of the criminal justice system, and utilise his willingness to break whatever laws needed breaking. And in doing so keep their hands clean and their reputations unharmed. Although as we go on to explain this view changed after the first illegal arrest and false imprisonment.

- 3.5.15. Those goals were simple; to remove my client as swiftly and decisively as possible and in such a way that they could take everything. Then ensure he is financially and reputationally ruined. Buried along with any evidence of their campaign to avoid any potential consequences.
- 3.5.16. Mr. De Swardt changed the strategy to combine the different routes including civil legal proceedings, alongside and interchanged with extensive criminality, industrial scale perjury, fabrication, and manipulation. And his most powerful and effective weapon; is hijacking and harnessing the power and punishment regime of the state by using his corrupt contacts in SAPS and elsewhere to get the criminal justice system to do all the hard work. And do so far more effectively and quickly than the civil courts ever could or would. Saving his clients hundreds of thousands of Rand, bringing forward by many months the day when they could benefit from my client's work. And all this would be funded by the South African taxpayer.
- 3.5.17. On 22 July Mr. de Swardt along with eight large and intimidating thugs he had hired for the purpose, forced his way into the property at 16 Leirmans Road. At the time there were guests from Booking.com who he tried for some time and in multiple ways to get to leave so that he could take over and secure the property. Amongst other things telling the guests they had been scammed. Not realising the irony of the phrasing, he had used then and would go on to use consistently in the months to come; telling them that my client was a scammer, that the house was a scam, that they had been scammed. The scam is that bookings are accepted, money is taken, and the guests then never get to stay in the villas, fake or otherwise. When those very people stood in the villa they booked and paid for, happily enjoying the luxury villa as advertised and as reserved. A villa that they were checked into and were very happy with.
- 3.5.18. Mr. de Swardt and the 8 thugs returned two days later, forced their way into the property, beat up the occupants, and threw them out to take over and squat in the property.
- 3.5.19. My client launched urgent spoliation proceedings in the High Court to have Mr. de Swardt, the thugs, and Mr. Broad evicted. In addition, an application for an interdict as well as punitive costs. Resulting in the loser needing to find R250,000+ in legal fees. Mr. de Swardt must have been acutely aware that their chances of success were negligible. My client who had rented the property from mid-October of 2021 had been an exemplary tenant. The rent for every month had been paid in full and early as it had been paid quarterly in advance. The utility bills had also been paid in full and on time. My client had not only taken exceptional care of the property, but he had improved it to a point it was unrecognisable from its previous state and worth R6-8,000,000 more than before my client works.
- 3.5.20. As such, Mr. de Swardt, The Broads, Ms. Disberry, etc. needed to derail, void, undermine, or sabotage the upcoming hearing. Or to be able to speak with my client in a private setting where he could be threatened or worse if he did not withdraw. Hence the reason why as the police went from

property to property in search of my client they provided no details as to their names, docket numbers, case references, etc. But repeated the same message each time “Tell Mr. Russell to come to Hout Bay police station”.

- 3.5.21. On 1 August Mr. de Swardt and Mr. Broad laid what they knew to be an entirely false charge of theft. Initially “3 TVs and a microwave”. On 4 August literally minutes before the respective attorneys went into court to hear the spoliation application my client was arrested. Too late to halt the hearing but not too late to move with the rest of the plan.
- 3.5.22. The arrest itself was illegal. There was no warrant or any attempt to get one as the grounds were entirely false. My client was not even told what he was being charged with and was taken to Hout Bay police station where they kept him for almost a week. Trying to deny him various rights such as making a phone call. The charges were minor and therefore bail was not expected to be a problem at all. At this point, we knew Mr. de Swardt, The Broads, and Ms. Disberry had shown themselves capable and willing to do what was necessary and break laws as needed. But I think it fair to say everyone had assumed there would be limits. It was clear the arrest was a tactic used to counter the spoliation application and very likely planned sometime prior. But there was a general assumption that having tried and failed to interfere with civil proceedings by using criminal proceedings, the criminal matter would be dropped.
- 3.5.23. However, it soon became clear that there were no such limits and Mr. de Swardt, and his clients were more than willing to put an innocent man in prison not just for a few days or weeks, but months if possible. Mr. de Swardt had instructed Sergeant Duna to request the prosecution object to bail. Using a mixture of; the lack of a visa extension to portray my client as an “illegal immigrant” while being careful not to mention the situation had been created by Mr. de Swardt and his clients. Providing false answers and information on the standard bail assessment forms. Having Ms. Disberry submit an affidavit that was entirely untrue to create the impression of a modus operandi. And suddenly changing the items that were stolen from “three TVs and a microwave” to an entire room of contents. And changing the value from a few thousand Rand to R835,000. Specifically, to put the offence in a Schedule 5 category which placed it alongside rape and murder thereby making bail far more difficult. These were the first palpable examples that the motivations and methods of Mr. de Swardt and his clients has nothing whatsoever to do with the moral campaign narrative they began to use much later. He and the private individuals who sponsor him have absolutely no interest in “justice”. In reality, justice is an obstacle or inconvenience. What interests them is outcomes and for Mr. de Swardt, what ideal outcome is my client in prison and for as long as possible.
- 3.5.24. Despite their attempts to interfere with, influence, and frustrate the judicial process my client was granted bail and after two further appearances, all the charges were withdrawn. This is now the subject of separate litigation against the state for illegal arrest illegal detention and malicious prosecution.
- 3.5.25. Although de Swardt and Co had hoped and planned for longer than three weeks they had made sure to move as far and fast as possible while my client was incarcerated. The owners of the two villas in Monterey Road had prepared their application to take back the properties ahead of the arrest, ready to be submitted as soon as my client was arrested. Having been told by de Swardt that remand could last months if his plans succeeded, they had assumed there was sufficient time. When my client was

granted bail, they moved quickly to secure the property before his release by securing the locks and thereby carrying out an illegal eviction. Mr. Moonsamy had moved equally quickly, placing his right-hand man inside 32 Fisherman's Bend under the guise of assisting the overworked housekeeper. Ready to secure the property should bail be denied. Likewise, Leirmans Road where Mr. de Swardt retained control and keys in the expectation of ignoring the interdict were my client not to get bail. Only passing them over when bail looked likely. Ms. Disberry who had always had her housekeeper at Hove Road also expected to be able to take control should bail be denied.

3.5.26. The same individuals were equally active in dismantling my client's operation, taking their investigations in new directions, and attacking revenue and reputation simultaneously. This included contacting and interviewing anyone known to my client, or who worked with or for my client under the guise of a bone fide police investigation into fraud. Including some misrepresenting themselves as police officers. Telling each person they approached, an extensive and extreme series of lies to sow distrust and fear. These included but were not limited to; that my client was wanted by Interpol, had been operating scams internationally, and that the portfolio in Cape Town was in some versions a sham business disguised as a legitimate one and an entirely fraudulent operation. That he had secret property profiles and or fake profiles, which took duplicate but secret bookings and syphoned the money into secret accounts. Each person then being told they faced 10 to 30 years by mere association. But if they agreed to cooperate and sign witness statements written for them, they would be afforded state protection from prosecution. All of this was a lie. But it was very effective in completely undermining trust with my client and resulting in all those contacted leaving. And doing so immediately and in a panic.

3.5.27. Although these methods proved effective in scaring away those interviewed, terrified that mere association could result in prosecution, it was unproductive in terms of the investigation as anyone interviewed confirmed the same thing that they had neither seen nor been involved in anything illegal. When they approached Chandre Abrahams who had been the most senior person and ran every aspect of the portfolio through her agency The Hubb from April to August, she was told the same lies and received the same threats. But she refused to sign statements written for her instead making clear she was never asked to do anything illegal, immoral, or fraudulent. That she had never seen my client do anything illegal, immoral, or fraudulent and likewise never heard from anyone else she worked with of anything illegal, immoral, or fraudulent.

3.5.28. What this helps demonstrate are the methods used and the motivation that underpins the investigation. A normal investigation seeks answers to questions. In particular, it seeks to know who committed the crime being investigated. This is not a normal investigation on that the guilty party has already been chosen and the investigation is to find anything that he can be accused of. In a normal investigation, the discovery that the most senior manager ever spoken to who had also managed the portfolio longer than anyone else was categorical that she never saw or heard or was asked to do anything remotely illegal or immoral would be an indication that the central tenant on which the whole allegation rests is wrong. Perhaps this along with numerous other indications that there was no fraud, and no fraudulent operation might cause those investigating to rethink. However, because Mr. de Swardt and SAPS are not in search of answers but rather in search of anything that can be represented as fraud, they purposely ignore anything that contradicts their allegations and move on. Every time they hit a brick wall, they simply change course and continue looking.

3.5.29. The intentional dismissal of the obvious has played a significant role in the continuation of this campaign against my client. In the absence of any evidence of fraud then Mr. de Swardt makes wild and entirely unsubstantiated accusations. One assumes that if the accusations are extreme enough and repeated often enough, many will begin to accept them as fact. In the articles fed by Mr. de Swardt, both in August 2022 and December 2022 directly after the 14 December arrest, it states that R32 million has been scammed in the prior year. However not one example is provided of anyone who was defrauded. At an average value of R20,000 per booking, with an average of 12 guests per booking the R32 million represents some 19,000+ potential guests who would have been scammed.

and yet, despite this R32 million and these 19,000 scammed guests, the four private investigators, numerous SAPS officers, the consortium members themselves, and anyone assisting them, have not been able to find even one scammed guest. Even if one or two had been scammed there would be numerous indications, complaints to platforms, banks, card chargebacks, online posts, litigation, etc. Yet not one of these circa nineteen thousand guests have come forward to say they have been scammed. Not around the time either arrest became public, not before and not after. Despite the widescale coverage in the media and online. No posts on the internet. Not one has reported the matter to the police or posted anything online. None of the 1,600 bookings, the 19,000 guests, or the R32 million scammed has resulted in a single complaint to a bank, to a card processing facility, or to a platform. Not one chargeback even. Not one has contacted a newspaper or media outlet. Not one single suspicious financial transaction, transfer, or deposit has ever been found. None have initiated any form of legal proceedings. Not one email or online platform message that could support such a theory has been found.

3.5.30. The new approach proved very effective. Prior to the arrest my client's had the five villas (six residences), several million Rand of current bookings with two to three million coming in monthly, as well as an agent who was very competently letting and managing the properties with expected annual revenue of 30 million Rand. However, in the aftermath of arrest and detention, three of the six residences were taken, millions were cancelled in bookings, millions no longer possible to book because of the loss of the residences, the lettings and management operation had been decimated with the staff that had been targeted leaving. Therefore, no platforms, staff, or systems by which to take bookings.

3.5.31. As anticipated, on the 4<sup>th</sup> of August hearing the judge awarded my client full and sole possession, ordered the eviction of Mr. de Swardt, Mr. Broad, and the thugs, as well as an interdict against Mr. Broad et al, and punitive costs. Precisely what the effort to have my client arrested had intended to avoid.

3.5.32. To render the civil courts, the judgment, and the victory worthless Mr. de Swardt and Mr. Broad had obtained a Protection Order just days before (at the same time as filing the false theft charge) prohibiting my client from going within 500 meters of the property. This was done illegally through demonstrable and brazen perjury. Claiming Mr. Broad lived with his family at the property as their family home. That they were in occupation on 22 and 24 July and that the thugs were Mr. Russell's "henchmen". With their affidavits in the spoliation proceedings directly contradicting their affidavits in the protection order application. A comparison of the two demonstrates clear-cut perjury. The resulting order was obtained in my client's absence and served on him while in Hout Bay police

station cells. This stunt rendered the property of no use to anyone, Mr. Broad with an interdict against him and my client with a protection order against him. A situation that prevailed for months until the variation of the protection order terms was noted from the papers in the November hearing.

- 3.5.33. The arrest and bail application proved to be a shocking wake-up call for my client and the realisation that there appeared to be no limits to what Mr. de Swardt and his clients were prepared to do.
- 3.5.34. On the day my client won his bail application he said to my colleague and I that this was not going to be the last time they used the same tactic to achieve their goals. Now that they had used it to such good effect it would only be a matter of time before they used arrest and detention again to achieve the next round of aims.
- 3.5.35. Whilst happy to be out of Pollsmoor what my client returned to can only be described as a wasteland.
- 3.5.36. Shortly after leaving Pollsmoor my client became reacquainted with an old friend Mr. Boffa who had extensive experience in customer service and guest relations. It was agreed that Mr. Boffa would set up an agency to let and manage the properties. My client had continually steered away from the letting and management functions due to the less-than-clear visa regulations on the subject and his preference to focus on the creative side of the homes. At first, progress was good, and they worked well together. Then Mr. Boffa suggested hiring a private investigation company to investigate and prove there was no scam in operation, that there was an actual and active group, the laws they were breaking, and at the same time protect my client from physical attacks. Mr. Boffa recommended Mr. Schalkwyk and Mr. Dalton of Ensure Secure Services who had assisted him regarding a fire at a previous workplace where Mr. Boffa had been accused of arson and ESS had been able to produce reports showing the fire could not have been started by Mr. Boffa. Which Mr. Boffa explained resulted in the charges against him being dropped and someone else being charged. Although later admitting ESS had in fact forged the forensics report for that purpose.
- 3.5.37. Again, Ms. Disberry and Mr. de Swardt were one step ahead. They had little trouble persuading ESS to work for them while pretending to work for my client, continuing to receive large payments from my client and at the same time whatever inducements Mr. de Swardt and Ms. Disberry had promised.
- 3.5.38. This was in addition to the very clever although ultimately very dangerous incentive Paula had created by convincing ESS and others that, there were secret bank accounts in secret locations with many millions on deposit and A suitcase at my client's principal home stuffed with diamonds and cash. Thereby in working together, they were more likely to uncover the millions.
- 3.5.39. Learning Mr. Boffa was advertising the properties, Ms. Disberry and her partner Peter Van Wyk focused their attack on him specifically and very personally. As they had done to anyone else who had worked with or for my client so that they would leave and thereby leave my client isolated, and more vulnerable. Targeting any agents letting or managing the properties. Peter was the member of the grouping (The Consortium) who had been the most active through the year in the constant attempts to pull the platforms down and was invariably successful. Contacting them and making

various false claims but ones serious enough such as telling the platforms that the properties do not exist to result in the platforms removing the profiles. On every occasion, my client won the appeal against removal, but each occasion resulted in dozens of cancellations and millions of Rand lost over the course of the year. Having an inside eye in the form of ESS able to pass over helpful information they had been told of Mr. Boffa's fragile mental health and they began a very personal and vindictive campaign and one very intentionally aimed at exploiting that. They had also been told of the breakdown Mr. Boffa had after the Carte Blanch expose which at the time my client knew little of, where they had exposed his wedding business as a scam operation. Including plastering his face all over the internet and creating a fake Instagram site featuring Mr. Boffa front and centre as a scammer. Ensuring the posts were widely circulated and adding to those with direct phone calls and messages to Mr. Boffa very clearly aimed at destabilizing him.

3.5.40. Only after the first phase of the plan did my client find out the truth about the expose and the scam Mr. Boffa had been involved in. Mr. Boffa had told him that he had been featured on a program called Carte Blanch. My client had never seen or heard of the program Mr. Boffa said he had been traumatised by exposure, that it was badly researched, entirely biased, and unfair, and focused on the fact that a couple of brides had lost deposits out of many thousands of happy clients. Mr. Boffa said he had paid large sums to an IT firm to bury the story i.e., wipe the internet of any traces. When the criminal activities of Mr. Boffa and ESS began to surface my client investigated the matter and discovered that the show does not do exposes on people or companies or have the odd disgruntled client, that the expose was about serial defrauding of clients and that this was not the first such scandal Mr. Boffa had been involved in. Further investigations also revealed Mr. Boffa had as many as two dozen companies listed in countries such as SA, the UK, the USA, etc., many of which had been dissolved for corporate failures. Mr. Boffa also had a dozen bank accounts with four banks that my client could; establish and likely others he could not. All this built a very alarming picture and one totally contrary to what Mr. Boffa had portrayed at the outset.

3.5.41. We cannot say with any certainty the precise point Mr. Boffa began to work with and for Mr. Schalkwyk, Mr. Dalton, and therefore Ms. Disberry, Mr. de Swardt, etc., and against my client. It would seem to be around the same time as Mr. Schalkwyk and Mr. Dalton switched allegiances after their trip to Franschhoek to see Ms. Disberry. Nor can we say whether the return after the embezzlement was a genuine confession and contrition or a premeditated deceit to regain trust to have a second opportunity to take more money and information. On balance, the evidence would seem to suggest the latter.

**3.5.42. Importantly, considering Mr. Boffa very firmly switched his own allegiances, primarily to himself as well as ESS, and that it was a core part of their diversionary tactics with guests to try to make them believe my client had their money, it would have been enormously advantageous were they to provide any information or examples regarding fraud, scams, suspect practices, immoral conduct, etc. Whether to Mr. de Swardt, the police, the consortium members, or guests. My client, to his considerable cost, trusted Mr. Boffa implicitly. Mr. Boffa worked at the very heart of the operation, he lived in my client's home, and he had unrestricted access to every area, every file, every computer, and every piece of information. Past and present. And he had three months enjoying this unfettered access. Including all passwords. He could not have been closer to my client. And yet, after these three months, and Mr. du Rand the bodyguard on site to assist him, with all the backup resources available to him via ESS or the consortium including the multiple**

**listening devices they had planted around the home, they could not come up with a single example of anything even vaguely suspect.**

- 3.5.43. Throughout the period between arrests Ms. Disberry, Mr. Van Wyk, Mr. de Swardt, Mr. Broad, etc., and later Moonsamy constantly inferred with the operation. Using ESS to access information, poach guests, and dissuade others from turning up, or to cancel.
- 3.5.44. The first test of loyalty for ESS had been the demand by Mr. de Swardt and Ms. Disberry that they frustrate any attempt by my client to extend his visa and steal my client's replacement passport that arrived in October. And this they duly did. However not before nobbling my client's visa application by removing two documents.
- 3.5.45. At the same time, on the advice of Mr. de Swardt, Ms. Disberry had laid a false charge of theft and then applied pressure to keep the file from being closed. Precisely to add to the challenges of my client getting bail the next time they executed an arrest. The charge itself was demonstrably false as a full and professional handover had been done over two days with my client, house manager, and two housekeepers ensuring anything present in one property that came from another was returned. The list worked through item by item until the end of the process just one lamp was unaccounted for. Further, of the full and final nature of the legal settlement agreement reached it made such a claim impossible.
- 3.5.46. It was clear that the predictions made by my client a month earlier were coming true, the nobbling of the immigration status, the charges laid so it appeared there were current and ongoing investigations, as well as the building of the modus operandi.
- 3.5.47. That along with the passport theft led my client to contact the British embassy. To see if they could help regarding the constant attempts to frustrate his visa applications, the theft of both passports and the corruption issues. Unable to turn to the police stations on either side of him, unable to report the crimes to stations other than these in the knowledge any files would come back to the very same stations. Although desperate, not want at that stage, to involve IPID for fear of what reprisals may follow. The Embassy was very helpful and offered assistance in several ways. Initially including offering an emergency passport to replace the two stolen passports. Unfortunately, as this was a solution suited to traveling rather than to applying to extend a visa my client declined.
- 3.5.48. In addition to the duplicity of working for two streams of income (payments from my client and from Ms. Disberry) ESS and Mr. Boffa began embezzling money from rental income that should in fact have gone towards paying essential items such as the rent on the properties, utility bills and housekeeping wages. Instead, almost every cent that landed in the account was transferred by Mr Boffa to Ensure Secure Services. This resulted in Mr. Schalkwyk, Mr. Dalton, Mr. Boffa, and Mr du Rand all leaving at precisely the same time. Referred to in the plan as "exit day", where some weeks earlier they had agreed to embezzle the target sum of R1,200,000 and to do so in 2-3 weeks.
- 3.5.49. Mr. Boffa was running the agency independently and autonomously, with its own profiles, channel manager, bank accounts, and systems, and as such my client had no visibility. Whenever he asked Mr. Boffa if there was anything in the account, a reference to needing Mario to begin to transfer some of the rental receipts to essential payments like rent, housekeeper wages, etc.. Mr. Boffa's

reply that there was nothing in the account was a clever way of saying there were no funds without mentioning that funds had in fact been received but he had then immediately transferred them to ESS. It was therefore not until Mr. Boffa returned that the true extent of the embezzlement was known when Mr. Boffa explained significant funds had been received but then transferred out. The return was supposedly as an act of contrition seeking forgiveness and confessing to his part in the plan, although blaming ESS for mentally and physically manipulating him into assisting. It was at this point that Mr. Boffa created the “evidence” folder and transferred dozens of documents including the WhatsApp chat and voice notes of Mr. Dalton, Mr. Schalkwyk, Mr. Boffa, and Mr. du Rand.

3.5.50. However, it seems far more likely that his return was more take a second bite of cherry realising there would be more money coming in. The amount targeted and the date agreed for “exit day” had been agreed based on what they felt they could steal and be able to get away with if they left before being discovered. Mr. Boffa was aware that if he could pick up where he left off, he would be able to continue with the embezzlement if for only a short while longer. It was after all the period just prior to the peak period and the summer seasons when receipts would be far higher than any other time of the year. The confession and the accompanying promise to make amends by undoing much of the damage that he had done and the promise to recover the money from Mr. Schalkwyk and Mr. Dalton allowed him to do that. Mr. Boffa remained for a couple of weeks before once again leaving suddenly. Having stolen several hundred thousand rands more and again, leaving my client with no platforms, channel manager, bank accounts, or system to process bookings or let and manage the properties.

3.5.51. Not satisfied with having embezzled and stolen between R1 and R2 million (we cannot be specific as no one has seen the bank statements then or since), Messrs Boffa, Dalton, and Schalkwyk formulated a plan that mirrored or was based on the false scam accusations levelled against my client. They were actively marketing the properties and taking bookings with no right to do so and no ability to ever honour any booking they took.

3.5.52. Self-evidently my client was excluded by necessity from all aspects related to both the embezzling of funds and the scam agency, so no one outside of those involved (Messrs Boffa, Schalkwyk., Dalton, du Rand) knew how much they stole from either my client or from guests. The various bank investigations will hopefully get to the bottom of that. When my client did find out he went to considerable lengths to bring the attention of the four banks he knew that Mr. Boffa used to the matter. Frustrating at first as the banks refused to take a complaint from my client unless the fraud consisted of my client being defrauded specifically in that money had been sent to Mr. Boffa and importantly sent to their bank. Only acted after my client wrote to each bank telling them they had been notified of an active and ongoing scam and that if they did not act, they would be in part responsible for any victims thereafter.

3.5.53. It was via Mr. Boffa himself that my client first realised that he had been embezzling all the money that came in that was meant for the portfolio. It was through guests that my client found out about Mr. Boffa’s sham agency taking funds from guests after having resigned as managing agent. Over the following weeks some guests who Mr. Boffa had booked and taken money from arrived at Fisherman’s Bend expecting to stay. In these instances, my client was as helpful as possible, guiding each as to how best to ensure they obtain a refund and regarding finding alternative accommodation. Offering two different families to stay at the Leirmans Road property for a few days



while they sorted an alternative villa. It was very clear that Mr. Boffa had taken bookings from these guests with no ability or intention of ever providing them with accommodation. One family from Australia had booked the entire Fisherman's Bend property for ten days for just R85,000. Whereas over December and January, ten days would cost between R300,000 and R500,000. In Mr. Boffa's "confession," he alludes to their practice of advertising dates at substantially reduced rates to attract bookings to generate cash. Several guests had contacted my client directly including Mr. Boffa had been telling these guests a whole variety of lies that seemed to change from one guest to the next. One told me the money had been transferred to my client, another told my client had somehow taken it from Mr. Boffa's account, and another was told it had been used on portfolio-related expenses. All untrue as the bank statements show my client did not receive a cent from Mr Boffa. Of the millions received by Mr Boffa we estimate possibly R90-150,000 was spent on portfolio-related items. Of which almost all was clawed back by the banks after they froze Mr. Boffa's accounts and began the fraud investigation. On one occasion when a guest had paid Mr. Boffa for a one week stay in January 2023, Mr. Boffa had given the guest various excuses as to why he didn't have the money or was responsible for it. The guest suspected, he was being lied to contact my client who remembered the guest making the booking, although Mr Boffa had dealt with the financial side of the booking. My client offered the guest the property for the same dates at no charge, asking only that if the bank refunded all or part of the sum paid that be passed over Considering the value of each week in January that one offer would have cost my client R300,000+ in lost revenue. Clearly shows again that my client's motivations are not financial, and the care of guests is paramount. An altruistic and wholly unselfish gesture that was not in reality necessary and was extremely expensive to make. As it transpired the illegal arrest used to disguise the illegal eviction meant that this guest like so many others never got their stay as booked. And to our knowledge, Mr. Boffa and those who benefited from his scams continue to pretend my client has the funds despite the bank records clearly showing otherwise.

3.5.54. However, Mr. Boffa, Mr. Schalkwyk, and Mr. Dalton know that guests do not have access to their bank records nor does my client. So, they can make any claims they like. Whilst the banks will know the origin, recipient, and onward recipient for every transaction that is not currently public record. And having the advantage of already ensuring the internet has sufficient negative stories about my client, including the petition they in fact created, then the likelihood is when it is a question of what my client says versus what they say, guests will accept their statements having been pointed to and read the stories and the petition they have planted. And this is now especially true after the second arrest. Stories in publications like News24 that have been entirely fed by Mr. de Swardt, are wholly false and were published when my client was in Pollsmoor and given no opportunity for comment. Inaccurate statements about that being the second or third arrest for fraud. The absurd references to R32 million being scammed, a figure that only exists in the head of Mr. de Swardt. Inevitably now anyone who has been scammed by Mr. Boffa and ESS who are told it is in fact my client who scammed them or my client who then somehow accessed their accounts and took the money the weight of "evidence" on the internet will prove extremely hard for my client to counter.

3.5.55. Mr. Boffa, Mr. Schalkwyk, and Mr. Dalton had consciously set out to deceive and steal many millions, both from the guests and my client. It is helpful to separate the different strands of this plan. My client estimates R1,200,000 to R1,600,000 from the embezzlement of funds received while working as the agent for the residences and double that figure from when he no longer had a mandate and was taking bookings illegally.

- 3.5.55.1. The embezzlement: funds received from September to November while the agent for the residences that would have been paid by guests for stays at the property that Mr. Boffa rather than pass on instead transferred to Mr. Schalkwyk and Mr. Dalton.
- 3.5.55.2. The scam of the fraudulent listings; November onwards, where Mr. Boffa was no longer permitted to advertise the residences or take bookings but continued to do so including selling dates artificially discounted purely to generate income.
- 3.5.55.3. Mr Russell's own bank account and moveable assets; the separate plan to the above to access my client account and transfer out the funds. As well as establish the location of the suitcase of diamonds and cash Ms. Disberry / Mr. de Swardt had mentioned.
- 3.5.55.4. It is worth remembering that all of this is on top of the fees paid to ESS by my client while they were pretending to act on his behalf and whatever inducement Mr. de Swardt or Ms. Disberry gave or offered them.
- 3.5.56. We cannot comment as to how deep the involvement of Mr. de Swardt ran. We know ESS worked very closely with Mr. de Swardt and Ms. Disberry. We know that they were the consortium's eyes and ears inside the household of my client, and we know that Schalkwyk, Dalton, and de Swardt were involved in the arrest, the raid, and the search of my client's house. It is possible he knew, was involved, and received a share of the millions banked. It is also possible they had lied to him as they did to others, blaming my client for things such as their sudden departure or the unexplained receipt by Mr. Boffa of the guest's funds yet none of the essential obligations were met.
- 3.5.57. What could be seen early on in this process was how they planned to get away with what was by any measure not just an illegal project but a very brazen one. The risks were considerable; to steal several million Rand of other people's money, from potentially hundreds of guests as well as their clients. Setting up a scam nearly identical to the one their client was accused of, and they were supposed to be gathering evidence to prove he did not do. And all directly under the noses of the members of the consortium, SAPS, past and current guests including those actively looking for the slightest hint of fraud, the client whom they were embezzling from, and even the newspapers and media who they had, and would continue to feed stories to about my client being "the scammer". In any normal situation, indeed arguably in any normal country, this would be impossible or at the very least far too risky to consider attempting. The reason it was not as risky as might seem is the same reason my client finds himself filing these representations, defending himself against a series of malicious prosecutions as well as his persecution not just failing to be stopped but perpetuated by the state.
- 3.5.50.1 Alliances: When ESS forged an alliance with Mr. de Swardt and Ms. Disberry, they benefited from all the protections, the immunities, the corruption, and influences they had used to their advantage so well over the preceding months:
- 3.5.50.2 Corruption: The extremely unhealthy relationship between Mr. de Swardt and several SAPS officers meant the only person ever likely to be investigated and charged was my client.
- 3.5.50.3 Control or influence over SAPS: To stand any chance of any complaint being investigated my client would have to find a route well away from the conventional.

- 3.5.50.4 Domination of the media and public narrative. The domination of the narrative and online content means my client is at an immediate disadvantage and must break through the initial scepticism before even attempting to win ground opinion.
- 3.5.50.5 The obsession of Mr. de Swardt, Ms. Disberry et al. The now unhealthy obsession with my client means that anything that could in any way assist him including and especially in their attempts to portray him as the scammer will be buried.
- 3.5.50.6 Control influence local police stations as referenced above denies any route for complaint or to have criminal conduct investigated.
- 3.5.50.7 Funding' By definition of scamming millions they will have substantial reserves from which to attack my client or deflect attention. My client after a year of being attacked has no such option.
- 3.5.50.8 Blind pursuit: The seemingly blind pursuit of a target, with the course already set and the perceived embarrassment of a U-turn seems to weigh more heavily on the prosecution than serving justice and ensuring the right people are prosecuted.

3.5.58. Arguably most effective, was that the success of the prevailing narrative created and built upon by Ms. Disberry and those who worked with or followed her provided a readymade basis on which to expand it further. The newspaper articles fed or planted by Mr. de Swardt enabled Mr. Boffa to construct and publish a petition that he wrote and posted on Change.org which included and referred to these articles as if fact. One published article (in itself false) relied on, pointing to, and drawing strength from another published article (also false) that referenced other pieces, arrests, or the statements of Mrs. Broad (again all false). All published and fed by the same people who then rely on these pieces as evidence of their claims. Claims as false as the articles they fed. The petition purported to be an attempt to stop the scammer and bring him to justice. Whereas it was part of a plan that conveniently suited the needs of those benefiting from the campaign against my client. For example, when the guests Mr. Boffa had taken money from found out they had been defrauded he could point to the petition, or the newspaper articles, or the August arrest, or the protection order, and deceive the guests into believing it was my client who was responsible. Despite my client having no access to the bank accounts into which money went, despite never having received a cent of the money, directly or otherwise, despite having no control over or involvement in the agencies, platforms, or profiles. Equally useful when de Swardt needed to portray my client as the scammer, or when Ms. Disberry needed evidence of scamming to keep the guests, she had corralled into a group convinced of impropriety. Or when SAPS needed to convince others including the prosecution service of scams taking place in the absence of any evidence there was or had been.

3.5.59. All this feeds back into the need for an arrest of my client and to the parallel plan of Mr. Schalkwyk, Mr. Dalton, and Mr. Boffa. While my client remained free and in control of the properties or at the very least was able to provide both opposition and importantly proof of their ever-developing criminality he remained a very real threat. Referencing back to Ms. Disberry's attempt to motivate people into assisting her by planting the thought that there were millions hidden in secret accounts dotted around the world and that there was a suitcase with cash and black diamonds hidden at my clients home; Schalkwyk, Dalton, Boffa and du Rand certainly believed these theories despite the fact that working so close to my client and the operation it would have been evident to pretty much everyone that my client and the operation were becoming extremely short of money. Almost nothing had been banked while my client was on remand during August, and only a few thousand thereafter as Mr. Boffa had been in charge during September, October, and November, syphoning off almost all the funds that were received. The daily struggles and challenges of having almost no

money would have been abundantly clear, including ordinary activities such as grocery shopping or payment of rent and utilities to avoid disconnection. Unless my client was prepared to endure extreme hardships simply to maintain the secret then only a masochist would put themselves through months of living like that. However, even then that does not explain why when the rent fell due on Fisherman's Bend, if my client had secret millions that he then defaulted on his home and on the biggest income generator in the portfolio. Handing the landlord, a gift and leaving my client vulnerable to a legal eviction. To suggest he would default and risk losing Fisherman's Bend rather than dip and take a small amount from these vast reserves is absurd. It is fair to conclude that they had been so blinded by greed that they chose to ignore what was in front of their noses. And so, despite all the signals and evidence suggesting there were no hidden accounts and not even any backup or reserve funds, they persisted with their plan.

- 3.5.59.1. In brief the plan that they refer to in the WhatsApp chats, voice notes, and Mr. Boffa goes into extensively in his confession, was to drug my client with sleeping pills and while asleep take his phone and transfer the contents of the accounts to themselves via the OTPs that would be sent to his phone. The plan had several flaws not least of which was that firstly they would need to identify the accounts and account numbers and secondly, my client would assume to report the theft immediately after he woke.
- 3.5.60. As such, it was decided that his cooperation would be essential, and the plan was changed becoming far more sinister and extreme, to one whereby my client would be tortured should he not volunteer the details needed and give access. Once accessed the funds would be transferred out and whether he had given access willingly or not they could not afford for him to be able to report what they had done so he would have to be murdered, the body disposed of, and Mr. Boffa put in his place. The disappearance would be portrayed as my client running off with the millions he had scammed, never to be seen again. The plan is very nearly being put into action. In one of the secretly recorded videos of Mr. Boffa's confession, he provides considerable detail.
- 3.5.61. ESS was close enough to the decision-makers to realise they had limited time. Once the various needs of Mr. de Swardt's client dictated it an arrest would be executed and it would be too late, it was becoming clear that was imminent as preparations were being made, the groundwork laid, the various individuals playing their solo parts in what was in reality a group project. In the few weeks since his release the false theft charge docket had still not been closed, the false theft charge laid by Ms. Disberry had been raised, and frustrated to ensure it was not closed, my client's passport was still being illegally held by the police, his visa application sabotaged, and his replacement passport stolen by what was now a growing group of people each promised or expecting their reward for their efforts.
- 3.5.62. Mr. Moonsamy the owner of 32 Fisherman's Bend who until then had preferred a very distant relationship with little or no contact and only one visit in a year to the property suddenly began asking for meetings. Meetings that my client found surreal in nature as they were continually ragged back to what my client will do when he is unable to pay the annual rent due on the first of December. At one point telling my client what his answer should be "If on the 1<sup>st</sup> of December you do not have the full R1.276 million paid, then on the 2<sup>nd</sup> of December you will have your suitcase packed and be at the front door ready to leave. And I mean suitcase, you will be leaving all of this I am including the

art by way of an apology for annoying me” " insisting on four meetings in the lead up to December. Each progressively more menacing.

- 3.5.63. The opportunity was also taken to remind my client that the new owners wanted to be able to spend their annual holiday that they took every year in Cape Town at their soon-to-be home. The problem was the trip was a full two months in length and covered the most valuable weeks of the year. The initial idea of a house swap would not work as the demand and high rents were for Fishermen's Bend because of the transformation. A rent holiday would not work as the saving of R100k would be far outweighed by both the cost of short-term accommodation and the loss of the millions over the peak and summer periods. As such, my client had to make clear that regrettably because of the past year being a financial disaster the period mid-December through summer was the first and last chance to get back on track pay any past obligations, and create stability for the coming year. To have given them the property would have been commercial suicide. My client was aware that in declining the request, he had effectively sealed his own fate. The new owners wanted the whole property and would settle for nothing less. As such, they had to have my client out by mid-December.
- 3.5.64. The crucial hearing in the matter of 16 Leirmans Road which Mr. Broad and Mr. de Swardt had moved six months back to allow them to try their alternative illegal strategy had been scheduled for November. This was their best and only hope of taking the property legally. My client's property attorney was successful in his application for oral evidence to be heard due to the complexity of the issues and the hearing was postponed by 6 months accordingly. Although good news and a victory for my client on the face of it, my client made it very clear at the time that all that losing in the civil courts would be to motivate an attack outside of the law and one that would void any delay in the plan to take the property. Having received the judgment November and summer arriving action was needed in December to void that delay.
- 3.5.65. Other pressures were building that would require action very soon. Inflicting heavy financial losses had always been a key part of the strategy, had started back at the very end of 2021, and had gotten progressively worse since. Ms. Disberry had always been conscious that if every obligation were met, past and present, there were no debts, no disputes, and no guest dissatisfaction that could be manipulated into appearing as something more sinister, she would not be able to either use the corralled guests as ammunition or stand any chance of creating or sustaining the scam narrative. Without loss, there can be no fraud and so it has been the central plank of the strategy to try to cause guests to be out of pocket and to ensure they remain out of pocket. The summer season starts mid-December and runs through to March. With the peak weeks being Christmas, New Year, and the first week of January. The preparatory period for not being mid-December to Christmas. So again, action would be needed by or around mid-December.
- 3.5.66. Further, the window of opportunity for Mr. Moonsamy to be able to take the property and stand any chance of securing that legally would be to do so when there were arrears. The first year's rent had been paid in advance so that was ruled out for year one. As a result of the embezzlement by Mr. Boffa, Mr. Dalton. Mr. Schalkwyk the funds that would have been available to settle the year's rent had been taken and with just a couple of weeks to replace that my client was honest with Mr Moonsamy in saying that although he was very confident of having the full sum at some point in December it was highly unlikely that would be by the 1<sup>st</sup>. My client paid the sum of R250,000 on the 12<sup>th</sup> of December with the commitment to have the remainder paid in a week. My client admits this

was a fatal error as it gave Mr. Moonsamy a very clear window of the 13<sup>th</sup> to 19<sup>th</sup> of December to work within if he were to take the property and consolidate that theft legally.

3.5.67. As a result of the above, extreme, and coordinated intervention was needed and one that could be executed quickly and targeted very specifically in terms of the dates needed.

3.5.68. Likewise, for Mr. Broad, his original plan was to sell the property after it had been renovated and it was now a matter of urgency and with the summer season which accounts for most sales about to start, he needed to list the property. Instead, he was faced with at least 6 more months of delay and another summer missed. So, it was imperative he gained control of the property by or before mid-December.

3.5.69. Mr. Moonsamy's attorney sent a 7-day notice on the 5<sup>th</sup> of December, thereby expiring on the 13<sup>th</sup> of December demanding my client vacate.

3.5.70. They needed to deny my client the injection that the peak and summer seasons represented. Had my client been allowed to continue into January, his war chest would have been replenished, the allegations of scams that had been disproven throughout 2022 would have been disproven during peak and summer seasons, and the complaints already a year old would be from two years prior, Mr. Moonsamy would have missed his one chance to take the property, Mr. Broad missed his best chance of a sale and the new owners would have been unable to stay as they had planned.

3.5.71. And so, the die was cast. Looking at the situation at the beginning of December. In addition to the above reasons, the 7-day notice expired mid-December, the soon-to-be owners were arriving mid-December wanting the entire property for their exclusive use but had been told that was not possible, the lucrative game-changing summer season starting mid-December, with peak a week later, thereby the salvation and future security of my client and thereby those reliant on the revenue. Likewise mid-December coming just after the setback in the High Court for Mr. Broad, worth the sale season just a couple of weeks away and Mr. Moonsamy's tiny window of a week just days away.

3.5.72. Then like clockwork, the arrest came on the 14<sup>th</sup> of December. On the one day out of all the hundreds of days before it in 2022 or the hundreds after it in 2023 that accommodated all their requirements. Yet we are expected to accept that the arrest was not instructed and motivated by the private individuals who directly benefited but rather that it came from within SAPS.

3.5.73. The charges used to justify the arrest were three complaints from the Omicron period from 2021. Complaints where my client met with the sergeant at Camps Bay to discuss them, where the sergeant said he could see no case to answer, and where there had been no activity on the dockets ever since. Had this been any normal situation the files would have been closed. However, they were resuscitated for this purpose.

3.5.74. There were no new developments, no new evidence, no sudden upswing in complaints, and no event that would warrant the sudden resuscitation of the files.

**3.5.75. What took place was quite simply an illegal eviction cleverly disguised as an arrest. Only made possible with the assistance of SAPS**

- 3.5.76. And not just of 32 Fisherman's Bend but of 16 Leirmans Road as well. Demonstrating that the arrest was about taking over the properties and had nothing whatsoever to do with my client and his business. Why else would police raid 16 Leirmans at the same time as 32 Fisherman Bend, arresting and removing all occupants, none of whom had anything to do with the business. Not searching or confiscating anything from the property, not asking those inside or arrested any questions. Then once out of the property letting the occupants go without charge on the provision they did not return or discuss what had happened.
- 3.5.77. The owners were acutely aware that any illegal eviction would result in a re-run of the August hearing with the inevitable restoration of possession to the tenant, as well as an enormous legal bill and interdicts. As such going through the civil courts was ruled to be too expensive, too time-consuming, and highly likely to fail. Direct auction would be too obvious, the landlords themselves would be breaking the law and it would fail. An eviction or negotiated departure would also result in my client taking all his possessions with him. According to the inventory, 1,700 items are valued at R3.8 million. The removal of which would send the property back almost to its state when my client took it on. Certainly, the premium rents and valuations achieved because of my client's work and spending would vanish. Whatever course of action was chosen, it needed to include everything my client owned remaining in the property.
- 3.5.78. Other than the course chosen, each of the other various solutions ticked a couple of boxes at best. The only solution that ticked all the boxes was an arrest. It was the fastest solution by far and the only immediate solution where the clients could choose the date. For individuals, the cheapest by far. Although not for the taxpayer that would be funding the arrest, detention, and court proceedings. It was the only solution that would remove my client and do so legally. It was the only solution where they could keep their hands clean and their involvement a secret. The only solution would leave possessions, furniture, and artwork on-site. The only solution that both kept them firmly on top of their moral high ground and further damaged my client's reputation. The only option that would not result in spoliation.,
- 3.5.79. Importantly for Mr. de Swardt and SAPS, if correctly done the timing of the arrest and detention would present a one-off opportunity to create enormous chaos with hundreds of guest's bookings made worthless overnight. The arrest allowed Mr. de Swardt et al to execute a plan so immoral that we struggle to find sufficiently critical adjectives of condemnation. Mr. de Swardt and SAPS were aware that their chances of incarcerating my client were slipping away and equally aware that to date despite their manipulation and fabrication of evidence, the intimidation of witnesses, the bribery, and corruption, nothing looked, smelled, and tasted like the fraud they needed. For example, they needed complaints that had not originated from the chaos and catastrophic meltdown that followed the Omicron announcement. The three charges he was arrested on were. Cases where my client had accepted and processed a booking and received a direct, demonstrable, and material benefit, which as my client was in a net deficit and had financially subsidised the enterprise was not the case. Even those few payments that came to him went directly and immediately on bone fide essential property expenditure.
- 3.5.80. For example, a case where a guest did not receive a refund in December 2021 when they cancelled a booking in December due to the Omicron announcement where the vacation was not even

supposed to start until the January, February or later is not fraud. Where the rental agreement explicitly states that to qualify for a refund travel must be impossible at the time of departure then cancelling outside of those conditions self-evidently results in the forfeiture of sums paid. The rental agreement was never designed to take the place of holiday insurance.

Likewise, a case where a diary clash is dealt with by my client by offering the guest his own home to stay in is not fraud. A case where a diary clash results in my client offering the guest another villa at no additional cost is not fraud. A case where the guest is offered to transfer their dates into the next one or two years at no charge to the guest despite meaning my client loses double the value of the booking is not fraud. A case where a guest cannot be accommodated in the specific villa booked by my client searches for, funds and offers to fund an alternative of equal standard at double the cost charged to the guest due to the short notice is not fraud. Cancelling and forfeiting your deposit because you have been contacted by Ms. Disberry and told it is a scam is not fraud. Not being able to stay at the specific villa booked because those trying to propagate the scam myth illegally took that property from my client by putting him in Pollsmoor prison is not fraud. Where a property was in my client's hands at the point of booking but by the time the guest arrives it is in the hands of the landlord who turns them away is not fraud

3.5.81. Fraud is the “intentional and wrongful or criminal deception intended to result in financial or personal gain”. In essence, setting out to take money from someone with no intention of delivering what you are taking the money for. Just as the self-evident corruption within SAPS is vulnerable to the defence that rather than corruption it was gross negligence, grave errors of judgment, serial, and serious mistakes, systemic or personal failures, blatant disregard of a person's rights, reckless conduct, etc. There are hundreds of examples of the difference between all these things and fraud, A stockbroker who is reckless or even negligent in his choices resulting in his clients losing money, a pension fund manager who invests in the wrong stocks resulting in the funds collapse, a CEO whose failures result in the company's share price collapsing causing his shareholders to lose millions, a business owner who completely misreads the market and his businesses suffers or collapses losing his start up investors their abetment. Much as the difference between the crime so murder and manslaughter. One is intentional the other is foreseeable but not intentional.

3.5.82. One of the main reasons no action was taken regarding the three complaints of 2021 is the extreme events that took place precisely at the same time.

3.5.83. We live in a society that likes to attribute blame or motives. However, one cannot apply the knowledge held today to circumstances and actions taken when that knowledge did not exist. At the time when bookings were accepted the knowledge base did not include omicron, or the reversal in the fortunes of the operations from one of the large daily deposits to a net outflow of cash, from one where cancellations ran at 80%, to one of an expanding portfolio to one of a shrinking portfolio, and whilst it is not unreasonable to expect any business to have contingency plans or operate with an eye to future issues there are limits to what one can expect. If a haulage company established many years ago goes out of business because of Brexit, can you hold that business accountable when it did not know Brexit would become a reality? Arguably Brexit has been on the political radar for decades, so it was not entirely out of the blue. But it was not a reality until voted for it. Where do we draw the line about what should and should not be anticipated? We cannot apply what we know



then to actions and decisions taken before it was a reality. Otherwise, every person and business would be expected to model a hundred possible outcomes.

- 3.5.84. I would ask you to consider, what person who has 5 villas (6 residences) accepted as some of the best in Cape Town with an annual rental revenue potential of R30 million, (R20 million on even the most pessimistic bases) on a cost base of just R6 million, having sunk their life savings into what are physically immovable assets, where the business is the assets and the assets are geography static, where they operate at the very top end of the market amongst the top 1%, where reputation is everything and even one scandal can kill a business overnight, would then set out to defraud a handful of guests and for a sum a fraction of the earnings of the business. Knowing as anyone this would result in their reputation and thereby revenue being destroyed, their life savings gone, thousands of hours wasted, the hundreds of hours designing the smallest detail of the bespoke furnishings, entirely being for nothing. Cape Town is a small market and an undeniably cliquey city. Even one such guest would have ramifications.
- 3.5.85. As an example, if the scam is that you are taking money from customers to buy cars that in fact do not exist or that you have no intention of delivering, would you spend a very large sums of money on the smallest details of the upholstery? If you were trading at the very top of the market like Rolls Royce with its reputation and pedigree, would you scam a client or a few clients, thereby ruining your brand overnight and forever? If you, were a car company that produced 100,000 vehicles a year would you sell the same vehicle twice while not selling the other 80,000 vehicles If you cannot deliver a client's car as scheduled would the CEO, give the client their own car or buy them another?
- 3.5.86. So, in the absence of actual fraud and in the absence of the nineteen thousand defrauded guests alleged by Mr. de Swardt (or even one for that matter) then the solution was to create victims. Whilst this may seem beyond the comprehension of most normal people the facts make it undeniable. The conduct of Mr. de Swardt, SAPS, and the respective landlords after the arrest, more than makes our point. Those involved knew my client only used one platform and that platform was Booking.com. Those same people had contacted that platform on many occasions in the past to get my client's profiles taken down, often based on claiming the villas did not exist. They knew that they had wrestled control of the properties from my client just before the busiest weeks of the year. They would have worked out that the three residences can accommodate an average of twenty-four bookings per month. So, over the course of the December to April busy period that is one hundred families. One hundred families whose annual holiday no longer exists but who are completely ignorant of that fact. With an average for that time of year of 10-12 guests per booking that represented potentially one thousand guests.
- 3.5.87. If you have just arrested someone for allegedly operating a scam holiday accommodation business surely one of the first things, you would do is let the platform know so they can in turn let the guests know. They needed to either find the guest an alternative villa or where not possible provide the guests sufficient time to do so or provide a refund where neither was possible. Mr de Swardt knew chaos was guaranteed and for four months purposely chose not to tell anyone to ensure family after family turned up to Llandudno Legend East, Llandudno Legend West, or Llandudno Luxe only to find out on arrival they had nowhere to stay.

They knew bookings had been taken and guests would turn up with nowhere to stay, they knew the platform, the contact information, and the processes. Yet they chose not to let the platform know that my client no longer had control of the three residences. And just before the summer season started.

3.5.88. Were that for example an accident, i.e., someone simply forgot then the first arrival would be all the reminder you would need. Yet Mr. de Swardt and Inga Broad camped out as it were in Leirmans road to catch anyone arriving to engage the guest in a dialogue that tells them they have been scammed, are one of thousands to be scammed, to persuade them to press charges rather than pursue resolution with their card company or Booking.com. Every few days a new arrival knocks on your door and yet you do not call the platform to stop the flow. Instead of cancelling the flow and stopping the misery you document the disaster unfolding.

3.5.89. Regardless of whether there is a scam in operation or not, once the police have stepped in it is incumbent upon them to ensure that not one more person than is necessary loses money. And importantly their actions do not make people's situations even worse. The single biggest outcome of any arrest for fraud should be that the arrest enables the police to stop anyone else from being defrauded. If indeed it was a fraudulent operation or indeed any criminal operation that had been targeted by the police, then surely the first thing the police do after the arrest is to stop any further occurrences of that crime and to ensure there are no new victims. This is the opposite of what happened.

3.5.90. The arrest itself was engineered to cause the maximum damage. The arrest along with the confiscation of all office equipment, files, documents, data, and devices meant the immediate decapitation of the operation. After Mr. Boffa's sudden and unexpected departure my client had not yet had time to instruct a new agent so was handling the bookings on his own due to being left without a cent and with large arrears on most accounts, removing him and the equipment effectively closed the operation. But in not contacting the platform the semi-automated booking system continued to accept bookings without the human interface to cancel or vary them, exacerbating an already dire situation. With my client in Pollsmoor the whole time, every means by which the system could be addressed was dismantled. This ghost ship continued from December to February before Booking.com finally disabled the profile.

3.5.91. They went on to fully exploit the situation they had created. Mr. de Swardt created a dossier of all the families who arrived expecting a booking. His dossier formed a crucial part of the application to the High Court prepared before the arrest in readiness to submit after the arrest to void the delay and have the matter heard while my client was in prison. It was therefore a legal document, given under oath. It represents a masterclass in fabrication and perjury. In it, Mr. de Swardt lists every family who arrived as having been my clients' bookings and having paid into the Cape Exclusive bank account. Only where a guest had done so would they know the account details. So, there was no room for error on this point. Yet Mr. de Swardt listed every family as having done so. Yet on researching the guest details only two had paid money to Cape Exclusive, of which only one had paid to the bank account of Cape Exclusive. With only one having a confirmed booking as the other had been received after the arrest and was not confirmed., bearing in mind the dossier was presented as a well-researched statement of fact, to have presented false information on 90% of the cases included cannot be explained away as sloppy investigation. It is a demonstrable fabrication for a

purpose. Knowing my client was in prison and unable to research the claims in the dossier and having conveniently had all the means to do so confiscated Mr. de Swardt and SAPS had free range to make whatever claims they wished. Whether that be to assist with the civil proceedings or in motivating another prosecution.

3.5.92. Again, as in the other examples, all this demonstrates that neither the investigations nor the campaign has anything to do with justice. And even less to do with protecting guests, obtaining resolutions for guests, or protecting future guests. Had it, then an arrest would have been made soon after the complaints were received both to address any criminal activity were there considered to be any, and if the Investigating Officer Sergeant Stevens had felt there was any validity to the complaint to stop others from becoming victims. You would not for example, park those complaints and allow the supposedly fraudulent operation to continue and you certainly would not allow the fraudulent operation to continue (one assumes to wait for fresh cases of fraud in the absence of any worthy of prosecution) and then after a year when there were no such examples or new complaints suddenly decide to arrest. Nor is it either in the interests of justice, or ethical to hold onto potential dockets until such time as it suited Mr. de Swardt to turn a sleeping complaint into an active investigation and arrest. If there was any concern for justice or for victims not only, would you not leave the fraudulent operation in business for a full year, but you would also not intentionally go out of your way to create as many as a thousand victims by evicting a host, decapitating the booking system, and keeping that a secret. SAPS do not or rather should not keep dockets, complaints, or charges on ice while they wait for something more plausible to come along and then revert in the absence of anything better. And indeed, keep them on ice hoping for better so that when the time comes for Mr. de Swardt to execute an arrest whatever the best option currently available to SAPS will be the ones used to justify an arrest.

3.5.93. In the criminal justice system in South Africa as in most countries, the victim should be at the centre. Their needs come first and are paramount. If SAPS believed my client to be a scammer, why would they leave him to scam for a full year and then decide to arrest him? During this time Mr. de Swardt alleges my client defrauded R32 million. Is the suggestion that SAPS thought as far back as December 2021 that my client was actively defrauding guests., that he was an illegal immigrant since 31 March 2021, and that rather than arrest him SAPS decided to let him scam R32 million in the following year?

3.5.94. And the talk of justice, crimes, punishment, from a group more than happy to put an innocent man in prison, more than happy to do so on a trumped-up charge of theft, who have no issue with a dozen illegal evictions, half a dozen assaults, the theft of two passports and the sabotage of visa applications. Perjury on an industrial scale, forging of documents, fabrication of evidence used in the most serious of forums, and criminal libel. The same people who think nothing of interfering with justice when they lay entirely artificial obstacles in the way of a Magistrates or High Court, a misrepresenting of state documents, false affidavits.

3.5.95. And on the measure most suited to accusations of fraud, if we assess the relative positions at the start of the process and now, then it is very clear who are the winners and who are the losers. My client has lost tens of millions. Made up of the money he sunk into the enterprise and the money he should have received in return but never will. The guests who had bookings from December onwards lost these because of the illegal evictions and then were purposely put to entirely unnecessary

distress and inconvenience as well as cost when Mr. de Swardt and SAPS decided to make them part of their strategy. The guests were frightened into cancelling, or the guest's denied resolution by the fake concerns showed by Ms. Disberry. Or anyone for that matter who lost out because of the yearlong week in week-out attacks on my client and his finances. And compare this to the position of the landlords now. Mr Broad advertising his property for let at R10,000\_ per night when he could not even achieve R3,000 before my client's transformation of his property. Ms. Disberry has her property advertised at R250,000 per month, a figure 300% more than before my client's transformation, and Mr. Schaffer whose properties are advertised at 300% more than before my client's transformation. Or Mr Moonsamy who can now command rents R5 million more per annum and still illegally holds onto R3.8 million of my client's possessions.

3.5.96. As a direct result of Mr. de Swardt's and Mr. Stevens plan to create as many victims as possible my client lost the Booking.com profile he had carefully maintained and invested countless hours into over the previous two years along with several million Rand of current bookings and many times that in future bookings. The illegal eviction disguised as an arrest cost my client a minimum of ten million Rand in bookings alone. On top of the millions invested and the millions in contents.

3.5.97. They had achieved on this occasion what they had come close to back in April in what was the first demonstrable sign that the landlords were working together to take the properties. Since the disaster of Omicron, compounded by the mismanagement of the letting and management of the portfolio and the misappropriation of funds by Mrs. Gail Broad in December through February, my client had inherited a portfolio with almost no bookings, no reserves, no systems, or platforms in place. There had been no handover, no period of managed transition, and no warning. Hence the position was as if back at zero. My client therefore had to rebuild all of that, so matters were in a fit state to pass to an agent to assume those responsibilities. Which my client did; rebuilding all the systems, ensuring all the properties were professionally managed, ensuring any bookings were accommodated and guests were happy, and importantly rebuilding the front end so that bookings could be taken. By early March 2022, the volume and value of bookings were back on trend and by the end of March, the volume and value of bookings were comfortably in excess of any previous bests and the pre-Omicron figures. Going into April with week-on-week increases in both income and bookings. Indeed, this was the only period in all of 2022 that the portfolio which even on the most conservative estimates should have revenue four times its costs was in profit.

3.5.98. It also highlighted the fact that the dire letting performance under the management of Mrs. Gail Broad was no fluke or run of bad luck. In the months prior to her management and the weeks post her management, the lettings were in the dozens of bookings with a value in the millions. When under her control she secured a handful of bookings and revenue 80% less than the pre or post-figures or medium-term average. Yet discretionary spending under her control doubled and, in some cases, tripled, of which a very considerable proportion went to her, her family, or associates and included a staggering fifty thousand rand in petty cash spending alone. For which my client never received receipts. As well as nearly thirty thousand Rand of invoices for her husband's gardening services, despite my client having two full-time gardeners and never having requested such services.,

3.5.99. Once stabilised, my client appointed Chandre Abrahams to manage the operation and properties on what should have been the taking over of a well-managed, stable, highly profitable portfolio with extremely healthy volumes and revenue. What started as a position focused mainly on the

guest, the guest experience, and enhancing the products and facilities for guests soon became something very different. My client had already begun to allocate incoming funds to clear past obligations and at the current rate would have had these entirely cleared by June. Aware of the fact that my client was beginning to make inroads into obligations the portfolio was back on course and generating healthy revenue the landlords agreed on a joint effort to destroy the operation. They wrote to the platforms my client used to generate bookings listing as operating a scam etc. Issues the landlords knew would result in a swift and serious response. On 14 April my client awoke to find that every property profile on every platform had been pulled down. As such, there was absolutely no marketing presence for any of the properties. Bookings dried up immediately. Due to the nature of the accusations platforms such as Airbnb had cancelled every booking on their system. An estimated R2.5 million of bookings were cancelled on that day alone. As such, far from taking over a stable and profitable operation one week after starting Ms Abrahams found herself at the helm of an operation in freefall, with no income, considerable outgoings, and no marketing. It took two months before the profiles were fully restored. Three months until revenue was back on trend levels. In the period without an online presence, my client lost circa R6 million of revenue. Not only did the plan to settle any obligations have to be paused but once my client had used up his own reserves to subsidise the portfolio from May/June onwards marked the point at which core items of expenditure such as rents began to dip into arrears.

3.5.100. Precisely the aim of having the profiles removed. At the time the strategy was to put my client in rental arrears on the properties thereby allowing the landlords to take the properties legally through the civil courts. It was because of my client's efforts and subsiding of the portfolio and the hard work, determination, and exceptionally skilled management of Ms. Abrahams that against all the odds they had not just survived but had by July begun to match and surpassed previous bests that the strategy changed to Mr. de Swardt's illegal efforts.

3.5.101. In the eight months before the arrest, ever since the attack on the online marketing by Ms. Disberry, Mr. Van Wyk, Mr. Broad, and we have reason to believe Mr. Moonsamy, my client had been trying to get copies of the file from Booking.com that proved who and how the profiles had been taken down. Despite more than forty communications with Booking.com to get this information, none was forthcoming. This is unfortunate, as my client's attorney had suggested that if that proof could be obtained it would be possible to initiate proceedings or lay charges in regards to their constant attacks. The communications with Booking.com would have proved the direct involvement of these individuals and demonstrated the coordinated nature of their efforts. Had this proof been forthcoming and my client able to begin to fight back it is very possible what then followed would not have.,

3.5.102. Returning to the arrest of 14 December, Mr. de Swardt and his clients were quick to capitalise on the events feeding stories to the news media in an attempt to solidify the scammer narrative in the public mind.

3.5.103. And to date, their involvement remains well hidden. With my client taking the blame for the carnage and losses that resulted. His reputation was ruined and very likely irrecoverable.

3.5.104. Intrinsic to the plan it was necessary to keep him incarcerated for as long as possible. In this regard Sergeant Stevens was very obliging, producing new and different reasons as to why the matter

should be postponed at each appearance. To the point of which the magistrate ordered this constant change stop and the final charges settled on by the 28<sup>th</sup> of February. Perhaps it is not surprising then when I mention, that in the six months since nothing has materialised.

- 3.5.105. The bail hearing finally commenced on 13 March 2023 some three months after the arrest. My client has been in Pollsmoor prison that entire time. This was our and indeed the prosecution's first sight of the formal charges and the evidence to back them up. The fact that every charge except the immigration charge was dropped by the state that day says all that needs to be said about the charges themselves.
- 3.5.106. Mr. de Swardt and Sergeant Stevens refused to allow a situation where my client walked from the court entirely free and insisted the immigration charge be prosecuted. This even though the charge has no basis in law. "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". As we go on to demonstrate the various automatic extensions of visa meant my client was under no obligation to leave South Africa on that date or any other for that matter while the moratorium continued
- 3.5.107. It was clear that Mr. de Swardt, his clients, and Sergeant Stevens had thought that they had planned the arrest and the period post-arrest, especially the bail application, so well that my client would be gone for good this time. These were the exact words of Mr. de Swardt when the day after the arrest he met with Mr. Moonsamy and Mrs. Broad at Fisherman's Bend to celebrate their success. Two separate witnesses have told us that the meeting which was both celebrating my client's removal, recapping events of the preceding day and the immediate future Mr de Swardt said "We nailed him. He is gone for good. He is not coming back this time".
- 3.5.108. The fact that the state still illegally held my client's passport seems lost on the state. How was he to have applied for an extension while they continue to hold it. Which they had for eight months by that point.
- 3.5.109. The continued persecution of my client is a shameful reflection on the departments of the state and on the Republic itself. Especially when weaponizing a person's British citizenship against them. Using and exploiting it to significantly prejudice the British passport holder to the very substantial benefit of those benefiting from South African citizenship. What message are we sending to overseas visitors who wish to come to South Africa and invest millions that this is how they are treated?
- 3.5.110. The implications and consequences go far wider than South Africa's reputation abroad. What this case highlights is that one arm of the South African state has been able to veto, overrule, and ignore the other arms. The police are the junior partners of the state. Subservient and answerable to the Judiciary and court system on the one arm and parliament and the legislature on the other arm. The police service must uphold, enforce, and abide by the laws, orders, and rulings laid down by Parliament and the Judiciary. It would be illegal and unconstitutional to ignore these or to override them. However, this is precisely what the arrest did by carrying out an illegal eviction, or rather two illegal evictions, and disguising them as arrests this has enormous implications for the

rule of law, the supremacy of parliament and the judiciary, the constitution, and more immediately serious and profound implications for the rights of tenants in their homes, for their protection, their safety, and their security.

- 3.5.111. At present tenants are afforded several protections, the most important is the PIE act protecting tenants from rogue landlords evicting them without a court order. Tenants have enjoyed protection in their homes for decades and it is arguably the most important factor underpinning the rental sector and all landlord and tenant law. However, using the example of my client, if a landlord has enough money or the right contacts within the police service then all the protections afforded to tenants will mean nothing. The landlord will be able to execute an immediate eviction of his tenants without the expense and time needed to go through the civil courts and will be able to do so with no repercussions for himself. The cost of such an exercise is a fraction of the cost of going through the civil courts with the vast majority of the costs being met by the South African taxpayer.
- 3.5.112. Returning to the untenable position my client now finds himself in out on bail for a crime he did not commit by definition of which he may not leave the country. And of which he may not work while in SA. The state barring him from returning to the United Kingdom where he can earn a living. Trapped here unable to earn an income but expected all the costs associated with living here and funding large legal bills to defend himself. While the state illegally holds his equipment, devices information necessary whether in defending this matter or any others that Mr. de Swardt may plan. Or for example, seeking to earn a living remotely. Or in trying to mitigate the chaos and damage caused through to March
- 3.5.113. The confiscation of the equipment and the fact that the state still has my client's equipment and data illegally is intentionally to thwart my client exposing Mr. de Swardt, his client, and SAPS. For the campaign to be a success as well as taking back all the properties along with their contents it is important that there are no consequences for Mr. de Swardt's clients and that the public narrative remains one where the landlords are the victims and not my client. If they had been able to keep my client in Pollsmoor for years which was the plan, his funds would have been exhausted, he would have had to seek legal aid, and access to information and equipment would have been impossible. Not only making defending the cases in court near impossible but also ensuring the truth about the campaign and the project to create victims after the arrest would never be known.
- 3.5.114. In addition, the added distress of it being some two and a half years since he has seen his family, and his mother's recent lung cancer diagnosis.
- 3.5.115. In addition, my client has now had to suffer two illegal arrests and two periods of false imprisonment totalling four months in what is accepted to be one of the worst prisons in the world. And during the periods of both remands has had every one of his homes taken from him. Precisely the purpose of incarceration in the first place. At the same time, he has had his possessions, movable assets, furnishings, and artworks stolen. He has been denied the future income that would have come from the properties thereby repaying and justifying the very significant outlay in terms of time and money in transforming them in the first place. The figure is conservatively estimated at around 100 million Rand. He has been humiliated and degraded, and his reputation destroyed. The campaign against him by already wealthy and privileged South

Africans included an astonishing and long list of crimes. This very well-resourced and highly organised campaign has been hidden behind the veil of secrecy and very efficient domination of the narrative to the point where the scam thesis is almost unchallenged. Yet it has gained credence with not a single shred of evidence to support it. What we see in place of facts and evidence is simply the wild imaginings of a self-proclaimed private investigator. Who for example fields an utterly absurd statement that my client has defrauded guests of some R 32 million in the year preceding the arrest. All these false “facts” influence perception and invariably result in the isolation of my client making it even harder for him to get help or have any of these matters investigated. Whether it be Sergeant Steven's clearly choreographed escorting of my client in hand to the waiting car, the attendance of a fully armed swat team accompanied by suitably dramatic explosions, and the blow-by-blow reporting updating of the arrest before during, and after. Not to mention the effect itself of being arrested on charges of fraud. All this feeds into what is and will become the new truth.

- 3.5.116. This followed the pattern throughout 2022 of creating victims and their best efforts to ensure anyone out of pocket remained so. Their faux concern was extremely disingenuous as the extreme lengths they went to ensure my client was unable to meet all the obligations would impact the discretionary items of expenditure the hardest. Particularly one of the aims of the attacks on finances was to create a situation where rent arrears would accumulate allowing the taking of the properties to be legitimatised legally if needed and justified publicly. With items such as rents, utilities, and housekeeper wages being the priority, without which there was no base to generate income, they knew it meant a whole series of people would have to be sacrificed to create rent arrears.
- 3.5.117. On 18 April, Lauren van Riet the former practice manager at Louis Herbert Attorneys who was witness to the campaign and the corruption of the latter half of 2022, wrote a formal complaint to IPID, followed by the completion of the prescribed online form on 24 April. This was followed by various emails which included updates across a range of issues. As well as chasers having been sent. On 22 May the senior managers at IPID were emailed (DNtlatseng@ipid.gov.co.za; TMakoloane@ipid.gov.co.za; PSetshedi@ipid.gov.co.za; MMolope@ipid.gov.co.za; Tefelakae@ipid.gov.co.za; NNetsianda@ipid.gov.co.za; SRamafoko@ipid.gov.co.za; LSuping@ipid.gov.co.za; MMoeti@ipid.gov.co.za; tmahibila@ipid.gov.co.za; 'Alan Winde' <Alan.Winde@westerncape.gov.za>). As at the point of drafting these Representations we have not heard from IPID. As such, one of two things has happened: either after receiving the complaint, an investigation was initiated and due to the very sensitive nature of the crimes involved, we have simply not been given details or informed. And updates will we assume begin to come through as meaningful progress is made. Or, IPID has yet to start the investigation which would mean more than two months have passed. Crucial months considering the range, seriousness, extent, and impact of the crimes committed by both police and private individuals, would be alarming and disappointing were it to be the latter.
- 3.5.118. The document listing the incidents of corruption related to SAPS now runs to 63 examples. Of both corruption and crimes. Bearing in mind this relates to the police service, if the reporting of this to the body charged with policing the police, then we have no one who has any power to address these matters.



- 3.5.119. On 28 April Lauren van Riet, wrote to the Premier of the Western Cape, Mr Alan Winde. To his and his office's credit, they were extremely swift to respond, doing so on the day the email was sent. We were encouraged by their commitment to investigate and assist with the matter, in particular having the corruption thoroughly investigated. As with IPID my client sent in information after the initial contact and has also chased for answers. At the time of writing this draft, neither he nor Lauren had heard back. But with Mr Wende's very strong stance on corruption, his extremely rapid response and commitment at the outset as well as the very serious nature of the crimes and corruption we are hopeful that my client will hear soon with an update on progress, and we will update these representations if still under consideration.
- 3.5.120. On 26 April Lauren van Riet, wrote a formal complaint to PSIRA, the body that governs private investigation firms, about the long and sinister history of Mr. de Swardt. Including the many laws, he and his client have broken in their campaign. To their credit, PSIRA has been the only such body, organisation, or office to whom we have reported the matters who have taken up the matter and begun an investigation without the need to chase. They contacted my client after the complaint was filed and requested a meeting at their offices which my client attended and then a second meeting at his home during which he loaded the relevant aspects of the evidence Folders onto a pen drive for their investigations. My client commented that the officers were very professional, knowledgeable, and helpful and felt they understood the gravity of the matter and the seriousness of the crimes committed and that the investigation would be very thorough and fair,
- 3.5.121. As we mentioned below, my client began a dialogue with the British Embassy, the British consulate, and the United Kingdom Foreign Commonwealth almost a year ago. And has maintained that dialogue since. Although various international treaties prohibit the embassy or country is getting directly involved in the investigations, prosecutions, or court proceedings of another country, they have committed to assist with the various investigations into corruption and persecution in general.
- 3.5.122. Due to the extreme imbalance of power and resources and because of my client's absolute faith that the facts as he presents them are the only accurate ones, he is more than happy for every item of evidence to be in the public domain. As a result of the corruption, the imbalance of power, their dominance of the narrative, and the lack of action to date by those organisations charged with investigating corruption, in April my client began the process of speaking with and passing the evidence to journalists. In the hope one or some journalists who have an interest in their craft, and professional integrity, report honestly and without bias or salacious misrepresenting will take up the story, investigate, and report. Perhaps then with the national and international spotlight shining into these dark areas, my client may begin to see justice. And with the South African state, the prosecution, the criminal justice system, SAPS, IPID, PSIRA, and the Western Cape Premier's office under the microscope perhaps then the people and organisation charged with upholding and policing justice may begin to act.
- 3.5.123. As things stand, to any outsider my client is the scammer, my client is the one who took bookings and who received funds, my client is the illegal immigrant intentionally flouting and evading the rules in regards to visas, my client is the one whose been arrested, twice and therefore is clearly

guilty of something, my client is the one whose been sent to prison twice so must have done something very serious, my client is the one featured in the newspaper article and the petition, again so he must be the villain.

3.5.124. To the extent, my client's life is in danger. With such hate whipped up those who have lost hundreds of thousands of Rand said that my client scammed them, and my client has their money when both statements are demonstrably untrue. He has received several threats over the past 9+ months.

3.5.125. At the time of preparing these Representations, none of those involved in the campaign against my client have been charged with any offences. The arrest warrants issued have not been executed. Mr. de Swardt et al have yet to be charged with assault. Mr. and Ms. Broad, Ms. Disberry et al have yet to be charged with Malicious Prosecution

Mr. Boffa, Schalkwyk, and Dalton et al have yet to be charged with embezzlement or any offences related to their scam enterprise. Nor has anyone been charged for the conspiracy to torture, murder, and dispose of a body. Ms. Disberry and Mr. Van Wyk have yet to be charged for the theft and retention of two passports. No SAPS officer has been charged with the dozens of instances of corruption and illegal conduct, and none have been charged for either criminal defamation or criminal injuria. No one has been charged for the two illegal arrests and false imprisonments or the interference in de process and the criminal justice system that followed both.

We use the "et al" after everyone as this was a well-organized campaign by a group of individuals who cooperated and worked extensively together as one group. Each with their part to play. That this was a group syndicate, or consortium is hard to dispute. Each benefiting personally from the endeavours of the group. And it is not therefore for us to untangle their respective involvement in each crime. The crimes of one are the crimes of them all.

The crimes committed by these individuals would fill several dozen dockets and yet not one docket exists. Instead, my client is being prosecuted for not leaving the country when the highest authority on matters of visas and immigration (The Home Affairs Department) had a policy in place at the time that specifically meant he did not need to. And thereafter the individuals referenced above made applying impossible.

The fact that investigating officers in both arrests were able to get two employees of the Home Affairs Department to declare my client illegal based on his not having South Africa on the 31<sup>st</sup> of March 2021 when anyone working for that department especially within the immigration services would know of the automatic extensions to visas is concerning.

And it is most certainly not in the interests of justice that we now seek to prosecute the victim and not the perpetrators.

3.5.126. The question must be asked. At what point does the state begin to look at the motivation behind attempt after attempt to imprison my client? The immigration breach is now the third attempt in nine months. If the obsession of Mr. de Swardt is any judge, there will be a fourth. Possibly a fifth. Is it legal, constitutional, or fair that private individuals via their proxy Mr. de Swardt, in turn via

his proxy in SAPS, can continue with their campaign and do so by using the Criminal Justice system? Working one assumes on the basis that if they keep trying one attempt may prove successful and if in the process, they bankrupt my client leaving him with nothing but a free state attorney then subsequent attempts are very likely to be successful due to the huge imbalance of knowledge, power, resources, personnel.

- 3.5.127. It cannot be acceptable or in the interests of justice that it is only once a matter comes before this or any other honourable court, whether trial or bail application, that the fundamental weaknesses of the charges are tested and exposed. Which might add no repercussions for those bringing false charges or fabricated evidence. Instead allowing them another go where the current one failed.
- 3.5.128. The fact that the details of the campaign, the methods used, the fabrication of evidence, the manipulation of the media, the perjury, and the crimes of those involved in the campaign are all highlighted, examined, and in the public domain gives my client no comfort. By then the money has been spent, the reputation even further degraded, my client put through another few months of what can only be described as hell, and where even an outright victory does little to dissuade those who have already accepted the prevailing narrative as fact. The simple fact is that whether it be the magistrate deciding whether to issue an arrest warrant, a prosecutor deciding whether to object to bail, or a prosecutor deciding whether to seek a trial, were the full rather than the highly distorted facts in front of them we have absolutely no doubt the matter would be roundly dismissed.

#### **4. CHRONOLOGY OF EVENTS SPECIFIC TO THE IMMIGRATION CHARGE**

5. My client was arrested on 4 August 2022 on one count of House Breaking with the intention to steal, one count of malicious injury to property, and one count where my client was charged with being in contravention of the Immigration Act ("CAS 15/08/2022"). Although there was no warrant for the arrest, my client was not told what he was being arrested for until the next day, My client was not given the names of the officers or any case ref number. Wouter de Swardt ("Mr de Swardt") a private investigator hired by the property's owners who had no authority to do so, appeared to be leading the arrest.
- 5.1. These charges were laid by the landlord of the property at 16 Leirmans Road Mr. Keith Broad with the assistance of his recently appointed 'private investigator' ("Mr de Swardt"). A property my client had leased for 5 years, renovated, lived in, and had been renting for 9 months by that point. The charge was an attempt to derail my client's own spoliation application in the High Court to have Mr. de Swardt and the eight thugs who worked for him removed from the property and occupation restored to us after Mr. de Swardt and the eight thugs had stormed the house, beaten up the occupants and ejected them by force. My client was therefore being charged for housebreaking on a property my client leased, lived in, paid rent quarterly in advance for, and had done so in each of the previous three quarters. My client was being charged for malicious injury to property on a property my client had spent two months and over a million Rand renovating.

- 5.2. The video evidence and witness statements in regards to both the attempted illegal eviction of 22 July and the successful illegal eviction of 24 July as well as the judgment and reasons for the judgment in the High Court where an eviction order was granted against Mr. de Swardt, Broad and the thugs, as well as an interdict as well as punitive costs, all attest to the extreme and illegal methods deployed then and unfortunately since, and at least in part explain the rationale for the false theft charge and my client's incarceration.
- 5.3. The charge itself, was equally false. That my client had stolen the boxes of old effectively unwanted personal items that had been left in a backroom, that my client had agreed to keep on the property for a short while. When Mr. & Mrs. Broad absolutely knew my client had had them moved to safe secure professional storage after some five months had passed. For which my client was paying and to which they had full and equal access.
6. The bail application in CAS 15/08/2022 commenced on 15 August 2022 and despite the best endeavours of Mr. de Swardt to get bailed denied (including inflating the value of the items by 2000% to R835,000 making it a schedule five offence bail was ultimately granted on 22 August 2022. On 6 October 2022, the docket was not at court for the second time and the state withdrew the charges against my client and maintained my client's innocence through my client's bail application.
- 6.1. And in seeking closure my client's attorneys had arranged via the Investigating Officer for him, Mrs. Broad, her attorney, we, and Mr. Russell to meet at the storage unit to verify its existence and the contents. On opening the unit, the full contents that had been moved there from Leirmans Road were inside.
- 6.2. That should have represented the closing of any docket. Instead, these were kept artificially alive to complicate a future bail application when the next arrest was needed by the clients of Mr. de Swardt.
7. When my client was arrested, the investigating officer informed my client's legal representative personally that he did not have an issue with my client's release on bail however, he took issue with my client's status in South Africa. And it was on that basis he would object to my client's getting bail. Telling my client that my client had never applied for a visa extension since landing and that my client had been illegal as of the 31st of March 2021. My client replied that was not the case, that my client had applied and been granted an extension, and that throughout 2021 due to the automatic extension of the visas. He seemed disinterested in my client's reply and took no notes.
- 7.1. Similarly, to when my client was finally told he was being charged for, after a full day being arrested my client was told for "The TVs and microwave". As my client began to reply to Sergeant Duna said that was for my client to tell the court, not him, and he walked off. Despite the concern, my client was granted bail.
8. My legal representative informed the investigating officer that my client had lost my client's passport and believed it was stolen. As a result, my client was not able to renew my client's visa application before or during the time my client was arrested.
9. My client had rented a property situated at 12 Hove Road, Bakoven from Ms. Paula Disberry ("Paula"). The lease of this property came with a Mini Cooper motor vehicle which my client drove. A dispute arose

between myself and the landlord and as a result, to deescalate matters and end the campaign by her and the landlords against my client, a full and final settlement was agreed which included the return of the property some months before the end of the tenancy. Some six months prior to that Paula and her partner Peter Van Wyk ("Peter") used the car's tracking system to locate it while it was being repaired in a garage and therefore not in my client's possession. They went to the garage and took the car. Which included the contents of the glove box where my client's passport was. At no point did Paula, Peter, or the housekeeper mention to my client that his passport had been taken.

10. At the time, my client was not aware that my client's passport was stolen and only realised this when it was needed to sign an affidavit at my client's erstwhile attorney's office. Assuming it was lost or stolen, and after extensive searches in April my client applied for a replacement passport. my client attaches hereto proof of my client's application marked annexure "**DIR**". During this time, my client was unaware of any criminal matters pending.

11. This was the second time my client's passport had been taken and it was not to be the last. On the first occasion, Gail Broad and Jennifer Swinty of Cape Town Luxury Villas took over the letting and management of the properties from December 2021. Gail Broad is Keith Broad's cousin and the agent who offered and negotiated the leases on Leirmans Road for him as well as on Monterey Road for her good friends the Schaffer's. (Sometime later my client was told by several people that the plan had been to contract with my client, with the promise of a five-year tenure, my client would transform the properties, using my client's expertise and own money and once completed various measures would be deployed to take them back).

11.1. Mrs Gail Broad had arranged for Kath my client Nazar a business consultant known to her to handle all compliance matters including my client's current and future visa applications. Having arranged a meeting with a visa agency she recommended, Kathi Nazar, to whom my client passed my client's passport and money for the application and advice regarding more permanent options.

11.2. My client had planned to go home to London for December and January to see my client's mother and family and to spend time at my client's home in London. The lease for which my client had kept throughout 2020, 20201, 2022, and early 2023. The original plan had been to spend time in both cities with regular trips back and forth. But then Covid made that impossible. And the planned trip for December 2021 and January 2022 had to be aborted when Omicron was announced, and flights were cancelled and to sort out the chaos that had caused.

11.3. Having not heard anything for some weeks and on learning Kath my client had flown to Germany my client contacted the visa agency who confirmed no passport or funds had been received. After some weeks, my client eventually got the passport back and then began communicating with the visa agency directly about both the extension and the other visa options "**DR8**".

11.4. However, before they could submit the application Ms. Paula Disberry stole the passport. My client kept the agency (URSA Visa Consultancy) informed on a very regular basis "**DR17**" which Bibich Kapwwaya elaborates on in her affidavit.

12. In August 2022, my client obtained a copy of his passport from one, Mr. Broad as a result of civil litigation between us. After my client's arrest in the abovementioned charges, my client learned that Paula had

possession of his passport and that she handed it to a private investigator, one Mr. Wouter de Swardt ("Mr. de Swardt"), without my client's knowledge or consent.

13. During my client's bail application, the State did not disclose in their evidence that it was in possession of my client's passport. The investigating officer only disclosed that he had possession of my client's passport during the cross-examination of the bail application. Consequently, and to solidify my client's bona fides, my client gave the State an undertaking that they may retain my client's passport at that stage.
14. Because my client was not in possession of his passport, my client was not aware that he had overstayed the visa at the time it expired. This may be viewed as irresponsible but if my client was not in possession of my client's passport to which the visa is attached, it can be expected that my client fell afoul of noticing the expiry date. It is important to note that when my client learned that it had expired, my client reapplied for a new passport which would then allow my client to apply for a new visa, which my client did.
15. Regarding 2020 and 2021, contrary to the statements of the two Home Affairs employees my client was in South Africa legally. my client landed on 23 December 2020, being given the standard 3-month visa on arrival. The home affairs affidavit states that my client applied for a visa extension and was awarded a standard extension of 90 days. Which would have taken my client to the end of June. However, applications were not necessary during 2021.
  - 15.1. On 06 March 2021, The Department of Home Affairs published new regulations, in Government Gazette 44335 "**DR11**" and "**DR18**". A year prior, special visa concessions were announced which automatically extended visas that expired during the state of disaster. The then-ongoing state of disaster was announced on 15 March 2020. The visa concessions allowed foreign nationals to remain in the country for as long as they chose to do so, subject to the concession criteria. The new concessions announced in March 2021 extended all tourist and s11(2) business visas which expired during the state of disaster, to 30 June 2021. Although only if arrival was between December 2019 and 14 March 2021. Which my client did. Other visas were not included. No further concessions were expected beyond that period, but subsequently, these were extended in total three times through all of 2021. For 2022 when travel restrictions had been lifted the exemption and waivers continued but there was a requirement that an application be submitted. The current stop date is 31 December 2023. And the only consequence of a decline is that the person must leave South Africa. Although with no penalty and would not be classified as "undesirable". Free to return when they wish.
  - 15.2. The new regulations were to reduce the massive backlog of applications and address the fact that travel was impossible. The Home Affairs Department waiver under the Disasters Management Act of 2002 allowed anyone on a temporary visa (including a tourist visa) to remain in SA. This was an automatic extension and did not need an application to be submitted.
  - 15.3. Initially the period that applied to was up to 31 March 2021. That was then extended to 30 June 2021. Then extended again to 30 September 2021. And then again on 31 December 2021.

- 15.4. Throughout that time, my client was in constant contact with visa agencies to ensure he stayed within the rules and asked to be kept informed so that when it looked likely that the waiver would cease being extended, my client could apply for an extension “**DR8**”.
- 15.5. My client did this towards the end of 2021 and was granted a visa extension up to the 31st of December 2021 “**DR7**” As can be seen by the passport. Statements that my client had never extended since arrival are untrue.
- 15.6. Contrary to the statements from the Home Affairs Department, due to the automatic visa extensions my client was under no obligation to leave South Africa on the 31st of March and as these were extended through to 2022, my client was under no obligation to leave South Africa at any point in 2021 “**DR9**”.
- 15.7. My client cannot comment on the criteria for choosing which Immigration Officers are instructed when providing information and affidavits in relation to such matters, but it is concerning that the communications from the two Home Affairs employees make no reference to the waiver that included the automatic extension of visas covering all of 2021, or to my client’s application for and approval of the extension of the visa to 31 December 2021. Approval of which would not have been given had my client been in South Africa illegally in the months before.
- 15.8. The automatic visa extension program was one of the most significant policy announcements the department has made and lasted almost a full year. It would be concerning that even one immigration officer was not aware of this policy and almost inconceivable that two Immigration officers were not aware of “**DR12, DR13, DR14**”.
- 15.9. Of equal concern is the fact that contained within their own submissions is evidence that their statements are incorrect. On the printouts from the Home Affairs database on page 203 of the docket it states: “TO CONTINUE TO VISIT ON HOLIDAY UNTIL 2021/12/31 TRV.NO.LMBG34J”. “**DR19**” As such, the same system, and data they would have used to issue a statement and affidavit states very clearly there was no obligation on my client whatsoever to leave on or before the 31st of March 2021
- 15.10. So, it would appear that two unrelated Home Affairs employees were both ignorant of one of the most important visas related policies of the last decade, the most important in terms of legislation relating to visas during the Covid pandemic, one that they would have had to reference dozens if not hundreds of times, that would have affected outcomes for visa holders, applications and appeals, in hundreds of cases over the course of the last two years. Who both then misread what the Home Affairs database says when checking a person’s file. And who both also missed the very clear note on that system which clearly shows any official that the automatic via extensions carried my client onto 1st December 2022
- 15.11. The Home Affairs database clearly shows no crime was committed. Had it not been for the campaign by Mr. de Swardt, his clients with help from certain members of SAPS, and the fabrication and manipulation that has been a key part of the strategy it is almost inconceivable that this matter would result in a charge or an intention by SAPS to prosecute?

- 15.12. In summary, my client was completely within the rules and legally in South Africa for 2020 and all of 2021, and will go on to address the period since.
16. Addressing the very recent affidavit of Sergeant Stevens about the immigration charge; In addition to the affidavits from the Home Affairs department the affidavit of Sergeant Stevens, deposed on 17 April 2023, a month after being granted bail, and four months after the arrest, contains several untrue statements.
- 16.1. My client was never charged with any matter relating to my client's immigration status. My client was only formally charged with regards to the three fraud cases on the arrest warrant
- 16.2. The subject has never been mentioned by Sergeant Stevens in any capacity whatsoever. Formal, or informal
- 16.3. The immigration breach or any issues related to it were not included in the warrant of arrest, they were not mentioned to my client at the time of being arrested or subsequently during the 2-3 hours the police were in my client's home. It was not mentioned at any point during my client's time incarcerated at Hout Bay Police Station or any point subsequently.
- 16.4. The first and only occasion my client has had any conversations with Sergeant Stevens related to any of these matters was after being granted bail when asking for my client's passport so my client could apply for a visa extension.
- 16.5. My client was unaware that the immigration matter was to result in a formal charge until some weeks into the remand period.
- 16.6. It is possibly instructive to note that Sergeant Stevens belated attempts to give the immigration matter a far greater role than it had in proceedings comes after all the charges were withdrawn, thereby leaving only the immigration charge. The only references are the statement of the two Home Affairs employees (the first being arranged by Sergeant Duna and or Commercial Crimes and the second by Sergeant Stevens of commercial crimes) followed by the very belated affidavit of Sergeant Stevens of 17 April 2023. Other than this there was no mention or inclusion of the immigration issue in any of the paperwork, documents, or conversations. There is no mention of the issue or issues related to the visa and immigration status in any other affidavits of any officers or officials.
17. During the state's evidence in CAS My client 5/08/2022, the Investigating Officer Sergeant Stevens intimated that the state was attending to queries in respect of possible fraud charges against my client.
18. After the charges were withdrawn against my client on 6 October 2022 in respect of CAS 15/08/2022, nothing prevented my client from leaving this Honourable Courts jurisdiction with or without a passport. my client consciously elected to remain in South Africa notwithstanding pending investigations into fraud and the charge relating to the Act.
19. My client was arrested on 14 December 2022 and his first appearance was on 19 December 2022 under CAS 2/523/22. Thereafter, the matter was postponed to 6 January 2023, when it was postponed again to the 2nd of February. Following a postponement to 9 February 2023 on which date the matter was



postponed to 13 March 2023 for the purposes of my client's bail application. In the end, the Magistrate put a stop to the Investigating Officer Sergeant Stevens's constant requests for more time, with a new request and reason for each delay at each appearance, including constantly changing charges, and laid down the 28th of February as the date by which they must settle on their charges.

20. The arrest was as my client had predicted on many occasions over the preceding 6 months in several documents, dozens of emails, and WhatsApp conversations, including my client's affidavit in the November hearing of the application for admission of oral evidence in the 16 Leirmans Road matter, as well as to my client's attorneys, to the British Embassy and others. Where my client had said that the first arrest had only achieved a small portion of the goals of the clients of Mr. de Swardt and that the campaign would not stop until they had taken all the properties and my client was incarcerated and the evidence of their campaign and criminality buried with my client.

20.1. The theft of the replacement passport was the most significant sign of their intention, coming in October 2022, a little while after the withdrawal of the theft charge. The theft of my client's passport and the sabotaging of my client's ability to apply for a visa extension were something Paula, Mr. de Swardt, Mr. Broad, and Mr. Moonsamy were very keen to happen so that my client's immigration status could continue to be used for the advantage of others and to my client's considerable prejudice.

20.2. Further emphasised by the false theft charge laid by Paula at the request of Mr de Swardt at the same time, and purposely kept alive so that it and the semi-live status of the first docket could be used to make a future bail application more difficult when the clients of Mr de Swardt decided another arrest was needed and the timing right. Because there was and were no valid cases against my client it was important that issue related to my client's visa and immigration status remained something that could be used to affect outcomes. And as predicted that was what transpired.

20.3. Having also predicted the rough timing as my client knew it would have to come when certain needs merged. The most striking similarity between the two near-identical arrests and remands being the 'coincidence' of the arrests coming on dates that were perfect for their needs. The first arrest was in August coming just before the High Court hearing and just after the postponement of the civil proceedings.

20.4. The second arrest in December coming a) just after Mr Broad lost in the High Court and proceedings were delayed 6 months for hearing of oral evidence, therefore direct action was his only option if he did not want to wait, b) the friends of Mr Moonsamy and soon to be new owners of Fisherman's Bend flying in 2 days later for their regular annual three months holiday in Cape Town having already expressed their wish to stay at the property despite it being leased to meet, which they commenced moving in with their family that same week, c) the day the seven day notice by Mr Moonsamy's attorneys took effect, d) the day the summer season started, e) right in the middle of the very small window of opportunity for Mr Moonsamy to stand a chance of a legitimate route to possessions (i.e., just a couple of days after payment of R250,000 to Mr Moonsamy rent and just a couple of days before the remainder was to be paid at which point any chance of taking the property would recede for another year, f) in perfect timing for Mr Broad to list the property for sale at the start of the busy sales cycle, which he did within days of the arrest, g) perfectly in time to benefit from both peak and summer season rental income.

22. The arrest and more specifically the objection to bail resulted in my client's spending three months in Pollsmoor prison, during which time it was impossible to apply for an extension, and then for some weeks after being granted bail, the passport was held by SAPS. Until its release to my client in May when my client immediately made an appointment and duly applied for my client's visa extension
23. The arrest was an illegal eviction disguised as an arrest. Indeed, it was two illegal evictions disguised as an arrest. The Investigating Officer Sergeant Stevens, SAPS, and Mr. de Swardt also used the opportunity of my client's arrest at 32 Fisherman's Bend to arrest and remove the occupants of Mr. Keith Broad's property at 16 Leirmans Road where the housekeeper lived along with Ollie Sokanyile and his girlfriend.
- 23.1. The property had no connection to the charges, the occupants had no connection with the charges or portfolio and the arrest warrant made no mention of 16 Leirmans Road. The occupants were arrested, given minutes to pack, escorted out, and then later let go with no charge, told if they returned, they would be arrested. Although the housekeeper was made to return, act out a casual voluntary departure for the purposes of Mr. de Swardt recording him should he or Mr. Keith Broad face charges for the illegal evictions, illegal arrest, or a spoliation application because of the former.
- 23.2. All of this was told to my client by the housekeeper shortly after my client's release who had been trying to contact my client since the arrest to mention several issues, my client was not yet aware of that he felt my client should know. The housekeeper had been employed for roughly two weeks after the arrest. Not least the current and soon-to-be owners of 32 Fisherman's Bend along with multiple members of their family moved into the property just a couple of days after my client's arrest in what was clearly a move that had been planned some time ahead of the arrest.
- 23.3. In addition, that Mr de Swardt, Mrs. Inga Bhim; and Mr. Moonsamy met the day after the arrest in what the housekeeper described as a "self-congratulatory meeting" to "discuss their victory" and the fact according to Mr. de Swardt "we have nailed him, he will not be coming back this time. The properties are yours". The housekeeper was employed for roughly two weeks thereafter,
- 23.4. The role the theft of the passports, the consequent lack of the visa application, and thereby my client's immigration status, have played at the time, in previous months and to the present day, cannot be overstated. Conscious that on either arrest or any future attempts, the charges would not have held and equally conscious that the two false theft charges would not stand up to any scrutiny, to achieve the goal of indefinite incarceration and failing that as long a remand as possible the immigration issue provided the solution as it could be relied on to fisty help ensure bail is not granted initially, then make a bail application much more challenging and more likely to fail. And even if successful to elongate the time it would take to achieve.
- 23.5. The removal of myself and the other occupants of both properties saved Mr. Broad at least six months and roughly half a million Rand in legal fees and gave him immediate access to the R6 million increase in the property's value by virtue of my client's refurbishments. In addition, keeping my client's contents, furnishings artwork, and possessions. Mr. Broad had estate agents round to value and list the property within days of my client's arrest and was listed to my client understand before the month was finished. It saved Mr. Moonsamy at least that in legal fees, perhaps double that in terms of time and access to the additional R5 million per annum in rent only possible by virtue of the transformation my client had funded and created. As well as saving Mr. Moonsamy the several million spent on

refurbishments, furnishings, etc. to dramatically enhance the guest experience that he could then capitalise on once occupation had been taken from my client and given to him.

23.6. The longer the period of remand the greater the likelihood of success for the landlords and the greater the chance to secure their new positions. All this was happening while my client was in Pollsmoor. But what my client did see directly and very clearly was the Investigating Officer Sergeant Stevens handing the house keys to Mr. de Swardt as my client was being taken away. Although my client knew from the moment the arrest started the real reason for it and who had instructed it to happen, there could have been no clearer sign than that. my client knew at that point that after a year of extremely hard work, and life savings invested, the stress endured because of a year of never-ending attacks from all sides and in multiple ways, the money spent on dealing with the battle the proper and legal way through the right channels, had all been wasted. Mr. de Swardt and his clients had won. They are of the properties, assets, contents, and artwork taken immediately after the first arrest and the remaining 70% taken after the second arrest.

23.7. What my client did not know at the time and only learned after being granted bail was that the immigration issue was being used even after my client's arrest and separately from the bail application. Mr. de Swardt made the conscious decision not to inform the one platform we used.

23.7.1. For a short period my client had to take over the lettings (after Mari, Mr. Dalton, and Mr. Schalkwyk left having embezzled over a million Rand and set up in a form of competition advertising my client's villas without my client's permission and with no possibility of honouring any bookings), my client consciously chose to only use one platform. And consciously chose Booking.com. Although naturally, that meant markedly fewer bookings, it also meant every single booking was underwritten by the platform and our contract with the platform. As well as by the card company and card processing facilities.

23.7.2. By using only one platform it means all current and future bookings go through that one platform account so that at any time the value of current and or future bookings would exceed the value of deposit returns by a very high multiple. So, for example, any failure to refund a deposit in full and timeously would result in the closure of the account by the platform. As well as the platform either finding an alternative villa or issuing a refund the full cost of which would be charged to us. Clearly, no host or agency, or landlord would risk a year's revenue over a few deposit returns. And as the account was of two years standing, was the only Booking.com account we had ever had and with bookings stretching well into the future the account was irreplaceable and the very opposite of disposable.

23.7.3. All that planning, all the costs involved in consciously going with just one platform and thereby one route for bookings, all the safety measures and protections could not of course have factored in complete protection from what transpired. No host can build in complete protection for their guests if they are then illegally evicted their villas taken from them illegally and the operation and booking systems decapitated. And all without warning and completed within a matter of two hours. Nor that then, rather than returning home after such an event or returning to the booking and admin system to resume some form of control or line of communication with guests their appearance in court, their bail application has all been planned to deny them that opportunity and create further chaos for guests.

- 23.7.4. Rather than inform the one platform we used which Mr. de Swardt and SAPS knew we used that the control of the villas had changed so they would contact guests to find them an alternative villa or refund them, the fact my client had no longer had control of the villas was very intentionally kept hidden from both the platform and guests. For the very specific purpose of ensuring as many guests as possible turned up expecting to start their stay only to find this out on arrival. At this point Mr. de Swardt along with Mrs. Inga Broad who had stayed at 16 Leirmans Road over the peak period for the purpose, and Mr. de Swardt who had posted notes on both houses telling guests they had been scammed and to contact him, so that their details could be harvested and then misrepresented as fraud.
- 23.7.5. These guests were told by Mr. de Swardt that my client was an illegal immigrant, hiding in South Africa illegally, and that they and thousands like them had been scammed. Steering them away from easy resolution with the platform and or their card company and towards filing a complaint with the police.
- 23.7.6. This is very clearly evidenced by the submissions and affidavits in the civil proceedings in December through February that Mr Keith Broad had prepared prior to the arrest and submitted to the High Court immediately after the arrest to appeal the decision to delay oral evidence and have the matter heard while my client was in Pollsmoor for him to take back possession before any chance my client had of release.
- 23.7.7. In the dossier submitted by Mr. de Swardt, he lists the cases of the eleven families who turned up between December and February but fails to mention nine of the eleven were not our bookings (at least eight were Mr. Boffa's), and only one was a booking we had accepted. Also failing to mention that with the three residences around twenty-five bookings per month could be accommodated so those we had accepted would have had their stays had the villas not been taken from us.
- 23.7.8. Aside from the shocking immorality of intentionally causing chaos, it is another example of how the theft of my client's passports and the interference with and frustration of my client's visa and immigration status has paid dividends for those who created the situation and has been catastrophic for my client.
- 23.7.9. It was undoubtedly a major factor in my client's not getting bail immediately in both instances and played a significant role in the time taken to get bail in both too. The three weeks and the three months spent in Pollsmoor respectively enabled the landlords to take the properties and secure their gains and for stratagem like the above to be played out.
- 23.7.10. It was also used to enhance the false picture built up by Mr. de Swardt and his clients, a persona entirely created by them of sinister activities, conducted by an illegal immigrant, on a dodgy passport, wanted by Interpol, scamming millions of rand and thousands of guests.
- 23.7.11. And yet for the full year preceding the arrest not one complaint to the police, online, to a platform, to a card company, to a bank. Hence in the absence of any real victims, the solution of Mr de Swardt was to create them.

24. The fraud charges were withdrawn on 13 March 2023, and my client was released on bail on condition that, inter alia, my client sign in at Sea Point police station.
25. My client now wishes to expand on my client's visa application. To date, the State is still in unlawful possession of one of my clients' passports. Your office will not find an order entitling the State to retain my client's passport, albeit the State remains in possession of my client's passport.
26. Be that as it may, after the charges were withdrawn in CAS 15/08/22, my client had made several phone calls to Hout Bay SAPS enquiring about the whereabouts of my client's passport, however, my client had received zero cooperation. After the charge under CAS 15/08/2022 was withdrawn, the State retained possession of my client's passport. They had no right to do this. The policy itself was very widely covered in the media before and after, and then throughout the year with each new extension "DR15". All employees within any department handling visa and immigration matters would have been acutely aware of this policy.
27. Approximately one month after my client's release from prison in August 2022, my client received a new passport. An appointment was made at VFS for 5 October 2022 to apply to extend my client's visa. Two documents were missing and as such my client was told to return them when my client had these. Mr. du Rand suggested he hold the passport for safekeeping.
- 27.1. This is all documented in the WhatsApp chats and voice notes within the chats between Mr. Boffa, Mr. Schalkwyk, Mr. Dalton, and Mr. du Rand. Part of the large file of evidence Mr. Boffa produced when trying to convince my client his return after embezzling over a million Rand was an attempt at contrition and confession and not as it transpired an attempt for a second bite of the cherry.
- 27.2. The recordings, including those of his confessions themselves, make very clear that Paula had ordered not just that my client was spied on, information passed over, access to bookings systems arranged, and information on guests passed over to enable their poaching but also that under no circumstances was my client to renew my client's visa and when any new passport arrived it was to be taken.
- 27.3. This confession and various WhatsApp exports, voice notes, etc. then go on to reveal a close working relationship between Ensure Secure Services and Mr de Swardt, as well as with Paula, and further going on to their plan to drug and torture my client to gain information, location, and passwords to the mythical secret bank accounts that Paula and Mr de Swardt have told so many people that the lie has become reality for many. To empty them, murder my client, dispose of the body, and put Mr Boffa in his place as if nothing had happened.
28. My client was later to find out that Mr du Rand the live-in security detail who had taken my client to the appointment had removed these documents. Then having obtained my client's passport, Mr. du Rand following the instructions given to all by Paula gave it to Mr. Dalton and Mr. Schalkwyk the owners of Ensure Security Services ('ESS'), who passed it to Mr. de Swardt, who then passed it to Peter. As a fact my client knows that Paula is Peter's partner, and they are currently living together.
- 28.1. The connection was with Paula and Mr de Swardt who had been working closely since the appointment of Mr de Swardt in June/July 2022. Mr de Swardt had arranged for ESS and Paula to talk

and after that, it was agreed they would all work together while ESS continued to pretend to work for my client's benefit and continued to be paid for doing so, Peter sent my client a WhatsApp message containing a photo of him holding my client's new passport [DR7].

28.2. In addition, he sent my client a text stating that, and my client quote: "H my client Darren, perhaps you are looking for your new passport. my client can give you all the details so that you can sort it out. Although we have blocked you from leaving South Africa. my client am sure you will want to know". my client did not contact Peter for fear of my client's safety and my client's erstwhile attorney could not assist, because he was diagnosed with cancer.

28.3. Due to the history of the local police stations and their special relationships with Mr de Swardt and his clients reporting the crime would have achieved nothing and likely resulted in even more attacks on my client.

29. Instead, my client approached the Embassy of the United Kingdom to apply for a new passport to renew my client's visitor's visa. My client was informed by the embassy that they can only issue emergency passports which would allow my client to fly out of South Africa but would be of no help with the extension "DR6".

30. My client declined to accept the emergency passport because my client was not inclined to leave South Africa and because the basis of my client's inquiry was to find a way to apply for the visa now that two passports had been stolen. In the email responding to the offer of an emergency passport my client wrote "Is it possible maybe in the meantime just to get a letter from the consulate saying that my client has notified them of the theft of the passport and I'm making my client's best endeavours to get both a new passport or recover my client's old one and therefore get the Visa extension that my client so desperately want" The only accessible passports are the one currently in possession of the State and Peter both who are in unlawful possession thereof.

31. Had the passport not been stolen my client would have applied for the visa extension. Just as my client would have done in the previous months if my client's original passport had not been stolen. And then illegally held by a series of people including Paula Disberry, Peter Van Wyk, Mr. de Swardt, Sergeant Duna, SAPS, etc.

31.1. It is implied there is some nefarious reason for not applying, and yet no one has been able to proffer any suggestion as to what this reason might be.

31.2. Put very simply the difference between my client's having applied for a visa extension regardless of the outcome could not be starker.

31.3. Had my client applied my client would very likely have been granted bail in the first arrest in August and possibly also in the arrest in December. Thereby not spending almost 4 months in total in Pollsmoor prison.

31.4. Had that happened it is very likely that the landlords (with whom my client found myself doing battle after the refurbishments were completed) would not then have been able to execute the pre-agreed plan to take back the properties while on remand. In doing so denied my client the R100 million

in uplifted rental income my client would enjoy over the following 5 years. Revenue the landlords will now enjoy as a product of the takeover of the properties.

- 31.5. My client would not have lost the millions my client invested in the homes or the contents. The vast majority of which was misappropriated by the landlords immediately after the arrests. And the untrue articles published in the press, all fed by Mr. de Swardt, would not have been able to publicly label my client an illegal immigrant.
32. There exists no order wherein the state has the authority to keep my client's passport. Be that as it may, my client has intermittent access to my client's passport and my client in fact collected it from the Investigating Officer Sergeant Stevens it to renew my client's visa and then returned the same
33. My client attaches an official notice issued by the Department of Home Affairs marked as annexure "**DR2**" " My client will avoid prolixity by repeating the content thereof in these representations. The notice involves a blanket temporary extension for applicants who have pending visa applications. The provisions in the notice expired on 30 September 2022.
34. At the time my client was charged on or about 2 August 2022, my client did not have a visa. my client understands from the notice that my client was exempted from being declared an undesirable if my client left South Africa on or before 30 September 2022. My client's reasons for not being in possession of a visa were explained.
35. My client could not leave South Africa before or on 30 September 2022 due to a criminal case pending under CAS 15/08/22, which was withdrawn against my client on 6 October 2022. Had my client left South Africa prior, my client would have been a fugitive. If my client had left before my client's next appearance which is the 29th of June 2023, my client would be a fugitive.
36. The waiver was extended to 31 March 2023. The content is self-explanatory. My client attaches hereto annexure "**DR3**" which is the further extension. Upon the expiry of the abovementioned waiver, it was once again extended to 31 December 2023. My client attach that notice hereto as annexure "**DR4**".
37. It is important to note that paragraph (c) in "**DR4**" now makes specific reference to short-term visa holders, specifically those who had made applications for extensions before or on 31 March 2023. The previous notices did not deal specifically with that class of applicant. Be that as it may, my client's circumstances prevented my client from applying for a visa.
38. In any event, my client cannot leave South Africa because this charge is pending. my client's legal representative was informed by the investigating officer in CAS 2/523/22 that my client will eventually be brought to court for the fraud charges in the Commercial Crimes Court. This represents the fourth attempt in less than a year.
39. My legal representative was informed that they were simply withdrawn to decentralise the charges to another Court. Although, this makes no sense because the docket could simply be transferred. What it does imply is that should my client leave South Africa, my client may be extradited to face the charges in South Africa.

40. The extradition process is a cumbersome and costly exercise for which taxpayers are effectively paying for my client's legal representative respectfully submits that it be averted and that my client be allowed to remain in the country with the Minister of Home Affairs approval by means of a special waiver. They believe that given the opportunity my client may very well be successful in such an application. This of course is not a decision for your office to make.

41. Perhaps, this avenue may be canvassed with the officials at the Department of Home Affairs, including but not confined to those who deposed to affidavits in this matter to establish if it is a viable option.

42. Throughout my client's difficulties including two stolen passports and passports being in unlawful possession of the State, my client has nevertheless applied for a visa. My client attaches confirmation of acceptance of my client's application hereto as annexure "DR5".

### **43. CONCLUDING REMARKS**

44. My client believes that the following factors need to be considered before the State proceeds with this matter.

44.1. My client has no previous convictions.

44.2. My client has been cooperative thus far in this matter, did not resist arrest, and has appeared at each court appearance without excuse.

44.3. My client is extremely remorseful, regretful, and saddened and willing to take any action or omission on his part that is considered to have impacted matters.

44.4. From landing until the beginning of 2022, my client complied with all rules, regulations, and laws pertaining to visas and immigration matters. From the start of 2022 until SAPS allowed my client to access and use my client's passport, my client's replacement passport has been in other people's hands (mainly the State's) and therefore despite my client's best intentions and very real and tangible efforts, applying for a visa extension was simply impossible.

44.5. In the matter of my client's visa, the application for a visa extension, my client's immigration status, my client's general status and standing in South Africa, and the ability to operate as an independent person including such basic facilities as a bank account, my client has been the victim and not the perpetrator.

44.6. In the same matter my client has already lost or had stolen from what is effectively his life savings, his homes, his income, his reputation, his possessions, his assets, his artwork, and most importantly his liberty. Spending three months in Pollsmoor for crimes my client did not commit.

44.7. That anything other than the withdrawal of charges will represent a further victory in a long line of victories for those who have created and very much benefited from the situation My client finds himself in. Who have themselves to date entirely escaped any consequences for their actions. And as such, represent a reward for their criminality, methods, and conduct in what has been a very well-



organized and resourced campaign against his client to take over his assets and remove him. Thereby also removing evidence of their campaign.

45. It is therefore requested, in the light of the representations contained herein, that the charge be withdrawn, or failing which, that the matter be diverted. We verily believe my client was not obliged to leave the Republic of South Africa on 31 March 2021, and therefore did not commit an offence.


46. Furthermore, before this charge, my client has never to my client's knowledge been charged for contravening the Act.

47. My client has made every attempt to renew my client's visa before 2 August 2022 but without success because of circumstances beyond my client's control. We refer to 2 August 2022, because this was the date the affidavit of Mr Funo was deposed too.

48. Should you wish to make any query with regards to these representations, please do not hesitate to contact the writer Abrahams and Gross as my client's attorneys on record or my client directly,

Yours faithfully,

Juan Smuts  
ABRAHAMS & GROSS



## LIST OF THE FALSE ALLEGATIONS IN THE VARIOUS MEDIA24 ARTICLES

Almost every statement of fact made in the articles was untrue. If you remove those statements that related to procedural matters, i.e. when I was appearing in court for example, then EVERY statement is untrue. So, of the 73 statements, 73 are untrue. The does not just speak to the fabrications themselves, but also to the people making those allegations and spreading them.

THE VARIOUS ALLEGATIONS CONTAINED WITH THE NEWS24 ARTICLES		-		-
	Almost every statement of fact made in the articles was untrue. If you remove those statements that related to procedural matters, i.e. when I was appearing in court for example, then EVERY statement is untrue. So, of the 73 statements, 73 are untrue.	The does not just speak to the fabrications themselves, but also to the people making those allegations and spreading them.		-
NO	STATEMENT AS PER MEDIA24 ARTICLES	DETAILED RESPONSES FOUND IN:	ORIGIN	TRUE / FALSE
1	The state claims he defrauded the owner of a luxury house in Llandudno out of around R1.2 million.	See Media24 article analysis	CON	<u>FALSE</u>
				-
2	The state claims he rented several luxury homes and then rented out the homes in residential neighbourhoods such as Camps Bay, Llandudno and Hout Bay to other people without the rightful owner's knowledge or consent.	See Media24 article analysis	CON	<u>FALSE</u>
				-
3	Russell allegedly rented properties from the owners and then advertised the properties on global platforms, sometimes making double or even quadruple booking for the same dates.	See Media24 article analysis	CON	<u>FALSE</u>
				-
4	A local lawyer and private investigator, representing some of the victims, say there is coordinated joint effort with the provincial commercial crimes unit to investigate	See Media24 article analysis	CON	<u>FALSE</u>
				-
5	An alleged luxury accommodation scammer, who is suspected of making up to an estimated R34 million during the last two years	See Media24 article analysis	CON	<u>FALSE</u>
				-
6	by defrauding luxury property owners along Cape Town's Atlantic Seaboard, as well as unsuspecting tourists, has been arrested on charges of fraud for a second time.	See Media24 article analysis	CON	<u>FALSE</u>
				-

7	He was first arrested in about mid-2022 and released on bail. He has now been arrested on more fraud charges as more victims have come to the fore.	See Media24 article analysis	CON	<u>FALSE</u>
				-
8	Johan Victor, the legal representative of some of the victims, and Wouter de Swardt, a private investigator, are coordinating the various claims and suspect there might be even more victims they do not know of yet.	See Media24 article analysis	CON	<u>FALSE</u>
				-
9	Currently, there are six. criminal and six civil charges against Russell.	See Media24 article analysis	CON	<u>FALSE</u>
				-
10	According to Victor and De Swardt, Russell's modus operandi was to let luxury accommodation - usually worth between R40 million and R110 million.	See Media24 article analysis	CON	<u>FALSE</u>
				-
11	He paid the rent three months in advance for a property in Camps Bay at R90 000 per month, and also ended up renting a property in Hout Bay and two in Llandudno. For one of the properties, he paid a total of R1.2 million rent in advance for a lease of 12 months.	See Media24 article analysis	CON	<u>FALSE</u>
				-
12	Visitors started arriving only to find other people already in the properties.	See Media24 article analysis	CON	<u>FALSE</u>
				-
13	Since his second arrest on December 9 families who booked and paid via his adverts arrived for what they thought was their luxury summer holiday. They were from as far as Canada, Sweden., Germany, Dubai. According to de Swardt.	See Media24 article analysis	CON	<u>FALSE</u>
				-
14	One family from Canada paid R3780,000 in advance for eight days only to arrive to find a double booking.	See Media24 article analysis	CON	<u>FALSE</u>
				-
15	Those who managed to track him down and confront him about what he was doing were told to "take me to court."	See Media24 article analysis	CON	<u>FALSE</u>
				-
16	The prevention of illegal eviction from an unlawful occupation of land ACT (PIE) provides procedures for the eviction of occupants and prohibits unlawful evictions. When owners tried to evict him, he simply claimed the property was his resident and then the owner's ha to turn to the courts – a long an expensive procedure.	See Media24 article analysis	CON	<u>FALSE</u>
				-
17	Inge (surname withheld) told News24 it was heartbreaking and frustrating to see what was done to her and her husband's luxury property on the Atlantic seaboard.	See Media24 article analysis	CON	<u>FALSE</u>
				-

18	She alleged the couple were almost financially ruined due to Russell not having paid rent or utilities for about a year.	See Media24 article analysis	CON	<u>FALSE</u>
				-
19	In due course they became aware of the short-term letting scheme. “	See Media24 article analysis	CON	<u>FALSE</u>
				-
20	No matter what we tried to get him out legally, the odds seemed always to be stacked in his favour.	See Media24 article analysis	CON	<u>FALSE</u>
				-
21	That was despite the damage caused to the property.	See Media24 article analysis	CON	<u>FALSE</u>
				-
22	A wall leading to the storage areas was broken through and some of our private possessions were removed.	See Media24 article analysis	CON	<u>FALSE</u>
				-
23	The flooring was changed, and the furniture reupholstered.	See Media24 article analysis	CON	<u>FALSE</u>
				-
24	The walls were spray painted. The house was filthy.	See Media24 article analysis	CON	<u>FALSE</u>
				-
25	The laws are really not fair towards property owners” she told News 24	See Media24 article analysis	CON	<u>FALSE</u>
				-
26	The pumps of the Jacuzzis burnt out, the inverter was not working, the steam bath was not working, and neither was the sauna, she added.	See Media24 article analysis	CON	<u>FALSE</u>
				-
27	"It is costing us a fortune to repair the damage to our property. which was supposed to provide us with an income.	See Media24 article analysis	CON	<u>FALSE</u>
				-
28	We tried blocking his adverts each time we saw any, but he kept creating new ones," said Inge.	See Media24 article analysis	CON	<u>FALSE</u>
				-
29	According to Inge, after Russell was finally out of the house, she was there one day, cleaning up, when a family of twelve people arrived from overseas for a wedding in Cape Town.	See Media24 article analysis	CON	<u>FALSE</u>
				-
30	Inge told News24 they had fallen for one of the fraud adverts and paid in advance.	See Media24 article analysis	CON	<u>FALSE</u>
				-
31	They were even told the property was wheelchair friendly as they had an octogenarian coming along, when the property is not suited for that, Inge said, adding that the family was shocked when they realised, they had been defrauded.	See Media24 article analysis	CON	<u>FALSE</u>
				-

32	According to Inge, she managed to find them alternative accommodation at short notice.	See Media24 article analysis	CON	<u>FALSE</u>
				-
33	The owner of the luxury property in Hout Bay was retired but due to the financial loss due Russell not paying e had to go work again.	See Media24 article analysis	CON	<u>FALSE</u>
				-
34	The rental agent for a luxury villa in Llandudno who requested to remain anonymous but whose identity is known to News24, said he believed he avoided falling victim.	See Media24 article analysis	CON	<u>FALSE</u>
				-
35	He relates that he encountered Russell but insisted on being paid upfront in full. When he was made aware of Russell's alleged schemes, the latter's lease was up, and he got him to leave.	See Media24 article analysis	CON	<u>FALSE</u>
				-
36	"We have to ensure that he does not get out on bail again," says Victor. "Victims who want to join the coordinated process are welcome to contact De Swardt or me at johan@jvaa.co.za or wouter@foxforensics.co.za	See Media24 article analysis	CON	<u>FALSE</u>
				-
37	De Swardt describes Russell as "very intelligent and very charming".	See Media24 article analysis	CON	<u>FALSE</u>
				-
38	"It seems he thought he was untouchable.	See Media24 article analysis	CON	<u>FALSE</u>
				-
39	We estimate that he had an income of about R34 million during the past two years," says De Swardt.	See Media24 article analysis	CON	<u>FALSE</u>
				-
40	"In my view, if I did not track him down and find evidence against him, he would still be continuing with his scams even now."	See Media24 article analysis	CON	<u>FALSE</u>
				-
41	A British citizen who was arrested for fraud on 4 August this year and released shortly after on bail of R30 000 was arrested again on Wednesday on similar charges.	See Media24 article analysis	CON	<u>FALSE</u>
				-
42	Darren Russell (52) was arrested by the police at a house in Llandudno on Wednesday after he apparently continued his ploy to rent houses and then sublet them.	See Media24 article analysis	CON	<u>FALSE</u>
				-
43	After he was released on bail in Wynberg magistrates' court on August 23, Russell is said to have continued to rent luxury homes in Cape Town's posh neighbourhoods such as Camps Bay, Llandudno and Hout Bay	See Media24 article analysis	CON	<u>FALSE</u>
				-
44	from their rightful owners and then sublet them to other people, without the rightful owner. S knowledge or consent.	See Media24 article analysis	CON	<u>FALSE</u>

				-
45	The complaint against Russell is new and Trait asked that people who may have also been defrauded by Russell for col. Call Kallie Lourens, the investigating officer, on 082 522 2786.	See Media24 article analysis	CON	<u>FALSE</u>
				-
46	The private detective Wouter de Swardt from Fox Forensics said on Friday that there are now four or five new complaints against Russell.	See Media24 article analysis		-
			CON	<u>FALSE</u>
47	According to De Swardt, his modus operandi is the same as in the previous cases.	See Media24 article analysis		-
			CON	<u>FALSE</u>
48	He would live in the properties for a month or two and pay his rent and then stop paying.	See Media24 article analysis		-
			CON	<u>FALSE</u>
49	In the meantime, he then advertises the luxury homes on websites such as Airbnb and Booking.com.	See Media24 article analysis		-
			CON	<u>FALSE</u>
50	Apparently, Russell also double-rented some of the properties he rented - or as de Swardt says - even triple-rented.	See Media24 article analysis	CON	<u>FALSE</u>
				-
51	"Whoever gets there first gets the keys. The other tenants' money was put in his pocket, and it's thousands of rands.	See Media24 article analysis	CON	<u>FALSE</u>
				-
52	If the people demand their money back, he says they should take him to court.	See Media24 article analysis	CON	<u>FALSE</u>
				-
53	He knows it will cost the people thousands of rands and then they leave it instead.	See Media24 article analysis	CON	<u>FALSE</u>
				-
54	He then appeared in the Magistrate's Court in Wynberg on charges of fraud, burglary, theft and malicious damage to property, as well as being in the country illegally because his visa had expired.	See Media24 article analysis	CON	<u>FALSE</u>
				-
55	It now appears that the property scam started as early as 2012.	See Media24 article analysis	CON	<u>FALSE</u>
				-
56	In a report on the website of The Evening Standard , a British publication, it was alleged in April 2012 that he had not paid deposits from tenants to the landlords, on whose behalf he acted.	See Media24 article analysis	CON	<u>FALSE</u>
				-
57	He is believed to have used the money to strengthen his own property portfolio and finance his luxurious life.	See Media24 article analysis	CON	<u>FALSE</u>
				-

58	A Briton who has allegedly been renting out guesthouses that do not belong to him for two years has finally been arrested where he is hiding in the upper cape in one of the rich man's houses he occupies.	See Media24 article analysis	CON	<u>FALSE</u>
				-
59	The 52-year-old Briton allegedly rented several multimillion-rand properties along the Atlantic and False Bay coasts and then unlawfully operated them as guest houses by advertising them on websites such as Airbnb.	See Media24 article analysis	CON	<u>FALSE</u>
				-
60	The claim is that he usually faithfully pays his rent for a few months and then quits.	See Media24 article analysis	CON	<u>FALSE</u>
				-
61	Another alleged ploy was to rent out houses through his private website, lacollectionsprestige.com, and put the deposit in his pocket, or double or even triple the house and then just disappear when the guests arrived.	See Media24 article analysis	CON	<u>FALSE</u>
				-
62	That way, apparently, he could make thousands a day.	See Media24 article analysis	CON	<u>FALSE</u>
				-
63	In Llandudno he rented out a five-bedroom house for R15 000 per room for two nights.	See Media24 article analysis	CON	<u>FALSE</u>
				-
64	Some properties he also apparently subleased in the long term, with the owners dying to get rid of the wrongful tenants or get their hands on the slippery Russell.	See Media24 article analysis	CON	<u>FALSE</u>
				-
65	De Swardt said he and "some strong men" had "gone to empty" Broad's house. However, the big break came when he received information that Russell and his boyfriend were in a five-star guesthouse in Pringle Bay.	See Media24 article analysis	CON	<u>FALSE</u>
				-
66	A British man who allegedly defrauded members of the public and tourists out of thousands of rands and damaged property was released on bail of R30 000 on Tuesday.	See Media24 article analysis	CON	<u>FALSE</u>
				-
67	Russell is accused of renting and subletting at least four luxury homes in Hout Bay, Camps Bay and Llandudno without permission.	See Media24 article analysis	CON	<u>FALSE</u>
				-
68	He allegedly rented out the same place to two or three people at a time	See Media24 article analysis	CON	<u>FALSE</u>
				-
69	and disappeared without a trace after being paid thousands of rands	See Media24 article analysis	CON	<u>FALSE</u>
				-

<b>70</b>	He also allegedly carried out illegal construction work on the houses by breaking and building walls, changing kitchens and laying floors without the permission of the owners.	See Media24 article analysis	CON	<u><b>FALSE</b></u>
				-
<b>71</b>	He is charged with burglary, theft and malicious damage to property, as well as being in the country illegally because his visa has expired.	See Media24 article analysis	CON	<u><b>FALSE</b></u>
				-
<b>72</b>	Wouter de Swardt of Fox Forensics, who investigated Russell at the behest of a homeowner, says that around 20 people were apparently approached, of whom 15 filed complaints.	See Media24 article analysis	CON	<u><b>FALSE</b></u>
				-
<b>73</b>	In some of the incidents, according to De Swardt, the complainant Russell apparently paid as much as R19 000 per night for the "Royal Suite" in a house in Llandudno.	See Media24 article analysis	CON	<u><b>FALSE</b></u>
				-
<b>74</b>	Russell was arrested on August 4 in the Upper Cape after apparently locking himself in a bathroom.	See Media24 article analysis	CON	<u><b>FALSE</b></u>
				-
				-



# DIRECTOR GENERAL OF HOME AFFAIRS. FORMAL COMPLAINT INC REQUEST FOR INVESTIGATION INTO SERG STEVENS, BELVILLE COMMERCIAL & SERG DUNA

Director-General: Livhuwani Tommy Makhode, Mr  
Private Bag X114, PRETORIA, 0001  
Hallmark Building,  
230 Johannes Ramokhoase Street,  
PRETORIA  
REPUBLIC OF SOUTH AFRICA

18<sup>th</sup> February 2024

Dear Director General of Home Affairs, Mr Livhuwani Tommy Makhode,

I am writing to explain the extenuating circumstances that led to my visa expiration. I am Darren de Rodez Benavent Russell, Passport Number 562491523.

I was initially granted a visitor visa upon entry in December 2020, subsequently benefiting from the automatic extensions to such visas throughout 2021 and the waivers from 2022 to the present day. I extended my visa\*\* in late 2021 as the automated extensions appeared to be ending,

(\*\* as I have correctly extended my visas on every occasion over the combined five years, I have spent in South Africa over the last two decades before this issue),

This took me into 2022. From this point, I was denied the ability to extend. Which I explain in detail below

I did submit a visa extension application in 2023, although for the reasons outlined below I do not know if there has been an outcome and if so what that outcome was. The Home Affairs departments extension of temporary measures has been extended to June 2024 and I am keen to normalise my immigration status prior to that expiry,

I apologise in advance for the letter's length and the information it contains. There is no simple way to summarise everything without leaving out important and relevant information. Further, because the events have been so extreme, explaining them fully and accurately and providing the corresponding evidence to substantiate those statements is essential. I have tried my best to keep to the relevant matters.

At the same time, I want to raise some issues that I believe the Home Affairs Department would like to be aware of and hopefully wish to investigate. The department's name, authority, power, and possibly employees have been used unprofessionally and illegally. Those involved in interfering with and ultimately sabotaging my visa applications, including the theft of two passports, made statements purported to be from the department itself and produced documents from the Home Affairs Department to motivate, influence, direct, and subvert civil and criminal proceedings in the many and various attempts to obstruct justice.

I am unaware if this may need to be done under separate cover and, if so, via what channels, and I would appreciate being guided by you. However, I would very much appreciate this letter standing as a formal request for an enquiry.

I can provide proof of every allegation in this correspondence, as we have folders and files running into thousands of pages. However, including them with this letter would make it and its enclosures extraordinarily lengthy.

I can produce any of these documents and the various proofs as needed should anything specific be required. In addition, almost all of what is referenced below is on record and part of official documentation or proceedings. I have links at the bottom of this letter to some of the most relevant.

The matter has been raised with the British Embassy, IPID, PSIRA, the office of the Premier of the Western Cape, etc. Unfortunately, although extremely helpful and professional, the British Embassy has no jurisdiction in such matters, and the two bodies have been very slow in their investigations.

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### **CHRONOLOGY. (PAGES 2 TO 4)**

In terms of chronology, I arrived in Cape Town in December 2020. I intended to split my time between my home in London and Cape Town to semi-retirement and invest in South Africa.

The plan has always been and remains to obtain a more permanent form of visa, a retirement or business visa, whichever is the most appropriate — investing in property, specifically the leisure and tourism sector, and providing high-end luxury villas.

My plans to split my time between London and Cape Town became impossible due to the COVID-19 pandemic and the flight restrictions throughout 2021.

Due to the COVID-19 pandemic, the Home Affairs Department automatically extended visas for those like me who entered the country from December 2019 to March 2021; this extension was initially for three months from the start of 2021, then extended by three months (April May, June 2021), then another three months (July, August, September 2021), and again for three months (October, November, December 2021).

I have always used professional visa agencies to ensure I abide by the rules. I did so on every visit in the last two decades, from 2015 to 2017, 2021, and so on. I was advised of the extensions on each occasion.

Towards the end of 2021, the visa agency told me that the automatic extensions may not be extended for a further quarter at the end of 2021 or early 2022. As such, I applied for a visa extension towards the end of 2021, even though I could have waited.

The visa extension was granted, taking me into 2022.

Had I not been deprived of the ability to do so after that, I would have continued to abide by every regulation.

After I obtained the visa extension into 2022, the agency confirmed what documentation and criteria were needed for the more permanent residency options. I began collating the necessary documents to apply in early 2022.

However, my passport was stolen, and importantly, it was stolen with a purpose. This is on record, and I can provide proof if needed.

To provide brief background and context: upon arrival in South Africa in December 2020, I rented the property for three months to fit in with the 90-day visit limit. When COVID-19 made travel impossible, I extended my stay for a year with options for further years. I chose a large property in Camps Bay as I planned to spend significant time here and, importantly, bring friends and family for extended visits.

As I could not return to my home in London throughout 2021, I spent many months and hundreds of thousands of Rand of my own money improving the property because the owner had agreed I could lease it over the long term. Once a more permanent visa was granted, I intended to get a mortgage and purchase the property.

My background is in property and interior design, so the work transformed the property. However, once I had effectively remodelled the property, the owners became conscious that they could charge a lot more rent than I was paying because of the improvements I had made—at least 300% more. This is evidenced by my lease, where I paid under R80k, and the property, as it was recently advertised at R250k monthly.

They began a long campaign to remove me so they could bank the higher rental levels despite my having a valid lease and paying the rent and bills in full and on time.

Because of this uncertainty and to create an income to assist with visa applications and develop financial security, I leased a similar house in Llandudno. I did not know that the property owner had been told of the improvements I had made in Camps Bay via an agent who let out both, his cousin. He offered a long lease with automatic renewals five years into the future. In return, I was permitted to remodel it as I chose. I had no idea at that time that the offer had ulterior motives. The real motive was to induce me to make similar improvements, to remove me once completed, and then sell the property for significantly more.

He had assumed that because I am from overseas, he could remove me easily due to the imbalance of power in that I had little knowledge of South African law, no support network, no contacts, or need for such things as attorneys, etc. As a 70-something-year-old South African from what some might call a wealthy privileged social elite, their knowledge of the law, support networks, and attorney relationships were long-standing. As were their contacts within various state departments. It was this that they went on to exploit.

In 2021, when they were trying to sell the property with no luck, they were told to drop the price significantly or undertake a complete refurbishment to sell the property. Neither was possible as they needed to achieve a price high enough to settle their very considerable debts and could not afford to fund a refurbishment. Despite being illegal and immoral, they opted to induce me into the contract with the promise of a lengthy tenure that they had no intention or ability to honour. The size of their debts and debt repayments would have made a lease of even a few months a challenge for them, so a lease beyond a year would have been extremely problematic and likely worsened their position, and the five years I was promised were an impossibility.

To cut a very long and complicated story short, the owners allied and hired a Private Investigator Wouter de Swardt with a very alarming history to coordinate their efforts to remove me. This Private Investigator Wouter de Swardt was hired because of his willingness to break the law and his contacts within important state departments, including SAPS and the Home Affairs Department.

The owners combined affected 13 different attempts at illegal evictions. Some were unsuccessful, as the attorneys managed to regain access for us with sternly worded communications and threats of urgent high court applications, and the high court initially reversed the ones that were successful in the spoliation proceedings we launched. That was until they changed their tactics.

Additionally, to the illegal attempts, they tried through the civil courts, filing false affidavits and even trying to misrepresent the considerable improvements as damage. All of these attempts were also unsuccessful.

As a direct result of these failures and the realisation that the leases could not be broken legally, combined with the fact that the Courts had reversed all their illegal evictions, they embarked on a faster, cheaper, and more sinister course of action, using corruption and illegal relationships with a few SAPS officers.

On July 22, 2022, the Private Investigator Wouter de Swardt, on the instruction of the owners, turned up at the Llandudno property with eight paid criminal thugs-for-hire and broke into the property.

On that occasion, the area's private security removed them. They returned two days later and broke in again, assaulted the housekeeper and cleaner, throwing them out, changing the locks and squatting.

In response, we launched spoliation proceedings in the High Court seeking their eviction, confirmation of my sole right of occupancy and the validity of the lease, an interdict from the High Court, and punitive costs. The hearing was scheduled for August 4. Aware they were bound to lose, to avert the hearing, their inevitable eviction and a combined R250,000 legal bill, on August 1, the Private Investigator Wouter de Swardt and the owner, with the assistance of 'friends' within SAPS, laid a demonstrably false charge of "breaking and entering" and "theft." It was an absurd idea, as the property was my home, and I had a lease with annual renewals that spanned years into the future.

In addition, the initial charge was also for the theft of three old TVs that I had replaced with brand-new ones.

The Private Investigator Wouter de Swardt, who has an exceptionally close working relationship with Hout Bay SAPS and other police departments and stations, managed to motivate an extraordinary use of manpower, turning up everywhere they thought I might be demanding I attended the station. Advised by the attorney to stay away until after the August 4th hearing, and with him having contacted the station to confirm I would attend any station except Hout Bay, I remained in Pringle Bay, where my partner and I were enjoying a pre-booked extended weekend stay.

I returned to Cape Town, thinking the opportunity to remove me and sabotage the hearing had passed. Still, they illegally pinged my phone and, in an illegal, unofficial, and effective secret operation, the Private Investigator Wouter de Swardt and two friends from SAPS Hout Bay turned up and arrested me.

The incident was terrifying, and my attorney, my PA, and I called Central Cape Town SAPS to aid us. They did attend the property, although, after a quiet talk with the Hout Bay officers, they said they could not intervene. The Hout Bay officers had no jurisdiction or permission to carry out an arrest in central Cape Town.

Again, they illegally kept me at Hout Bay SAPS for many days, and then, when I finally appeared, the Investigating Officer Serg Duna objected to bail on spurious grounds. In the main, using my immigration status and the Home Affairs Department on the first of many occasions, they would do so and exploit a situation I had discovered they had caused.

**Wouter de Swardt And The Illegal Abuse of My Immigration Status, Sabotage of Visa Applications, Theft of Passport & Replacement Passport, Misrepresentation Of The Home Affairs Department And Coercion And or Forgery of Home affairs Documents**

This brings me to the overriding issue of their use, abuse, and manipulation of visa regulations, my foreign nationality, and what we believe to be their use, abuse, and manipulation of the Home Affairs Department to enhance and underpin the worst of their methods.

When my passport first disappeared, I thought it was lost. I did not know that the owner had purposely taken it from the glove box of the Mini Cooper I had leased from them with the house. When the car was in the garage having somebody-work done, they tracked it using the car's tracker and emptied the contents of the glove box. The owner kept it and handed him my passport upon the Private Investigator Wouter de Swardt's appointment. He then passed it to his 'friends' at SAPS Hout Bay.

The Investigating Officer Serg Duna was objecting to bail based on a failure to extend the visa during the year a) when no extensions were necessary and b) and subsequently, during the year I had no passport, when the police and, more specifically, he, had been illegally holding my passport for months without informing me.

After extensive searching, I decided I must have lost the passport and needed a replacement, which I applied for in 2022. Due to Brexit, the passport office in the UK had a huge backlog, and it took many months before the replacement arrived.

On arrival, I made an appointment at VFS, but the owners paid the Private Investigator Wouter de Swardt to have that stolen from my home in Llandudno, too.

The owners even sent me a WhatsApp message with photos of them holding the replacement passport, telling me that if I wanted my passport back, I must contact them. As I knew the contact would relate to further threats if I did not hand them vacant possession, I did not.

So now the state illegally had both my passports, the original and its replacement.

After the August arrest, the Investigating Officer Serg Duna told the attorney that he would have let me go if it were not for the visa issue, as the charge did not justify detention. But that same Investigating Officer Serg Duna secretly held my passport and never mentioned this.

He further explicitly stated he could not simply let me go as the Home Affairs Department had contacted him and asked them to hold me as they were actively seeking my deportation. Despite challenging this lie, the Investigating Officer refused to concede.

He also showed me, and the attorney documents he claimed were from the Home Affairs Department, stating I had never extended my visa and that the department considered me illegal after 23 March 2021.

The Investigating Officer did the same when finally appearing in court to be given bail. Obtaining bail would not be an issue; the charge was minor and, more importantly, demonstrably false. However, the Investigating Officer invoked the name, authority, and credentials of the Home Affairs Department, telling the prosecution and the court the same lies he had told the attorney.

The owner, a Private Investigator Wouter de Swardt with the aid of SAPS, had also totally changed the allegation from the theft of three TVs to theft of the contents of one of the rooms that they had kept their old junk in. As well as changing the value from a few thousand rand suddenly rocketing to R835,000. This was done with the explicit purpose of making the offence a schedule 5 offence (putting it on a par with rape and murder) and therefore incredibly hard to obtain bail.

The extent of this malicious prosecution and obstruction of justice is highlighted by the fact the items in question were housed in a professional, safe storage facility in central Cape Town, which the owners knew of and had easy access to.

As a result of this objection to bail, I was forced to submit an urgent bail application, resulting in 3 weeks in Pollsmoor while it was ongoing and R300,000 in legal fees. I obtained bail, and the magistrate was scathing about the case, particularly the evidence, testimony and conduct of the Investigating Officer, including his failure to attend the storage unit where the items were safely stored, mainly because it would have shown the malicious prosecution for what it was.

The owners had tried to use the time I was incarcerated to advance their goals, although I was able to reverse some of that.

Subsequently, once the matter was out of SAPS purview, the court threw it out, and the prosecution withdrew the charge.

Although the Private Investigator Wouter de Swardt instructed SAPS Hout Bay to keep the file open for future use. They duly followed his instructions, ignoring the various instructions of the High Court and Magistrates courts that did not suit the owner or Private Investigator Wouter de Swardt, including a Protection Order, which I had to obtain against the owner after his many illegal evictions.

An arrest warrant was issued shortly afterwards when he breached that Protection Order when he came to the property with other male colleagues, kicked the door in, and forced his way into the property. Had staff and subsequently private security not been there the intention was unmistakably to commit assault.

However, SAPS had utterly ignored that arrest warrant and the communications from my attorney, written and telephonically, to execute the warrant.

Both on obtaining bail and when the charges were thrown out, I informed the attorney that they would try again, as the attempt had very nearly but not quite been successful. I asked the matter to be reported to IPID, etc. Unfortunately, the attorney thought I was overly pessimistic, if not paranoid, and did nothing to counter or anticipate a future attempt.

The attorneys and I made multiple requests to return my passport, which the Investigating Officer Serg Duna still held at Hout Bay, but SAPS refused every time.

I contacted the British Embassy to see if they could assist in the extension, but that was outside their jurisdiction. They did offer me an emergency passport to leave SA. But as I intended to normalise my immigration status rather than leave, especially if under a cloud created by those who should enforce the law, not break it, I respectfully had to decline.

In November, the last viable legal attempt by the owners to have the matter heard in the civil courts was postponed by six months for the admission of oral evidence. Because their plans were already several months behind schedule and they wanted to capitalise on the peak and summer season that started mid-December

until the end of March, the Private Investigator Wouter de Swardt was instructed to repeat the operation of August and this time, ensure it was successful.

Using his contacts at SAPS, they executed another illegal arrest. Where applications for warrants had been declined, various manoeuvres were made, and favours were called to motivate an arrest with no investigation, legitimacy or court order underpinning it.

On December 13, they arrested me at home on entirely fabricated charges of fraud related to a contractual dispute of a year earlier, which the Investigating Officer and his senior both confirmed were civil disagreements and not in any way criminal. While everyone was distracted by the illegal arrest, they also executed a wholly illegal, unofficial, and secret operation at the Llandudno property, entering it, arresting the housekeepers, taking the keys and occupation, and then letting them go without charge, once they had removed everyone from the property.

(And even illegally arrested the house manager a month later to ensure he never gave evidence.)

At that point, they arrested me. I had neither passport, as the very same police station that illegally held my passport was arresting me.

Again, I was kept at Hout Bay, and again, they invoked and used the Home Affairs Department to justify detention with all the same statements as the first time. When I was eventually taken to Wynberg Magistrates Court, I was granted bail of R2000 and about to leave. The Private Investigator Wouter de Swardt told the Investigating Officer Serg Stevens to object to bail, and there was a very significant violation of due process; the Investigating Officer told the prosecution a series of lies, including “there were five additional charges” as well as “issues from Paarl” and, significantly again, the issue of the visa.

There were, in fact, no additional charges, and no issues were coming from Paarl. These were lies to manipulate the NPA into objecting to bail.

Although we cannot say with absolute certainty that the many claims, they made on behalf of the Home Affairs department were false, everything would suggest they were.

As you will see from the above and below, they have consistently used the department, pretending to speak on its behalf and presenting documents and affidavits they claim were obtained legitimately from the department. In light of this, it would be appropriate for the Home Affairs Department to investigate what has happened to establish the veracity of the Investigating Officer's claims.

Because of the lies told by the Investigating Officer, the prosecution felt obliged to object to bail. However, what should have happened was that if there were any new charges, the bail granted should have been honoured; the Investigating Officer should have arrested me immediately on those new charges, with the correct warrants and justifications needed. Instead, I was called back, the bail already being granted was revoked, and I was sent to Pollsmoor, where I would have to apply for an urgent bail application.

Over a year later, my equipment, devices, data, and documents are still illegally withheld. Despite multiple formal requests for their return, this has been rejected, and I must now apply through the courts to have a judge compel them to return these items. Just as with their illegal theft and retention of my passports, the refusal to return the device and data was partially to go on a fishing expedition in the hope of finding something they could use but more to prejudice my position. For example, they denied me much of the evidence of their campaign and denied me access to the information and documents needed to extend my visa. Should I ever have gotten my passport back?

Aside from the cost, which the attorneys estimate at R100,000, it can take three to six months.

Eventually, the investigating officer agreed to loan me my passport for a day or two so that I could get my visa extension. I applied for an extension via the VFS, but as they have my devices and passwords, they have control of all email accounts, and I have now had to set up new ones. So, I won't have received any correspondence related to that application, and importantly, there will have been no background, context or information with it to explain the application gap. So, a decline is likely inevitable. Any emails sent to the address provided at VFS at the time will likely never have been received.

We thought the most recent attempts to obtain the return of the equipment, devices and data would be successful, but we have yet to succeed. Therefore, we have resigned ourselves to this necessary approach due to the proactive attempts to sabotage other visa applications, legal status, and longer-term visa options.

As mentioned, a very significant part of their campaign, and likely the most effective, has been to abuse the system and my visa status, using, abusing, and manipulating various departments of the RSA state. By creating a situation, they seek to exploit and benefit from it while hiding that they have caused it.

Within the various legal folders, we have counted and logged almost a hundred and fifty acts, incidents, and reports of their corruption, criminality, and methods. Simultaneously, there are multiple occasions where these have explicitly referred either to the visa status or using the Home Affairs department, including purporting to speak on its behalf or to have received information, reports, and affidavits. However, these were intended to influence various illegal arrests, malicious prosecutions, and wrongful imprisonments. So, we are sceptical about their claims.

## **OBSTRUCTION OF JUSTICE. PAGES 8 TO 14**

This represents the astonishing scale of obstruction of justice. Much of the reason is their confidence that they will never be investigated or charged.

These include, but are not limited to,

1. Successful theft of my passport in early 2022 to sabotage attempts at extending, keeping it illegally and without my knowledge
2. Attempts before that to delay matters as referred to in the main immigration document.
3. Attempts before that, including the first attempt to steal the passport, which was made at the beginning of 2022 by the owner's cousin, the agent with direct access to the property.
4. The stolen passport was passed to the Private Investigator Wouter de Swardt, who passed it on to his friends at SAPS. Who failed to disclose they had it.
5. The specific intention was to deprive me of the ability to extend my visa as the automated visa extensions began to end.
6. The blanket extensions continued throughout 2022 and into 2023. However, SAPS held my passport throughout, denying me the ability to extend it when required.
7. On the instructions of the Private Investigator Wouter de Swardt, they specifically denied me access to my passport past the critical date of March 31, 2023, where submission would have resulted in an extension, as the last of the amnesties ended.



[Although I understand that: *"Visa holders who have applied for a waiver application, which is still pending as of 30 November 2023, are to be granted a further temporary extension until 30 June 2024.*

*Those who wish to abandon their waiver applications and depart from South Africa should be allowed to exit at the port of entry before or on 30 June 2024 without being declared "undesirable."*

*Those who need to travel but are still awaiting the outcome of the waiver application should be allowed to exit and re-enter at the port of entry without being declared undesirable. Applicants from visa-exempt countries are allowed to enter the Republic of South Africa through their visa-exemptions"]*

Applying for an extension within that time frame should mean I have not disobeyed any regulations. However, as I mentioned below, I have been told that they will sabotage any extension application regardless.

8. On leading the first illegal arrest, the Private Investigator Wouter de Swardt, attempted to take my devices, equipment and documents but I had already been escorted to the car and with Central Cape Town SAPS still inside he was unable to
9. As referenced above, after executing the first secret, illegal, and unofficial official arrest, when my attorney went to Hout Bay Police Station expecting me to be released (especially considering the charges were palpably nonsense, clearly tactical to avert the 4th August separation hearing, it was an extension of a civil dispute, I was of excellent standing, and the charge relating to three old TVs was minor), the Investigating Officer Serg Stevens said; yes release on bail would typically be the case, but my failure to extend my visa, meant I was in breach of visa regulations, despite him knowing why and having my passport, still unknown to me or the attorneys.
10. Astonishingly telling me any failure to provide him with my passport was also a factor as that made me a flight risk, assuming I was keeping it from the police... When it was sat in his folder
11. He specifically stated that:
  - a. "The Home Affairs Department has asked us to keep him in custody,"
  - b. "They are seeking his detention and deportation," and
  - c. "The Home Affairs Department consider that the failures in terms of the visa extension were intentional".

(Despite there being absolutely no logic to my not extending, as I had done on every visit over the last two decades, and every reason and logic to requesting an extension)

12. The Investigating Officer Serg Duna showed me the attorney printouts he alleged were from the Home Affairs Department. These showed that I had never renewed my visa since arrival and that as of March 31, 2021, I was guilty of breaching the terms of my visa with no right to remain beyond that date.
13. Considering the Home Affairs Department documentation found a year later in the docket that cannot have been a genuine printout or representation,
14. Because the Investigating Officer Serg Duna refused to let me go, I had to appear to request bail. At the first appearance, the Investigating Officer used this as his primary justification for objecting to bail. I should have applied for an extension in 2021, and 2022 represented material breaches.

Saying it indicated an attempt to evade an extension, although when pressed by the magistrate for what purpose or benefit, he had no answer.

15. He lied to the court in misrepresenting the position throughout 2021. He produced documents (again from the Home Affairs Department) which led the court to believe any failure to get a physical extension was a breach. CAS 15/08/22

(At this point, we still needed to learn that he held my passport).

16. Again, he made direct statements about the Home Affairs Department, the Home Affairs Department affidavits, and the Home Affairs Department printouts. Claiming the Home Affairs Department had confirmed I had never extended, that they considered me illegal from 31 March 2021, and that they wanted me deported. Hence, his objection to bail

17. Of equal concern is the fact that contained within their submissions from the Home Affairs Department is evidence that their statements are incorrect. On the printouts from the Home Affairs database, on page 203 of the docket, it states: "TO CONTINUE TO VISIT ON HOLIDAY UNTIL 2021/12/31 TRV.NO.LMBG34J". "DR19" As such, the same system and data they would have used to issue a statement and affidavit states very clearly there was no obligation on me whatsoever to leave on or before the 31st of March 2021

18. In each of the two attempts to wrongfully imprison me to aid in their campaign, the two respective Investigating Officers introduced two different affidavits from the Home Affairs Department. One is dated August 2nd, 2022, and the other is dated January 24th, 2023. Both say the same thing: that I was illegal from 31 March 2021.

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Below is a paraphrase of the section within the Representations about the use of Home Affairs documentation, staff, affidavits, etc?

- ❖ *Throughout that time, I was in constant contact with visa agencies to ensure I stayed within the rules and asked to be kept informed so that when it looked likely that the waiver would cease being extended, I could apply for an extension "DR8". I did towards the end of 2021 and was granted a visa extension up to the 31st of December 2021, "DR7" " as can be seen by the passport. **Statements that I had never extended since arrival are untrue.***
- ❖ *Contrary to the Home Affairs Department's affidavits, I was under no obligation to leave South Africa on March 31st due to the automatic visa extensions. As these were extended through to 2022, I was under no obligation to leave South Africa at any point in 2021 "DR9."*
- ❖ *I cannot comment on the criteria for choosing which Immigration Officers are approached when providing information and affidavits about such matters. Still, it is concerning that the communications from the two Home Affairs employees do not refer to the waiver that included the automatic extension of visas covering all of 2021 or to my application for and approval of the visa extension to 31 December 2021, which would not have been given had I been in South Africa illegally in the months before.*
- ❖ *The automatic visa extension program lasted a year and was one of the department's most significant policy announcements. COVID-19 has impacted the Home Affairs Department for the last four years. It would be concerning that even one immigration officer was not aware of this policy, and it is almost inconceivable that two Immigration officers from two different offices on two other occasions were not aware of "DR12, DR13, DR14."*
- ❖ *So, it would appear that two unrelated Home Affairs employees were both ignorant of one of the most essential visas related policies of the last decade, the most important in terms of legislation*

***about visas during the Covid pandemic, one that they would have had to be referenced dozens if not hundreds of times, that would have affected outcomes for visa holders, applications and appeals, in hundreds of cases over the last two years. Two Home Affairs employees misread what the Home Affairs database says when checking a person's file. Who both missed my actual visa extension of 2021, carrying me into 2022.***

- ❖ ***both also missed the apparent note on that system, which clearly shows any official that the automatic visa extensions and my extension carried me onto January 2022.***
- ❖ ***The Home Affairs database clearly shows no crime was committed.***
- ❖ ***The attorneys put forward three possibilities. At the very least, these statements and affidavits by Home Affairs employees were not impartial and were not a factual representation of the situation. As such, either: A) the affidavits are forgeries, B) two entirely unrelated employees, based in two different offices and providing evidence in two different years, were both not just wrong but fundamentally wrong, C) Home Affairs employees were manipulated into giving evidence in a particularly narrow manner or D) Home Affairs employees were paid, or induced or threatened into giving false evidence***

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19. The Investigating Officer also contradicted himself, on the one hand suggesting I was a flight risk and, on the other, trying to imply I was staying in SA longer than should have been the case on purpose and for reasons he failed to clarify.
  20. Had the Investigating Officer not made such representations to the NPA, I would have been released on bail, and the false charges would never have gone further. The minute they had, they would have been dismissed, as was the case.
  21. The Investigating Officer used my visa status (or rather a false representation of it) while secretly holding how my application would have been made. The upshot was three weeks of incarceration and a stressful and costly bail application.
  22. At the bail application itself, the Investigating Officer again relied on the immigration issue to try to deny bail, producing the court documents he claimed had come directly from the Home Affairs Department that showed I had never extended my visa.
  23. He also included documents he claimed had come directly from the Home Affairs Department, including statements by Home Affairs staff.
  24. Because of the false statements made by the Investigating Officer Serg Duna and Private Investigator Wouter de Swardt, I had to spend R300,000 in legal fees.
  25. As SAPS refused to return my passport, I ordered a replacement passport. Due to Brexit-related backlogs at the UK Passport Office, this took some months to arrive.
  26. No sooner had it arrived, but the same people stole it again and handed it to their friends at SAPS.
  27. And both the passport issue and the immigration issue, as well as allegations about Home Affairs Department instructions, were used again to justify an obligation to bail,
  28. Resulting in a total of four months in Pollsmoor Prison
  29. They specifically denied my even accessing my passport, and when they relented only because the attorneys threatened to inform the courts they were obstructing the visa extension, they partially

related, saying I may have my passport “for a couple of days to extend my visa and then you must return it to us,” “stalling its return and had it at and past the March 31, 2023, deadline. Again, specifically to further prejudice my position.

30. Immediately on obtaining bail, I warned the attorneys they would repeat the attempt to permanently deprive me of my liberty, partly so they could take my property, possessions, valuables, and artwork illegally and to ensure I remained incarcerated for as long as possible to remove the possibility of repercussions. I repeated this warning to them and others but was told I was worrying unduly. When we won our application in the High Court for the submission of oral evidence, resulting in a 6-month delay, I repeated the warning. A couple of weeks after receiving that confirmation, they did precisely that. Executing another illegal arrest. This time, the unlawful arrest was to disguise their illegal eviction, using the arrest to take control of both properties despite having no court order or right to do so and despite my having multiple court orders confirming my legitimacy as the sole tenant and occupation.

**To save further extending this letter, it suffices to say that the entire ordeal of August was repeated.**

31. The immigration issue, lack of a passport, and visa extensions were used to justify no initial release. The same Home Affairs Department documents, affidavits, and printouts were also used.

32. The same objections to bail with the investigating Officer pressuring the NPA into objecting to bail. Again, invoking the supposed opinion of the Home Affairs Department, the forms, printouts, documents, and supposed instructions from the Home Affairs Department to hold me, pending my collection and deportation.

33. Maintaining this objection and its rationale at each appearance, whereby the Investigating Officer Serg Stevens told more lies to extend the incarceration period and delay the start of the “URGENT” bail application. So much so, the magistrate ordered the investigating Officer to be ready by 28 February, extending the court and the accused the courtesy of confirming what the charges were, having failed to do in the months before

34. These tactics successfully delayed the start of the “urgent” bail application by three months. Resulting in three months in Pollsmoor Prison,

35. On the morning the bail application was due to start, when my attorney and the NPA finally received the charges, they withdrew them all.

36. Conscious of their stalling tactics to keep me incarcerated and exhaust me of the will and funds to continue fighting, the Private Investigator Wouter de Swardt ordered the Investigating Officer Serg Stevens to make one final attempt. Yet again, they fell back on the immigration issue.

37. The charge they had cobbled together was that “I contravened the provisions of the Immigration Act 13 of 2002, as amended (“Act”), in that upon the expiration of my Visa, on 23 March 2021, I failed to depart from the Republic of South Africa; hence, in doing so, I remained illegally within the Republic.

38. They did this knowing about the automatic extensions of 2021, knowing I had applied for and been granted extensions that took me into 2022, knowing about the 2022 moratoriums, and the fact that they had possessions of not one but both passports throughout all of 2022 and 2023.

39. As contesting this at the time could have resulted in a lengthy and costly bail application and having already been wrongfully incarcerated for three months, the NPA and attorneys decided not to contest this at that point. It was considered a small but transparent win for the corrupt Investigating Officer. But they anticipated the Investigating Officer Serg Stevens would attempt to use it to deny bail.

40. Which is precisely what he did. Despite the initial charges being dropped as soon as the NPA saw them, he not only insisted the immigration charge be included but also used it to object to bail.
41. Yet again, he invoked the opinion, wishes, and authority of the Home Affairs Department and the supposed documentation that he said had come from the Home Affairs Department. In doing so and told the attorneys and prosecutors that the Home Affairs Department viewed the matter so seriously that it required a bail of R1000,000. Fortunately, the attorneys and magistrate, who had witnessed three months of excuses, lies, and delays, agreed that a wildly inflated figure was chosen to make bail impossible.
42. The attorney noted yet again that the Investigating Officer Serg Stevens had used the immigration issue, passport, visa extensions, and, significantly, the alleged opinion of the Home Affairs Department to compensate for a complete lack of evidence, constantly referencing, quoting and purporting to be acting either on the explicit or implied instructions of the Home Affairs Department. Yet, at no point did they call or did anyone see anyone for the Home Affairs Department. Nor were they on the witness list; the nearest the court got was the use of the affidavits. Had this not been done, none of what they did would have been possible documentation.
43. The magistrate seemed very alert to what was happening, dismissed that request and agreed on R10k. After release, my attorneys submitted a Representation to the SSP. In my instance, and against their advice, the Representations were very detailed and contained many allegations in this letter. The attorneys felt a very brief representation of the primary facts was a more diplomatic and strategic way of withdrawing the charges, mainly because the more detailed the report and the more serious the allegations within it, the more detailed and longer the investigation would be. The more implied the criticism of the NPA would be considering they had permitted the miscarriage in the first place and failed to stop it sooner. But I insisted on having some of their illegal activities on file. Due to the complex nature of the representations, the allegations of the SSP took two months to investigate. Upon concluding their investigation, they withdrew the immigration charge; The bail money was refunded, and that part of the never-ending nightmare was over. Although it had cost me another R450,000 in legal fees as well as my homes, which had been successfully taken possession of within minutes of the arrest.
44. To date, despite the accusations contained in the Representations, the NPA has not initiated any investigations. The attitude seems to be that withdrawing the charge was an adequate response.
45. However, the Investigating Officer Serg Stevens was still not finished using my passport and immigration status, misrepresenting the supposed wishes of the Home Affairs Department and refusing to return my passport to me.
46. They also took all my devices, equipment, data, and documents at the December arrest. They kept them, refusing to return them when the charges were dropped, which they were legally obliged to do as the immigration charge was not part of the arrest or seizure warrant. They directly rejected my attorneys' approaches, including formal demands, regarding the passport, equipment, data, and documents.
47. When the immigration charge was withdrawn, they refused to return my passport, equipment, devices, documents, and data. They told me they may permit me to "borrow my passport to submit a visa extension application but must return it to them.
48. At the last appearance, the Private Investigator Wouter de Swardt told me that he, the Investigating Officer, and their contacts at the Home Affairs Department will ensure that any application I make via VFS, or the standard channels will be rejected.

49. They have also used the immigration/ visa/ passport issue in their attempts through the civil courts. In multiple affidavits using my immigration status in an entirely negative presentation of the lack of extensions; as an example, after they executed the illegal eviction in July and we launched spoliation proceedings, one of their significant defences to reject our application contained within their submission of the 1<sup>st</sup> of August was to say that the property could not be restored to me because of my visa status. Even though they had stolen my passport, handed it to their appointed Private Investigator Wouter de Swardt, and he had passed it to his friends at SAPS. Their submission is phrased as if they had discovered the issues related to the visa, passport and immigration status by chance, with no mention of how they did so or the reasons why these issues existed in the first place.

[\[Use of the visa issue by those who caused it in their attempts through the civil courts to steal the properties\]](#)

50. Similarly, the Private Investigator Wouter de Swardt has proved very successful at exploiting contacts within the print media, managing to have four highly defamatory articles published. An analysis demonstrates that 95% of the statements within are false. And all fed by him and his clients, the owners. The visa issue has featured heavily in these as well. Inferring some sinister reason for the lack of extension and never once mentioning they were the cause.

Again, to avoid the letter being even more lengthy, I will not labour points 49 and 50 as these on their own generate reams of further information; suffice to say the owners and their proxy the Private Investigator Wouter de Swardt, used the immigration status/passport issue constantly through 2022 and 2023 in multiple arenas and medium; the criminal justice system, the civil courts, the print media and online, always to cause me significant harm, and never once mentioning they had actively sought to and created the very situation they then sought to benefit from

51. It is worth noting that the original of all the instructions for all of the above from June 2022 came from the Private Investigator Wouter de Swardt, on behalf of his clients. Multiple very serious crimes being committed by private individuals disguised as acts of the state.

**NB: Before and after the August arrest, during and after the December arrest, they held my physical passport, which contained both the entry stamp and the extension of my visa into 2022, when the Private Investigator Wouter de Swardt, both Investigating Officers, working with the Private Investigator Wouter de Swardt told my attorney, me and important the NPA and the court I had never extended my visa, that I did not qualify for the automatic visa extensions and that I was illegal from 23 December 2021, the categorically knew those statements to be false.**

**They, therefore, also categorically knew the contents of the two purported Home Affairs affidavits were false.**

**As the ones holding my passport, with the stamps, they cannot claim any form of ignorance in this matter.**

**Knowing I did not have a physical copy, they used and abused that situation.**

**Constantly referring to the Home Affairs Department as the authority for their statement, the main driver for the objections to bail and for the new charge and as the source of all the information, including the opinion of my illegality**

After exhausting all approaches, I must apply to the High Court for a court order forcing them to return what they still hold illegally. This will be an expensive process; the legal fees could be as high as R100,000, representing yet more costs, and it is estimated to take between three and six months.

Although the majority will be recoverable upon getting the court order, it will be a substantial sum to outlay. The further issue is that it is a waste of taxpayer money to go through the courts on a matter the police know they will lose, but they will use the cost and time of court proceedings to delay the return.

This has been a feature of their campaign as using and abusing state resources to weaponise a very personal campaign will have cost the South African taxpayer millions of Rand.

It has been 15 months since my equipment, devices, documents and data were seized and two years since my first passport was taken and illegally held.

I have had to change all my email addresses, as the devices have been used to access my email accounts and divert mail. I cannot even know the outcome of the VFS application because of this.

### **SUMMARY. PAGES 15 TO 17.**

To date, no one has been investigated other than the PSIRA investigation into Mr Wouter de Swardt's conduct regarding breaches of his PSIRA license.

As long as the police stations where the crimes would be reported or the police stations would be the ones receiving arrest warrants or instructions to investigate, there is no means by which I can start that process.

The attorneys of several firms firmly believe that if the Home Affairs Department could investigate and confirm that these statements were false, it would be a significant step toward remedying some of the injustices, crimes, obstruction and frustration of justice, perjury, and corruption.

Including confirming that the comments and allegations made by the Investigating Officer Serg Stevens and the Investigating Officer Serg Duna were false, including my illegality as of 23 March 2021, or that they were actively searching for me, or that they sought my deportation and investigated how two affidavits were so fundamentally flawed.

I am unfamiliar with the laws governing the theft of passports or such official documents (which included two British passports and the South African visas within them). Still, I imagine that when the owners stole my passport, this was a serious crime; likewise, they kept their possession of my passport secret and continued to hold it with very sinister purposes in mind—equally, the role of the Private Investigator Wouter de Swardt is in the theft and illegal retention of both passports. The role of the different Investigating officers in their unlawful detention and continued illegal retention after the charges were dropped. Their use to obstruct justice and the perjury committed when representing a false position to the courts.

As well as purporting to speak for and on behalf of the Home Affairs Department and providing the opinions, verdicts, statements, and affidavits again purporting to the unbiased and uninfluenced opinion of two unrelated immigration officers.

The campaign will be the subject of various lawsuits against the police, the individuals, the Private Investigator Wouter de Swardt, and the publications that published its propaganda. Regarding the former, the list of issues includes illegal arrests, obstruction of justice, wrongful imprisonment, criminal defamation, Crimea injuria, etc., and various damages claims.

We are in the preparatory stages, and my attendance is crucial now and will be essential once we launch the various applications.

Those who have perpetrated these crimes, who have made significant capital and progress by exploiting my visa situation that they created, would like nothing more than to benefit even more from my immigration status and even more so if they can scupper my ability to travel between the UK and SA.

Other important issues that necessitate the normalisation of my immigration status and ability to live in both Cape Town and London include:

In 2022, my mother was diagnosed with lung cancer. As a 20-a-day smoker for 60 years, my mother is 76 years old, and this diagnosis is a very grave turn of events. Necessitating my ability to travel between the UK and SA.

**The theft of my passport and the replacement passport, the secret and illegal holding of the passports, the unlawful arrests and wrongful imprisonment, and the illegal withholding of my passport and equipment in the many months after getting bail and after having the charges thrown out have meant I have been unable to travel to the UK to see my mother at any point since the diagnosis. In fact, because of their illegal acts, I have not seen her since December 2020.**

**There is a genuine and present danger that she will pass before I can see her. There is no better example of the immorality of their actions, and I have no printable words that can adequately express my sentiments in this regard.**

This has been denied me since the diagnosis. Something no final award can ever compensate me for. Nor for the four months, they kept me in Pollsmoor.

In the many court appearances, I have been subjected to, the Private Investigator Wouter de Swardt strategically would sit himself a couple of rows behind me, and in pretending to talk to his colleague, he would use the opportunity to speak to me. In the main, they ridiculed me, on one occasion calling me “a pathetic frightened rabbit shaking like a coward”. They also threatened and intimidated me, including threats to sabotage my visa application internally, “I have friends everywhere, including Home Affairs; I’ll make sure any application you make will be rejected”, and “You will see how quickly you are rejected when you do” On leaving or returning to SA, “watch what happens when you try to leave or return”, “I will see you back in prison if it’s the last thing I do.”

Time is clearly of the essence.

I also have three dogs here, and for this reason and the demands and limitations I will impose, I cannot simply fly backwards and forwards without considerable planning. They, too, have already been put through the double traumas of the August and December arrests. I was having their dad abducted and left confused and scared. After the December arrest, the owners threw them in the garage without feeding or giving them water. I had to beg my attorney to rescue them.

Having given up on getting my property back from SAPS other than by court order and being conscious of their threats to sabotage visa applications via the usual channels, this appears to be my only hope of normalising my immigration status.

Despite all that has happened, I still love SA and want to make this my home, effectively travelling between London and here.



The only way to achieve this is to have a formal visa extension, which would permit my remaining and allow me to leave and return fully compliant with all visa regulations and laws.

This becomes all the more critical when factoring in that had they been able to have me classified as undesirable, this would have blocked my return, made litigation substantially harder, if not impossible, and would have been used to undermine any cases brought, using it as proof of something nefarious about the inability to extend my visa and benefit yet again from their role in causing that.

(also, laying criminal charges and ensuring they are investigated, whether by the Home Affairs Department, NPA or SAPS)

It is essential that I can regularise my visa status, which I cannot do via the usual channels without fear of interference. While that may sound extreme, there has not been a single aspect in the last two years that they have not managed to interfere with, which has significantly prejudiced my position on each occasion. Other than when matters are with the most senior employees of the state, such as the Magistrates, High Court judges, and Senior State Prosecutor. Only then has their ability to use and abuse the state been halted.

Again, I apologise for the length of this letter and the amount of information involved.

Thank you very much for your time in this matter. I am very grateful for your kind attention.

Yours sincerely

Darren de Rodez Benavent Russell  
0795481226  
[Wharfer2014@gmail.com](mailto:Wharfer2014@gmail.com)

In this regard, I have also attached some of the most relevant documents, including the Representations and accompanying documents.

The main folder for these documents follows, with the links to individual documents afterwards.

[Letter of Good Cause Main Folder](#)

[Judgement of High Court Judge Van Zyl in Sokanyile v Broad 2022](#)

[DR11 za-government-gazette-dated-2021-12-31-no-45703.pdf](#)

[Representations. Summary Version. June 29, 2023. Abrahams ^L0 Gross .pdf](#)

[Representations to the SSP. Annexures DR1-4.pdf](#)

[Representations to the SSP. Annexure DR5. No.1.pdf](#)

[Representations to the SSP. Screenshots of various correspondence concerning visa extension applications.pdf](#)

[Representations. Supporting documentation and information. DR6 DR7 DR9 DR10 DR11 DR12 DR13 DR14 DR15.pdf](#)

[Sergeant Stevens Affidavit Given Retrospectively Including Two Home Affairs Dept Affidavit April 2023.pdf](#)

[Some Of the Communications Regarding Illegally Withheld Passport and Equipment Data and Documents.pdf](#)

[Abrahams & Gross Attorneys Letter to Client Re Passport & Equipment Illegally Held 13.04.2023.pdf](#)

[Abrahams & Gross Attorneys Letter to Client Re Passport & Equipment Illegally Held 21.04.2023.pdf](#)

A SELECTION FROM THE EVIDENCE CATALOGUES OF 700+ ITEMS

[22 & 24 July Illegal Evictions and Assaults](#)

[22 & 24 July Illegal Evictions Saps Conversation](#)

[! Witness Testimony. Housekeeper At Leirmans Road 2022 Inc During December Arrest](#)

[Corruption And Criminality. The Weaponisation of The State for Personal Gain](#)

[! Witness Testimony. Ollie Sokanyile](#)

[16 Leirmans Road Home Invasion by Keith Broad And Bobby Broad Eviction Attempt 4 Of 11](#)

The List of Corruption (Being Added)]

Below are the WhatsApp messages sent after the theft of the second passport by the Private Investigator Wouter de Swardt Wouter de Swardt?



## THE LIST OF THOSE INVOLVED.

The list of those responsible for the passport theft, including the South African visa stamps within, the malicious prosecutions, and illegal arrests, including a housekeeper and house manager. The attempts to obstruct visa extensions, the various and multiple attempts to obstruct and frustrate justice, wrongful imprisonment, twice for myself and a week incarceration for the house manager, delivering on their threat to imprison him simply for getting in their way, tampering with evidence, harassing witnesses, threatening potential witnesses with thirty years in jail if they did not cooperate and sign witness statements written for them. The campaign masterminded by Wouter de Swardt.

### LIST OF THOSE WHO ACTIVELY INTERFERED WITH THE VISA APPLICATION PROCESS AND PARTICIPATED IN THE VARIOUS ATTEMPTS TO FRUSTRATE AND OBSTRUCT JUSTICE.

<u>Wouter de Swardt</u>	The Private Investigator appointed to mastermind the campaign and responsible for the use of the police and state resources and the crime spree that followed his instruction	
<u>The "Private Investigator"</u>	Responsible for the astonishing level of obstruction and frustration of justice, weaponising the state to aid in a personal and financially motivated campaign. Responsible for and in charge of the illegal evictions attempts of 22 and 24 July, including the successful illegal eviction of 24 July, assault of the housekeepers, subsequent squatting	
	Along with Keith Broad and Inge Brad responsible for the malicious prosecution, the false charges, the changing of the false charges for the purposes of influencing bail, motivating the objections to both bail applications.	
	Along with Keith Broad, Inge Broad, Raji Moonsamy, responsible for the malicious prosecution, the false charges, the changing of the false charges for the purposes of influencing bail, motivating the objections to both bail applications.	
	Currently being investigated by PSIRA with a view to criminal prosecution. The only organisation in SA to so far do anything to investigate the various matters and ensure these responsible account for their actions. Although that may be limited in its scope because of their remit referencing his PSIRA license and conduct under its purview, leaving the dozens of other crimes to still be accounted for which are the responsibility of other agencies to investigate. So far, none have	
	The list of crimes is too long to list on this table. Please see the document The Corruption List	
<u>Sergeant Duna</u>	Belville Commercial SAPS	Responsible for the first illegal arrest and all the various lies, perjury, obstruction of justice, including representing or misrepresenting the Home Affairs dept in multiple ways and at multiple times to achieve their goals. Also responsible for the obtaining and use of the Home Affairs affidavit
<u>Sergeant Stevens</u>	Hout Bay SAPS	Responsible for the first second illegal arrest and all the various lies, perjury, obstruction of justice, including representing or misrepresenting the Home Affairs dept in multiple ways and at multiple times to achieve their goals. Also responsible for the obtaining and use of the Home Affairs affidavit
<u>Keith Broad</u>	Owners of the Llandudno property referenced	They were responsible for appointing the Private Investigator and for the dozen illegal evictions. In collusion with SAPS and the Private Investigator they laid the false charges and motivated the malicious prosecution
<u>Inge Broad</u>	Owners of the Llandudno property referenced	
<u>Peter Van Wyk</u>	Owners of the Camps Bay property referenced	They stole the first passport and ordered the theft of the second. They illegally held onto both before passing them to the Private Investigator/SAPS. The WhatsApp images were sent by them holding the second stolen passport
<u>Paula Disberry</u>	Owners of the Camps Bay property referenced	
<u>Johan Schalkwyk</u>	Private investigators operating under a fake PSIRA license at the time	Carried out the actual theft of passport 2
<u>Denis Dalton</u>	Private investigators operating under a fake PSIRA license at the time	Carried out the actual theft of passport 2
<u>Mario Boffa</u>	Worked with ESS	Instructed to interfere with VFS visa extension
<u>Raji Moonsamy</u>	Owners Fisherman's Bend	Instructed he December arrest to disguise the illegal eviction
<u>Rajeev Vasant Sheth and Krashana Deoshini Naidoo</u>	Sold to friends, new owners Fisherman's Bend	

**REPORT ON THE AFFIDAVIT OF THE INVESTIGATING OFFICER:  
SERGEANT STEVENS, DRAFTED ON 24 APRIL 2023**

DOCUMENT 067 OF 672

067 | FOLDER 34 | 13 MARCH 2024

**SERGEANT STEVENS, INVESTIGATING OFFICE STATEMENT. 24 APRIL 2023**  
**CLIENT STATEMENT OF FACT**

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While looking through the Hout Bay file, we found a **new** affidavit from the Investigating officer. Besides his name, almost everything else on it is an outright lie. At no stage did Sergeant Stevens ever ask the client about his status in SA. He has never discussed any element of his visa, his passport, his immigration status, or anything even closely related to any of these.



Nor did he ask the client to produce any paperwork related to this matter.

The first conversation about any subject related to these issues was **after** getting bail when the client asked about collecting his passport so he could apply for my extension.

During that conversation, Sergeant Stevens said it would not be a problem. But later retracted that saying that he needed to keep hold of it as they were busy with new investigations. This was illegal as neither the first r the second bail terms including holding the client's passport.

It was clear the Sergeant was going to continue to try to sabotage attempts to normalise his via and immigration status while retaining control of the client and his movements.

Sergeant Stevens did not at any point inform the client that he was "illegal in this country". Nor did he explain this was one of the charges he was being charged with. The only charges he has ever communicated with the client were the initial three fraud charges. And only then by the service of the paperwork at the arrest and not in any verbal capacity.

**To be clear, my clients only encounter with Sergeant Stevens were.**

## **THE ARREST**

1. At the beginning of the arrest, he handed me the warrant listing the three fraud charges and a reference to forgery and uttery. He did not elaborate in any way on any of the content.
2. On each occasion, I posed a question to him, and his answer was, "Read what I gave you."
3. When I asked why WDS was walking around my property, I was told to mind my business. I much the same reply when I asked why Denis Dalton was wondering around my home.
4. When he asked me to sign a form saying I was happy with the arrest, search, and seizure, and I refused for the reasons above (i.e. WDS and Denis seemingly included in and quasi-leading the raid),,
5. On two or three occasions, I asked, "What was everyone looking for?" The inclusion of an armed team seemed like absurd overkill. And they were searching for something.
  - i. The first time I asked, he said, "I've already told you what you are being arrested for (the three charges); read that paperwork".
  - ii. When I asked again, the men were opening drawers and cupboards, some of which. had paperwork and office papers that they left in place and went onto the next drawer, cupboard or room. If they were searching for items related to the business to confiscate, why would they ignore the large amount of such paperwork? They tore the house apart, looking for something. Ee got very angry and replied, "I've already told you what you are being charged for". Another officer with him in the room at the time when I asked to very aggressive,
  - iii. When I went upstairs to put on clothes, he told me to "hurry up".
  - iv. And on being taken out to be taken away, when I asked why the car was parked like that and not inside, he was seriously going to take me out front like that. To which he ignored me and the hawk's officer, who made much the same comment.

## HOUT BAY STATION

1. The Investigating Officer only spoke to me about the charges on day three at Hout Bay SAPS. Until that point, they had refused all of my requests to be able to phone my attorney. I only got to make that call because when the Sergeant took me to the front to process some paperwork asked him in front of other officers and also there were members of the public waiting at the front desk. Only then did he permit me to make a call. On that occasion, he only mentioned the three-fraud charge. **NO MENTION OF IMMIGRATION ISSUES.** When we went through the paperwork, they took photo and prints. He asked if I wished to make a statement; I said I would once I had spoken to my attorney. I was using the occasion to ask yet again to be able to make a call to my attorney. Something I had been doing since the arrest but was ignored. His reply was, "So you don't want to make a statement, ok?" and walked off.
2. Just before leaving Hout Bay to be taken to Wynberg when, he said, "So can I just check you still do not wish to make a statement, to which I was more than happy to give a statement or be interviewed. Vomicine replied "so you want to confess". To which I replied, "no, that's not what I just said" and he again walked off.

---

Bearing in mind the client phoned the attorney Heynes after the formal charging and conversation with Sergeant Stevens, obviously, had the Sergeant mentioned charges other than the three fraud charges, my client would have included this in the debrief. But when he spoke with the attorney, he stated clearly it was "3 fraud charges".

When an attorney from the law firm arrived at the station to get a full debrief there was no mention of immigration issues and there was no inclusion in the files. /

So, at no point from the first moment of the arrest to the last moment when being taken to Wynberg Magistrates Court did Sergeant Stevens discuss anything related to immigration, passports or visas.

We assume this affidavit has been given in retrospect due to the only current charge now being the breach of the immigration act that on 31 March 2021, because no charge or mention was made at the time.

The immigration breach was not included in the arrest warrant either. Nor was it included in the arrest, search and seizure warrant which only referred to these three charges. It was not mentioned during the arrest or during my time at Hout Bay police station. It was not on any of the paperwork the client signed, and it was not mentioned when he first went to the court for the judge to consider bail. Only once bail had been granted was this mentioned by the Sergeant in an attempt to block bail, when he lied to the prosecution service about five new charges and issues from Paarl as well as breaches of the immigration act for not leaving SA on 31 March 2021.

It was not on any paperwork that went to Pollsmoor, either.

My client does not know the law regarding charging and detaining, i.e. should an accused be formally charged with each offence or is it legal/acceptable to add on charges weeks later? At the same time, the bail

application process continued without confirming the charges or charging the accused, interviewing him, or allowing him to make a statement. The clients question: “Is it considered charging an accused if the only thing done is adding a charge as the matter proceeds at court and the accused has not been told or charged directly? “, The answer would be no.

NB: On entering Pollsmoor, his documentation said, “fraud charges x 3,” and that was also put on his prison card. Each time an accused goes to court for a bail-related matter, the sheet given to the officers at Pollsmoor lists details such as name, prison number, cell, etc., as well as a column for any charges and changes to charges. In every appearance at court, this column said “NO.”



HOUT BAY CAS 81/12/2022

A 100

## ARREST STATEMENT

1.

I, the undersigned, André Claude Stevens do hereby state under oath in English, that:

2.

I am a Sergeant in the South African Police Service, with force number: 7043434-4, stationed at the Provincial Commercial Crime Investigation Unit Western Cape, Commissioner House Building, c/o AJ West and Voortrekker road, Bellville as a Detective, with contact number (021) 918 3870 and mobile nr:0722383940.

3.

I was appointed as a member of the SAPS in terms of Section 30 of the South African Police Act 68 of 1995, and hold the rank of Sergeant. I am an investigating officer in the South African Police Service for the past 15 years within the investigation environment.

I am duly authorized to make this affidavit and the facts contained herein are both true and correct and fall within my personal knowledge unless the context indicates the contrary or it is stated otherwise.

4.

On Wednesday 2022-12-14 at about 09:00 I was busy working on my Search and Seizure Warrant that was signed by Colonel Smith, the branch commander of Bellville Cid. I met with all the role players that I requested to assist with the Search and Seizure Warrant of arrest at Camps Bay Saps parking area and had a short briefing with all the police members regarding the execution of the search and seizure warrant.

5.

On the same day mentioned above at about 10:00 the members listed on the search warrant, Annexure B entered the premises to the fifth(5<sup>th</sup>) floor of the house where the Search and Seizure was to be executed at 32 Fishermans Bend, Llandudno. I then asked who Mr Darren Russell was and a white male then identified himself as Darren Russell and he said he is currently renting the said house from the owner. I then introduced myself to Mr Russell and stated the reason why we were at the residence that he is currently living at. I informed Mr Russell that I am investigating a Case, Pcomm Enquiry 02/05/2022 with the charges of (1) Fraud, (2) Forgery and Uttering. I then informed the suspect of his rights and he indicated that he understood.

6.

I handed a copy of the search warrant to the suspect Mr Russell and he signed the original Search and Seizure to acknowledge receipt of his copy. I then placed the suspect under arrest after explaining to him the charges against him and his constitutional rights. Suspect is a white male with full names Darren Charles Alexander De Rodez Benavent Russell, 52 year old male with date of birth 1970-09-12 and passport number: 135097084, residing at 32 Fishermans Bend, Llandudno, free from visible injuries and no property in his possession.

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Dr. C. S.  
J. W.

Andre Claude Stevens further state under oath in English

7.

We then commenced with the search and seizure where the suspect Darren Russell was present the whole duration of the search and seizure. Members that collected the exhibits was Sgt Dladla with his scribe Cst Coetsee and Cst Sifo with his scribe Cst Ham. At about 11:53 the search and seizure was done and all members part of the search and seizure exited the house and went to Hout bay Saps to detain the suspect and to book in all the exhibits. On arrival at Houtbay Saps at about 12:47 I submitted the Sap14A/S2520748 and handed the suspect over for detention. Exhibits was all booked in SAP13/566/2022 and booked out again to transport the exhibits to Bellville and handed it over to Colonel Lourens for safe keeping in his walk in safe.

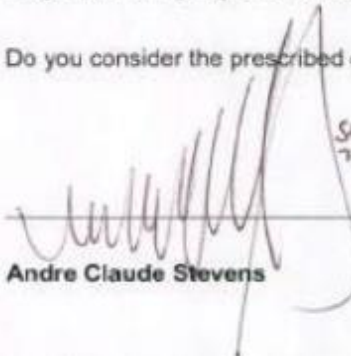
8.

The following questions were put to the deponent and the answers recorded accordingly;

Do you know and understand the contents of this affidavit? YES

Do you have any objection to taking the prescribed oath? NO

Do you consider the prescribed oath to be binding on your conscience? YES

  
Stevens A.C.  
7042434-4  
DISYT

Andre Claude Stevens

I certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was sworn to and his signature placed thereon in my presence at Bellville on 2022-12-18 at 13:00.

  
- 16/12/2022  
BELLVILLE MS 9-167

COMMISSIONER OF OATHS

Name: Stanley Kasiya Willemse

Designation: SERGEANT

Address: 1<sup>st</sup> Floor, Commissioner House Cnr Aj-West & Voortrekker Road Bellville.

HOUT BAY CAS 81/12/2022

A 27



**I/O STATEMENT**

1.

I, the undersigned, André Claude Stevens do hereby state under oath in English, that:

2.

I am a Sergeant in the South African Police Service, with force number: 7043434-4, stationed at the Provincial Commercial Crime Investigation Unit Western Cape, Commissioner House Building, c/o AJ West and Voortrekker road, Bellville as a Detective, with contact number (021) 918 3870 and mobile nr:0722383940.

3.

I was appointed as a member of the SAPS in terms of Section 30 of the South African Police Act 68 of 1995, and hold the rank of Sergeant. I am an investigating officer in the South African Police Service for the past 15 years within the investigation environment. I am duly authorized to make this affidavit and the facts contained herein are both true and correct and fall within my personal knowledge and the context indicates the contrary or it is stated otherwise.

4.

This statement is an additional statement in connection with the status of the accused in this matter Mr Darren Russell hereby declare that on the day of the 14th of December 2022 when I arrested the suspect Mr Darren Russel at nr 32 Fishermans Lane Llandudno I asked him about his status being in South Africa and asked him to produce his documents. Mr Darren Russel informed me that his visa expired and that he was not in possession of his passport.

5.

I then informed Mr Russel that he is illegal in the country as he did not produce any documentation as to him being in South Africa. I also explained to him that this is one of the charges he will be charged with, being an illegal immigrant in South Africa.

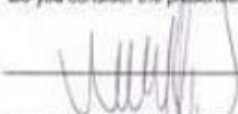
6.

The following questions were put to the deponent and the answers recorded accordingly.

Do you know and understand the contents of this affidavit? Yes

Do you have any objection to taking the prescribed oath? No

Do you consider the prescribed oath to be binding on your conscience? Yes

  
(Andre Claude Stevens)

I certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was sworn to and his signature placed thereon in my presence at Bellville on 2023-04-17 at 11:00.

COMMISSIONER OF OATHS

Name: AKHWE SIFO

Designation: CONSTABLE

Address: 1<sup>st</sup> Floor, Commissioner House Cnr AJ-West & Voortrekker Road Bellville.

1 / 2 | Page



AC (1)

**AFFIDAVIT**

In terms of section 212 (1), (2), (3) and (4) of the Criminal Procedure act, no. 51 of 1977

SIVIWE FUNO

I, the undersigned,  
Do hereby declare under oath that:

1

I am an adult male employed by the National Department of Home Affairs as an Immigration Officer stationed at Khayelitsha District Office.

2

I am duly appointed as an immigration officer in terms of section 33 of the Immigration Act No 13 of 2002 as amended. My appointment number is 70794383; and the Office Contact No is 021 369 1800.

3

The contents of this affidavit are within my personal knowledge, unless indicated otherwise and are true and correct.

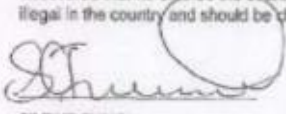
4

On the 02<sup>nd</sup> of August 2022, I received a call from Commercial crime requesting verification of status of foreign national, who is being investigated on Enquiry; PC: WC: CCI:CD 02/05/2022.  
IMS was requested to verify the status of the following suspect in the RSA.

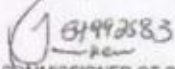
- Full names: Darren de Rodez Benevant Russell
- Date of birth: 12.09.1970
- Nationality: British
- Passport No.: 562491523

5

Both National Immigration Information System (NIIS) and Movement Control System (MCS) were checked and I discovered that he entered the country on 2020-12-23 and his visa expired on 2021-03-23. Mr. Russell is therefore illegal in the country and should be charged in terms of Section 49(1)(a) of the Immigration Act 13 of 2002.

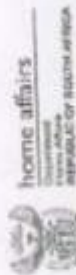
  
SIVIWE FUNO  
IMMIGRATION OFFICER  
DATE: 02.08.2022

I certify that this statement was signed and sworn to before me at Khayelitsha on this...02...day of...August...2022 by the deponent who acknowledged that he knows and understood the content of this statement, had no objection to taking this oath, and consider this oath to be binding on his conscience.

  
COMMISSIONER OF OATH  
Full Name: Fereke Mxakano  
Place: Khayelitsha  
Date: 2022-08-02

DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG 33
2022-08-02
CAPE TOWN INTERNATIONAL AIRPORT 7828
KHAYELITSHA (88)

Department of Home Affairs : MCS Enquiry.




Port	Direction	Movement Date	Movement Time	Passport Number	Suriname	First Names	Gender	Date of Birth	Transaction Type	Transport Number	TRP Number	TRP Entry Date
CTH A		2023-12-23	08:07:25	50161123	SE ROBERT SCHAEFER RUSSELL	DANIEL CHARL	M	1994-09-11	N	15438	8897180	2021-01-25
Search Results: 6:02:40   15213 Retrieved By: HC2121329 Retrieved On: 2022/08/02 11:26												

DEPARTMENT OF HOME AFFAIRS PRIVATE BAG X3 2022-08-02 CAPE TOWN INTERNATIONAL AIRPORT 7525 KHAYELITSHA (40)
---

Done

**A 20**

 **home affairs**  
Department  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF .....

HELD AT ..... Case no. ....J...../20.....

In the matter between:

**THE STATE**

**VS**

**DARREN CHARLES DE RODEZ BENAVENT RUSSELL**

---

**STATEMENT**

---

I, the undersigned,  
Adrian Edric Jackson  
States under oath in English:

I am an adult male with identity number 7307315074080 employed within the Department of Home Affairs (*herein after referred to as the "Department"*) and appointed by the Director –General (Home Affairs) as an Immigration Officer in terms of Section 33(2)(b) of The Immigration Act, 2002 (Act 13 of 2002) and as a Peace Officer in terms of Section 334 of the Criminal procedure Act, Act No. 51 of 1977.

**2.**

I Persal Number...70115079... stationed at Department of Home Affairs ,56 Barrack Street, Cape Town with contact details as follows...021 4684558 / 0713175419....

**4.**

**1 | Page**

*Adrian Jackson*

Continued. Affidavit requested/arranged by Sergeant Stevens in January 2023

The facts contained herein are both true and correct and falls within my personal Knowledge except where the contrary appears from the context. Where I depose to facts which are not within my personal knowledge, I have ascertained these facts from documents in my possession or under my control or to which I have access and from persons in the employ of the Department and who have personal knowledge of such facts.

5.

My duties entail the perusal and inspection of travel documents, clearance and profiling of foreigners in South Africa and to ensure that such persons have the correct travel enabling documents to be lawfully in the Republic, including interrogation, detention, prosecution and or deportation of any persons found to be illegal within the Republic of South Africa. The investigation into the contravention of the Immigration Act, 2002 (Act No. 13 of 2002) as amended in 2014, and to ensure that such offenders is prosecuted.

6.

On 6<sup>th</sup> January 2023 I received a request Sergeant Stevens of the SA Police, Provincial Commercial Crime Investigation Unit to verify the movement / travels of the below mentioned Foreign National and or legal status within the republic .

**Name / Surname** : DARREN CHARLES DE RODEZ BENAVENT RUSSELL

**Passport Number** : 562491523

**Nationality** : BRITISH NATIONAL

When accessing the National Movement Control System also referred to as the "NMCS" in line with the National Travellers records system by inserting the names and passport number of the accused to detect the said movement records as requested by the Investigating officer, the following information was retrieved.

7.

That the accused entered the Republic on 23 December 2020 as a holiday visitor in terms of Section 11 of the Immigration Act, Act No. 13 of 2002 as amended 2014, through Cape Town International Airport. He then submitted an application for the

RET



extension of stay which entitles such applicant upon successful application a once off extension of a further 90 days, which had expired on 23<sup>rd</sup> March 2021.

8.

The accused had failed to depart the republic upon the expiration of his stay and in doing so remained illegally within the Republic. He is considered an undesirable person as stipulated in Section 30 (a) – (h) of the Immigration Act, Act No. 13 of 2002, in that he not only remained illegal but had subjected himself to becoming a public charge.

He is to be dealt with as an illegal foreigner in terms of Section 34 of the Immigration Act (Act No. 13 of 2002) and has subjected himself to be deported after the completion of his pending criminal proceedings against him.

For ease of reference I have attached records of his travels and or movements within the Republic attached hereto as Annexures: AEJ1 – AEJ6

I know and understand the contents of this statement,

I have no objection in taking the prescribed oath,

I consider the oath binding to my conscience.

DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG 33
2023 -01- 24
CAPE TOWN INTERNATIONAL AIRPORT 7525
KHAYELITSHA (31)

  
Signature of Officer: 70115079  
Control Immigration Officer

I certify that:

1. The Deponent acknowledged to me that:

- 1.1 he knows and understands the contents of this declaration;
- 1.2 he has no objection to taking the prescribed oath;
- 1.3 he considers the prescribed oath to be binding on his conscience.

2. The Deponent thereafter uttered the words, "I swear that the contents of this declaration are true, so help me God".

- a. The Deponent signed this declaration in my presence at the address set out hereunder on this 24 day of JANUARY 2023.

  
COMMISSIONER OF OATHS

(Ex officio)

NAME/SURNAME

FULL BUSINESS

3 | Page

**Below:** Printouts found in the file contradicting the affidavits from the Home Affairs employees



J.P : RRS35111 \*\* TRAVELLER'S RECORD SYSTEM\*\* LIB : REISLIVE  
GM : RRS351P DETAILS OF TRAVEL PARTICULARS USER : MCS420 DATE : 2023-01-06  
( Screen 1 of 2 )

AEJ1

Traveller no : BBBGDM6WX Main/Alias : MAIN  
Surname : DE RODEZ BENAVENT RUSELL  
First Names : DARREN CHARLES ALEXANDER  
Date of Birth : 1970-09-12 Sex : MALE  
Port of Entry : JOHANNESBURG INT. AIRPORT Direction of mvme: LANDING H  
Capture point : PRETORIA HEAD OFFICE  
Mode of mvme : AIR Number:  
Cntr Travel doc: BRITISH NATIONAL (OVERSEAS) Date of movement : 2021-11-08  
Travel doc. no : 562491523 Time of movement : 16:35  
Cntr of Residen: BRITISH NATIONAL (OVERSEAS)  
Travel purpose : VISITING FRIENDS AND RELATIVES TRP number : LMBG34J  
Occupation code: OTHER TRP expiry date : 2021-12-31  
Updated by :  
Traveller type : FOREIGNER ORDINARY TRAVELLER Transfer Number :  
Type of mvme : NORMAL MOVEMENT BLS-indicator : NO  
Travel doc.type: PASSPORT Date updated : 2021-11-10

Enter-PF1--PF2--PF3--PF4--PF5--PF6--PF7--PF8--PF9--PF10--PF11--PF12--  
HELP BACK MAIN REF QUIT REPR AIMTR



MAP : RRS35121 \*\* TRAVELLER'S RECORD SYSTEM \*\* LIB : REISLIVE  
PGM : RRS351P DETAILS OF TRAVEL PARTICULARS USER : MCS420 DATE : 2023-01-06  
( Screen 2 of 2 )

AEJ2

Traveller no : BBBGDM5WX Main/Alias : MAIN  
Surname : DE RODEZ BENAVENT RUSSELL  
First Names : DARREN CHARLES ALEXANDER  
Date of Birth : 1970-09-12 Sex : MALE  
Reason for refusal :  
Comments : TRP AMENDMENT

Contact Address : NONE

Postal Code :

Occupation Category :

Development location:

Visa number :

Citizenship country :

No of children :

Travel doc exp. date:

Immigration official:

Userid : BBS059

Enter PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12

HELP BACK MAIN REF QUIT REPT

DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG X3
2023 -01- 24
CAPE TOWN INTERNATIONAL AIRPORT PS25
KHAYELITSHA (70)

MAP : RRS15141 \*\* TRAVELLER'S RECORD SYSTEM \*\* LIB : REISLIVE  
PGM : RRS151P DETAILS OF TRAVELLER USER : MCS420 DATE : 2023-01-06

AEJ3

Comments :

TO CONTINUE TO VISIT ON HOLIDAY ONLY UNTIL 2021/12/31, TRV NO: LMBG34J, CONTR  
OL NO: AA0426693, REF NO: TRR3328466 NOT ALLOWED TO CHANGE STATUS WITHIN SOUTH  
AFRICA.

Enter: PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---  
HELP BACK MAIN REF COMNT QUIT REPT ALIAS MVME

DEPARTMENT OF HOME AFFAIRS	
PRIVATE BAG X3	
2023 -01- 24	
CAPE TOWN INTERNATIONAL AIRPORT T525	
KHAYELITSHA	(29)

PAGE 1 OF 2

MAP : RRS40611 \*\* TRAVELLER'S RECORD SYSTEM \*\*

LIB : REISLIVE

PGM : RRS406P

ENQUIRY ON TRP AMENDMENTS

USER : MCS420 DATE : 2023-01-06

REJ4

TRP number : LMBG34J Type of amendment: REPLACE TRP

Reference number: 1 Status : COMPLETED

Surname : DE RODEZ BENAVENT RUSELL

First names : DARREN CHARLES ALEXANDER

Traveller no : BBBGDM6WX Date of birth : 1970-09-12

Old TRP number : LMBG34J PR number :

TRP expiry date : 2021-12-31 Travel doc no new : 562491523

Old expiry date : 2021-12-31 Travel doc no old : 562491523

Date applied : 2021-11-08

Date captured : 2021-11-10

Date referred :

Date referred back :

Stat.traveller new : VBV Status date new : 2021-11-10

Stat.traveller old : VBV Status date old :

Travel doc type new: A Type traveller new : VBV

Travel doc type old: A Type traveller old : VBV

Enter PF1--PF2--PF3--PF4--PF5--PF6--PF7--PF8--PF9--PF10--PF11--PF12--

HELP BACK MAIN QUIT

DEPARTMENT OF HOME AFFAIRS
PRIVATE BAG 103
2023 -01- 24
CAPE TOWN INTERNATIONAL AIRPORT T5/25
KHAYELITSHA (39)

REJ



arrival. The home affairs affidavit states that I applied for a visa extension and was awarded a standard extension of 90 days. Which would have taken me to the end of June. However, applications were not necessary during 2021.

15.1. On 06 March 2021, The Department of Home Affairs published new regulations in Government Gazette 44335 "DR11" and "DR18". A year prior, special visa concessions were announced, which automatically extended visas that expired during the state of disaster. The then ongoing state of disaster was announced on 15 March 2020. The visa concessions allowed foreign nationals to remain in the country for as long as they chose to do so, subject to the concession criteria. The new concessions announced in March 2021 extended all tourist and s11(2) business visas which expired during the state of disaster, to 30 June 2021. Although only if arrival was between December 2019 and 14 March 2021. Which I did. Other visas were not included. No further concessions were expected beyond that period, but subsequently these were extended in total three times through all of 2021. For 2022 when travel restrictions had been lifted the exemption and waivers continued but there was a requirement that an application be submitted. The current stop date being 31 December 2023. And the only consequence of a decline is that the person must leave South Africa. Although with no penalty and would not be classified as "undesirable". Free to return when they wish.

15.2. The new regulations were to reduce the massive backlog of applications and address the fact that travel was impossible. The Home Affairs Department waiver under the Disasters Management Act of 2002 allowed anyone on a temporary visa (including tourist visa) to remain in SA. This was an automatic extension and did not need an application to be submitted.

15.3. Initially the period that applied to was up to 31 March 2021. That was then extended to 30 June 2021. Then extended again to 30 September 2021. And then again to 31 December 2021.

15.4. Throughout that time, I was in constant contact with visa agencies to ensure he stayed within the rules and asking to be kept informed so that when it looked likely that waiver would cease being extended, I could then apply for an extension "DR8".



- 15.5. Which I did towards the end of 2021 and was granted a visa extension up to the 31st of December 2021 “DR7” As can be seen by the passport. Statements that I had never extended since arrival are untrue.
- 15.6. Contrary to the statements from the Home Affairs Department, due to the automatic visa extensions I was under no obligation to leave South Africa on the 31st of March and as these were extended through to 2022, I was under no obligation to leave South Africa at any point in 2021 “DR9”.
- 15.7. I cannot comment on the criteria for choosing which Immigration Officers are instructed when providing information and affidavits in relation to such matters, but it is concerning that the communications from the two Home Affairs employees make no reference to the waiver that included the automatic extension of visas covering all of 2021, or to my application for and approval of the extension of the visa to 31 December 2021. Approval of which would not have been given had I been in South Africa illegally in the months prior to.
- 15.8. The automatic visa extension program was one of the most significant policy announcements the department has made and lasted almost a full year. It would be concerning that even one immigration officer was not aware of this policy and almost inconceivable that two Immigration officers were not aware “DR12, DR13, DR14”.
- 15.9. So, it would appear that two unrelated Home Affairs employees were both ignorant of one of the most important visas related policies of the last decade, the most important in terms of legislation relating to visas during the Covid pandemic, one that they would have had to reference dozens if not hundreds of times, that would have affected outcomes for visa holders, applications and appeals, in hundreds of cases over the course of the last two years. Who both then misread what the Home Affairs database says when checking a person’s file. And who both also missed the very clear note on that system which clearly shows any official that the automatic via extensions carried me onto 1st December 2022



15.10. The Home Affairs database clearly shows no crime was committed. Had it not been for the campaign by WDS, his clients with help from certain members of SAPS and the fabrication and manipulation that has been a key part of the strategy it is almost inconceivable that this matter would result in a charge or an intention by SAPS to prosecute?

15.11. In summary, I was completely within the rules and legally in South Africa for 2020 and all of 2021 and will go on to address the period since.

16. Addressing the very recent affidavit of Sergeant Stevens in relation to the immigration charge; In addition to the affidavits from the Home Affairs department the affidavit of Sergeant Stevens, deposed on 17 April 2023, a month after being granted bail, and four months after the arrest, contains a number of untrue statements.

16.1. I was never charged with any matter relating to my immigration status. I was only formally charged with regards to the three fraud cases on the arrest warrant

16.2. The subject has never been mentioned by Sergeant Stevens in any capacity whatsoever.  
Formal, or informal

16.3. The immigration breach or any issues related to it were not included in the warrant of arrest, they were not mentioned to me at the time of being arrested or subsequently during the 2-3 hours the police were in my home. It was not mentioned at any point during my time incarcerated at Hout Bay Police station or at any point subsequently.

16.4. The first and only occasion I have had any conversations with Sergeant Stevens related to any of these matters was after being granted bail when asking for my passport so I could apply for a visa extension.

16.5. I was unaware that the immigration matter was to result in a formal charge until some weeks into the remand period.



- 16.6. It is possibly instructive to note that Sergeant Stevens belated attempts to give the immigration matter a far greater role than it actually had in proceedings comes after all the charges were withdrawn, thereby leaving only the immigration charge. The only references being the statement of the two Home Affairs employees (the first being arranged by Sergeant Duna and or Commercial Crimes and the second by Sergeant Stevens of commercial crimes) followed by the very belated affidavit of Sergeant Stevens of 17 April 2023. Other than this there was no mention or inclusion of the immigration issue in any of the paperwork, documents, or conversations. There is no mention of the issue or issues related to the visa and immigration status in any other affidavits of any officers or officials.
17. During the state's evidence in CASI 5/08/2022, the investigating officer intimated that the state was attending to queries in respect of possible fraud charges against me.
18. After the charges were withdrawn against me on 6 October 2022 in respect of CAS 15/08/2022, nothing prevented me from leaving this Honourable Courts jurisdiction with or without a passport. I consciously elected to remain in South Africa notwithstanding pending investigations into fraud and the charge relating to the Act.
19. I was arrested on 14 December 2022 and first appearance was on 19 December 2022 under CAS 2/523/22. Thereafter, the matter was postponed to 6 January 2023, when it was postponed again to the 2nd of February. Following a postponement to 9 February 2023 on which date the matter was postponed to 13 March 2023 for the purposes of my bail application. In the end the Magistrate putting a stop to the Investigating Officers constant requests for more time, with a new request and reason for each delay at each appearance, including constantly changing charges, and laid down the 28th of February as the date by which they must settle on their charges.
20. The arrest was as I had predicted on many occasions over the preceding 6 months in a number of documents, dozens of emails and WhatsApp conversations, including my affidavit in the November hearing of the application for admission of oral evidence in the 16 Leirmans Road matter, as well as to my attorneys, to the British Embassy and others. Where I had said that the first arrest had only achieved a small portion of the goals of the clients of WDS and that the campaign would not stop



## THE MOST RECENT EXTENSION OF THE WAIVER PROGRAMME TO 30<sup>TH</sup> JUNE 2024



home affairs

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

DHA-57

230 Johannesburg Ramakhoase Street, Private Bag X114, Pretoria, 0001  
Parliamentary Office, 120 Plein Street, Private Bag X9048, Cape Town, 8000

DEPARTMENT OF HOME AFFAIRS

HEAD OFFICE  
PROVINCIAL INSPECTORATE  
VISA FACILITATION CENTRES

BORDER MANAGEMENT AUTHORITY

THE COMMISSIONER  
PORTS OF ENTRY

### CIRCULAR: EXTENSION OF TEMPORARY CONCESSION IN RESPECT OF FOREIGN NATIONALS IN LIGHT OF A CONTINUED BACKLOG IN PROCESSING OUTCOMES ON WAIVER APPLICATIONS, VISA APPLICATIONS AND APPEAL APPLICATIONS

1. The Department continues to battle a backlog in its visa and permitting regime. In a further attempt to address the impact that the backlog in processing outcomes on waiver-, and visa-, and appeal applications have on foreign nationals, I have approved the extension of the temporary measures to address the situation they find themselves in. The following temporary measures will apply with immediate effect.

2(a) **Applicants whose waiver application outcomes are still pending:** Visa holders who have applied for a waiver and the waiver application is still pending as at 30 November 2023 to be granted a further temporary extension until 30 June 2024 to enable the Department to process the applications and for applicants to collect their outcomes and submit applications for appropriate visas. For those who wish to abandon their waiver applications and depart from South Africa, they should be allowed to exit at a port of entry before or on 30 June 2024 without being declared undesirable in terms of section 30(1)(h) of the Immigration Act, read with regulation 27(3) of the Immigration Regulations. Visa holders who need to travel, but are awaiting the outcome of a waiver application, they should be allowed to exit and re-enter at a port of entry up to and including 30 June 2024, without being declared undesirable in terms of section 30(1)(h) of the Immigration Act, read with regulation 27(3) of the Immigration Regulations. However, non-visa exempt applicants who travel out of the country with a waiver application receipt are required to apply for a port of entry visa which would allow them re-entry into South Africa.

(b) **Applicants whose visa applications are still pending:** Visa holders who have applied for long-term visas (Visitor's Visas in terms of section 11(1)(b) and 11(6) of the Immigration Act; Business Visas, Study Visas, Relative's Visas and Work Visas) and the visa application is still pending as at 30 November 2023, to be granted a further temporary extension until 30 June 2024 of the current visa status. Applicants are not allowed to engage in any activity other than what the visa conditions provide for. For those who wish to abandon their

RE: IMPORTANT INFORMATION ON ENSURE SECURE SERVICES- NOTE



Sakhile Nxumalo <Sakhile.Nxumalo@fcdo.gov.uk>  
To Office@lacollectionprestige.com



28/11/2022

H Darren

I hope you are doing well.

I am sorry to respond late to your enquiry.

If you require your passport application to be expedited, unfortunately you must contact the Home Office directly. I am sorry we are unable to help with this.

When it comes to SAPS and IPID involvement, we can enquire about a case once there is a case reference number. This means you must open a case or a complaint, without this it is very difficult to engage with SAPS or IPID as they only investigate registered complaints or cases.

I'd also like to take this opportunity to ask if you consent to being contacted by our partner research agency, that collects feedback on our consular services?

We are constantly learning how we can improve, and in circumstances such as yours in South Africa – your feedback may be really useful as we build upon the service we deliver. It is optional, and you can opt out at any time by letting me know.

Regards  
Sakhi

---

**From:** Office@lacollectionprestige.com <Office@lacollectionprestige.com>

**Sent:** 11 November 2022 15:24

**To:** Sakhile Nxumalo <Sakhile.Nxumalo@fcdo.gov.uk>

**Subject:** RE: IMPORTANT INFORMATION ON ENSURE SECURE SERVICES- NOTE

RE: Extortion, intimidation, false arrest, false imprisonment, theft of British passport a...



Sakhile Nxumalo <Sakhile.Nxumalo@fcdo.gov.uk>  
To Office@lacollectionprestige.com



10/10/2022

Hi Darren

I am happy to hear that theft charges have been dropped against you.

Unlawful arrest is a criminal offence. You can open a criminal case or civil case against the police. I mentioned in my previous email that we cannot interfere in criminal or civil matters as the host government is responsible to investigate these matters.

It is unfortunate that we cannot investigate this, have you thought about reporting this to IPID as I suggested earlier?

Regards  
Sakhi

---


**From:** Office@lacollectionprestige.com <Office@lacollectionprestige.com>


**Sent:** 10 October 2022 11:37


**To:** Sakhile Nxumalo <sakhile.nxumalo@fco.gov.uk>


**Subject:** RE: Extortion, intimidation, false arrest, false imprisonment, theft of British passport and withholding of British passport for purposes of extortion


File Message Help


 Delete


 Archive


 Respond


 All Apps


 Quick Steps


 Move

 Tags

 Editing


 Immersive

 Translate

 Zoom

10/10/2022

RE: Extortion, intimidation, false arrest, false imprisonment, theft of British passport a...



Office@lacollectionprestige.com  
To: 'Sakhile Nxumalo'

↩

↩

→

⋮

Camera please in regards related matter of the theft and illegal withholding of my passport. Other British document where do I stand? And in particular the person who stole it from his politics Brie with a British citizen posed up how do I open a case in regards to the breaches of a criminal law the UK

**From:** Sakhile Nxumalo <[Sakhile.Nxumalo@fcdo.gov.uk](mailto:Sakhile.Nxumalo@fcdo.gov.uk)>  
**Sent:** 10 October 2022 08:50  
**To:** [Office@lacollectionprestige.com](mailto:Office@lacollectionprestige.com)  
**Subject:** RE: Extortion, intimidation, false arrest, false imprisonment, theft of British passport and withholding of British passport for purposes of extortion

Hi Darren


I am sorry you to hear such challenges you are facing with the local authorities.

I have contacted Hout Bay SAPS on many occasions looking for the detective responsible for your case and on all occasions I have been told he is out of office. The reason for this was to learn of the charges against you and monitor the court appearances in case you get detained again.

The United Kingdom signed the [Vienna Convention on Consular Relations](#), the international treaty that provides the framework for consular services between countries. The treaty states that we cannot interfere in the internal affairs of the host country when providing consular assistance.

In your case we cannot ensure your safety and security in South Africa (SA) or interfere in criminal or civil court proceedings. The relevant authorities in SA are responsible for your safety and security. We cannot get involved in private disputes or arrangements over property, employment, travel, commercial or other matters.

RE: IMPORTANT INFORMATION ON ENSURE SECURE SERVICES- NOTE



Sakhile Nxumalo <[Sakhile.Nxumalo@fcdo.gov.uk](mailto:Sakhile.Nxumalo@fcdo.gov.uk)>  
To: Office@lacollectionprestige.com

↩ Reply

↩ Reply All

→ Forward

⋮

Wed 02/11/2022 12:03

Hi Darren

I hope you are well.

I have been on leave the past 3 weeks, you might have noticed.

I have not been in touch with any private investigator about this matter. I only spoke to Hout Bay SAPS over the phone while I was looking for the investigating officer.

You mentioned that your passport is missing and you are unable to extend your visa. The consulate only issues Emergency Travel Documents (ETD) not fully validity passports, you will have to apply to Home Office again for your passport and also the Department of Home Affairs will require a full validity passport to extend your visa.

I have looked at the emails you sent while I was away and criminal activities that you detailed. It seems like this matter falls under organised crime and I am happy you have an attorney that is assisting you. With the assistance of your attorney and advise you can try to reach out to SAPS that deals with these kind of cases. Your attorney will know which structures in the SAPS can assist in these kind of cases.

It is unfortunate that we cannot investigate any criminal activities as it is the responsibility of the host government. I previously mentioned that the United Kingdom signed a treaty states that we cannot interfere in the internal affairs of the host country when providing consular assistance.

I hope this information is helpful.

Regards  
Sakhi

**From:** [Office@lacollectionprestige.com](mailto:Office@lacollectionprestige.com) <[Office@lacollectionprestige.com](mailto:Office@lacollectionprestige.com)>  
**Sent:** 25 October 2022 15:59  
**To:** Sakhile Nxumalo <[Sakhile.Nxumalo@fcdo.gov.uk](mailto:Sakhile.Nxumalo@fcdo.gov.uk)>  
**Cc:** [office@lacollectionprestige.com](mailto:office@lacollectionprestige.com)

# HIGH COURT JUDGEMENT : ILLEGAL EVICTION BY K BROAD, WDS, AIDED BY SAPS

HIGH COURT JUDGEMENT IN THE SPOILIATION PROCEEDINGS RE THE ILLEGAL EVICTION BY KEITH BROAD, WDS AND AIDED BY SAPS



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

Case number: 12525/2022

In the matter between:

**OLWETHU SOKANYILE**

**First Applicant**

**SILVESTER SIWEYA**

**Second Applicant**

**DARREN RUSSEL**

**Third Applicant**

and

**KEITH BROAD**

**First Respondent**

**ALL OCCUPIERS PRESENT AT 18 LIERMANS ROAD,  
LLANDUDNO, AND WHOSE IDENTITIES ARE  
UNKNOWN TO THE APPLICANTS**

**Second Respondent**

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**REASONS DELIVERED ON 24 AUGUST 2022**

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**VAN ZYL AJ:**

## **GENERAL BACKGROUND:**

13. This matter is closely related to Case Number 7902 of 2022 pending before this Honourable Court, wherein the first respondent is the first applicant and wherein the third applicant is the respondent.

14. So as to avoid unnecessary prolix, I refrain from annexing the full papers filed of record in the eviction application (which number in excess of 257 pages), but which shall be made available to this Honourable Court at the hearing of this matter.

15. The eviction matter is currently enrolled for hearing on 11 August 2022 (on the semi-urgent roll) and it has been agreed between the legal representatives of the parties that it will be postponed by agreement to 16 November 2022 for hearing.

16. I annex a true copy of the Order granted by this Honourable Court on 19 April 2022 marked “OS01”. It will be noted that the said Order makes provision for a foreign national, being Mr. Wellem Chirwa (a Malawian), to re-occupy the property “if he so wishes”. Mr. Chirwa has chosen not to re-occupy the property since date of the order and he therefore is therefore not cited herein as a party, given the nature of the relief sought and the fact that the applicants have no further knowledge of his whereabouts (Mr Chirwa stated in the eviction application that he was residing at 51 Isihingo Street, Joe Slovo, Milnerton).

17. The reasons for the abovementioned postponement fall outside the purview of this instant case. Suffice to say that as detailed below, Mr. Broad has taken the law into his own hands and effected an unlawful eviction of the applicants, despite the pending eviction application and despite prior warnings of the unlawfulness of such actions, and not for the first time. As a matter of fact this was at least the fourth time that Mr. Broad has acted unlawfully by spoliating the applicants.

18. It appears that Mr. Broad has lost confidence in his legal representatives and in the judicial process (perhaps realising or being advised that he is unlikely to succeed) and he thereupon decided to act unlawfully and without a court order, as detailed below.

#### **THE LEASE:**

19. As detailed in the eviction application, a lease agreement was concluded between Mr. Broad and Mr. Russel, pertaining to the property. The lease period was 24 months, being for the period 15 October 2021 to 14 October 2023. A copy of the lease agreement is annexed marked “OS02”. The lease further made provision for an option to renew, for a further period of three years (after 2023).

20. The lease agreement was concluded with the specific intention of occasionally subletting the property to short-term accommodation guests, generally via the usage of various hosting platforms (such as AirBNB). To this end, it was agreed that the property and its garden would be substantially refurbished by Mr. Russel, at his expense. He proceeded to do so, and expended a very significant amount of finances in so doing, which he hoped to recover from the short-term rentals.

21. The first respondent, via his attorneys and per the eviction application, contend cancellation of the lease agreement by the first respondent but which is denied and disputed by Mr. Russel. Determination of such cancellation and its consequence is currently pending in the eviction matter. I am advised that the subsistence or cancellation of the lease is not directly relevant to the spoliatory relief requested herein.

22. I however pause to annex a supplementary affidavit filed by the property practitioner, being a letting agent by name of Anton Moller at Rawson Properties, wherein he confirms the fact that Mr. Russel attempted to mislead the Court by claiming that due and payable amounts under the lease remained unpaid, which was simply false, as Mr. Moller confirms.

23. I occupied the property by virtue of the lease agreement, along with Mr. Siweya, and we assisted Mr. Russel in hosting short-term accommodation guests, as well as in generally cleaning and maintaining the property.

#### **THE PROTECTION ORDER:**

24. On the 2nd of March 2022, Mr. Russel obtained an interim protection order out of the Magistrate's Court at Cape Town against Mr. Broad, in terms of Act 17 of 2011.

25. The protection order is due to be heard next on 15 August 2022 and the interim order was extended at the appearance date on 26 May 2022. A true copy of the interim protection order is annexed marked "OS03".

26. The said order was obtained after the first respondent attended to the property on 1st March 2022 and proceeded to kick the door of the property into pieces, so that it had to be replaced. I was present during such attendance and action and can confirm it. During such attendance, the first respondent also threatened to assault the applicants.

27. In his answering affidavit in the protection order matter, the first respondent denied that he damages and destroyed the door, which was and is a blatant lie. The applicant have photographic and video evidence of the event.

28. It will be noted that interim order contains the usual provisions, inter alia that Mr. Broad is prohibited by the court from "3. 1.1.(a) engaging in or attempting to engage in harassment of (i) the complainant" (Mr. Russel) or "(ii) the following related person [...] any guests / tenants to whom complainant [...] lets / may let the premises at 16 Liermans Road, Llandudno" and "threatening complainant or related persons" and "(c)(ii)

[...] changing locks or breaking into the premises at 16 Liermans Road (“the premises”) or to “contact complainant / related persons [...]”.

29. The order proceeds to state that “Respondent may not enter the premises except for the purposes of inspection [...] or evict applicant / complainant or related persons or any tenants occupying the premises without a court order”.

30. As will be seen below, the respondents have shown a blatant disregard for the above provisions and the court order. Consequently, applicants have caused criminal cases of breach of a protection order, contravention of the provisions of Act 19 of 1998 (Prevention of Illegal Eviction from and Unlawful Occupation of Land Act) and assault to be laid against the respondents, as expanded upon below.

31. Applicants have also caused the warrant of arrest issued in terms of Act 17 of 2011 to be delivered to the South African Police Service and have requested the arrest of the first respondent. The applicants however have good cause to suspect that the officers in question will fail to act on the warrant and charges, and applicant urgently require the intervention of this Court.

#### PRIOR SPOILIATION BY MR BROAD

32. Mr Broad has spoliated the applicants on three prior occasions, as detailed in the eviction application and as briefly summarised below:

32.1. On 24th December 2021, in the late afternoon, Mr. Broad caused the property to be locked to applicants and Mr. Russel’s arriving short-term guest. Mr. Broad later restored access only after a telephone call from Mr. Loubser on behalf of applicants and on being warned of civil and criminal liability for his actions;

32.2. For the entire period of 31st January 2022 to 04th February 2022, I applicants were locked out of the property. Mr Russel thereby suffered damages in excess of R 273 000,00 thereby in lost two bookings and business

32.3. At the third unlawful lock-out on 27th February 2022, Mr. Russel suffered damages in excess of R 280 000,00, including R 120 000,00 and R160 000,00 for alternative accommodation for the guests as claimed by Steadfast Group (Pty) Ltd trading as “Steadfast Africa”. The guests, who had paid a significant sum for their holiday accommodation in advance, were standing outside the property holding their four-month old baby, after Mr. Russel had caused them to be locked out (via Mr. Chirwa);

32.4. As already mentioned, Mr Broad also attended to the property on 01st March 2022, when he threatened the applicants and destroyed property;

32.5. Mr. Broad was previously warned as to the consequences of proceeding as he did hereunder, which was inter alia confirmed per letter by applicants' representative to Mr. Broad's representatives (at the time) dated 01 March 2022. A copy of the letter is annexed marked "OS04" (as also included in the eviction application).

32.6. The said letter concludes,

"Further steps by your client to deprive our client of his rights will meet with vociferous civil litigation, with punitive costs, and our client will lay criminal complaints against your client. Should your client proceed to continue his attempts to unlawfully deprive our client of possession / access, he would be doing so at his peril. For so long as your client remains at the premises, he is continuing his act of spoliation, and he is to vacate immediately. Kindly have regard to the prescripts of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, No. 19 of 1998, as amended, in the event of any uncertainty regarding the lawfulness of your client's actions."

#### SPOILIATION BY RESPONDENTS ON 22 AND 24 JULY 2022

33. On 22 July 2022, I was called by short-term accommodation guests to the property. They stated that there were intruders at the property, who were demanding that they leave.

34. On arrival at around TIME, I encountered around four men of African descent and an elderly White man inside the property, and the latter said, "I am here on behalf of Mr Broad. I am a private investigating officer and we are here to remove you from the property." I responded by asking, "on what grounds?" to which the gentlemen responded "on the grounds that you are occupying the property illegally".

35. The abovementioned men were walking through the property, opening drawers and cupboards and generally invading the privacy of the occupants and guests, while telling them to leave. Mr. Russel was not present at the time, but Mr. Siweya was present.

36. The demeanour of the men was threatening and aggressive. I have subsequently, via our representative, learned that the private investigator's name is Mr. Wouter de Swart of 'Fox Forensics'. He appears to be registered as a private detective with the regulatory authority. I do not know the identity of the men who were present and they refused to provide me with information regarding their identities.

37. They threatened to assault us and I called the private security firm with whom we are contracted (PPA Security). After arrival of the private security, the men left, but they said that they would return on Sunday, 24



July 2022. I called the Hout Bay charge office of the South African Police Services four times, but there was no attendance.

38. On 24 July 2022 and at around 10h28, I was present at the property and I was busy in the kitchen, about to make breakfast for the guests. I heard a loud banging on the front door. Looking through the windows, I noticed a large number of men walking around the house and attempting to gain access to the house. Mr. Siweya was present, as well as a further assistant (who fears for his life and has requested to remain unnamed).

39. The investigator was present and once more confirmed that he was there on behalf of Mr. Broad. The unknown men were attempting to enter the house with a set of keys. I refused to let them enter, as I feared for my safety and the safety of our guests. I was further well-aware that the men would attempt an unlawful eviction (or worse).

40. I called the Hout Bay office of the South African Police Service (“SAPS”) four times, and the officer I spoke with eventually said that officers would attend to the scene. Sometime thereafter, members of the South African Police Service attended but they did not remain at the property for long. While the officers were there, I mentioned that applicants were lawful tenants and that the intruders were there to take over the house. I showed the officers the lease agreement. They said that they were departing to fetch the detective (I do not know what this means). I asked them to remain, as the men would undoubtedly attempt to force their way into the property, but this fell on deaf ears and they left. They seemed disinterested.

41. I called our private security firm but was told that they were under clear instructions from Mr. Broad not to become involved in the “removal of the illegal tenants”. This was strange, as we directly pay the accounts of the security provider.

42. At approximately 12h55, I received a call from our private security firm (being PPA). The person to whom I spoke, requested me to open the property and to come outside to discuss the matter with him.

43. While under the illusion that our contracted private security firm would protect us, I opened the garage / roller door and immediately after doing so, the men outside stormed the door and forced their way inside. One of them grabbed me by the jersey and threw me against the floor. Another man later pushed me against the wall. I estimate that there were around eight burly men present. I was told that if must leave the property and if I return, then I would be killed. The men also kicked my dog and threatened to kill my dog if I

return. Mr. Siweya sustained injuries as a result of the assaults by the unknown men, being abrasions on his neck.

44. Mr. Siweya and I attended to the Hout Bay Community Service Centre of SAPS on that same day, but the officers refused to assist us and to take our complaint, stating that only the person whose name appears on the lease can lay a complaint. While we were present, I heard the officers say to each other in isiXhosa that the matter would not go anywhere. Fortunately, the Cape Town Central SAPS office was willing to take our complaints, along with the complaint of Mr. Russel, on 25 July 2022. I am unable to confirm the case numbers at this time, but shall do so in replication, if necessary,

45. We subsequently learned that the men are apparently employed by 'Cerebros Tactical Services' but I cannot confirm this fact. I understand that the men have changed the locks at the property and are currently residing there. I was so informed by 'Bolkvest Security Services', who were called to the property to assist but who arrived only after the unlawful eviction of the applicants.

46. I confirm that I and Mr. Siweya were residing at the property at the time of the eviction and that we did not vacate willingly. Mr. Russel was elsewhere at the time but he generally resides at the property. All of us have personal belonging remaining in the property.

47. Mr. Russel has bespoke furniture in the property to the estimated value of around R 1 000 000,00. In addition and as detailed above, Mr. Russel has expended significant finances, being in excess of R 2 000 000,00 on refurbishing the property and he stands to lose several hundreds of thousand of Rand in revenue due to loss of income in lost bookings and refunds. The damages to reputation is severe and remains to be quantified.

#### **URGENCY:**

48. I am advised that applications of this nature are ipso facto urgent, so as to discourage self-help and to provide a robust and speedy remedy to applicants. I further humbly submit that the application is urgent for the reasons given supra and the harm and prejudice which the applicants will suffer, should the matter not be dealt with on an urgent basis.

49. I am further advised that the legitimacy or otherwise of occupation is irrelevant for applications such as the instant application.

50. Given the reluctance of the SAPS officers at Hout Bay to be of assistance to the applicant, I am advised that applicants' representative will request a directive that the officers must assist the applicants to be restored to the property and to ensure the respondents vacate, and to do so timeously.

51. Lastly, given the blatant contempt shown to the proceeding of both this Court and the Magistrates Court at Cape Town, and further in view of the prior actions by Mr. Broad and the warning given to him by applicants' legal representative, I submit that he should be ordered to pay the legal costs of the applicants on a punitive attorney and own client scale.

**NEWS24 DEFAMATION CREATED BY WOUTER DE SWARDT & HIS CLIENTS, AIDED  
BY SERG STEVENS, SERG DUNA, BELVILLE, SAPS**