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# CAUTION

"IF YOU DON'T DEFEND YOUR RIGHTS AS A CITIZEN  
OF SOUTH AFRICA, YOU WILL BE ROBBED OF THEM."

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Attention: **Public Protector Busisiwe Mkwabane**

c/o Vussy Mahlangu, Stoffel Fourie , Oupa Segalwe & Linda Molelekoa  
*and*

**NCOP Chair Thandi Modise**

c/o Mncedisi Skolo, Florence Ramosana & Llewellynn Claassen  
*and*

**NCOP Committee Petitions Chair Dumisani Ximbi**

c/o Nkanyiso Mkhize and Dr. Mimmy Gondwe

Reference: NCOP - Love Knysna Petition

OPP 7/2-000926/13WC-GRG & OPP 7/2-002573/16WC-GRG

OPP 7/2-002671/17WC-GRG & OPP 7/2-0002694/17WC-GRG

OPP 7/2-003944/18

Date: November 1 2018

Sent via: Email

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## THE DECEPTION OF THE OFFICE OF THE PUBLIC PROTECTOR

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## FOREWORD

1.

[Advocate Pierre de Vos wrote](#): "As the Supreme Court of Appeal pointed out, the question of '*who will guard the guards themselves?*' is not a new one. When a person or body is granted the right to exercise public power, the temptation will always arise to abuse that power. In modern constitutional states it has become widely accepted that in order to ensure governmental accountability, it is necessary for the guards to require a guard. If the guardians are not guarded themselves, they will be tempted to abuse their power. '*And in terms of our constitutional scheme, it is the Public Protector who guards the guards.*'"

2.

National Council of Provinces Chair Thandi Modise and Public Protector Busisiwe Mkwabane, who will guard the Office of the Public Protector?

## INTRODUCTION

3.

I'm the petitioner of what has been dubbed by the National Council of Provinces (NCOP) as the Love Knysna Petition. I submitted it on April 13 2015. It's now 3 years, 6 months and 19 days later. As much related corruption happened in between, and because context is important, the petition has been built upon.

4.

On June 13 2018, NCOP third order of the day was:

"Consideration of Report of Select Committee on Petitions and Executive Undertakings (Announcements, Tablings and Committee Reports, 11 December 2017, p4). Hearing of the Love Knysna Petition, held on 10 February 2016, 16 March 2016 and 24 March 2016, at Parliament."

5.

The report was adopted by all provinces except the Western Cape which was unsurprising considering the corruption and maladministration occurred in their territory and involves their leaders, particularly the Democratic Alliance (DA) which has repeatedly proven to serve itself and not the Public.

6.

The recommendations adopted by NCOP were:

- That the National Office of the Public Protector (OPP) investigate *all* the issues raised in the petition.
- That the National Office of the Public Protector further investigate the reluctance on the part of its Provincial Office to investigate the complaints raised in the petition.
- That the National Office of the Public Protector report to the Committee on the progress it has made in investigating the issues raised in the petition, within 60 days of the tabling of this report in the House.

7.

NCOP Chair Modise notified Public Protector Mkwebane on June 15 2018, starting the 60-day countdown for response, due August 14 2018.

8.

Thereafter, Chair Modise stated that the "Committee to finalise the report on the petition once processes referred to in recommendations have been concluded and the Committee has received information on the outcome of these processes."

9.

I'm unaware of Mkwebane's response, if any. I have made request to NCOP Committee

Petitions.

10.

However, on August 16 2018, I was sent a report entitled *'Progress updates on complaints Lodged with the Public Protector SA'*. It's composer was Gideon Landman, the Area Manager based in George who doubles as the supposed investigator of many of my complaints to the OPP (which tie in with my Love Knysna Petition).

11.

I assume Landman and his predecessor's long-running unhelpfulness versus the timing of his "consolidated" report means that its reaction to NCOP, and that, in turn, it'll be utilised by Public Protector Mkwebane in response to NCOP regarding the Love Knysna Petition.

12.

Alone or for that reason, it's important that I expose the report's deceit. Consequently, this letter is both refutation and emphasis on my concern to the Committee that the OPP is compromised in favour of corruption.

13.

It's my hope that Public Protector Busisiwe Mkwebane isn't involved and will act swiftly to remedy the situation.

14.

However, NCOP must be cautious and exclude the OPP from any decision that furthers investigation as the OPP may need to be investigated therein.

15.

I've previously presented NCOP with request for a Joint Task Team and I'm open to

further learned suggestion as to its composition.

## **BACKGROUND TO MY COMPLAINTS TO THE PUBLIC PROTECTOR (OPP)**

16.

This section isn't essential to all readers but does help context. It's especially for NCOP's researchers to understand and summarise for the House. The point I'm attempting to make is that the Office of the Public Protector (OPP) is unprofessional, deliberately evasive and practicing misconduct by not following their own procedures. You may want to jump to [REFUTATION OF PUBLIC PROTECTOR LANDMAN'S REPORT](#) before returning here.

17.

On June 10 2013, I reported the maladministration and crime of Knysna Tourism and the Knysna ISDF tender to the George branch of the OPP. The OPP investigator and then Regional Manager was Attorney Bruce Wessels. I warned him that it was possible that he would come under political pressure to drop my cases. He promised that he wouldn't and, with regards Knysna Tourism's funding and tenders, agreed that Public monies must, according to the Municipal Finance Management Act (MFMA), be followed wherever it goes, no matter how many times it changes hands.

18.

Via phone in November 2013, I'd spoken to OPP Wessels who sounded very flustered. He'd previously expressed knowledge and determination but now told me that he was under pressure from his bosses to drop my cases.

19.

On December 13 2013, OPP Wessels dismissed my Knysna Tourism complaint, stating that decision was reached after consultation with his superiors. That runs in line with what he told me on the phone. As Wessels was a Regional Head, I believe that may have been singular i.e. his superior being the Western Cape Representative of the OPP

Advocate Ruthen Janse van Rensburg. If there were more, they must be named. Wessels supplied an excuse that I knew from our meeting he knew to be a lie i.e. that the OPP had no jurisdiction for the tourism complaint. He supplied a letter by then Municipal Manager Lauren Waring stating such. He accepted it even though he knew she was lying. I'd been blocked, seemingly with collusion between the corrupt and the OPP. Importantly, my ISDF tender complaint wasn't mentioned at all, and no one would explain why.

20.

I made several emailed and telephonic complaints over ensuing years but no one at the OPP's national office would help me. Again, I was blocked.

21.

A series of court cases began against me, all launched by politicians and their friends associated with Knysna Tourism. Their goal was to silence me through protection orders and interdicts. I suffered ongoing propaganda, and would be falsely associated with child abuse and sociopathy. Throughout, Premier Zille and her inner circle of MEC Tourism Winde and MEC Local Government refused to help. All belonged to the DA, and the DA Federal Executive had also turned its back.

22.

On September 10 2014, the Mail & Guardian reported that OPP *"Janse van Rensburg is understood to have resigned some time ago. He was not available for an interview but he appears to still be based at the Public Protectors office in the Western Cape, when the M&G called the office on Wednesday."* If that report was correct, Van Rensburg was offered more money by the Premier, and he quit closer to when my first two cases were squashed (Tourism & ISDF tender), and strangely and improperly still had a relationship with his old office.

23.

On October 16 the same year, Ex-OPP WC Representative (Manager) Van Rensburg

advertised 11 positions for Zille's Forensic Investigation Unit (FIU). It would seem that he was taking over a unit given a much bigger budget and consequent scope.

24.

A blueprint for the FIU had been created Oct 30 2009. The FIU had seemed to exist in different form and without mandate or agreement but was to be made bigger and formalised under the Department of the Premier. Notably, it's mandate precluded investigating the bosses, giving Premier Helen Zille ultimate control:

- *"When an allegation has been made against a head of department, the Forensic Investigative Unit may only conduct an investigation after being instructed by the relevant Provincial Minister after consultation with the Premier."*
- *"The Forensic Investigative Unit may not investigate any matter where an allegation was made against the Premier of the Province or a provincial Minister."*

25.

At some stage, the FIU apparently changed its name to the Provincial Forensic Services (PFS).

26.

Notably, Zille, on her own cognisance, never ordered the FIU/PFS to investigate matters such as the economic crimes of Knysna Tourism and many other matters I reported to her. I never knew about the unit until 2018, and, until that stage, had no question marks over Van Rensburg.

27.

Note that OPP Van Rensburg was negatively associated with DA favouritism in at least two other cases whilst with the OPP, one involving Cape Nature and property, the other the TBWA-Hunt Lascaris tourism tender. I make no argument whether that was true or false but its worth mentioning considering what happened with me.

28.

In November 2015, OPP Tyrone Jacobs also resigned to join Zille's Provincial Forensic Services (PFS). Jacobs would likely have been hired by ex-OPP WC Representative Ruthen Janse van Rensburg who was the Director of PFS. At PFS, Jacobs would become his Deputy Director.

29.

I'm a citizen, without legal training nor the forensic experience of Van Rensburg and Wessels. It would seem impossible that I could be aware of the illegalities concerning Knysna Tourism and the ISDF tender yet they, as the OPP, couldn't.

30.

On June 22, the Cape Times announced that NCOP, in response to my petition, has said OPP must investigate. The OPP's Spokesperson Oupa Segalwe stated to the Cape Times that's he's aware of the matter. However, NCOP would take much longer before officially asking the OPP to explain its role and, in between, I would file more complaints with the OPP which would later be whitewashed. Importantly, Segalwe, who I would later fruitlessly complain to, was aware of me and the situation from early on.

31.

I'd made several more failed attempts to reach a higher ranking person at the OPP. However, on October 12 2016, I spoke to Linda Molelekoa who was the first person to listen properly. She asked me to email her and promised to make it a prerogative... yet every time I phoned, she was unavailable, and she never answered my email.

32.

As OPP Wessels had been replaced with OPP Landman in George, from October 26, I began laying new complaints with his office.

33.

I sent further complaint to the OPP's Acting Manager of Customer Services. This mentioned Bruce Wessels, my concern about the George office's impartiality, NCOP, and evidence. No response.

34.

On November 29, OPP Investigator Gideon Landman and associate, from the George Office of the Public Protector, met me at my home for approximately 2hrs. It seemed to be a positive meeting with serious investigation seeming guaranteed. The discussion was regards the number of my complaints. I considered it to all be one complaint but so as to assist Landman familiarise himself, I would send it as separate issues, to be built upon and looked at in context thereafter.

35.

The same week, I posted a DVD of the court cases and other evidence to the Landman. Although receipt was confirmed, he would ignore it in his later report.

36.

My December 6 2016 request to OPP Gideon Landman to send a query to NCOP, so as to unblock delay, was ignored.

37.

Starting January 7 2017, I sent several emails and made many calls to OPP's Head Office. Those contacted included Public Protector Busisiwe Mkhwebane and Deputy Public Protector Kevin Malunga through their respective staff, Betty Ngobeni and Ephraim Kabinde. Malunga was also contacted directly.

37.1 I repeatedly requested to speak to Public Protector Advocate Busisiwe Mkhwebane. I wanted her to be aware of the situation.

37.2 I wanted Bruce Wessels misconduct addressed.

37.3 I included my email to politicians asking them to help me get to Mkhwebane. The email mentioned the leadership crisis in Knysna - crazy staff turnover and empty positions (up to 8 months), as well as the intimidation I was experiencing.

38.

Deputy Director Malunga gave instruction to Western Cape Representative Sune Griessel but no one would tell me what it was.

39.

OPP Gideon Landman had a meeting scheduled with Knysna Municipality's Acting MM Douglas on 13 January 2017. It had been set up regards other issues, not me. Douglas failed to appear, I assumed dodged. Landman spoke to Dir Bevan Ellman instead. Notably, Ellman was about to leave his job so was the worst person to represent the Municipality. It was likely deliberate. I was told that my issues were raised but given no particulars except that time was short. Seemingly all that was achieved is that the Municipality knew the OPP was investigating my complaints and wouldn't respond without being formally notified. No info was gained. Landman emailed me to which I responded in detail. His future actions appear to have ignored most of what I said e.g. priorities, ways to speed up investigation, to use the opportunity of Director Bevan Ellman leaving to gain info etc.

40.

On January 28 2017, my complaint to the Public Protector's Customer Services strangely had A.R. Bodikologa (Investigator Complaints and Stakeholder Management) directing me back to the George Office I was complaining about.

41.

On February 9 2017, I sent detailed query to OPP Landman. I asked how did we go from aiming for administration to still assessing. Landman failed to acknowledge the contents of my email.

42.

Three days later, I send OPP Landman evidence that his office addressed then ANC REC Committee Member Ralph Stander's complaint against Tourism in manner that was in total contradiction to the response I received to my complaint. Landman told me he would draw the file and return to me by February 22. He never did and never has.

43.

February 14 2017, I essentially accuse OPP Landman of being a hypocrite. In 3 months, he'd failed to begin the investigation, not even sending simple queries to the Knysna Municipality, the DA or NCOP. I cc'd his boss in Cape Town, Sune Griessel, and Pretoria, Deputy PP Kevin Malunga and Ephraim Kabinde.

44.

February 16 2017, I queried OPP Landman why no one had responded to me (for years) regarding my complaint against his predecessor, Bruce Wessels. I query if he had yet sent a query to NCOP or Parliament.

45.

*In a second email, I state that "Complaint #8, regarding the firemen cannot be completed by information supplied by the Knysna Municipality as their previous employment by the City of Cape Town is directly relevant. So as to attempt to receive all information the same time rather than more delay, please will you address SAMWU and the City of Cape Town." He never did.*

46.

February 20 2017, I sent an email with attachments that again made it clear that the DA cannot be excluded from my complaints, and again requested that a query email be sent to the DA. I even provided a draft for consideration. I emphasise that the bursaries given to ANC Councillors were illegal. I informed that the contract of Knysna

Tourism CEO Greg Vogt, who was at the heart of the corruption, would be ending June 30 2017 i.e. only 4 months left to interview him.

47.

OPP Amos Bodikologa again ran me in circles. It made no sense that my complaint to Head Office against the George branch is dealt with by directing me to the George branch.

48.

Knysna Municipal Manager Grant Easton quits during his disciplinary hearing, after hearing days of evidence against himself. The process costs the taxpayer approximately R2-million. No criminal charges are laid against Easton. I inform OPP Landman that Easton has quit and repeat how important it is that he be interviewed in case he becomes unreachable. A year and a half later, Easton, who is in the middle of much impropriety, has never been questioned.

49.

Previously lacking in my evidence was the calls between myself and staff of the Public Protector. My angry emails would be better understood in the context of their telephonic lies and evasion. This time, on March 17 2017, I recorded the conversation between myself and OPP Gideon Landman.

49.1 After 5 months, Landman hadn't queried the DA.

49.2 Landman had done no investigation, only asked Knysna Municipality for info.

**49.3 Landman is blatantly evasive regards his predecessor, Bruce Wessels, whom I want investigated. That part is essential listening!**

**49.4 Landman agrees to be recorded but after he realises he's screwed up, he tries to claim the recording is illegal. He was acting like a man with a lot to hide. My worry multiplied.**

50.

According to his PA Jane, Deputy Public Protector Malunga had given the responsibility of handling my queries and complaints to OPP Mothupi. Instead, I'd previously received the unhelpful emails from OPP Amos Bodikologa referring me back to the George Branch which I was complaining about. Mothupi never responded to the message I left on his answering service.

51.

During the conversation with OPP Gideon Landman that I'd recorded, he'd insisted that him meeting me was impossible (refer to para 49 above). I believe because he realised he'd been recorded screwing up, he suddenly decided to meet with me on March 24 2017. He did so with one day notice, knowing I was broke and had no transport, yet insisting I must see him at his office 60km away from Knysna. It's possible he'd hoped I wouldn't be able to make it but could say he'd offered. I would never have missed the opportunity to set the record straight, and on record.

52.

I met with Landman in the OPP's George branch on March 24 2017.

52.1 Early morning, on the day of the meeting, I forwarded Landman 3 pages of the charge sheet against now ex-MM Grant Easton. I'd found it anonymously stuck into the crack in my front home door. I later met Landman for that meeting that lasted over 3 hours, a decent period for a man who'd insisted he was unavailable. I recorded it.

52.2 In hindsight, I want Landman to explain exactly how he followed his office's own guidelines; the time periods for acting on a complaint, and how the Knysna Municipality could have been made to comply with his requests. He must also explain how he never stuck to the 6 weeks he lied about in this meeting. It would be another year and a half before he'd issue an 'update' on his 'investigation'. He must also reveal his communications with his boss, Western cape Representative of the OPP Sune Griessels.

52.3 Landman was again evasive regarding the DA.

52.4 Landman was again evasive regarding previous investigator, Bruce Wessels.

- 52.5 Why was context ignored. My complaints couldn't see be seen in isolation. Can the OPP investigate corruption on a complaint whilst ignoring other related corruption they encounter?
- 52.6 Landman stated that the alleged graft of Director Community Services Dawie Adonis was being addressed together with the complaint against his illegal appointment. That would prove to be lie when Landman's August 2018 report came out.
- 52.7 How could PAIA appeal processes be relevant when my complaint #6 was about severe suppression of info, obstruction and intimidation?
- 52.8 Landman: *"I'm playing around with this idea... especially approaching from this holistic approach of yours... as to the Municipality, as such... nothing prevents us from requesting the MEC for Local Government to place the Municipality under administration, based on the number of complaints that we've received, like they did in Oudtshoorn."* **[Besides my complaints, how many others had the OPP received. I know of at least two other complainants, Ralph Stander and Susan Campbell].**
- 52.9 I express that people in Knysna Municipality will talk. It just requires Landman to question them.
- 52.10 I expressed the importance of several witnesses which Landman said he'd meet. He lied.
- 52.11 I emphasised that he had to look at the situation in context.
- 52.12 Landman stated that he has to consult with his boss, Western Cape representative for the OPP, Sune Griessels in Cape Town.

53.

On May 3 2017, I reminded Landman to interview witnesses.

54.

In March, I'd PAIAed the OPP for the info they're given to NCOP for the next hearing. As the OPP has failed to respond for 6 weeks, I laid complaint with Pretoria and Cape Town, ccing Landman. The urgency was that the next hearing of NCOP was on May 24 2018. The OPP and WC should have been transparent. I should have been allowed to prepare. That PAIA was never answered.

55.

I'd sent a series of emails to the OPP since May 4 2017, regards that unanswered PAIA. I was frustrated after years of similar behaviour. On May 10, Sune Griessel made the mistake of sending me an email that was meant for Landman. She cast doubt on me having PAIAed and ended with **"This allegations make me uneasy... It does not stop and seems to escalate. Maybe we should sit and discuss way forward next visit."** I responded strongly to which Griessel, obviously realising she'd screwed up, offered a meeting with her and Landman. My primary email address was suspiciously bounced by the OPPs server. I offered dates from another edress. Two days later, she acted evasively. The meeting with Griessel would never happened. Meanwhile, I heard that she was going to appear before NCOP (Griessel appeared before NCOP on May 24 2018 but said little and wasn't asked any relevant questions by the Committee). What was the results of Landman and Griessel's discussion regarding me and why were they acting in this manner instead of with transparency?

56.

On May 14 2018, I complained again to OPP's in Pretoria.

57.

Two days after the hearing before the NCOP Committee, the Knysna Municipality issued a lying press release, mentioning the OPP. To OPP Landman and Griessel, I emailed a quote from the press release, *"The Knysna Municipality is aware that, as was submitted to the committee on Wednesday, 25 May by the Public Protector, the complaint by Hampton had been finalized by their office and no adverse findings were made."* Why did the OPP never address that lie by the Municipality?

58.

I requested that Landman, *"Please provide me an update on my complaints. 26 days into the month in which you said my case would be priority but you have so far failed to volunteer information, question suggested people, or ask me questions."* I also queried the meeting that Griessels had offered but had never happened.

59.

A series of emails were sent to Oupa Segalwe, then Spokesperson and a high ranking OPP member. His responding emails ignored context from our calls. I asked detailed questions, especially regards Landman's failure to question people, especially the DA. Segalwe ignored me.

60.

Under severe propaganda attack by the DA, I angrily emailed OPP Griessel on May 28 regarding the meeting she had lied about. She never responded.

61.

June 1, Landman emailed me what appeared to be a delaying tactic. *"Please note that in some of the responses we received from the Municipality reference was made to legislation as a basis for not providing sufficient information. This legislation requires research on our part in order to ascertain whether we agree with them."* The only arguments the Municipality could have for being unhelpful would be with regards my PAIAs and not the majority of my complaints. And with regards PAIAs, Landman would well know the small amount of applicable law. He was lying. I requested clarity.

62.

Another email from me to Landman the same day asked about the meeting with Griessel and provided update on the escalating situation in Knysna. I also questioned why he'd yet to interview any of the people we'd spoken about.

63.

OPP Landman's response included the lie, *"As previously indicated you can expect to receive a detailed update on all your complaints lodged with this office in due course."* It implied soon but it would take another 14 months, forced by NCOP. He never responded regarding the interviews.

64.

I contact new OPP Spokesperson Cleopatra Mosana for help. I tried her, hoping that her appointment meant she was close to Public Protector Busisiwe Mkhwebane who was possibly besieged by her predecessor Thuli Madonsela's staff. Telephonically, I told Mosana my suspicions that staff were uncooperative regards the DA and possibly blocking information getting to Mkhwebane. Mosana surprisingly confirmed that was true, that there were instances of info getting blocked.

65.

June 7 2017, the first day of the Great Knysna Fire. My rented home and possessions, including court papers and unreleased secret evidence burnt. I contact Mosana to tell that I'd need an extra day to send her more info.

66.

OPP Spokesperson Mosana had told me that she would speak to Mkhwebane about me. But after several weeks, she hadn't contacted me which led to me sending several emails. She never responded. I was blocked at every turn. I now believed that Mkhwebane was part of the problem too.

67.

OPP Landman sent me query regarding my complaint against Councillor Rowan Spies who'd previously been involved in graft and fraud. It proves that not only hadn't Landman investigated, that he hadn't even gone through the documents I'd sent him 7 months earlier.

68.

There'd be calls from me to Landman regards Budget Manager Avitha Sunkar. Despite it been made clear that it was my complaint, and not a complaint on behalf of her, he persisted with that angle, as if he was trying to find reason to block investigation which was alone valid in her being paid almost a million to sit at home until her

delayed suspension hearings were finalised, despite her main complainants having left the employ of the Knysna Municipality (an ex-CFO and now disgrace ex-MM). My suspicions regarding Landman in this regard would come true in his August 2018 report. Notably, Landman said that Sunkhar had been in contact with his office but I assumed that only a telephone call took place.

69.

On September 6 2017, I sent the OPP the article I was going to publish regards the Knysna Fire and the threats by the fire department against me. Landman responded the following day saying he's received info from Knysna Municipality regards the suspicious appointment of the Fire Chief. I point out that he's missing the bigger picture again, here the threats against me and the link to illegally appointed Director Adonis.

70.

On January 7 2018, I send the OPP the September recommendations of NCOP Committee Petitions which includes the OPP reporting back to them within 60 days. The House had yet to table it.

71.

Suddenly, 3 days later, OPP Landman had a change in attitude and wanted to meet on Jan 25 2018. I knew I couldn't trust him and thus stated that he must first list what he's done so far, and what his intentions are. The meeting needed value rather than him pretending to NCOP that 'd been busy.

72.

The following day, January 11 2018, Landman responded regarding only one complaint, regurgitating what the Municipality had told him. There clearly hadn't been investigation. Additionally, he'd previously told me he'd received info regarding my PAIAs. I told him that I'd respond once he sent me a summary of all. I was trying to ensure that he was on record. Landman said he would do so within 2 weeks and would

then send me a monthly report so I knew there was communication. This sudden pretense at helpfulness was obviously because of NCOPs order to the OPP. I stated that he should send one by one and I'll respond to all. I wanted it to be in context. Landman said he'd be interviewing MM Kam Chetty in February. I stated that by me supplying one response, it will be easier for him to question Chetty and others the same day (I was seeking ways to stop the constant delays and make interviews more fruitful).

73.

On January 12, Landman responded to my complaint regards the Communications Manager and Mayor's Office Manager. He briefly provided the Municipality's position. He clearly hadn't investigated again. He asked me for feedback which was ridiculous since he'd ignored what should've been his starting point, my detailed complaint to the OPP which clearly proved the Municipality wrong.

74.

On January 17, OPP Landman responded as meaninglessly as he had on Jan 12. This time he was responding to my PAIA's. Again he quoted the Municipality's position and seemed to agree with them i.e. Municipality can deny PAIA's on several grounds. What he didn't do is determine whether the reasons for denial were true or not. He just took their side. He also stated that because I hadn't appealed, I hadn't finished my options and thus the OPP couldn't be involved. This should be irrelevant in context; the extreme intimidation I'd fallen under for investigating and exposing corruption, the Municipality's refusal to answer my complaints (not PAIA) and their illegal upping of the PAIA fee. As long suspected, the OPP had chosen a side.

75.

On January 23 2018, I made appeal to Public Protector Mkwebane. I sent one document entitled DA corruption and included a few supporting pieces of evidence.

76.

As I'd had no response from the OPP, in particular Mkhwebane, I followed up with her assistant on January 29 2018. I began the email with *"Betty Ngobeni, owing to your repeated failure to respond to my emails to you, and to my emails to Public Protector Busisiwe Mkhwebane via you, I sent a parcel with tracking number, addressed to Busisiwe (images attached). I have confirmation of receipt for Jan 24, 5 days ago..."* I attached proof that it was received by the OPP.

77.

Two days after I emailed, Ngobeni responded that they hadn't received the package. Notably, Ngobeni never disputed my accusation that she'd previously been uncooperative. I repeated that proof of receipt had been sent. Ngobeni never responded but, the same day, I received acknowledgement on a letterhead from Senior Manager Complaints & Stakeholder Management K Masibi. The letter, on an official letterhead with reference 7/2-003944/18, was vague. Additionally, it was obvious that Mwebane wasn't going to receive my complaint. I asked *"Please provide me a timeline for the handling of my complaint, summarise what the complaint is about, and state who is dealing with it."* Not only wasn't there response, I never heard from her or anyone about it again.

78.

On January 31 2018, I emailed OPP Landman for an update on his meeting with Knysna Municipality, when and who else he was going to meet. Landman stated *"The meeting scheduled with the Municipal Manager is for the 13 February 2018 and will deal mainly with the fact that our office was not provided with sufficient documentary evidence in all the matters previously raised with the Municipality. Furthermore, in respect of the complaint against the Bitou Municipality, we had a meeting with the Manager Legal services during January 2018 and was given an undertaking that the requested information and evidence will soon be delivered to our office. Earlier this week we forward a reminder to the Municipality to expedite the providing of the information to our office. Lastly, please be advised that, although you matters have been prioritised, writer still has other investigations to attend to as well. Everything*

*humanly possible is being done to expedite the finalization of your matters.*" Regards the latter, I've no doubt Landman was lying. After all, he admitted that he was only meeting Chetty and that it's was only to try get info the Municipality was seemingly reluctant to give. No practical progress had been made so far. Nevertheless, I was polite and encouraging in my response. I repeated that it was essential to interview Councillor Peter Myers who'd likely be cooperative as he was under political pressure. Landman never met him. As the DA was again not mentioned by Landman, I added: "*When are you going to interview Helen Zille????????????*" He never responded, the evasion concerning the subject of the DA continued.

79.

To ensure OPP Landman was again made aware of the opportunity in interviewing Myers, on February 3 2018 I forwarded him my complaint to the DA FedEx regards Myer's pending disciplinary hearing.

80.

On February 5, OPP Landman added 'update' regarding the illegal bursaries given to ANC Councillors Witbooi and De Vries. Landman clearly hadn't compared the emails the Municipality had sent him with the info in my complaint.

81.

To again ensure OPP Landman was aware of the opportunity in interviewing Myers, on February 5 I sent background on Myers which was acknowledged.

82.

On February 6 2018, to ensure OPP Landman understood context before his meeting with Municipal Manager Chetty, I sent him my summary of the whole complaint, entitled 'The DA Bible'. I sent the same to Chetty so that Chetty couldn't claim ignorance during the interview, and thus cause more delay. It must also be noted that Landman had likely had previous dealings with Chetty when the latter was made the Administrator of Oudtshoorn by MEC Anton Bredell.

83.

I made the mistake of thinking Landman's meeting was with the Municipality the same day but that only meant that he'd received my message a day early. I asked him to:

- Query and retrieve the hidden report into the illegal use of Public monies by Mayor Spies and Wolmarans for personal lawyers against me.
- *"Note that PAIAs are useless because I'm blocked. They will charge me when they shouldn't only to give me no answers. If they aren't answering you, why would they answer me. Very importantly, last time, they denied waiving the fees and illegally upped the fee to R150 per PAIA (proof attached). I say illegal because by law, as you will know, it is R35. I've had the SAHRC confirm that."*

84.

I also sent questions that Landman should ask Chetty.

85.

OPP Landman met with KM MM Chetty. From emails I received thereafter, it would appear that the meeting was useless. **It must be determined what happened in that meeting with Chetty and Landman. Recording?**

86.

3 days later, I requested feedback on the Landman/Chetty meeting. Landman said he'd respond but he never did. I repeated that Councillor Myers, Premier Zille and the DA FedEx needed to be questioned on record.

87.

A second email was sent to Landman the same day regards threats by Advocate Julie Seton, a well known local DA figure, who used the term "we" - notable because I've always stated there's DA conspiracy against me and that she's the ringleader for their court cases against me. Here, she'd clearly spoken on behalf of Wayne Sternsdorf, one

of the firemen mentioned in my complaints whom she'd previously claimed she was representing, and I'd alleged she was the secret organiser of that case against me. It's no coincidence that Sternsdorf, who is also her neighbour, the same day emailed me the protection order he gained through perjury against me (which the court clerk had failed to send despite my repeated requests).

88.

On February 19 2018, Landman sent me 'feedback' regarding:

- My complaint regarding East Head leases. Landman stated that the Municipality denied there having been a report by the ex-CFO against the lease. Landman stated Muni never supplied supporting documents to show process was followed. Landman never pointed out that my evidence showed that to be a lie.
- My complaint against the illegal appointment of Dir Community Services Dawie Adonis. Again, the Municipality had failed to supply evidence to back themselves.

It was again blatant that Landman had failed to take into account the details of my complaints and supporting evidence. Consequently, I again stated that I'd respond once I had all his 'assessments'. He again lied that my cases were prioritised.

I criticised strongly, ensuring to mention the topic he was continuously avoiding – the DA: *"I don't understand. One failed meeting and a few tidbits of mostly useless info isn't investigation, it's part of the continued delay, amplified by your refusal to address the DA's role. It may well be that you're giving them more opportunity to damage me. You cannot protest that whilst you've shown no concern for my health. The Public Protector isn't supposed to piss on whistleblowers, it's supposed to embrace them. You've yet to demonstrate sincerity."*

**Landman stated that he had to provide his boss (Griessel) weekly reports. Those reports need to be obtained. Her role in this mess must be detailed.**

89.

On January 31, I'd been given a reference number for my complaint to OPP head office -

7/2-003944/18. Despite it been intended for PTA only, on Feb 22 2018 I received an email from the George Office saying they'd received my complaint. I angrily emailed Public Protector Mkwane's assistant Betty Ngobeni. My words included: "*You cannot allocate my complaints to the George office when my complaints are against the George Office, and Betty refuses to explain exactly what the complaint is... I STATE VERY CLEARLY THAT MY COMPLAINTS ARE TO BE ADDRESSED BY PRETORIA ONLY.*" Ngobeni emailed Juliet Nkabinde and Oupa Segalwe from Customer Services to attend to my objection. They never responded.

## 90.

On March 23 2018, OPP Landman sent his first interesting email, 16 months after he'd first met me.

90.1 Landman met with Johnny Douglas on March 16 2018. Douglas had been pushed out of Knysna and thus MEC Bredell moved him to neighbouring Bitou Municipality where he'd retained the title Acting Municipal Manager. Regarding my complaint against Rowan Spies for fraud and graft, Landman stated that he'd received "volumes of documentary evidence." This would later be totally ignored in his August 2018 report.

90.2 Landman wanted to know if new KM MM Kam Chetty had contacted me regarding my complaints as he had told Landman he would. "*We are still awaiting Mr Chetty's written response to your questions raised in your email dated 12 February.*" That meant that Chetty had been uncooperative for 6 weeks.

90.3 "*The Office of the Premier of the Western Cape Province will also be contacted soon to ascertain whether not not there were any responses to any of your correspondence.*" **That's important, It's the first and last time that Landman mentioned the DA leadership, even if it was in the dual role as Premier. Did he contact her? If so, what was her response?**

I responded in detail on March 27 2018.

On March 27 2018, I gave OPP Landman the most important update so far. He acknowledged receiving it but that became irrelevant when he never answered my questions and ignored the evidence in his August report.

Topics:

- Was Johnny Douglas, now Acting MM of Bitou, questioned by Landman regarding his role in Knysna?
- Powerful new evidence proved Rowan Spies' fraud.
- Mayor Spies, his ex-wife, was linked to the company that claimed fraud.
- There were allegations that Rowan Spies had his rehab paid for by a property developer seeking favours.
- Rowan had failed to appear in court for crimen injuria and had a warrant of arrest against him.
- Despite rehab and warrant, Rowan was promoted to Eden District MAYCO.
- To query MM Chetty for my Colab reference numbers which are supposed to be allocated to complaints.
- MM Chetty defied councillors, refusing to hand over report into illegal use of Public funds for personal use to threaten me with lawyers.
- Why PAIA fees illegally upped to R150. Provide SAHRC email stating it illegal.
- Warn Landman that Fire Chief Clinton Manuel is leaving Knysna, returning to CPT. Needs to be interviewed.
- Reminded that DA trying to get rid of their Clr Myers who would be useful regards several issues (if ever interviewed).
- Again provide my complaint to Policing Complaints Commission. Stated Knysna SAPS Capt Kidd strangely contacted me.
- Landman queried me whether I reported Young and Seton to Speaker. I provided 19 emails wherein the two were mentioned directly or indirectly to Mayor Spies and Speaker Wolmarans. This would also be ignored in his August 2018 report.
- Added that Seton attempted to become a Director [the outcry scuppered her chances but that she was short-listed without relevant qualifications adds to rumour that was Spies' faction's plan]. That failure never deterred them. Without advertising, she was made secretary to the Planning Tribunal where that faction hoped to undermine their enemy Susan Campbell].

- Mayor Spies and Speaker Wolmarans were aware of several of my complaints through my concise 'Elephants in the Room' complaint to Council (which Landman was in possession of but had ignored, despite copies having been signed for every councillor).
- Although Landman was already in possession of the info, I attached a few emails to Zille (and read receipts). I did so for emphasis, as he was mentioning (via email) contacting her for the first time (which I doubt he did). I reiterated the my meeting with her before the 2016 elections that made her complicit in wrongdoing.
- I added that my complaint against Zille and Bredell to Local Govt Graham Paulse hadn't been acted upon.
- Attached Cliffe Dekker Hofmeyr report against Knysna Tourism. Stated that MEC Alan Winde had ordered Tourism be funded illegally again.
- Mention Councillor Myer's funding of Councillor Waxa, and loan to Spies just before elections.
- AG finally removed Knysna's 'clean audit':
  - R14-million in irregular and wasteful expenditure.
  - Municipality failed to take disciplinary action or lay criminal charges against anyone except ex-MM Easton who quit.
  - Auditor General's found the appointment of Christopher Bezuidenhout (ex-Communication Manager) as Mayor Spies' Office Manager and the contracting of Fran Kirsten as the Communications Manager to be wrongful. Kirsten alone R382,545,00 irregular expenditure. I requested that Landman re-read my complaint, especially listening to the audio recording of my meeting with most of those involved.
- Sedgefield Station Commander (fireman) Wayne Sternsdorf was granted a final protection order against me despite his case being based on blatant perjury which was in evidence. The Magistrate refused to answer questions, explain response to motions (which included request for her recusal) etc. She ruled against witnesses and rejected evidence she had already accepted. Despite the right to speedy trial and anticipation of court action, my request for anticipation was ignored and the trial was dragged out for 18 months – it's one way in which they silence me.
- Chief Magistrate Isak van der Merwe had failed to respond to my complaint regarding judicial and lawyer bias in the Knysna Magistrates Court.

- Councillor Martin Young applied for a Protection Order against me. Interim order granted despite Young's own evidence making him look bad. This despite his constant threats and propaganda.
- Asked if Landman had read the court documents I provided him via the data DVD.
- DA Federal Legal Chair Nicholas Gotsell and Glynnis Breytenbach would not respond to my request for my evidence to be heard in the disciplinary against Councillor Myers.
- *"Again, it's notable that you do not address the Democratic Alliance's (DA) role directly. Mostly for that reason I CC your boss, Sune Griessel, as I believe that reluctance is part of her reluctance and your national office's reluctance to address DA corruption. No reasonable person can say that there isn't evidence of DA involvement or that the biggest mess isn't in their hands."*
- *"When will you interview others I've recommended e.g. Councillor Peter Myers, Ingrid Erlank, Susan Campbell etc.? I've the feeling that CFO Mbulelo Memani wants to avoid this mess and thus may be helpful in explaining the actions of other directors. And what of the likes of Councillor Martin Young and DA Federal Executive Chair James Selfe?"*

OPP WC Representative Sune Griessel, Landman's boss, sent sarcastic email on April 4 2018. Nevertheless, proof that she received same info as Landman.

92.

June 13, NCOP tables my petition. Orders OPP to respond. Email expressing such sent 2 days later.

93.

June 14, I spoke to Public Protector CEO Vussy Mahlangu via telephone, informed him of NCOP's orders, and then emailed him information. I made it clear that, *"I do not trust Landman and Griessel as well as some other staff in PTA. If the OPP has been protecting the DA, I hope that ends now."*

94.

OPP CEO Mahlangu emailed me that my complaint was being attended to.

OPP Nthoriseng Motsitsi emailed me too, also addressing Mahlangu, Stoffel Fourie , Jackie Manale, Oupa Segalwe, Thobi Zuma, Juliet Nkabinde. I'm told:

*"Adv Stoffel Fourie as the new Executive Manager/ Provincial Representative for Western Cape to assessment and reply to you and the CEO....PPSA Head Office to see if there is an existing file regarding the cases you have referred to the CEO and if not we will open the file and the matter will be assessed and allocated to the relevant Investigative Branch."*

I responded to Stoffel with optimism and my availability, even offering to travel to East London (where he was). He never responded in kind. That was the last time the OPP pretended to be helpful.

95.

I contact OPP Stoffel Fourie who said that he needed to familiarise myself with my case.

96.

On June 27, I informed OPP Fourie that I was going incognito and that he must only contact me through an email address that I've created for his use only. I wanted to ensure an evidence trail if needed. I wanted to be safe. Although I didn't reveal that it was with regards my suspicions concerning ex-OPP Advocate Ruthen Janse van Rensburg becoming Helen Zille's staff, I told Fourie that I'd found a jigsaw piece in my saga with the OPP. I sent OPP Fourie another email the same day, pointing out that the Office of the Public Protector has done nothing the first 14 days of the 60-day deadline NCOP gave them. So as not to rely on OPP Landman providing relevant information to Fourie, I told Fourie I'd send him the info. Fourie never responded.

97.

The following day, I uploaded all NCOP files and sent OPP Stoffel Fourie the links. Fourie never responded.

98.

July 23 2018, I pointed out to Fourie that 20 days has passed with no investigation. I queried OPP Wessels and Landman's failures as well as more. I attached the important March 27 letter I had sent to Landman, as emphasis and to suggest their similar behaviour. I included download links to mp3s of: March 17 2017 phone call between myself and Gideon Landman; and resultant May 24 2017 meeting.

99.

July 4 2018, OPP Fourie sent me an email saying he'd missed my call the day before because of a family emergency.

99.1 There have been several calls, previously ignored.

99.2 Fourie said, *"I have made arrangements to discuss the status of the investigation on the matters that you have raised with our Western Cape Provincial Representative [Sune Griessel] when I will be visiting our Cape Town office next week and will then revert to you."*

99.3 Fourie fails to use the special email address I had set up for only him to use.

99.4 Consequently, I attached all the emails sent to Fourie, Ccing Griessel, Landman and CEO Mahlangu. None can claim to be unaware of the facts therein.

99.5 Fourie never reverted back to me. Correspondence between him and Griessel must be obtained.

99.6 Landman's August report would ignore the info within my emails to Fourie.

100.

I sent an email to OPP Fourie, Griessel and Landman reminding that my complaints must be looked at in context, and that the situation was in emergency:

100.1 I provided summary of the deepening chaos in Knysna, blow by blow the past 5 months.

100.2 This was an important email so its notable that Stoffel Fourie deleted my emails. It's obvious that he wasn't providing the oversight CEO Mahlangu stated. I was being blocked again.

100.3 None acknowledge my email.

101.

July 17 2018, OPP CEO Vussy Mahlangu asked me to patient. I responded why should I. It's obvious nothing good was happening.

102.

July 20 2018, I informed Landman that:

102.1 Municipal Manager Chetty had quit with no public explanation;

102.2 That Acting MM Johnny Douglas was returning;

103.3 And that Susan Campbell was accusing Douglas of R4-million maladministration regarding one of the East Head leases. The article I attached stated that Douglas had given a contract to a company without tender that had never met the BEE requirements.

In 20 months, despite mentioned strongly in our first meeting and several times since, Landman had yet to interview Susan Campbell.

103.

**I informed OPP Landman. Fourie and Mahlangu of the assassination of Knysna ANC Chief Whip Victor Molosi. My point is that the situation was deteriorating**

**whilst not being addressed. This also failed to stimulate the OPP into response or action.**

104.

July 29, I informed Landman whilst Ccing Mahlangu and Fourie, that other municipalities were being funded in the same illegal manner as Knysna and that Premier candidate Winde had a lot to lose. I accused Landman and the OPP of still protecting the DA, having not interviewed Winde as well as Susan Campbell and Ingrid Erlank. Landman responded, saying that he'd include the information in his August report, and respond to my email thereafter. He didn't.

105.

A series of opportunities arose for productive investigation by the OPP. The first was Director Planning Marlene Boyce becoming Acting MM as a short transition between outgoing Chetty and incoming Douglas. Boyce belongs to Clr Myers faction and is opposed to the larger DA faction led by recently deposed Mayor Eleanore Spies (who remained a councillor). On August 2 2018, I told OPP Landman and Fourie (with Mahlangu ccied) that they were likely to get answers if Landman acted immediately.

105.1 Boyce could respond well regards Tourism's illegal funding (as she had opposed it, then Mayor Spies responding by seeking to get rid of her by removing the Planning Department).

105.2 I attached pages showing that the Council agenda included: The illegal use of Public funds to pay the legal fees of ex-Mayor Spies and Speaker Wolmarans against me. It also relates to the collusion with their friend from SALGA Lance Joel.

105.3 The Hawks had opened an inquiry into my complaint and appointed an investigator.

105.4 Would OPP be meeting me? **"It has now been 50 days since NCOP's ruling and Stoffel has yet to ask or state anything meaningful to me."**

105.5 *"I repeat my request for the OPP to explain the situation with Bruce Wessels and his boss who squashed my initial Knysna Tourism and ISDF*

*complaints to the OPP. This remains the starting point for the OPP regaining integrity."*

106.

August 6 2018, I informed OPP Landman, Fourie and Mahlangu of another opportunity:

106.1 Clr Myers and Mayor Willemse likely to be cooperative with OPP after DA found them guilty in a sham disciplinary hearing.

106.2 Have they spoken to Director Boyce as I'd suggested, whose reign as Acting MM was about to finish.

106.3 ANC councillors in hiding after Malosi's assassination.

I doubt OPP Landman interviewed any of them.

107.

August 8 2018, Susan Campbell informs me that OPP Landman also hadn't responded to her complaint against the illegal appointment of Director Dawie Adonis. She contacts him. Response unknown. Campbell is an attorney. Her complaint must be retrieved as it's likely more detailed than mine. Additionally, it will further show that Landman should've taken a definitive position against the appointment in his August report (regarding my complaints).

108.

On August 11, to OPP Landman, Fourie and Mahlangu, I stated:

108.1 *"Please acknowledge this and my previous emails. I'm concerned that some of the most important information will be left out of your report."*

108.2 Knysna Municipality ironically uses my long-running argument against illegality of Knysna Tourism.

108.3 Knysna Tourism function to be taken over by WESGRO. That illegally decided without public participation.

108.4 There was consultation by Knysna Municipality with Premier Zille's and MEC Winde's offices, two people I've long complained too.

109.

August 14 2018:

109.1 OPP Landman queries my use of the words "*consolidated updated report*" even though they're his words.

109.2 Landman told me I'd receive the report the next day.

109.3 Landman twists my words with "*You will recall that, earlier this year, when you were provided with feedback and requested for your comments, you indicated that you will only comment once you have received feedback on all the complaints. The report referred to is one on all these complaints of yours and requesting your comments in respect of each.*"

109.4 In my response, the following day, I informed him that Clr Waxa had been arrested in connection with Clr Malosi's assassination.

109.5 The same day, I told Landman that that Clr Myers faction had entered the tourism fray, questioning section 78 for legality of Tourism's Wesgro contract. Landman acknowledges email but did nothing about it.

110.

August 15, I sent OPP Landman proof that Muni going ahead with WESGRO, disregarding Section 78 issue.

111.

August 14, the 60 days NCOP gave the OPP to respond expired. The next day:

111.1 OPP Landman sent me his summary report on my complaints, stating that he will send another version in the morning, with minor alterations.

111.2 I responded strongly after reading it, now 100% assured the OPP was protecting the DA:

*"I knew, from experience with you, that you would deliberately fail to uphold the integrity of the Office of the*

*Public Protector but never expected you to do so with such blatancy. This whitewash finds you protecting the DA, the rot in the OPP and, cumulatively, corruption itself. It's obvious that your bosses' (CCied) lack of action finds them in support of your negative action. I consider this a joint effort to subvert justice i.e. part of this message must apply to them too..."*

111.5 OPP Landman sends minor altered summary report the following day, August 16 2018. As expected, **IT'S A WHITEWASH REPORT**. My evidence is disregarded. For the most part, it reads as if the Municipality was responding rather than an independent investigator. Landman even clears items that have been found wrongful by other bodies since my complaint was submitted. See section in this document entitled [Refutation of Public Protector Landman's report](#).

111.6 I now have the best evidence so far to prove the OPP's bias towards the DA.

### 113.

113.1 By evening, despite the read receipts, no one from the OPP had acknowledged my email in response to Landman's whitewashed report. My previous email was sent angrily, a reaction rather than planned. I sent another email, adding the abovementioned examples why Landman's report was fake in defence of a corrupt municipality.

113.2 *"It's possible that if the OPP had done it's job the past 5 years, instead of protecting the DA, Councillor Malosi wouldn't be dead (a councillor was arrested today)."*

1113.3 *"I'm laying complaint with the Office of the President and criminal charges against investigator Gideon Landman. Obviously others, such as your ex-colleague Advocate Ruthen van Rensburg (a name you have all avoided whilst he sits snug in Zille's office) require investigation too..."*

113.4 *"... To varying degrees, you are appear to be playing a role in protecting corruption in and outside of the OPP..."*

**113.5 "...I'm requesting, as I have for a long time, that Public Protector Busisiwe Mkhwebane communicate with me directly ..."**

113.6 *"...I expect Complaints/Customer Services to provide me with a*

*reference number.”*

113.7 Customer Services didn't give me a reference number.

114.

The same day, I forwarded my letter to OPP Spokesperson Cleopatra Mosana.

114.1 I chose to make her my focus as she was appointed by Public Protector Busisiwe Mkhwebane and not Thuli Madonsela.

114.2 I didn't know 100% that Mkhwebane was aware of my pleas and complaints but its certain that people who were staff under Madonsela are uncooperative regards DA corruption.

114.3 Additionally, Mosana had previously lied to me, and I wanted to test if that was her true character. It was an urgent situation. I wanted her to pass on my message to Mkhwebane who was now supposed to respond to NCOP regarding my Love Knysna Petition. If this was to be her report, or part of it, it was deception.

114.4 Instead of forwarding my email to Mkhwebane, or stating that she'd pass it on, Mosana sent it to Oupa Segalwe who'd previously been unhelpful. I'd heard that Segalwe was a major player at Head Office, and I wondered if he was one of the main obstructions.

114.5 Mosana also ccied manager Customer Services Linda Molelekoa.

114.6 I was not given a reference number or a response.

115.

August 16 2018, I sent a second query to Mosana, regards NCOP, which included:

*"As I've clearly stated that I believe that the OPP is involved in corruption, will you confirm that Adv Busisiwe Mkhwebane will address my comments directly so that what will become a new evidence chain will be untainted?"*

116.

This time, Mosana forwarded my email to the same people but also to the PA's of the Public Protector and Deputy Public Protector too.

117.

The same day, trying to ensure that the severity of the situation is understood, and that the OPP's failure is proportional, I email my article about the assassination of ANC Chief Whip Victor Molosi to OPP Ngobeni, Fourie, Segalwe, Nkabinde, Segalwe, and Motsitsi.

118.

August 28 2018, I email OPP Spokesperson Mosana, asking her to pass on my self-explanatory letter to Premier Zille regarding ex-OPP WC Representative Ruthen Janse van Rensburg. Mosana failed to respond.

119.

**August 29 2018, I emailed OPP Mkwebane (c/o Nkabinde) and Executive Manager Stoffel Fourie my founding affidavit to the Hawks. Both fail to respond to this serious document which obviously relates to the OPP's fake investigation.**

120.

September 13 2018, I sent OPP leaders Knysna-Plett Herald's front page about ex-Mayor Spies (still councillor), Legal Advisor Melony Paulsen and ex-MM Chetty being implicated in fraud. The newspaper had switched their allegiance to the Myer's DA faction. Nevertheless, this was true reporting, No response from the OPP.

## CONFLICTS OF INTERESTS

121.

As I'm led to understand, with the exception of the SAPS, two or more departments of Government cannot run separate investigations into the same issues. The main reason is so that a duplication of costs at Public expense is avoided.

122.

Office of the Public Protector (OPP) Investigator Gideon Landman has used this as an excuse to not investigate several of my complaints. He considers issues raised both in my Love Knysna Petition to NCOP and to the OPP cannot be investigated by him. That's improper because:

122.1 There's no investigation by NCOP. There were hearings which concluded on May 24 2017, 15 months before Landman delivered his summary report.

122.2 Landman and his bosses were aware since at least January 7 2018 that the NCOP Committee Petitions had made September 2017 recommendations that involved the OPP. Nothing prevented them preparing, especially since I had 13 complaints with the OPP.

122.3 In contradiction, Landman dismissed some complaints on the context of conflict with the NCOP yet discusses others with NCOP.

122.4 Even if there were no investigation into some matters, context cannot be avoided e.g.

122.4.1 The intimidation I was experiencing as obvious result of the corruption I'd publicly exposed.

122.4.2 Unanswered PAIAs where process as an obstacle was irrelevant because they related to previous non-PAIA complaints.

122.5 Landman never made the conflict of investigation interest clear in almost 2 years, thus hampering argument against his illogic and possibly alternative courses of action.

122.6 NCOP ordered that the National Office of the Public Protector investigate *all* the issues raised in the petition, and that it further investigate the reluctance on the part of its Provincial Office to investigate the complaints raised in the petition. The emphasis on "*all*" was NCOP's. And my petition had been built upon, with all the information uploaded by me for the OPP to utilise.

122.7 Nothing had ever prevented the OPP investigating my complaints against the OPP itself.

123.

**Disconcertingly, what happens when neither the NCOP nor the OPP will fulfil their duty? By Landman's logic, no other government agency could investigate. If that's true, then it justifies that government limbo created by apathy, incompetency and corruption can protect those deserving investigation and consequent punishment. The Office of the Public Protector, the supposed guardian of the Public, expects the Public to be defenceless... in this case, because the corruption involves the Democratic Alliance.**

124.

OPP Landman's other reason for not investigating is because the OPP's mandate is to investigate government and not political corruption. That's deliberate misdirection because:

124.1 **For example, the common thread between the likes of Helen Zille, Anton Bredell and Alan Winde may be them being DA but the fact is that they are, also and respectively, fulfilling the government capacities of Premier, MEC Local Government and MEC Tourism for the Western Cape. Consequently, their bizarre actions which can only be explained by political interests, cannot be ignored.**

124.2 For further example, DA Councillors of the Knysna Municipality are part of Local Government in their role as members of Council who approve or disprove recommendations by the Administration (municipal officials).

124.3 It also cannot be ignored that members of the Administration have

made decisions clearly in the interests of themselves and politicians, and not the Public e.g. illegally contracting friends and cronies of ex-Mayor Eleanore Spies.

125.

Only madness or bias could lead the OPP to this point of illogic. And considering the intimidation the OPP leadership and Landman were aware I was suffering, the OPP was insensitive and abhorrent injustice.

## **REFUTATION OF PUBLIC PROTECTOR LANDMAN'S REPORT**

126.

I remind that I received OPP Gideon Landman's ***'Progress updates on complaints Lodged with the Public Protector SA'*** on August 15 2018, and that a final version was delivered on August 16. I will now prove that it's the whitewash I claim it to be, an addition to a cover-up whose main beneficiary is the Democratic Alliance escaping scandal before the elections, the same beast OPP Landman will not address.

127.

Note, for the most part, the summary backgrounds to each complaint were previously sent to the OPP, NCOP, the DA and opposition parties in February this year – none responded with action. Although there are updates, rather than I repeat evidence already in possession of the receivers of this letter, and for quick effect, I will keep my arguments (refutations) as brief as possible. It's easy to prove the OPP's repetitive failure, and that you must consider that was only possible through deliberate decision to subvert justice, and then ask yourself to what consequence and whose benefit.

**Knysna Tourism and other illegalities:***Background:*

The illegal funding of Knysna Tourism, a Section 21 company, receiving +/- R4-million of Public funds annually. Knysna Municipality's supply chain management process haven't been followed. The company ran into debt 4 years in a row and was illegally bailed out each time by the annual grant-in-aid which was the only grant, despite being the most expensive by far, to not to be approved by the Grant-in-Aid Committee. Maladministration and corruption was ongoing. The initial CEO, Shaun van Eck, was internally found guilty on 4 charges of gross insubordination, each a dismissive offence, yet walked away with a R270,000 golden handshake after signing a non-disclosure agreement. Greg Vogt, a complicit Board member, took over unofficially, the organisation still receiving Public funds whilst having no official CEO for 2 years. As Vogt was a non-executive Director, payments to him were illegal, deviously paid through a third party, a company in which he was also a Director. Vogt was made Tourism CEO during a major elephant abuse scandal he was involved in, a strange decision for a tourist based town but practical in that it ensured cover-up. Vogt's contract wasn't renewed, allegedly due to Deputy Mayor Peter Myers. MEC Tourism Alan Winde and DA board directors implicated. The irregular funding since the company's inception will be R40-50-million. Winde's negative involvement will be emphasised if the rumour that many tourism offices under him in the Western Cape are being funded illegally too. His department, as represented by Head Solly Fourie, would not answer my PAIA but examples of municipalities in question are Mossel Bay, Bitou and Cape Town. That could raise irregular funding to hundreds of millions. The Municipality carried on funding Tourism after admitting it was wrong. I was told that they did so under orders of MEC Winde. Premier Helen Zille wouldn't act on my complaint. Disturbingly, Winde is to replace Zille as Premier. The DA's Chief Whip is to replace Winde. The cover-up will likely continue.

*OPP decision:*

1. The original complaint handled by OPP Bruce Wessels in 2013 acknowledges annual grant-in-aid from the Knysna Municipality to the Section 21 company called Knysna Tourism. Found that the Knysna Tourism was not an entity of Knysna Municipality and didn't have major shareholding. Consequently, without major shareholding, the OPP cannot investigate maladministration according to the Public Finance Management Act 1 of 1999.
2. OPP Gideon Landman, in the presence of his Western Cape boss, Sune Griessels, told NCOP Committee Petitions that I could reopen the case Wessels had closed.
3. Here, it's stated more widely (so must apply back to 2014 when the complaint was closed) that no written request was received from me for reopening or internal review.
4. Landman also states that he awaits NCOP's June 2018 decision.

*My refutation (point by corresponding point):*

1. Untrue. The Knysna Municipality was and is the majority funder of Knysna Tourism. Without the grant-in-aid, 80-90% of its budget, Knysna Tourism wouldn't exist. Both politicians and municipal officials were on its Board of Directors and sub-committees (this included the people granting it the funds). Supply chain management (SCM) processes weren't followed i.e. there was no tendering process and the grant-in-aid was the wrong mechanism. Additionally, the grant-aid, the biggest granted, never passed through the Grant-in-Aid Committee. In turn, Knysna Tourism never followed SCM, doling out work to whoever it wanted, even illegally loaning money to private companies. The company ran in the red for 4 consecutive years, illegally bailed out with Public funds. CEO Shaun van Eck was found guilty on 4 charges of gross misconduct but given a golden handshake of R270,000 in return for his silence. The company then ran without a CEO for two years, still receiving funding. The Chairman of the Board then became the CEO, a non-executive position, but was illegally paid through a third party, a company he was director of. Without Public participation, the CEO and Municipal Manager planned a larger role for the company, changing its name and mandate so as to represent all business, not only tourism, as Knysna & Partners. It's unsurprising of that the leaders of

the now defunct Business Chamber stood with MEC Alan Winde against me when I initially reported the corruption to them. Although a Service Level Agreement was wrongfully tied to a wrongful grant-in-aid, the stipulation for the company's existence was that 20% of funds was to be spent on development. The disadvantaged community of Knysna was further disadvantaged when, in one year, that money was spent on contractors instead, and with the Office Manager's salary paid for from that development allocation. The same Manager, Glendyrr Fick, in her previous role, had her holiday to Jamaica paid with Public funds. Not only could the Public Finance Management Act 1 of 1999 be abused as reason not to investigate, the Municipal Finance Management Act (MFMA), which expects Public monies to be held accountable wherever they go, couldn't be ignored.

2. Pointless - There was no good reason for me to reopen a case when I'd already laid complaint and was dealing with an unresponsive OPP. To suggest that was the path I should take was to ignore context and give the OPP further reason to delay.
3. Untrue - I complained bitterly and wanted Wessel's investigated. I've fought for 4 years for justice in this matter.
4. Untrue - I sent the Committee's recommendations to Landman and others 7 months before his report. Additionally, NCOP Chair Modise sent similar letter to Public Protector Mkwabane on June 15 2018, 2 months before the OPP's report.
5. *Extra point* – At great expense, Knysna Tourism became Knysna & Partners. It then changed it's name back to Knysna Tourism and returned to its more narrow mandate, making the monies spent on changing fruitless & wasteful expenditure.
6. *Extra point* - The tourism issue has been utilised in a faction war within the DA and Council of Knysna. The overall chaos has been shocking for the town but the benefit was one side ensuring Cliffe Dekker Hofmeyr Attorneys were contracted for legal opinion. The funding of Knysna Tourism found to be irregular and the politicians on its board in conflict of interest. Treasury and Local Government investigated the ISDF tender and found it to be irregular (I haven't added these as evidence because Premier Zille is already in possession of them). However, the OPP won't investigate and no one has been punished.
7. *Extra point* – The OPP ignored the Cliffe Dekker Hofmyr Attorneys report.
8. *Extra point* – A company fulfilling a Constitutionally mandated government function should be treated as a Public Body and not a Private Body.

9. *Extra point* – In 2017, Knysna Municipal Manager Kam Chetty gave Knysna Tourism another R4-million (after the Cliffe Dekker Hofmyr report had found it unlawful). Aggravating the situation is that Chetty, another recommendation by MEC Bredell, was illegally acting as Municipal Manager, having not signed his contract whilst greedily holding out for more money. This was known by then Mayor Spies and Legal Advisor Paulsen who participated in backdating his contract to try make the tourism payment appear legit. An investigation by De Swardt Vogel Myambo Attorneys (which investigated several issues at an alleged costs to the Public of R600,000) found it to be fraudulent and recommended all three face a disciplinary hearing. It's unknown to me if De Swardt's request to investigate further was agreed to.
10. *Extra point* – MEC Winde is a well know DA figure. Last week, it was announced that he would take over Dan Plato's job as MEC Safety & Security. Winde's replacement as MEC Tourism is Beverley Schafer, the DA's Chief Whip.

129.

### **Illegally awarded ISDF tender:**

#### *Background:*

The ISDF, 30-year plan for Knysna, allegedly the test case for the Western Cape (IDPs are only 5-year plans). First tender illegally given to property developers who never won the tender and had the most conflict of interest. The company received monies before the contract signed, and later received more monies than the tender allowed. After much controversy and delay, MEC Anton Bredell green-lit the tender despite his own department and the Western cape Treasury's damning investigation which he kept hidden until it was revealed by resident Susan Campbell through the Office of the Public Protector. On video, Bredell lied about it to the Provincial Legislature, saying that 3 investigations had cleared it when none had ([watch video](#)). Worsening the situation for Bredell is that his signature is on the report he kept hidden. Local Government Head Graham Paulse and Premier Helen Zille have failed to investigate.

*OPP decision:*

1. Awaits confirmation of the House of Parliament's voting.

*My refutation (point by corresponding point):*

1. Untrue - I sent the Committee's recommendations to Landman and his colleagues 7 months before his report. Additionally, NCOP Chair Modise sent similar letter to Public Protector Mkwane on June 15 2018, 2 months before the OPP's report.
2. *Extra point* – OPP ignores that this matter was reported to OPP Wessels in 2013, and wasn't investigated with no reason given. My queries as to why were ignored. It's suspicious that this was the same time my complaint against Knysna Tourism was blocked.
3. *Extra point* – Despite the DA and Knysna Municipality, including then Municipal Manager Grant Easton, claiming to NCOP that there was nothing wrong with the ISDF tender, the DA soon got rid of Easton through charges that included the illegal ISDF tender being awarded through an illegal preferential procurement policy.
4. *Extra point* – The same procurement policy was found to be irregular by the Western Cape Auditor General, the sum amount of tenders over R8-million in one year. The Municipality ignored the AG's finding for over a year, alleging raising the figure to R14-million by the next year. This is fruitless and wasteful expenditure.
5. *Reiteration* – MEC Bredell committed perjury to the WC Parliament over this.
6. *Extra point* - MEC Bredell doubles as the DA's Western Cape Chairperson.

130.

## **Illegal Contracted Communication's Manager Fran Kirsten**

*Background:*

Illegal appointment of Fran Kirsten, Mayor Eleanore Spies' friend and election manager, as Knysna Municipality's Communication's Manager. The job was rumoured to be promised to Kirsten because Spies was broke, that emphasised by loans she received from Candace Myers, wife of Peter Myers, who would become Spies' Deputy Mayor until

they had a fallout. The Municipality justified deviation with Kirsten being a specialist when she wasn't (not even a relevant qualification). Kirsten became a main figure in blocking honest communication, continuing the negative role she'd played previously, as a journalist of the Knysna-Plett Herald and as the public relations officer for Knysna Tourism (small towns can be incestuous). Candace Myers has publicly claimed that Spies has failed to pay her back for over a year. It must also be noted that in the run-up to the election, Candace's husband Peter Myers gave money to an ex-ANC councillor to assist him running as an Independent. That man, Velile Waxa, then became the DA's first coalition partner. It's possible that the situation was part of a bigger plan, as has been rumoured.

*OPP decision:*

1. The appointment of Fran Kirsten permitted owing to the vacancy left behind by Communications Manager Christopher Bezuidenhout becoming Mayor Spies' Office Manager.
2. *OPP Landman: "No evidence exists at this stage to suggest that the matter be further investigated."*

*My refutation (point by corresponding point):*

1. Untrue – Bezuidenhout was moved into a position that didn't exist on the organogram which made it unlawful. For a period, Bezuidenhout retained his salary and title (on the books), whilst Kirsten wasn't hired but instead contracted, thus doubling the monies paid. New CFO Mbulelo Memani eventually ignored political pressure and cancelled Kirsten's contract, but not before she'd been paid over R300,000. The Auditor General also found the contract unlawful and stated that the deviation couldn't be justified because Kirsten wasn't a specialist.
2. Untrue – OPP Landman is acting as the Municipality's defence attorney rather than an impartial investigator. He ignored the evidence in my complaint (and updates) so as to deliver opinion based solely on what he was told by the Municipality.
3. *Extra point* – The unqualified and illegally appointed Kirsten was in charge of communications during the Great Knysna Fire 2017.
4. *Reiteration* – Kirsten was then DA Mayor Spies friend and previous election

campaign manager.

131.

## **Fraudster Councillor Rowan Spies**

### *Background:*

Before Eleanore Spies was Knysna's DA Mayor, she was its ANC Mayor. Rowan Spies (her husband) was implicated in graft in neighbouring Bitou Municipality (a.k.a. Plettenberg Bay). An investigation conducted by Mazars resulted in a damning report that pointed to obvious fraud and graft that included payment of R20,000 into the joint account of the Spies'. Rather than use the information as a victory over the ANC, the DA, who'd commissioned the report, strangely buried it. When I exposed it, Mazars strangely threatened to take me to court (which made it obvious that the report was supposed to have remained buried, which suggests collusion between Mazars and the DA-led council. It was alleged by ANC members that Eleanore had been a spy for the DA. That has never been proven but could explain why the report was buried, she would later become Knysna's DA Mayor, and she and her husband would split in name only, him becoming a deployed PR DA councillor in the Eden District under which Knysna falls. Despite his well known alcoholism and alleged stints in rehab in 2017, he was promoted to Head of Roads for Eden District.

### *OPP decision:*

1. The complaint dates back to 2010/2011 and there are no evidence indicating the existence of special circumstances to investigate the matter any further.

### *My refutation:*

1. Untrue - No statue of limitations was reached so as to prevent investigation into a matter I reported to the DA and government in 2015, and to the OPP in 2016 (4-5 years after the crimes).
2. *Extra* - The conduct of two people who are currently in leadership positions is relevant alone, even more so since both have continued to be involved in scandal.

3. *Extra* - OPP Landman makes no mention of the Mazar's forensic report which my complaint was based upon.
4. *Extra* - OPP Landman makes no mention of the later affidavits I supplied him that show clear fraud by Rowan Spies towards the company he pretended to represent in order to get the contract.
5. *Extra* - OPP Landman makes no mention that face to face, and by email thereafter, I reported this to Premier Helen Zille. Nor is there mention of the onslaught of intimidation I faced at that period, or that the Citizen newspaper published propaganda regarding my meeting with Zille.
6. *Extra* - OPP Landman makes no mention that pt4 above occurred one month before the 2016 Local Elections, and that Premier Zille knowingly allowed compromised people to be deployed (not elected).

132.

### **Illegally appointed Community Services Director Dawie Adonis**

#### *Background:*

Dawie Adonis was illegally appointed as Knysna Municipality's Director Community Services. He's rumoured to have been friend and colleague of Georlene Wolmarans (Mayor when he was hired, Speaker now) at a previous municipality. In June 2017, 2 weeks into the fire crisis, he was moved out of the spotlight into an illegal, non-organogrammed position, allegedly retaining his 7-figure annual salary which is more than his new 'boss' earns. Furthermore, he moved from Director into what used to be a part-time position. There was no advertising of the position. The sum of these facts must be considered to be cronyism and his second deployment illegal too.

#### *OPP decision:*

1. Admits that Adonis never had the requirements for the job [*Matric instead of Honours degree*] and that there was no evidence to prove that Treasury had provided exemption, or on what basis MEC Local Government Anton Bredell had approved the appointment.
2. "Suggests that process may not have been followed. This complaint will be further

investigated.”

*My refutation (point by corresponding point):*

1. That alone should have delivered a finding.
2. Further investigation should've been unnecessary because:
  - Together, with my evidence which was ignored, Landman was capable of making a finding.
  - Knysna Municipality admitted Director Dawie Adonis appointment was wrongful i.e. further investigation should only have been necessary so as to ascertain who all was culpable e.g. MEC Bredell.
3. *Extra* - Makes no mention that the second position for Adonis was also unlawful.
4. *Extra* - Makes no mention that Attorney Susan Campbell had also filed complaint with the OPP and MEC Bredell, to no effect.
5. *Extra* - Like Fran Kirsten (para), Dir Adonis was another unqualified manager during the Great Knysna Fire 2017. Adonis's position more serious as the local fire services report to him. Interestingly, the 7 suburbs surrounding the suburb of Green Pastures, where Adonis lives, burnt. Green Pastures didn't.
6. *Note* – more on Adonis in para 133 below.

133.

### **Alleged graft by Director Community Services Dawie Adonis**

*Background:*

A builder claimed building Director Adonis' house in Green Pastures cheaply as part of a deal in which Adonis promised him a municipal contract to build a creche. The builder was angry that Adonis had reneged on the deal.

OPP decision:

1. The complaint excluded from the OPP's report.

*My refutation (point by corresponding point):*

1. OPP Landman's failure self-evident.
2. *Note:* The creche in the poor suburb of Nekkie's must be identified. The cost of building Adonis's house must be compared to that of his rich neighbours.
3. *Extra:* The Green Pasture houses of Adonis' and an employee in the Finance Department are grossly undervalued. The Municipality wouldn't respond to my complaint when comments were called on the evaluation roll.

134.

### **Propaganda, intimidation and suppression**

*Background:*

This has been well evidenced to NCOP and the OPP. DA politicians and cronies have plagued me with court cases aimed at silencing me. Two mayors have issued false press releases against me. There've been news articles which I'm not allowed to respond to. I've been threatened with jail, my subscribers with a R60-million law suite, and I suffered a horrendously false propaganda campaign that went so low as to associate me with child abuse and raping a missing child.

Previously, as a DA Candidate Councillor, Dr Martin Young went door to door to businesses to tell them not to deal with me and to request they contribute to a kitty that would be used to put me in jail. As an elected Councillor, Young abused his doctor title by submitting a fraudulent diagnosis of me as a sociopath whose a danger to children as evidence in ex-DA candidate Advocate Julie Seton's defence to the Cape Bar after I'd laid complaint. Besides it being unethical and untrue, Young is not a psychiatrist and I've never been his patient.

I forced a meeting with Helen Zille when she was on the 2016 campaign trail. I gave her printed information against Young (intimidation) and Rowan Spies (graft). She promised action but did nothing. Instead, she allowed Young and Spies to become Councillors, despite me having emailed more detailed evidence. In Young's case, that only seems possible if he was being rewarded by the DA leadership for attacking me

whilst I tried to have the local and national DA punished for their role in corruption.

Advocate Seton, whose married to ex-Deputy Mayor Esme Edge, was, along with her partner, also a propagandist and involved in several court cases against me, representing fellow propagandists. Seton also goes by the surnames of Lopes and Jeffreys, and has freelanced for the Knysna-Plett Herald who for years, on behalf of the DA, refused to report the truth, and denied me right of reply.

Knysna Fire Chief Clinton Manuel approached me threateningly before and after the Great Knysna Fire. The second time I recorded him. Manuel's goal was to intimidate. Knysna Municipality. Zille and the DA Federal Executive failed to act on my complaint.

As a victim of the Great Knysna Fire, I was given no assistance by the Knysna Municipality. Instead, Councillor Young stated on Facebook that I wasn't a victim and was actually abusing victims. They saw my low point as an opportunity to strike. That is who they are.

One of the greatest threats has been the abuse of the Court. I'm attacked by court cases. They range from the Magistrates' Court to High Court. The court cases are clearly part of the greater strategy to silence, even destroy, me. The cases range from interim interdicts and harassment to crimen injuria and civil suites. The applicants include DA figures and their friends. Initially, all were linked to the corrupt Knysna Tourism I exposed.

Although not all got to court, the following is the list of legal actions against me:

- DA Deputy Mayor Esme Edge (Interim Order High Court)
- DA Deputy Mayor Esme Edge (Interdict Order High Court)
- DA Deputy Mayor Esme Edge (Contempt of Court High Court)
- DA Councillor Richard Dawson (Interim Order High Court)
- DA Councillor Richard Dawson (Interdict Order High Court)
- CEO Knysna Tourism Greg Vogt (Crimen Injuria)
- CEO Knysna Tourism Greg Vogt (Protection Order)
- DA Branch Manager Magda Moos (Crimen Injuria)
- DA Branch Manager Magda Moos (Protection Order)

- DA Branch Manager Magda Moos (Civil Claim R100 000)
- DA Candidate Julie Seton aka Lopes (Protection Order)
- DA Candidate Julie Seton aka Lopes (Criminal Charge protection order)
- DA Candidate Julie Seton aka Lopes (Criminal Charge protection order)
- Tourism CEO supporter Baden Hall (Crimen Injuria)
- Tourism CEO supporter Mark Allan (Civil Claim R100 000)
- Knysna Municipality Fire Station Commander Wayne Sternsdorf (Interim Order)
- Knysna Municipality Fire Station Commander Wayne Sternsdorf (Protection Order)
- DA Councillor Martin Young (Interim Order)
- DA Councillor Martin Young (Protection Order)
- DA Mayor Eleanore Spies (Interim Order)
- DA Mayor Eleanore Spies (Protection Order)

Additionally, I've been threatened with legal action (mostly litigation) by:

- Premier Helen Zille
- Premier's PA Donnae Strydom
- MEC Anton Bredell
- MEC Alan Winde
- Mayor Spies
- Speaker Wolmarans
- The Knysna-Plett Herald
- SALGA (illegally on behalf of their DA friends)

The Court is complicit in the political corruption, mostly finding me guilty after questionable activities such as denying my motion for anticipation, denying guidance as the law requires for those self-represented, denying witnesses, denying the argument of information in the public interest etc. One Magistrate never hid his friendship with opposing counsel, dismissing hundreds of pages of my evidence to state that because there was no evidence, I was guilty on the balance of probabilities. Another wouldn't even allow me in the court room to go on record, instead finding me guilty via email. No judgement refers to the corruption of the DA which is massively evidenced by me. They are simply, and nefariously, erased from the equation. Most importantly, political figures shouldn't have *locus standi* under the Protection from

Harassment Act which they've turned into a cheap gag order despite the Act stating that information in the Public interest is defence. The rot is deep!

There's more obstruction already in evidence.

*OPP decision:*

1. "This complaint forms part of the Complainant's petition to NCOP." i.e. the OPP will not investigate.

*My refutation (point by corresponding point):*

1. OPP Landman chooses what to answer and not to answer without common thread. I believe he ignored the most important complaint because he wouldn't be able to mention it without directly mentioning the DA's negative role.
2. *Extra* – I cannot safely live in Knysna any more. I even moved from place to place to feel safe. No one will help; not the Court, police, Knysna Municipality, DA, other political parties, and, especially, the Office of the Public Protector and NCOP (so far?). The DA owns this wicked world. Citizens have no rights where such conflicts with political interests and friendships.

135.

## **Illegal study payments**

*Background:*

Until 2018, there'd been no meaningful opposition by the ANC whilst the DA in power. Questionably, in the previous council (2011-2016), ANC Chief Whip Stephen de Vries and ANC Councillor Clive Witbooi had their studies paid illegally from public funds. The studies are irregular expenditure because they do not benefit Knysna but rather the careers of the politicians involved. It made me wonder if that's why the ANC had failed to be effective opposition, letting the DA remain unaccountable in many of the issues recounted in this document. And De Vries, as an ex-Director of Knysna Tourism, along with other DA Councillors, played a large role in what went wrong with the organisation. This, also, despite De Vries' responsibilities as then Chairperson of the

Municipal Public Accounts Committee (MPAC). The DA never objected to ANC councillors having their studies paid which lends the possibility of the ANC's silence having being bought. Note that De Vries and Eleanore Spies are friends, having previously worked together in the ANC's Regional Executive Committee, before she joined the DA.

*OPP decision:*

1. *"The complaint requires further investigation... [as it appears to be] in contravention of legislation... Due to the above, it is required that the national treasury be approached for a view on the matter, and of not permissible, the Municipality to recover the bursaries' monies paid."*

*My refutation (point by corresponding point):*

1. This would seem positive except that my evidence again ignored, the OPP in possession of sufficient information to reach decision yet has stated that Treasury's input must be received.
2. Notable that the DA's role and the unsigned forms not mentioned, only the ANC.
3. And what will alter the fact that an ANC councillor, through illegal means, can now qualify for an administrative position, the holy grail of South African aspiration?

136.

## **The Firemen**

*Background:*

Two Cape Town firemen, Clinton Manuel and Wayne Sternsdorf, were questionably hired as, respectively, Knysna Fire Chief and Sedgefield Station Commander. Both left the employ of Cape Town during disciplinary proceedings against them. The necessary background check appears not to have been done. Illegal Director Adonis was allegedly friends with Manuel from a previous Municipality yet was on the panel that chose him for

the job over locals. In turn, Manuel and Adonis were on the panel that selected Sternsdorf. The Knysna Municipality refused to act on my complaints, even supplying lawyers for Adonis and Manuel when I tried to call them as witnesses in the application by Sternsdorf for a protection order against me. The Magistrate then denied me them as witnesses and granted the protection order despite Sternsdorf's case being blatantly based on the perjury that there'd never been charges against him (which I'd verified via City of Cape Town and union SAMWU).

OPP decision:

1. *"From the information and evidence received from the Municipality there is no indication suggesting that the Municipality's Recruitment and Selection Policy was not duly followed in the appoint of the Sedgefield Station Commander [Wayne Sternsdorf]."*

*My refutation (point by corresponding point):*

1. My evidence again ignored, no investigation done, the Municipality simply represented by an uninformative OPP Landman.
2. *Extra* – Landman and Sternsdorf are considered by many, especially me, to have contributed to the Great Knysna Fire Disaster because they never attended the fire when reported by residents months before, and because Manuel presented a fraudulent investigation to the Public which seemed aimed at covering his and the Municipality's arses. It was blatantly disputed by hard facts in investigations by CSIR and Afriforum. Both claimed misrepresentation by the Municipality's report i.e. Manuel's report. Investigative magazine Noseweek vilified Manuel.
3. *Note* – Clinton Manuel left Knysna in a cloud, strangely accepted back in Cape Town by his cronies who are now facing protest by SAMWU and IMATU, one of their demands being the removal of Manuel.
4. *Further note* – The City of Cape Town was mostly unhelpful regarding my inquiries. I recently made another appeal to MEC Security Dan Plato and Mayor Patricia de Lille. Plato did not respond (and has been replaced by MEC Winde whom I consider to be one of mine and Knysna's main protagonists). De Lille referred it to the Municipal Manager who hasn't responded. Dan Plato will likely become Mayor of Cape Town today.

## **East Head leases**

### *Background:*

The East Head, Knysna's main natural tourism attraction, includes two restaurants and a shared parking lot at the opening of the estuary to the sea - a priceless location. Without tender, the Municipality leased half of it to a restaurant owner. The other restaurant tender, having begun much earlier, was so poorly handled by the Municipality that unpaid rent, unpaid rates and consequent court action has cost the taxpayer R7-million. Despite the massive arrears, the Municipality installed a pre-paid electricity meter for the debtor. No one has been held accountable for any of these matters.

### *OPP decision:*

1. The OPP condoned it by stating that the granting of one lease to East Head Cafe (trading name) was permitted by the provisions in the Knysna Municipality's Immovable Property Policy.

### *My refutation (point by corresponding point):*

1. This is a complicated issue. My complaint to the OPP must be read in full. My argument, as a layman, outweighs the free ride Landman gives the Municipality. As an advocate and government specialist, Landman must have known better. Additionally, how could he ignore the R7-million loss on the other lease?
2. *Extra* - In an email sent by Landman on February 19 2018, he stated that "*The Municipality denied that a seven (7) page report, drafted by the Acting Chief Financial Officer was submitted and/or served [in objection] before Council relating to the matter.*" He never questioned it despite my contrary evidence, the only evidence he had cause none came from them. Landman was suspiciously happy for the Knysna Municipality to mislead him, toally omitting this point from his August report which would have had my evidence refuting the deception for several reasons but namely because, in Council, Acting CFO Fourie stated that, "*I will not belabour the point. Prior to the item before the*

*MAYCO, there was complete disagreement between officials. I went to the effort of making a 7-page report based on legislation and the Council's own immovable property policy. I requested the MAYCO to include my report before Council which they did not. It is my honest opinion that this recommendation is disregarding the MFMA. In my opinion, it will lead to irregular and wasteful expenditure. In the event that the accounting officer proceeds, I, as the responsible official, must immediately report it. That's my responsibility as CFO and I shall do so accordingly."*

138.

### **Budget Manager Avitha Sunkhar**

#### *Background:*

The Knysna Municipality's year-long suspension of Budget Manager Avitha Sunkhar cost the public over R870,000 in stay-at-home pay. Sunkhar's suspension appeared to be the result of victimisation and played a major role in destabilising the Finance Department. The lengthy suspension may be the result of political factional power plays. Sunkhar laid grievances against staff members which were ignored by ex-Municipal Manager Grant Easton (who was charged himself, for misleading Council regards her). Instead, grievances were laid against her and she was suspended.

#### *OPP decision:*

- 1. "Although there appears to have been delays in finalization of the disciplinary proceedings, both parties contributed one way or another... no evidence that the payment... did amount to wasteful expenditure by the Municipality.... If the former Budget Manager is not satisfied with the outcome of the disciplinary proceedings, he/she is welcome to exhaust his/her remedies available in terms of the Labour relations Act."*

#### *My refutation (point by corresponding point):*

1. OPP ignores that the Budget Manager only delayed proceedings once when she

was sick. The vast majority of 13-month delay was because of the Municipality. Secondly, but no less important, is that Landman responds as if Sunkhar laid the complaint. As I'm the complainant, he cannot refer me to the Labour Court. I represent the Public, not an employee.

2. *Extra* - The OPP also ignores that Sunkhar was paid approximately R870,000 to stay away away from the Municipality, likely more once adding allowances and bonuses. That amount cannot be ignored via omission in the OPP's report.
3. *Extra* - The OPP ignores the prelude to the suspension, that Sunkhar, allegedly against the wishes of then MM Easton, ran through the budget line by line. It was said that she, with help from Councillors Myers and Van Aswegen, saved the Public R40-million. She may well have broken procedure by discussing administrative matters with councillors but that must be dealt with separately.
4. *Extra* - Sunkhar was against the electrical contracts awarded by the Electrical Department to the Manager's husband, a one-man company. Easton had long protected Electrical Dept Manager Manon McDonald.
5. *Extra* - The two main people wanting her dismissed were MM Easton (who quit during his own disciplinary hearing which was far clearer with guilt) and CFO Gobrie who was only in the employ of Knysna Municipality for a few months. Despite their departures, Sunkhar was kept on suspension and only much later dismissed. Political footwork was likely dancing at the Public's expense.
6. *Easton* - One of the charges against Easton was that he misled Council in respect of disciplinary proceedings against Manager Budget Office Avitha Sunkar.
7. There is far too much convenient omission in OPP Landman's 'report. His investigation's non-existence is evident in the fact that he couldn't identify the subject of his report, Avitha Sunkhar, as male or female.

139.

## **Unanswered PAIA requests**

### *Background:*

The Promotion of Access to Information Act is meant to encourage government transparency. Such request is referred to by its acronym 'PAIA'. A PAIA shouldn't be necessary by a Municipality claiming to practice Batho Pele. PAIA shouldn't be necessary

if a Municipality has nothing to hide. Thus, when Knysna Municipality refuses to obey a PAIA, it's highly likely that it has something to hide. Of the 31 PAIA's I submitted to Knysna Municipality over 2 years, few could be considered answered. A few were partly answered whilst most were denied. Landman was to address the first 19 of these PAIA.

*OPP decision:*

1. *"Sections 74 and 75 of PAIA provides that, where information is refused the reasons for such refusal needs to be explained to the requester..."*
2. *"No evidence was submitted by the Complainant indicating that an appeal was lodged and/or a court approached for such refusal."*

*My refutation (point by corresponding point):*

1. Providing a reason for refusal, which can be one sentence, is not the same as explaining why.
2. True but not the only truth. At that stage, I hadn't appealed but Landman is ignoring that:
  - Some of the information PAIAed for were related to my other complaints to the OPP and thus he should have gained the information needed with the relevant PAIA ignored e.g. East Head leases, Knysna Tourism contractor...
  - It was clear from mentions in most of my complaints, and abundantly so in my intimidation and obstruction complaint, that the Municipality was hostile towards me, that appeals were meaningless in the face of that storm.
  - That the Municipality illegally increased their PAIA fee, that fact confirmed by the SAHRC, thus the Municipality was flawed at the start of the PAIA process.
  - Court action is not only expensive for a citizen who would stand against a Municipality essentially using citizenry money to fight him, but not required to be undertaken before approaching the OPP.
3. *Extra* - The PAIA's varied in importance but it's must be pointed out the gravity of several matters e.g.
  - MM Johnny Douglas overpaid to leave by the DA and then rehired years later for 4 contracts, one of which wasn't approved, as is necessary, by Local Government. A Municipal Manager cannot go from not good enough to good

enough during the same political party's reign. Fruitless and wasteful expenditure is involved.

4. *Notable* – To prove a point, I followed process and appealed two PAIA. An appeal must go to the Speaker or Mayor. In this case, the Speaker has been delegated by the Knysna Municipality. Here, Speaker Georlene Wolmarans has publicly issued propaganda against me, and failed to address corruption I've reported the past 7 years. Additionally, she illegally used Public funds for personal legal fees to threaten me. A Speaker must be impartial by nature yet here the role is exactly the opposite. It also cannot be ignored that criminal charges were recommended against the Deputy Information Officer Meloney Paulsen, also in matters related to me. One appeal was ignored whilst the other was denied. New KM Dir Corporate Services Phumla Makoma, doubling as new Deputy Information Officer, failed to respond by my yesterday deadline.

140.

## **Context**

My initial case with OPP Landman, as expressed at our first meeting in 2016, was to be built upon. There were so many wrongdoings that were bound to lead to more wrongdoings. I divided the case up into pieces in order to make it easier for investigators to digest, and then jigsaw into the bigger puzzle. Instead, he's deliberately ignored context in order to attack individual items with deception.

141.

There's much Landman's left out his report. As ordered by NCOP, the OPP was to investigate **all** the complaints in my petition. That would include other matters such as illegal tenders (one which led to riots on the N2, another a corrupted million rand forensic tender that produced no prosecution), the illegal appointment of Grant Easton as Municipal Manager, and all the matters mentioned in the disciplinary hearings against him for which no one was punished etc.

142.

Beyond that, more needs addressing e.g. a corrupted tender to appoint directors, the number of director vacancies for disastrous periods, the accidental on duty death of Rudolph Kapp, a biased Western Cape Auditor General, matters affecting Councillor Velile Waxa which has led to him been arrested as a suspect for Councillor Victor Molosi's assassination etc. Extra special mention must go to the De Swardt Vogel Myambo report which recommends both disciplinary proceedings and criminal charges against Councillor Spies, Legal Advisor Paulsen and ex-MM Chetty. Significantly, that includes all three to have used or allowed Public fees to be used for personal use against me.

143.

There's an even bigger picture involving corrupt cops, corrupt lawyers and corrupt magistrates.

144.

Not only where's context but where's sanity and the rule of decency, duty and law?

145.

There are too many mistakes in the OPP's report to be considered mistake, too many lies of omission to not have occurred intentionally. The OPP's report is such blatant defiance against common sense and available evidence that I consider it deliberate deception. As such, it's belongs in the family of fraud, a failure to the Public.

## **FAILURE**

146.

A person or an organisation can be judged not only by what they do but by what they don't do. The Office of the Public Protector (OPP) is like a woman holding a loaded gun who doesn't stop an unarmed man from drowning a baby. It's acted despicably, without thought for justice and the innocent, mostly for avoidance in service to the greedy hands

that push our country underwater.

147.

What motivates the beast must be uncovered. I have suggested that the heart of this animal is bias and cronyism, expressed by the OPP's report. The report contributes to the Democratic Alliance's long-running cover-up of crime they're participants of.

148.

OPP investigator Gideon Landman pretends investigation e.g. stating that a meeting on January 13 2017 with Knysna Municipality was part of it when in fact that meeting wasn't regarding my complaints, the Municipal Manager dodged him, an employee who had submitted his resignation met him, and then refused to answer any questions without formal process followed first... or so Landman claimed then, but now falsely includes as part of him having done his job. That means that in 23 months, Landman only met the Municipality once, and seemed to gain little from that.

149.

Yet Landman strung me along, emailing useless bits, lying, delaying true investigation. To what end?

150.

Landman must answer why he:

- Never used his powers as a representative of the OPP to compel the Municipality to respond.
- Never questioned witnesses.
- Gave a free pass to government staff who double as DA leaders.
- Claimed he saw no involvement by the DA even though it was blatant.
- Ignored context which was akin to ignoring that a shoplifter being investigated had also robbed the Federal Reserve Bank.
- Only met me once after our initial meeting which wasn't for him to run with the

investigation but more my effort to get him to the starting block.

- Lied several times that my complaints were prioritised.
- Lied that he'd provided me monthly updates.
- Refused to address the roles of Bruce Wessels and Ruthen Janse van Rensburg?
- Presented the Municipality's version of events whilst ignoring my evidence?
- Took 2 years to basically do nothing except create delay which favoured criminality which was detrimental to me.

151.

And those 2 years are only part of a 5-year failure that includes others.

152.

The Office of the Public Protector failed to act on my complaints against their George Office.

153.

CEO Vussy Mahlangu lied that my complaints were being attended to.

154.

It must be explained why Executive Manager Stoffel Fourie was appointed as oversight yet did nothing, ignored all the evidence I sent him, never met me once, never emailed a single relevant question. In this case, doing nothing was the same as doing something wrong.

155.

Fourie never did his job with the ANC's Oilgate and now doesn't do his job where the DA is involved. How can he be one of the highest ranked investigators in our country, previously in charge of the OPP's integrity department, if he is a man who seems to choose the path of least resistance?

156.

My many appeals to Public Protector Busisiwe Mkwebane were ignored. Her minions failed again and again, unprofessional and obstructive.

157.

I remind that NCOP ordered:

- That the National Office of the Public Protector (OPP) investigate *all* the issues raised in the petition.
- That the National Office of the Public Protector further investigate the reluctance on the part of its Provincial Office to investigate the complaints raised in the petition.
- That the National Office of the Public Protector report to the Committee on the progress it has made in investigating the issues raised in the petition, within 60 days of the tabling of this report in the House.

158.

**The OPP never complied with NCOP's italic emphasis that “*all the issues*” must be investigated.** It ignored the most important and lied about the rest. The extraordinary removal of any mention of the Democratic Alliance and the government responsibilities their members occupy is the OPP's blatant anomaly, a dark star in this corruption darkness. It was also clear that the National OPP, not local OPP, was to address my complaints.

159.

**The OPP never investigated the “reluctance” of the Western Cape offices to investigate. Instead, it assisted them in not investigating.** The refusal by the OPP to address the questionable behaviour by two of their colleagues, one of whom now works for Premier Helen Zille, is suspicious in the least, more so considering the two complaints they buried have subsequently been found “irregular” (i.e. illegal) by the Western Cape Auditor General and local government contracted investigation by Cliffe

Dekker Hofmeyr Attorneys. The failures of ex-OPP Area Manager Bruce Wessels and his consulted boss, ex-OPP Western Cape Representative Ruthen Janse van Rensburg, allowed approximately R14-million more in irregular spending. But they did more than that. Darkness given the opportunity to grow, will grow.

160.

**The Office of the Public Protector never reported back to the NCOP Committee Petitions.** It's two months late. It adds upon its insult to me and the Public of the Western Cape.

161.

Every action and non-action has been a choice defining the nature of the Office of the Public Protector. Whereas it has been accused of loyalty to the Zuma faction, maybe it's just loyal to the power centres where it operates from, becoming that path of least resistance instead of the shield for South Africans.

162.

In the Western Cape there's only one power and it isn't the ANC. The repetitiously negative actions of the OPP has shielded that blue power and severed the limbs of justice. The OPP has contributed to the DA's long-running cover-up.

163.

I fear that Landman's 'report' (an awful misnomer) is meant to mislead Parliament's National Council of Provinces. Even more worrying is worrying that NCOP may be willing to be misled. NCOP never queried why Mkwebane failed to answer it two months ago. And NCOP Chair Thandi Modise has ignored important email after important email, except that one time she responded and lied.

164.

And after this criticism, it would be unsurprising if the Office of the Public Protector tried

to downplay the importance of that report, their only step forward (and eleven steps backward) in 5 years. They cannot downplay their report without first addressing 5 years of bad behaviour.

165.

The OPP must be questioned, its motivation determined. Their behaviour protects the criminal DA, their government stooges and civilian conspirators.

166.

Obviously, the investigation of my complaints cannot continue in the dirty hands of the the Office of the Public Protector. But I strongly encourage Mkwebane to wash them.

## **THE WAY FORWARD**

167.

Honest communication. It has to begin there. No more hiding, no underlings, only sincere communication from Public Protector Busisiwe Mkwebane. She must admit the OPP has an internal problem, that they scerwed up, and promise to sort *quickly*.

168.

Move Gideon Landman and Sune Griessel out of the Western Cape whilst they're investigated. Replace them with people who are more likely to be impartial towards the dictators of the Western Cape.

169.

CEO Vussy and Executive Manager Stoffel Fourie's roles must be questioned. Their influence must be completely removed.

170.

Public Protector Busiswe Mkwebane must be a leader, explaining her absence and her staff's actions to both me and Parliament. Was she ignorant or was the obstruction, frighteningly, on her order?

171.

Mwebane must fully respond to NCOP's orders *now*.

172.

NCOP Chair Thandi Modise and NCOP Committee Petitions Chair Dumisani Ximbi must embrace their responsibility. Get control, get this "show" on the road before the year is out. Your researcher must coordinate with me for updates and easy to understand summary. If that means you must alter the Committee's schedule or hold a special session, do it. Don't aggravate by pushing this to next year. You may go on holiday but corruption won't. Don't pretend that NCOP hasn't been part of this failure. Make up for it. Respect my hard work and show love for the Western Cape.

## **CONCLUSION**

173.

I'll not partake of the pool of lies our country floats in. I'm a straight talker.

174.

Public Protector, your staff have chosen the side of a political party and the protection of their colleagues. Either you're ignorant of the situation and thus not in control, or you're too afraid to tackle the DA-aligned corruption lest the DA ramp up their criticism of you. Treat that as a question. Tell me who you are, and if you claim to be better than that, then *show* me and the good people of the Western Cape.

175.

NCOP Chair Thandi Modise, yours and the Committee Petitions mishandling of the Love Knysna Petition makes me wonder if you believe that the People of the Western Cape should be riding in a third-class train, away from South Africa. If you believe I'm incorrect, then explain the past three-and-a-half years whilst doing something about it.

176.

I'm a citizen with no power except stubbornness and disgust for the inept and corrupt. You both have massive power. Why is it necessary for me to write this 68-page report, *another should-have-been-unnecessary marathon*, after already having submitted an overwhelming amount of detail and evidence?

177.

You both failed. Your inaction allowed millions lost, a town destabilized, Godzille and the Gorgon DA protected, me persecuted and a man killed. The Office of the Public Protector failed to be our guard against government, and NCOP failed to guard the guards. You let us down!

178.

If you believe that I'm wrong then I'm hoping your belief in right over wrong is more powerful than any offence you may take to my words. Respect activists and whistleblowers - don't allow them to be destroyed. Save Knysna, help the Western Cape.

Mike Hampton  
[words@themikehampton.com](mailto:words@themikehampton.com)

*"Every man, every woman who has to take up the service of government, must ask themselves two questions: 'Do I love my people in order to serve them better? Am I humble and do I listen to everybody, to diverse opinions in order to choose the best path?' If you don't ask those questions, your governance will not be good."*

- Pope Francis