

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GQEBERHA)**

CASE NO: CC 19/2024

In Re: Cradock Four Inquest

MATTHEW GONIWE

FORT CALATA

SICELO MHLAULI

SPARROW MKHONTO

Deceased

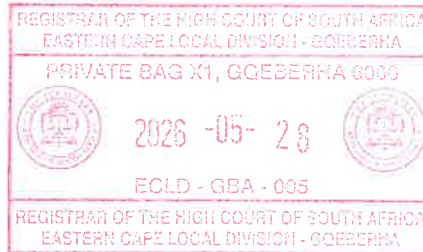
In Re: Application for Contempt of Court Order dated 4 March 2026

FAMILIES OF THE DECEASED

Applicants

and

**ACTING SECRETARY FOR
DEFENCE, DEPARTMENT OF
DEFENCE: DR THOBKILE GAMEDE**



First Respondent

DEPARTMENT OF DEFENCE

Second Respondent

NOTICE OF MOTION

TAKE NOTICE that the above applicants intend to make application to this Court on a date to be determined by the Honourable Judge Beshe for the following order:

PART A

1. The matter is urgent and the non-compliance with the rules of this Court are condoned.
2. The first respondent is found to be in contempt of the order of this Honourable Court dated 4 March 2026, a copy of which is annexed hereto marked "A".
3. The first respondent is directed to comply with the aforesaid order and to unconditionally produce the documents itemised in paragraph 2 of the above order in unredacted form and in hard copy and electronic format within 3 (three) court days of this order being granted.
4. If the first respondent does not comply with paragraph 3, she is directed to show cause on _____ 2026 at 10h00 why an order of an appropriate penalty of a custodial sentence, alternatively a monetary fine should not be imposed.
5. Costs on the attorney and client scale, including the costs of two counsel.
6. Further and/ or alternative relief.

PART B: ALTERNATIVE RELIEF

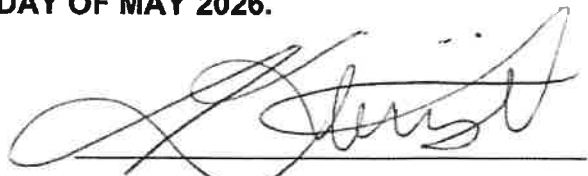
7. The matter is urgent and the non-compliance with the rules of this Court are condoned.

8. In addition, or in alternative to the Part A relief, declaring that the continued classification of the documents identified in paragraph 2 of this Court's order dated 4 March 2026 is unlawful and of no force and effect;
9. Directing the First Respondent, within 3 (three) court days of this order being granted, to produce the documents in full and unredacted form to this Honourable Court in hard copy, and the parties to these proceedings in electronic format, without imposing restrictions on access to the documents;
10. Cost on the attorney and client scale, including the costs of two counsel.
11. Further and/ or alternative relief.

and that the accompanying affidavit of **LUKE ARTHUR KLEINSMIDT** will be used in support thereof.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING.

DATED AT CAPE TOWN ON THIS 27th DAY OF MAY 2026.



CLIFFE DEKKER HOFMEYR INC

Applicants' Attorneys

11 Buitengracht Street

Cape Town, 8001

Tel : 021 481 6385

Email: luke.kleinsmidt@cdhlegal.com /

denzil.mhlongo@cdhlegal.com

Ref : L Kleinsmidt / D Mhlongo / 02020934

TO: FIRST RESPONDENT

Defence Headquarters

Armcor Building

Cnr Nossob & Boeing Street,

Pretoria

Email: secdef@dod.mil.za

Tel: 012 355 6220 / 6224

AND TO: SECOND RESPONDENT

Defence Headquarters

Armcor Building

Cnr Nossob & Boeing Street,

Pretoria

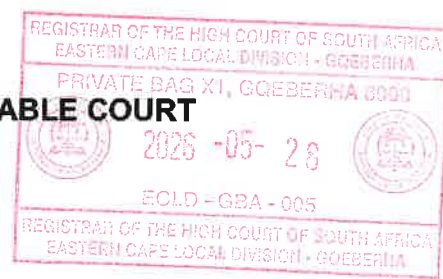
Email: Thobile.Ngobeni@dod.mil.za /

Mantsho.mashiane@dod.mil.za

Tel: 012 355 6103

**AND TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
GQEBERHA**

AND TO: THE PARTIES TO THIS INQUEST



ANNEXURE A



IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GQEBERHA)

GQEBERHA, the 04th day of MARCH 2026

BEFORE The Honourable Madam Justice **BESHE**

Case No. CC19/2024

In the matter between:

MATTHEW GONIWE

FORT CALATA

SICELO MHLAULI

SPARROW MKHONTO

Deceased

In Re: Cradock Four Inquest

Having heard the evidence of Retired General Lionel Xaba and Colonel M B Nkuna, and the arguments advanced by counsel for the National Director of Public Prosecutions and the counsel for the South African National Defence Force,

IT IS ORDERED THAT:

1. Retired General Lionel Xaba and Colonel Zandile Mlotshwa, having been subpoenaed in terms of section 205 of the Criminal Procedure Act, 55 of 1977, as amended, are excused from the proceedings and no order is made against them.
2. Dr Thobekile Gamede, in her capacity as the present Acting Secretary of Defence, or her successors in title, shall take all reasonable steps to declassify, by no later than 15h00 on Friday, 13 March 2026 the documents appearing in

the schedule below, and such declassified documents shall be released and be made available to the Registrar by that date and time.

Serial No	Box No	File Reference	File Description	Volume	Period
GROUP 8: MILITARY INTELLIGENCE DIVERSE					
1.	36	TL 43/82	SVR Notules	1	1982-02-03 to 1982-07-15
2.	48	59	Dokumentsekerheid: Argiewe – seine		1985-00-01 to 1986-12-31
GROUP 28: MILITARY INTELLIGENCE DIVERSE					
29.	47	46	Ondersoek: Lek van sien	1	1985-06-07 to 1992-05-21
30.	47	47	OP Mini GBS – Planne Ops strategie		1985-09-03
GROUP 1: EASTERN PROVINCE COMMAND MAINTENANCE UNIT					
1.	173	506/3/0019/12	Interne auditverslae: Report Cradock Kommando algemene en tegniese vooraard rek	1	1987-05-08 to 1987-11-23
GROUP 8: MILITARY INTELLIGENCE DIVERSE					

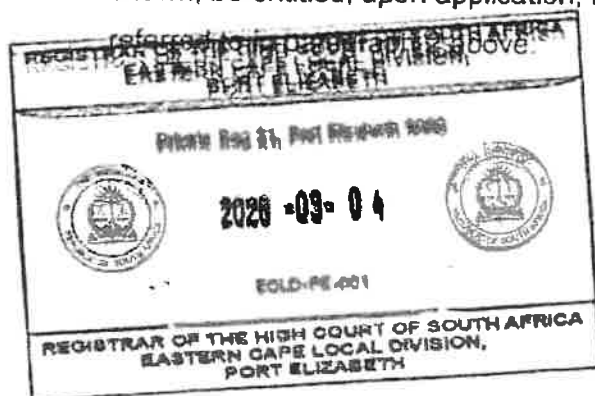
2.	46	42	Lt Genl CP van der Westhuizen – Persoonlik		1983-01-31 to 1987-11-23
3.	47	46	Ondersoek: Lek van sien	1	1987-07-20 to 1987-09-03
4.	47	47	OP Minli GBS – Planne Ops strategie		1985-09-03
5.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
6.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31

GROUP 21: CSI

7	180	204/2/M10	ECC	16	1986-07-14 to 1986-12-31
8.	180	204/2/M10	ECC	20	1986-12-12 to 1986-09-20
9.	180	204/2/M10	ECC	21	1986-09-03 to 1986-12-18
10.	180	204/2/M10	ECC	22	1986/10-06 to 1986-12-16
11	181	204/2/M10	ECC	23	1986-11-20 to 1986-12-30

12.	181	204/2/M10	ECC	24	1987-02-01 to 1987-02-19
13.	181	204/2/M10	ECC	25	1987-03-05 to 1987-04-08
14.	181	204/2/M10	ECC	26	1987-03-05 to 1987-04-16
15.	37	TI 54/82	Subject redacted	12	1987-03-05 to 1987-04-16
GROUP 28: MILITARY INTELLIGENCE DIVERSE					
16.	46	42	Lt Gen C.P. van der Westhuizen – Persoonlik		1983-01-31 to 1987-11-23
17	48	42	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
18.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31

3. The Acting Secretary of Defence, or her successors in title, shall on good cause shown, be entitled, upon application, to seek an extension of the time and date



BY ORDER OF COURT

F AHMED (Mr)

REGISTRAR

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GQEBERHA)**

CASE NO: CC 19/2024

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MATTHEW GONIWE

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In Re: Application for Contempt of Court Order dated 4 March 2026

FAMILIES OF THE DECEASED

Applicants

and

ACTING SECRETARY FOR DEFENCE,

First Respondent

DEPARTMENT OF DEFENCE: DR

THOBKILE GAMEDE

DEPARTMENT OF DEFENCE

Second Respondent

FOUNDING AFFIDAVIT

(Contempt of Court Application)

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I, the undersigned

LUKE ARTHUR KLEINSMIDT

do make oath and state that:

1. I am an adult male and an associate at Cliffe Dekker Hofmeyr Inc, the applicants' attorneys of record in the above matter ("**CDH**"). As such I am duly authorised to depose to this affidavit on behalf of the applicants as the attorney of record.
2. I confirm that the facts contained in this affidavit, save as where otherwise indicated, fall within my personal knowledge and are true and correct.

INTRODUCTION

3. Compliance with court orders is foundational to South Africa's constitutional democracy. This application is brought in order to vindicate the authority of this Court and to uphold the rule of law.
4. This is an application for:
 - 4.1. an order of contempt of court against the Acting Secretary of Defence, Dr Thobekile Gamede for the wilful and intentional non-compliance of an order of this Court granted by Her Ladyship Madam Justice Beshe on 4 March 2026 and thereafter extended to 21 April 2026 ("**the Order**");
 - 4.2. together with an order compelling the first respondent to comply with the Order and to produce the unredacted documents unconditionally within three days of the order granted; failing which she is directed to show cause why a custodial sentence, alternatively a monetary fine, should not be imposed.



5. In addition, or in the alternative, the Applicants seek an order declaring that the continued classification of the documents referred to in paragraph 2 of the Order be declared unlawful and of no force and effect; together with an order for the unrestricted access to the documents.
6. This application is brought on an urgent basis because the next sitting of the Re-Opened Inquest is set down for 6 July 2026 and it is anticipated that there are approximately 13 000 pages that require analysis before the hearing.
7. I will therefore deal with the following issues in this affidavit:
 - 7.1. Parties;
 - 7.2. Background
 - 7.3. Part A: Contempt of Court
 - 7.4. Part B: Alternative relief
 - 7.5. Urgency
 - 7.6. Conclusion.

PARTIES

8. The applicants are the families of the Cradock Four (**"the families"**). They are the immediate family members of the Cradock Four who were murdered by the erstwhile Security Branch on 27 June 1985.
9. The Re-Opened Inquest into the Death of the Cradock Four is currently ongoing and has sat on the following dates: 2 September 2024, 2 – 12 June 2025; 13 – 24 October 2025; 23 – 27 March 2026. It was thereafter adjourned to 6 – 10 July 2026.
10. The families sought the reopening of this inquest and have actively participated in the proceedings. They will be materially and substantially



affected by the redacted and restricted production of the documents. The families therefore have the necessary standing to bring this application.

11. The first respondent is the Director General of the Department of Defence and its Acting Secretary of Defence, Dr Thobekile Gamede,

11.1. whose duties include being the Head of Information and is directly referenced in paragraph two of the Order.

11.2. whose address is Defence Headquarters, Armscor Building, Corner Nossob and Boeing Streets, Pretoria, Gauteng Province and the Acting Secretary for Defence.

12. The second respondent is the Department of Defence of the Republic of South Africa, a national department of state with its principal place of business at Defence Headquarters, Armscor Building, corner Nossob and Boeing Streets, Erasmuskloof, Pretoria ("**DOD**"). The Department is cited in its capacity as the department and organ of state responsible for the documentation requiring production before this inquest.

BACKGROUND

13. The documents in question have been requested by the applicants' representatives since 2021. The respondents have had nearly five years to process the requests and provide the documents held by the South African National Defence Force ("**SANDF**").
14. A summary of the steps that the applicants have taken over the past five years to obtain these documents is set out below.
15. During June 2021, the applicants' private investigator, Retired Brigadier Clifford Marion ("**Marion**"), delivered an application in terms of the Promotion



of Access to Information Act ("**PAIA**") to the DOD regarding the declassified documents.

16. The applicants received no response. On 10 November 2021, the applicants delivered a second PAIA application to the DOD to follow up on the first request. This second application and covering email are attached hereto, marked "**FA1**" and "**FA2**" respectively.
17. On 22 July 2022, the applicants, through their private investigator Marion, were granted limited access to inspect and copy a portion of the documents that had been declassified. The documents provided to Brigadier Marion were forwarded to the NPA and the DPCI on 22 July 2022. This email is annexed hereto marked "**FA3**". The declassified documents are part of the re-opened inquest record and were attached as Appendix A to annex FA3. However, Marion was refused access to a number of the documents on the basis that they were classified. This list was attached to annex FA3 as appendix B.
18. On 22 May 2025, the applicants' attorneys Cliffe Dekker Hofmeyr ("**CDH**") addressed a letter to the Honourable Judge Beshe stating that the reopened inquest needed access to all DOD documents with a possible connection to the Cradock Four. It was also pointed out that the documents would assist the Court to better understand the roles played by the former South African Defence Force, Military Intelligence and the State Security Council in the 1980s. This letter is attached marked "**FA4**". Annexed to this letter was the same "Appendix B" referred to above, which details the records which were not disclosed, with the reasons for the refusals.
19. On 2 July 2025, following the opening addresses, various counsel highlighted the need to gain expeditious access to the DOD documents, and complained that the withholding of the documents were hampering their efforts to prepare for the inquest. The Honourable Judge Beshe agreed on the importance of their production.



20. On 10 September 2025, CDH wrote to the Judge and the NPA noting that we were waiting to hear of the status of the DOD documents and whether they have been declassified. This letter is attached marked "FA5".
21. On 28 November 2025, CDH addressed an email to the National Prosecuting Authority ("NPA") to follow up on, *inter alia*, the status of these documents. This email is attached and marked "FA6".
22. On 12 January 2026 and 27 January 2026, respectively, CDH followed up with the NPA regarding the declassification and handover of documents. The NPA replied on 27 January 2026, stating that *"a S205 subpoena for the Department of Defence has been prepared with a date for the receipt of the documents of 13 February 2026 failing which their appearance on 20 February 2026 before Judge Beshe"*. This email chain attached hereto marked "FA7".
23. On 4 March 2026 the Court granted an order directing Dr Gamede to take *"all reasonable steps to declassify"* in respect of the documents listed in the schedule attached to the order *"by no later than 15h00 on Friday, 13 March 2026"* and that *"such declassified documents shall be released and be made available to the Registrar by that date and time"*. The order and schedule is annexed to the Notice of Motion marked "A".
24. On 16 March 2026, CDH followed up with the NPA to confirm whether the documents have been obtained following the expiration of the court-ordered deadline.
25. On 17 March 2026, Mr Notley of the State Attorney's office addressed an email to all parties stating that *"the SANDF has applied for an extension in terms of paragraph 3 of the attached order"*. This email is attached hereto marked "FA8". (Paragraph 3 of the Court Order states that *"the Acting Secretary of Defence, or her successors in title, shall on good cause shown, be entitled, upon application, to seek an extension of the time and date referred to in paragraph 2 above"*).



26. On 23 March 2026, in chambers, Her Ladyship Madam Justice Beshe granted an extension of the order, in terms of paragraph 3, to 21 April 2026. Unfortunately, no such documents were delivered on 21 April 2026.
27. Instead, on 21 April 2026, Dr Gamede deposed to an affidavit in which she states that documents are available, but, under certain restrictive conditions. This affidavit is annexed marked "FA9".
28. Dr Gamede asserts that the documents "*remain classified*" and "*if disclosed without restriction*" would:
- 28.1. Prejudice the security of the Republic of South Africa;
 - 28.2. Compromise intelligence methods, sources and operational capabilities of the SANDF;
 - 28.3. Contravene statutory obligations imposed on the DOD to safeguard classified information.
29. Dr Gamede states that the documents have been "*masked/redacted*" and that even with such redactions the "*remaining content retains a security classification*" and that the documents may only be made available to the Court and identified parties under the following "*security conditions*":
- 29.1. No duplication of the records in any form.
 - 29.2. The records must be stored in a safe when not in use. The safe must be located in a secure area.
 - 29.3. The records must not be made available for inspection and/or perusal by members of the general public. •
 - 29.4. No pages or sections of the documents are to be removed.



- 29.5. A register is to be kept of all persons who had access to these records, indicating date, time, name, identity number, and signature.
- 29.6. Subsequent to the completion of the inquest, all records are to be returned to the DOD.
- 29.7. An affidavit by all persons who had access to the documents confirming that the above have been adhered to must be forwarded to the DOD, Defence Intelligence.
30. In redacting/ masking the documents and providing highly restrictive access ("the restrictions") to the unredacted documents (comprising some 13 000 pages) the DOD effectively makes it impossible to study and consider the documents. The restrictions amount to an effective bar to the documents.
31. On 22 April 2026, the NPA addressed an email to Judge Beshe (annexed hereto marked "FA10"), alerting her of Mr Notley's email and Dr Gamede's affidavit stating that:
- "it was our understanding from the affidavit provided on 13 March 2026 that the declassified documents will be provided by 21 April 2026. The attached affidavit now states that the documents can only be declassified with restrictions. Such restrictions are contained in paragraph 13 of the affidavit. It is our submission that the court order clearly states that the Department of Defence must declassify and furnish the documents. In our view the Department has failed to comply with the order. It is our submission that Dr. Gamede should be subpoenaed to appear before the honorable court, to explain the Departments position".*
32. The above timeline illustrates the DOD's historic conduct in obstructing access to documents that may assist this Court to get to the truth behind the deaths of the Cradock Four. Even when ordered to produce the documents under court order the DOD has intentionally refused to comply with the order.



33. Instead, it has come up with machinations to effectively block the Court and the parties from proper access to the documents. In so doing, the DOD has placed itself in wilful contempt of this Court's order and it should be held in contempt.

PART A: CONTEMPT OF COURT

34. In this section I demonstrate that:

- 34.1. An order was granted against Dr Gamede;
- 34.2. Dr Gamede had knowledge of the order; and
- 34.3. The order was not complied with.

35. Once these facts are established, then under law there is an assumption that the non-compliance was wilful and intentional.

Existence and knowledge of the order

36. It is common knowledge that the order was granted against Dr Gamede. The orders issued on 4 and 23 March 2026 were clear, unambiguous, and capable of compliance.
37. Dr Gamede is expressly referenced in paragraph 2 of the 4 March 2026 order, and she acknowledged its existence in her affidavit of 21 April 2026.
38. Accordingly, it is non-contentious that such an order exists, and she was served with the order.

Non-compliance with the order

39. Paragraph 2 of the order expressly states that:

"Dr Thobekile Gamede, in her capacity as the present Acting Secretary of Defence, or her successors in title, shall take all reasonable steps to

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declassify, by no later than 15h00 on Friday, 13 March 2026 the documents appearing in the schedule below, and such declassified documents shall be released and be made available to the Registrar by that date and time."

40. The order by Her Ladyship directs ("*shall*") Dr Gamede to fulfil two obligations:

40.1. The first is to "*take all reasonable steps to declassify*" the documents listed in paragraph 2 of the order.

40.2. The second is to release "*such declassified*" documents to the Registrar.

41. Dr Gamede was the functionary who was required to give effect to the Court's order to take all the necessary and reasonable steps to declassify the documents.

42. Instead of taking reasonable steps to declassify and make the documents available by 21 April 2026, Dr Gamede deposed to an affidavit stating that the documents remain classified and are held under "*lock and key*" and only redacted and masked documents will be made available, under highly restrictive conditions.

43. Dr Gamede does not set out the steps she took to declassify the documents. She simply proceeds on the basis that the documents remain classified and cannot be released in an unrestricted manner because it will prejudice the security of South Africa and compromise the SANDF's intelligence methods, sources and operational capabilities.

44. The documents were generated between 1982 and 1987 some 40 to 44 years ago.

44.1. The documents were classified under defunct apartheid legal provisions by the erstwhile South African Defence Force, which



wantonly abused the rights of South Africans in the service of an unjust regime.

44.2. The claim that the release of apartheid era documents produced by a military organisation that no longer exists, will prejudice the security of a democratic South Africa and compromise current intelligence methods four decades later, is not only fanciful, but also brazenly irrational.

44.3. More will be said on this in the Part B relief below.

Effective bar to meaningful access

45. The so-called “*restricted release*” is in reality an effective bar to this Court and the parties engaging meaningfully with the documents.

45.1. The DOD proposes the inspection and reading by the judge and parties’ representative of 13 000 redacted pages at the DOD Archives near Pretoria or some other secure location.

45.2. The impracticality of reviewing thousands of pages only in the DOD Archive or some safe location, on a party-by-party or counsel-by-counsel basis, severely limits timely analysis and evidence preparation. This is particularly so when the next and final sitting begins on 6 July 2026.

45.3. There is no prospect of the Court and parties being able to complete this task in the time available.

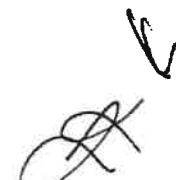
45.4. The proposed restrictions, such as no duplication and only physical inspection in a secure safe, prevent the legal teams from reviewing, referencing or presenting the documents in court. This effectively stops the documents from being used in this inquest.



- 45.5. The restrictions risk forcing the inquest to be held *in camera*, which undermines the public nature of the proceedings and the principles of transparency and accountability, especially in a matter of significant historical and public importance.
- 45.6. The only way to get to grips with the documentation is by way of electronic analysis. The DOD is aware of this but has specifically chosen a method of access that prevents this.
46. This Court is urged to take note of the cynical and obstructive approach of the DOD. The documents have been sought by the families since 2021, but the Department delayed acting until compelled by a court order in 2026; and then only in a manner that denies effective access.

Prejudice

47. The applicants and the other parties have suffered prejudice and stand to sustain further prejudice as a result of the Respondent's non-compliance.
- 47.1. They have been denied the opportunity in the past several months to consider and analyse the documents.
- 47.2. Even release in electronic format at this late stage will place the parties under considerable pressure.
- 47.3. The "restricted release" proposed by the DOD will make it impossible for the Court and the parties to deal meaningfully with the documents.
48. In the circumstances the respondent's non-compliance is wilful and *mala fide*. First and second respondents were fully aware of the order and had the ability to comply. Notwithstanding they declined to do so without lawful justification.



49. Their conduct undermines the rule of law and demonstrates a deliberate disregard for the authority of this Honourable Court.
50. The families accordingly seek an order holding the first respondent in contempt of the order granted on 4 March 2026. The families further seek an order compelling the first respondent to comply with the order and to produce the unredacted documents unconditionally within three days of the order granted; failing which she is directed to show cause why a custodial sentence, alternatively a monetary fine, should not be imposed.

PART B: ALTERNATIVE RELIEF

51. In addition, or in alternative to the Part A relief, the applicants seek an order declaring that the continued classification of the documents to be unlawful and of no force and effect; and directing that the First Respondent be required to produce the documents in full and unredacted form.

Introduction

52. Part B of the application concerns the continued classification and non-disclosure of documents dating from the early to mid-1980s, and which may be relevant to the re-opened inquest into the deaths of the Cradock Four.
53. The Respondent relies on a bare assertion that the documents remain classified under:
- 53.1. the Defence Act 42 of 2002;
 - 53.2. the Protection of Information Act 84 of 1982; and
 - 53.3. the Minimum Information Security Standards ("MISS").
54. It is submitted that this reliance is legally untenable, factually unsupported, and constitutionally inconsistent.



55. The documents include records dating from 1982 to 1987 and are thus approximately 40 to 44 years old.
56. The Respondents make the bald claim, without the slightest elaboration, that the documents "*remain classified*" under various instruments. No evidence is provided of:

56.1. the original classification decisions;

56.2. the legal framework under which such classifications occurred in the 1980s;

56.3. any subsequent reviews or reclassifications.

Apartheid-era classifications

57. Secrecy and security classifications in the apartheid era were wielded as tools of oppression. They were used to shut down opposition to white minority rule. Secrecy was the order of the day, and national security was aimed at safeguarding the apartheid state. Security classifications in the apartheid era served these pernicious ends.
58. It scarcely needs to be mentioned that the post-apartheid constitutional era cannot countenance classifications made for such purposes. They are manifestly inconsistent with South Africa's new constitutional values.
59. The principles of accountability, responsiveness and openness in our new constitutional order are an integral part of post-apartheid South Africa's vision of an open and democratic society as enshrined in multiple provisions of the Constitution, including the Preamble, section 1, the Bill of Rights and sections dealing with the manner in which public bodies should function.
60. Once the apartheid-era laws and guidelines that provided for security

classifications were repealed, the classifications that were made in terms of them were also effectively ended. They did not survive the passage into the new constitutional order, unless they were specifically and lawfully reclassified.

The claim that the documents "remain classified"

61. To the extent that the Respondents rely on the original classification decisions in the 1980s this would be manifestly unlawful since they were made under legal instruments that no longer exist and for purposes that are no longer justifiable in the new South African order. Such reliance is incompatible with the principle of legality.
62. In referencing post-apartheid legislation, the Respondents rely on inapplicable legislation. While the *Protection of Information Act 84 of 1982* and the *Defence Act 42 of 2002* prohibit the disclosure of certain information, neither provide for the classification of information. Moreover, the Defence Act did not exist at the time the documents were created, and no basis is advanced for its retrospective application to classification decisions made decades earlier.
63. While the MISS, which was only adopted in 1996, does provide for the classification of information, the Respondents put up no evidence of the documents being classified or reclassified under MISS.
64. The Respondents do not allege:
 - 64.1. that the documents were reviewed and reclassified under MISS;
 - 64.2. when such reviews and reclassifications occurred;
 - 64.3. by whom.
65. Accordingly, the statement that the documents "*remain classified ... under MISS*" is wholly unsupported.



66. In this regard it is noted that the MISS does not permit the classification of categories of documents en masse. Classification must rest on individual consideration of each document with a specific assessment of harm and sensitivity. Any claim to blanket classification would be manifestly unlawful.

Irrational and arbitrary classification

67. To the extent that the Respondents claim that each document was individually classified in terms of the MISS such decisions cannot have been rationally related to the purpose for which the classification power was given.
68. Documents classified in the apartheid era would only be protected from disclosure if they met the new the criteria and standards of the MISS and were accordingly reclassified.
69. The MISS made a fundamental departure in approach from the earlier apartheid era guidelines.
- 69.1. The preface to the MISS notes that the guidelines were crafted taking into account that South Africa was now "*a democratic and open society with transparency in its governmental administration*".
- 69.2. The MISS proclaimed that its formulation was guided by the principles underlying an open democracy and the Interim Constitution. These included the promotion of an open and democratic society, good governance, the transparent exercise of power, accountability and participatory democracy.
- 69.3. The principles underlying the MISS and the Interim Constitution were diametrically opposed to those behind the earlier guidelines.



70. As mentioned above the focus of security classification in the apartheid era was aimed at suppressing information and knowledge to maintain the rule of an illegitimate regime. The MISS proclaims that its aim is to promote an open democracy.
71. The MISS defines categories of classification as restricted, confidential secret or top secret and explains what each category aims to protect. This ranges from preventing adverse consequences to individuals, institutions and the state.
- 71.1. At the '*restricted*' level this amounts to 'inconvenience' to institutions and individuals.
- 71.2. At the '*confidential*' level it is 'harm' to the functions and objectives of an institution or individual.
- 71.3. At the '*secret*' level it is 'disruption' to the functions and objectives of an institution or the state (not an individual).
- 71.4. Whereas at the '*top-secret*' level it is the 'neutralising' of the state or an institution.
72. The state and the institutions that the classifications sought to protect in the 1980s no longer exist. Attempts to retain classifications for institutional purposes must be viewed with great suspicion as it would amount to unwarranted and unlawful protection of the institutional order that propped up apartheid. Indeed, any attempt to do so would constitute an abuse of power.
73. The Respondents claim that the unrestricted release of the documents would prejudice South Africa's security and compromise the SANDF's intelligence methods, sources and operational capabilities. These are irrational and unsubstantiated claims of harm.



74. The Respondents provide no explanation as to:
- 74.1. why documents between 40 and 44 years old remain sensitive;
 - 74.2. how their disclosure could realistically prejudice national security today.
75. The mind boggles as to how documentation drawn up to deal with threats to the apartheid regime of the 1980s could prejudice South Africa's security more than 4 decades later. The claim beggars belief. It suggests that decision makers within the DOD have reason to frustrate the search for the truth into South Africa's dark past.
76. The second reason provided by the Respondents is equally remarkable. The claim that the release of the documents will compromise the SANDF's intelligence methods, sources and operational capabilities cannot be taken seriously.
- 76.1. To the extent that the documents deal with such matters they were the methods, sources and operational capabilities employed by the military in the service of apartheid in the 1980s.
 - 76.2. It cannot be that democratic South Africa some 40 years later is employing the same sensitive (and likely illegal) methods that propped up an abusive and illegitimate regime.
 - 76.3. The only conclusion to be drawn in these circumstances is that the DOD is improperly protecting the erstwhile SADF and its members from thorough scrutiny.
77. These are not legitimate grounds for maintaining classifications that are more than four decades old.



78. Without this Honourable Court's intervention, the result will be the indefinite and unlawful perpetuation of secrecy of an important part of our history.
79. The continued classification is accordingly manifestly arbitrary, irrational and inconsistent with the Constitution, and should be declared as such.

Security classification is not determinative

80. In *Independent Newspapers (Pty) Ltd v Minister for Intelligence Services 2008 (5) SA 31 (CC)* the Constitutional Court rejected the proposition that a claim of "national security" or a security classification automatically bars disclosure.
81. Instead, the Court held that courts must balance the constitutional principle of open justice against legitimate secrecy claims tied to national security.
82. The Constitutional Court confirmed that
- 82.1. a classification under MISS or related frameworks does not automatically prevent disclosure;
- 82.2. a security classification alone does not oust the jurisdiction of a court to decide whether material should be protected from disclosure to the media and public;
- 82.3. a contextual proportionality assessment is required to balance openness and secrecy.

URGENCY

83. As mentioned above, this is not an application that can be heard in the ordinary course, since the next sitting of the inquest is on 6 July 2026.



84. Each party's legal team are required to study, analyse and consider the 13 000 pages of documents before the hearing in order to elect whether to call further witnesses or recall current witnesses.

CONCLUSION

85. In conclusion, the Applicants aver that:

85.1. Dr Gamede has not complied with the Court of her Ladyship dated 4 March 2026. Her non-compliance warrants this Court directing her to comply unconditionally.

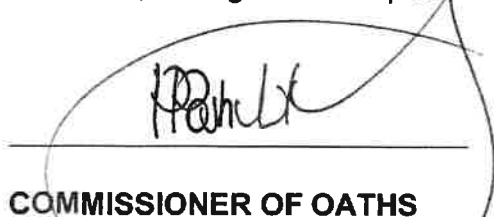
85.2. In addition, or alternatively the Applicants seek an order setting aside the classifications, together with their unconditional release to the Court and the parties.

WHEREFORE the Applicants seek an order in terms of the Notice of Motion.



LUKE ARTHUR KLEINSMIDT

I CERTIFY that the deponent has acknowledged that they know and understands the contents of this affidavit which was sworn to and signed before me at Cape Town on this 27th day of May 2026; the regulations contained in Government Notice No R.1258 dated 21 July 1972, as amended, having been complied with.



COMMISSIONER OF OATHS

KHULEKANI LIVEN POSHULI

COMMISSIONER OF OATHS

PRACTISING ATTORNEY RSA

STRAUSS DALY INC

13TH FLOOR, TOUCHSTONE HOUSE
7 BREE STREET, CAPE TOWN

SCHEDULE: ANNEXURES TO FOUNDING AFFIDAVIT

ANNEXURE	DESCRIPTION
FA1	Covering email from CDH to the DOD dated 10 November 2021 (attaching FA2 below)
FA2	PAIA Application dated 10 November 2021.
FA3	Email from CDH to the NPA dated 22 July 2022 (attaching Appendix A and Appendix B).
FA4	Letter to Honourable Judge Beshe dated 22 May 2025 (attaching Appendix B)
FA5	Letter to Honourable Judge Beshe dated 10 September 2025.
FA6	Email from CDH to the NPA dated 28 November 2025.
FA7	Email chain between CDH and the NPA from 28 November 2025 to 27 January 2026.
FA8	Email from the State Attorney's office dated 17 March 2026.
FA9	Affidavit deposed to by Dr T Gamede dated 21 April 2026.
FA10	Email from NPA to Honourable Judge Beshe dated 22 April 2026.



Denzil Mhlongo

From: Paige Winfield <Paige.Winfield@cdhlegal.com>
Sent: Wednesday, 10 November 2021 18:21
To: ronnie.mdawe@dod.mil.za
Cc: Tim Fletcher; Tim Smit; Lisa de Waal; howardvarney@gmail.com; 'yasmin.sooka'; 'Ahmed Mayet'; 'Katarzyna Zduńczyk'; Marion
Subject: FW: DEPARTMENT OF DEFENCE - REQUESTED DOCUMENTS IN THE CRADOCK 4 INVESTIGATION: PAIA REF: 7/6/9 MARION [CDH-JHBDocs.FID4634116]
Attachments: Form A - PAIA request 20211110.pdf
Importance: High

Dear Mr Mdawe,

The below email and our subsequent telephone call of a few weeks ago refers.

As discussed, we have attended the Department of Defence reading room and have prepared the attached PAIA request in line with the advice given to us by Mr. Steve De Agrela. Due to the size of the attachment to the Form A which contains the finding aids referencing the documents requested, I enclose a One Drive link which you will be able to access at the following link - [Form A and Annexure A - PAIA request 20211110.pdf](#).

We understand that a fee is payable for the submission of the PAIA request. Please provide us with the details of the full amount payable and the applicable banking details in order for us to tender payment. I believe that the fee is R35.00 from my discussions with Mr. De Agrela.

We look forward to hearing from you as soon as possible.

Kind regards,

Paige Winfield

Candidate Attorney - Dispute Resolution
 Cliffe Dekker Hofmeyr Inc
 Reg No: 2008/018923/21
 1 Protea Place, Cnr of Fredman and Protea Place, Sandton, Johannesburg, 2196
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CLIFFE DEKKER HOFMEYR

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From: Paige Winfield
Sent: Wednesday, 13 October 2021 07:59

To: Maete.Lengolo@dod.mil.za; archive@dod.mil.za; sandfdoc@mweb.co.za; Steve.DeAgrela@dod.mil.za; info@dod.mil.za

Cc: Tim Fletcher <Tim.Fletcher@cdhlegal.com>; Tim Smit <Tim.Smit@cdhlegal.com>; Lisa de Waal <Lisa.deWaal@cdhlegal.com>; Marion <marionc960@gmail.com>; howardvarney@gmail.com; Ahmed Mayet <amayet@fhr.org.za>; 'Katarzyna Zduńczyk' <katarzyna.zdunczykk@gmail.com>

Subject: FW: DEPARTMENT OF DEFENCE - REQUESTED DOCUMENTS IN THE CRADOCK 4 INVESTIGATION: PAIA REF: 7/6/9 MARION [CDH-JHBDocs.FID4634116]

Importance: High

Dear Ms. Kudjoe and Mr De Agrela,

- 1 By way of introduction, we represent Mr. Lukhanyo Calata and the Foundation for Human Rights. Our client, Mr. Calata, is the son of the late Fort Calata, who was murdered, together with Matthew Goniwe, Sparrow Mkhonto and Sicelo Mhlauli (collectively known as the "Cradock 4") by members of the Security Branch of the South African Police on 27 July 1985.
- 1 A Request for Access to Record of Public Body was submitted to the Department of Justice by retired Brigadier Cluffy Marion, our client, who together with the Foundation for Human Rights, is collecting and collating documentation and information relating to the murders of the Cradock 4.
- 2 On 28 June 2021, Advocate Ndou of the DOJ referred the request to the Department of Defence and gave us Steve De Agrela's contact details. We have been trying to contact Steve De Agrela since then and have not received any response, please could you assist us with the below request, alternatively, provide us with a contact to assist us.
- 3 The documents requested are –
 - 3.1 The Whole Operation Katzen File – Ref : Section K53. File No. Bev OP/309/1;
 - 3.1 All Joint Management Centre (JMC) Eastern Cape Command meeting minutes for the years 1983 to end of 1987, in particular:
 - 3.1.1 Minutes of the Joint Management Meeting 1/85 – no date reflected –Eastern Cape Command Centre;
 - 3.1.2 Minutes of the JMC 2/85 dated 28th March 1985 - Eastern Cape Command Centre;
 - 3.1.3 Minutes of the JMC 3/85 dated 23rd May 1985 - Eastern Cape Command Centre;
 - 3.1.4 Handwritten/typed signal dated 23rd May 1985 – author Eastern Cape JMC chairperson C P Van Der Westhuizen;
 - 3.1.5 Minutes of the Special JMC meeting – Daily Meeting dated 7th June 1985;
 - 3.1.6 Minutes of the JMC dated 18th June 1985 - Eastern Cape Command Centre; and
 - 3.1.7 Minutes of the Special JMC meeting – Daily Meeting dated 19th June 1985.
- 4 Please advise us on the procedure to obtain the requested documents as soon as possible.

Kind regards,

Paige Winfield

Candidate Attorney - Dispute Resolution

Cliffe Dekker Hofmeyr Inc

Reg No: 2008/018923/21

1 Protea Place, Cnr of Fredman and Protea Place, Sandton, Johannesburg, 2196

Tel. +27 11 562 1763 Mobile. +27 82 902 6525 Fax. +27 11 562 1831

Paige.Winfield@cdhlegal.com | www.cliffedekkerhofmeyr.com

ANNEXURE B**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(l) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____

(state rank, name and surname of information officer/deputy information officer) on

_____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

**SIGNATURE OF INFORMATION
OFFICER/ DEPUTY INFORMATION
OFFICER**

A. Particulars of public body

The Information Officer/Deputy Information Officer:

Mr. Ronnie Mdawe - Ronnie.mdawe@dod.mil.za ; 012 672 1450



B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached

Full names and surname: **Christopher Reginald Clifford Marion**

Identity number: **570510515164808**

Postal address: **255 Oribi Road, Bisley, Pietermaritzburg, 3201**

Fax number: **N/A**

Telephone number: **061 960 880** E-mail address: **marioncrc960@gmail.com**

Capacity in which request is made, when made on behalf of another person:
Investigator: Foundation for Human Rights

C. ~~Particulars of person on whose behalf request is made~~

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____



D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number n that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record: **As contained at Annexure A attached hereto.**
2. Reference number, if available: **TRC Number 5637/96**
3. Any further particulars of record: _____

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: **N/A**



F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: N/AForm in which record is required: Electronic or Hard copies

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

☒	copy of record*	☒	inspection of record
-------------------------------------	-----------------	-------------------------------------	----------------------

2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

☒	view the images	☒	copy of the images*	☐	transcription of the images*
-------------------------------------	-----------------	-------------------------------------	---------------------	--------------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

☐	listen to the soundtrack (audio cassette)	☐	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

4. If record is held on computer or in an electronic or machine-readable form.

☐	printed copy of record	☐	printed copy of information derived from the record*	☒	copy in computer readable form* (stiffy or compact disc)
--------------------------	------------------------	--------------------------	--	-------------------------------------	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES**NO****X**

Postage is payable.

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? **ENGLISH**

F. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? **BY EMAIL**

Signed at L. M. BURG this 10th day of **NOVEMBER 2021.**

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

C. R. C. MARION

[Handwritten initials]

Luke Kleinsmidt

From: Paige Winfield
Sent: Friday, 22 July 2022 09:27
To: Jannie Coltman (JC); 'Nomapa Mvandaba'; 'Shubnum H. Singh'; Wandisiwe Sangweni; 'Barry B. Madolo'; Selvan Gounden; 'Livingstone M. Sakata'; Nicola C. Turner; Mathebula Siphon; Mabena Carol; Muller Tamryn; Siphon.mathebula79@gmail.com; lchomatlou@gmail.com
Cc: Howard; Marion; suleman@ubunychambers.co.za; Tim Fletcher; Tim Smit; Jenny Harwin; 'Ahmed Mayet'; 'Katarzyna Zduńczyk'; 'yasmin.sooka'; Jenny Harwin
Subject: RE: THE INVESTIGATION INTO AND PROSECUTION OF THOSE RESPONSIBLE FOR THE MURDERS OF THE CRADOCK FOUR - MEETING 23 JUNE 2022 [CDH-JHBDocs.FID4634116]
Attachments: APPENDIX B.PDF; SKM_55822071908070.pdf

Dear Mr Coltman,

Brigadier Marion, visited the Department of Defense in Irene last week and perused 29 boxes and files of documents which were declassified in respect of our previous PAIA application. Brigadier Marion identified and made copies of the attached documents (with the authorisation of the Secretary of Defense) which may be of interest to the investigation.

Further, we enclose the attached Annexure B, which contains the documents in our PAIA request that were not declassified by the Department and we were not permitted access to. We understand that you may be able to gain access to these documents and ask that you do so, if possible.

Kind regards,

Paige Winfield

Associate - Dispute Resolution
 Cliffe Dekker Hofmeyr Inc
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 1 Protea Place, Cnr of Fredman and Protea Place, Sandton, Johannesburg, 2196
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APPENDIX A
DS/DEISMD/514/5/1/4 - MARION C.R.C.

Files declassified for release to Requester

1. The following documents were scrutinised in terms of the provision of the Promotion of Access to Information Act (Act No.2 of 2000) have been declassified and can be made available to the Requester and other researchers in future.

Serial No	Box No	File Reference	File Description	Vol	Period	
a	b	c	d	e		
ARCHIVE GROUP: EASTERN PROVINCE COMMAND MAINTENANCE UNIT						
✓ 1.	139	406/12/5/001'9	Inspeksie en verslae Cradock Kommando	1	1977-11-17 to 1978-10-02	Nothing relevant
✓ 2.	173	506/3/0019	Interne auditverslae : Report Cradock Kommando	1	1985-03-00 to 1986-12-12	copy
✓ 3.	173	506/3/0019/9	Interne auditverslae : Report Cradock Kommando Warrants	1	MI/521/2/2/30/5/10 1987-02-23 to 1987-03-06	Nothing relevant
✓ 4.	173	506/3/0019/10	Interne auditverslae : Report Cradock Kommando telephone service account	1	1981-02-23 to 1987-03-06	Nothing relevant
✓ 5.	173	506/3/0019/11	Interne auditverslae : Report Cradock Kommando - General and technical states account for 1986 February 1986	1	1987-02-18 to 1987-05-07	Nothing relevant
✓ 6.	173	506/3/0019/11	Interne auditverslae : Report Cradock Kommando - General and technical states account	1	1987-02-18 to 1987-05-20	}
✓ 7.	173	506/3/0019/17	Interne auditverslae : Report Cradock	1	1987-12-14 to 1987-12-28	
GROUP 24: MILITARY INTELLIGENCE						
✓ 8.	297	MI/521/2/2/30/5/1 0	SAW Komitee: Kommissies en Rade. Aanstelling en TVB/GBS Westelike Provinsie	4	1985-05-10 to 1986-06-13	Nothing relevant
✓ 9.	297	AMI/IO/521/2/2/30 /6	Sakelyste en notules	1	1987-07-20 to 1987-07-21	Nothing relevant
GROUP 8: MILITARY INTELLIGENCE DIVERSE						
✓ 10.	37	TL 52/82	GBS Notules	10	1982-04-13 to 1982-05-10	Nothing relevant
✓ 11.	37	TL 55/87 82	VBR Notules	13	1983-05-03 to 1982-05-03	Nothing relevant
✓ 12.	37	TL 60/82	Redacted	18	1982-07-29 to 1982-05-05	Nothing relevant
GROUP 28: MILITARY INTELLIGENCE DIVERSE						
13.	87	15A	Hof oorkondes - Kaki GDO CC7/93	37	1993-00-00	

* This whole document is contained in the Zietsman Inquest

Serial No	Box No	File Reference	File Description	Vol	Period	
	a	b	c	d	e	
✓ 14.	8	7 15A	* Hof oorkondes - Kaki, GDO CC7/93	38	1993-00-00	
✓ 15.	8	7 15A	* Hof oorkondes - Kaki, GDO CC7/93	39	1993-00-00	
✓ 16.	7	15 Zietsman Inquest dd 6/9/1993	Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	32 x	1993-00-00	Agume by Couna Zietsman Inque
✓ 17.	7	15	Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	33 x	1993-00-00	
✓ 18.	7	15	Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	34 x	1993-00-00	
✓ 19.	7	15	Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	35 x	1993-00-00	
✓ 20.	7	15	Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	36 x	1993-00-00	
✓ 21.	7	15A	* Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	37	1993-00-00	
✓ 22.	7	15A	* Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	38	1993-00-00	
✓ 23.	7	15A	* Hof oorkondes Van der Westhuizen/Marais/Butters/Vusani GDO - CC7/93 Matthew Goniwe	39	1993-00-00	
✓ 24.	46	45	Afkortings		1983-00-00	Irrelevant
✓ 25.	47	54 copy	Persnavrae-en-verklarings: Matthew Goniwe GDO		1992-06-24 to 1992-09-11	copy
✓ 26.	47	55 copy	Propaganda: ontleding rondom Goniwe moord		1992-00-00	copy
✓ 27.	48	56 copy	Goniwe GDO: Algemeen		1992-06-29	Letter from State Attorneys re: death of Goniwe
✓ 28.	48	57	Dirk Coetzee geval: Londen		1992-07-20	Irrelevant

APPENDIX B
DS/DEISMD/514/5/1/4 – MARION C.R.C.

The following records are to be withheld.

DEFENCE, SECURITY AND INTERNATIONAL RELATIONS OF THE REPUBLIC

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 8: MILITARY INTELLIGENCE DIVERSE					
1.	36	TL 43/82	SVR Notules	1	1982-02-03 to 1982-07-15
2.	48	59	Dokumentsekerheid: Argiewe - seine		1985-00-01 to 1986-12-31

2. Reasons for refusal are

- a. Section 41.1(a)(i)(ii). Could reasonably be expected to cause prejudice to:
 - i. The defence of the Republic.
 - ii. The Security of the Republic.
- b. Section 41.1(b)(i)(ii). Would reveal information.
 - i. Supplied in confidence by or on behalf of another state or an international organisation.
 - ii. Supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement contemplated in section 23 of the Constitution, with that state or organisation which requires the information to be held in confidence.
- c. Section 41.2(b)(i)(ii). Relating to the quantity, characteristic, capabilities, vulnerabilities or deployment of
 - i. Weapons or any other equipment used for the detection, prevention, suppression, or curtailment of subversive or hostile activities or
 - ii. Anything being designed, developed, produced or considered for use as weapons or such other equipment.
- d. Section 41.2(d)(i)(ii). Held for the purpose of intelligence to
 - i. the defence of the Republic.
 - ii. the detection, prevention, suppression, or curtailment of subversive or hostile activities.

1. Motivation for refusal.: The release of this information could compromise information wrt weapon systems and doctrine and cause prejudice to the defence and security of the Republic. It could furthermore prejudice or compromise information or an agreement supplied in confidence by other state.

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 28: MILITARY INTELLIGENCE DIVERSE					
29.	47	46	Onderzoek: Lek van sien	1	1985-06-07 to 1992-05-21
30.	47	47	OP Minii GBS – Planne Ops strategie		1985-09-03

2. Reasons for refusal are:

- a. Section 41. 2(d)(i)(ii). A record contemplated in subsection (1) without limiting the generality of that subsection, includes a record a record containing information held for the purpose of intelligence relating to:
- i. the defence of the Republic.
 - ii. the detection, prevention, suppression, or curtailment of subversive or hostile activities.

3. Motivation for refusal.: The release of these record/s would reveal information about or relating to the characteristic, capabilities, vulnerabilities or deployments of functions of any military force, unit or personnel in the SANDF.

MANDATORY PROTECTION OF PRIVACY OF THIRD PARTY WHO IS A NATURAL PERSON (PERSONAL INFORMATION)

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 1: EASTERN PROVINCE COMMAND MAINTENANCE UNIT					
1.	173	506/3/0019/12	Interne auditverslae : Report Cradock Kommando algemene en tegniese voorraad rek	1	1987-05-08 to 1987-11-23
GROUP 8: MILITARY INTELLIGENCE DIVERSE					
2.	46	42	Lt Genl C.P. van der Westhuizen - Persoonlik		1983-01-31 to 1987-11-23
3.	47	46	Onderzoek: Lek van sien	1	1987-07-20 to 1987-07-21
4.	47	47	OP Minii GBS – Planne Ops strategie		1985-09-03

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
5.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
6.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
GROUP 21: CSI					
7.	180	204/2/M10	ECC	16	1986-07-14 to 1986-08-20
8.	180	204/2/M10	ECC	20	1986-12-12 to 1986-09-26
9.	180	204/2/M10	ECC	21	1986-09-03 to 1986-12-18
10.	180	204/2/M10	ECC	22	1986/10-06 to 1986-12-16
11.	181	204/2/M10	ECC	23	1986-11-20 to 1986-12-30
12.	181	204/2/M10	ECC	24	1987-02-01 to 1987-02-19
13.	181	204/2/M10	ECC	25	1987-03-05 to 1987-04-08
14.	181	204/2/M10	ECC	26	1987-03-05 to 1987-04-16
15.	37	TI 54/82	Subject redacted	12	1987-03-05 to 1987-04-16
GROUP 28: MILITARY INTELLIGENCE DIVERSE					
16.	46	42	Lt Genl C.P. van der Westhuizen - Persoonlik		1983-01-31 to 1987-11-23
17.	48	42	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
18.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31

4. Reasons for refusal are: Section 34(1). The information officer of a public body must refuse a request for access to record of the body if the disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

5. Motivation for refusal are: the reasons for withholding the above records are because of the mandatory protection of privacy of third party, these records contain private conversations, personal opinions, identity numbers, employment of informers within the Department of Defence and private sector, education, religion, addresses, recordings of telephone conversations, personal letters, sexual orientation, criminal history, personal evaluations of individual, medical history, residential telephone numbers and work numbers.



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Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

Judge Beshe
High Court of South Africa
Eastern Cape Division (Makhanda)
104 – 106 High Street
Makhanda
6140

Our Reference
Account Number
Your Reference
Direct Line
Direct Email
Date

Tebello Mosoeu
02020934
Inquest 19/2024: High Court Gqeberha
011 562 1564
Tebello.Mosoeu@cdhlegal.com
22 May 2025

By Email: Skapa@judiciary.com

Copied: Advocate Devendran Govender
National Prosecuting Authority
94 High Street
Makhanda
6139

By Email: devendrango@npa.gov.za

Dear Judge Beshe,

Re-opening of Inquest: Cradock Four: Request for Subpoena – Department of Defence documents

- 1 The purpose of this letter is to request the Court's assistance with the procurement of certain records which are held by the Department of Defence's ("DOD") Archives department.
- 2 In July 2022, Brigadier Marion, an investigator for the Foundation for Human Rights ("FHR"), was given access to a number of records which are held at the DOD's Archives in Irene, Pretoria. This access was granted after he had submitted an application in terms of the Promotion of Access to Information Act, 2000 ("PAIA application") for access to a number of documents. The documents disclosed were first declassified.
- 3 The documents provided to Brigadier Marion were forwarded to the NPA and DPCI on 22 July 2022. However, he was refused access to a number of the documents on the basis that they were classified. We attach a document titled "Appendix B", which details the records which were not disclosed, with the reasons for the refusals.
- 4 In our view, the documents described in Appendix B could be of assistance to the Court in better understanding the role of the former South African Defence Force, Military Intelligence and the State Security Council in relation to the Cradock 4 murders.
- 5 After Brigadier Marion was denied access to the records, we wrote to Adv Coltman of the NPA on 22 July 2022 and asked him to approach the DOD to extract the requested documents. Since we did not hear back from Adv Coltman we assume that he was unable to take this request forward.

Johannesburg | Cape Town | Stellenbosch | Nairobi | Windhoek

Chairperson: TS Fletcher | Chief Executive Officer: B Williams | Managing Partner (Kiet Law LLP/CDH Kenya): Sammy Ndolo
Managing Partner (CDH Namibia): Bonita de Silva | Chief Financial Officer: ES Burger

From vision to fruition

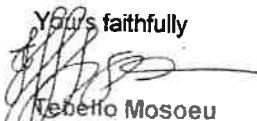
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www.cliffedekkerhofmeyr.com

- 6 We hereby request that the Court issue a subpoena against the DOD's Information Officer requiring her to appear at Court with the requested documents. The information officer's details are:

*Ms Sonto Kudjoe
The Information Officer
Defence Headquarters, Armscor Building
Cnr Delmas Avenue and Nossob Streets
Erasmusrand
Pretoria*

- 7 We note that the records in question are very old, dating back between 1982 and 1987. In the circumstances, grounds of refusal relating to national security can, in our respectful view, no longer be legitimate grounds some 40 years later. These grounds as set out in Appendix B, include:
- 7.1 that their disclosure would reveal information relating to the quantity, characteristics, capabilities, vulnerabilities and deployment of equipment used in the suppression of subversive of hostile activities;
- 7.2 that their disclosure might cause prejudice to the defence and security of South Africa;
- 7.3 that their disclosure would compromise information regarding weapons systems and doctrine.
- 8 We note that in respect of some documents it is said that their disclosure would constitute an unreasonable disclosure of personal information. We are of the view that such claims have to be considered in respect of each document, and if the claim is well founded, then the personal details in question should be redacted, rather than simply withholding the entire document.
- 9 We respectfully suggest that the Court may wish to engage in "a judicial peek" of the documents in order to determine their relevance for the proceedings, and if so, how they are to be handled, and whether certain details, such as actual personal or private details, or identities of living informers, should be redacted.
- 10 Counsel for the families are prepared to make submissions to the Court regarding the necessity of the requested documents, if needs be, in an *in camera* setting, as directed by the Court.

Yours faithfully


Tebello Mosoeu
Senior Associate



APPENDIX B
DS/DEISMD/514/5/1/4 – MARION C.R.C.

The following records are to be withheld.

DEFENCE, SECURITY AND INTERNATIONAL RELATIONS OF THE REPUBLIC

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 8: MILITARY INTELLIGENCE DIVERSE					
1.	36	TL 43/82	SVR Notules	1	1982-02-03 to 1982-07-15
2.	48	59	Dokumentsekerheid: Argiewe - seine		1985-00-01 to 1986-12-31

2. Reasons for refusal are

- a. Section 41.1(a)(i)(ii). Could reasonably be expected to cause prejudice to:
 - i. The defence of the Republic.
 - ii. The Security of the Republic.
- b. Section 41.1(b)(i)(ii). Would reveal information.
 - i. Supplied in confidence by or on behalf of another state or an international organisation.
 - ii. Supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement contemplated in section 23 of the Constitution, with that state or organisation which requires the information to be held in confidence.
- c. Section 41.2(b)(i)(ii). Relating to the quantity, characteristic, capabilities, vulnerabilities or deployment of
 - i. Weapons or any other equipment used for the detection, prevention, suppression, or curtailment of subversive or hostile activities or
 - ii. Anything being designed, developed, produced or considered for use as weapons or such other equipment.
- d. Section 41.2(d)(i)(ii). Held for the purpose of intelligence to
 - i. the defence of the Republic.
 - ii. the detection, prevention, suppression, or curtailment of subversive or hostile activities.

1. **Motivation for refusal.:** The release of this information could compromise information wrt weapon systems and doctrine and cause prejudice to the defence and security of the Republic. It could furthermore prejudice or compromise information or an agreement supplied in confidence by other state.

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 28: MILITARY INTELLIGENCE DIVERSE					
29.	47	46	Onderzoek: Lek van sien	1	1985-06-07 to 1992-05-21
30.	47	47	OP Minii GBS – Planne Ops strategie		1985-09-03

2. **Reasons for refusal are:**

- a. Section 41. 2(d)(i)(ii). A record contemplated in subsection (1) without limiting the generality of that subsection, includes a record a record containing information held for the purpose of intelligence relating to:
 - i. the defence of the Republic.
 - ii. the detection, prevention, suppression, or curtailment of subversive or hostile activities.

3. **Motivation for refusal.:** The release of these record/s would reveal information about or relating to the characteristic, capabilities, vulnerabilities or deployments of functions of any military force, unit or personnel in the SANDF.

MANDATORY PROTECTION OF PRIVACY OF THIRD PARTY WHO IS A NATURAL PERSON (PERSONAL INFORMATION)

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
GROUP 1: EASTERN PROVINCE COMMAND MAINTENANCE UNIT					
1.	173	506/3/0019/12	Interne auditverslae : Report Cradock Kommando algemene en tegniese voorraad rek	1	1987-05-08 to 1987-11-23
GROUP 8: MILITARY INTELLIGENCE DIVERSE					
2.	46	42	Lt Genl C.P. van der Westhuizen - Persoonlik		1983-01-31 to 1987-11-23
3.	47	46	Onderzoek: Lek van sien	1	1987-07-20 to 1987-07-21
4.	47	47	OP Minii GBS – Planne Ops strategie		1985-09-03

Serial No	Box No	File Reference	File Description	Vol	Period
	a	b	c	d	e
5.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
6.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
GROUP 21: CSI					
7.	180	204/2/M10	ECC	16	1986-07-14 to 1986-08-20
8.	180	204/2/M10	ECC	20	1986-12-12 to 1986-09-26
9.	180	204/2/M10	ECC	21	1986-09-03 to 1986-12-18
10.	180	204/2/M10	ECC	22	1986/10-06 to 1986-12-16
11.	181	204/2/M10	ECC	23	1986-11-20 to 1986-12-30
12.	181	204/2/M10	ECC	24	1987-02-01 to 1987-02-19
13.	181	204/2/M10	ECC	25	1987-03-05 to 1987-04-08
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17.	48	42	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31
18.	48	59	Dokumentsekerheid: Argiewe – siene		1985-11-01 to 1986-12-31

4. Reasons for refusal are: Section 34(1). The information officer of a public body must refuse a request for access to record of the body if the disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

5. Motivation for refusal are: the reasons for withholding the above records are because of the mandatory protection of privacy of third party, these records contain private conversations, personal opinions, identity numbers, employment of informers within the Department of Defence and private sector, education, religion, addresses, recordings of telephone conversations, personal letters, sexual orientation, criminal history, personal evaluations of individual, medical history, residential telephone numbers and work numbers.



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Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

The Honourable Justice Beshe
Bloemfontein High Court
20 President Brand Street
Bloemfontein Central
Bloemfontein
9301

Our Reference
Account Number
Your Reference
Direct Line
Direct Email

Date

Tebello Mosoeu
020209374
Inquest No.: CC19/2024
011 562 1564
Tebello.Mosoeu@cdhlegal.com; and
Denzil.Mhlongo@cdhlegal.com
10 September 2025

By Email: **SKapa@judiciary.org.za** and **BNgcobo@judiciary.org.za**

Dear Judge,

RE-OPENED INQUEST INTO THE DEATHS OF MATTHEW GONIWE, FORT CALATA, SICELO MHLAULI AND SPARROW MKONTO: REQUEST FOR PRE-HEARING MEETING

- 1 The inquest is set down to resume between 13 and 24 October 2025.
- 2 There are certain matters which are outstanding and, if not resolved, may result in delays, including:
 - 2.1 The status of the application for funding of former Lt General Christoffel Pierre "Joffel" van der Westhuizen;
 - 2.2 The outstanding statement of Mr Mbulelo Goniwe and any other statements of witnesses that his team intends to lead;
 - 2.3 The status of the Department of Defence documents and whether they have been declassified.
- 3 We accordingly request a pre-hearing meeting to discuss these issues and also to agree on a schedule for the next hearing.
- 4 We are also instructed by our clients to request that the evidence of the elderly and/ or sick witnesses who are persons of interest be heard as soon as possible, with the most elderly and sick testifying in October. Our clients are deeply concerned that if their evidence is not placed on the record soon, the inquest may be denied hearing from them as they may pass away before the inquest is concluded.
- 5 We look forward to hearing from you as to whether a pre-hearing meeting can be arranged, and if so, what dates and times are convenient for your Ladyship.

Yours sincerely,


Tebello Mosoeu
Senior Associate

Johannesburg | Cape Town | Stellenbosch | Nairobi | Windhoek

Chairperson: TS Fletcher | Chief Executive Officer: B Williams | Managing Partner (Kietl Law LLP/CDH Kenya): Sammy Ndolo
Managing Partner (CDH Namibia): Bonita de Silva | Chief Financial Officer: ES Burger

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Denzil Mhlongo

From: Luke Kleinsmidt
Sent: Friday, 28 November 2025 17:11
To: Devendran Govender; Jannie Coltman (JC); Nomapa Mvandaba; DPP ECDPA; Barry B. Madolo
Cc: Howard Varney; Muhammad Zakaria Suleman; Tim Fletcher; Denzil Mhlongo
Subject: RE: Cradock 4 Inquest | Draft proposed hearing schedule for session 3
Attachments: 20251024 DRAFT PROPOSED HEARING SCHEDULE SESSION THREE.docx

Dear Mr Govender,

In anticipation of the next sitting of the inquest, we would like to follow up on the status of the following –

1. Subpoenas to be issued in respect of the witnesses to be called in the next sitting (draft hearing schedule attached for ease of reference);
2. Legal representation for Adamus Stemmet through the State Attorney;
3. Copying of the record for Judge Beshe;
4. Translations of the outstanding documents; and
5. Compelling the Department of Defence to provide the outstanding documents.

We would be grateful for an update on the status of the above items.

Regards,

Luke Kleinsmidt

Associate - Dispute Resolution
Cliffe Dekker Hofmeyr Inc
Reg No: 2008/018923/21
11 Buitengracht Street, Cape Town, 8001
Tel. +27 021 481 6385 Mobile. +27 079 482 0960
Luke.Kleinsmidt@cdhlegal.com | www.cliffedekkerhofmeyr.com

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Denzil Mhlongo

From: Devendran Govender <devendrang@npa.gov.za>
Sent: Tuesday, 27 January 2026 15:44
To: Luke Kleinsmidt
Cc: Barry B. Madolo; Nomapa Mvandaba; Jannie Coltman (JC); Howard Varney; Muhammad Zakaria Suleman; Tim Fletcher; Denzil Mhlongo; Guzana Namba; Gcinusapho G. Busakwe
Subject: RE: Cradock 4 Inquest | Draft proposed hearing schedule for session 3

 Contains topics of a financial nature >

Good day Mr. Kleinsmidt

I trust you are well.

Subpoenas have been issued to all the witnesses,

A S205 subpoena for the Department of Defence has been prepared with a date for the receipt of the documents of 13 February 2026 failing which their appearance on 20 February 2026 before Judge Beshe.

We are in contact with Mr. Stemmet and are aware that he is arranging for his legal assistance.

The translation is being done by the office of the court manager as by the order of the court. I will follow up with him.

I have undertaken to copy the record for the court and will hand in same on the first day of our next session.

I trust you find this in order.

Kind regards

From: Luke Kleinsmidt <Luke.Kleinsmidt@cdhlegal.com>
Sent: Tuesday, January 27, 2026 3:17 PM
To: Devendran Govender <devendrang@npa.gov.za>; Jannie Coltman (JC) <jccoltman@npa.gov.za>; Nomapa Mvandaba <nmvandaba@npa.gov.za>; DPP ECDPA <DPPEcdpa@npa.gov.za>; Barry B. Madolo <bmadolo@npa.gov.za>
Cc: Howard Varney <howardvarney@gmail.com>; Muhammad Zakaria Suleman <suleman@ubunychambers.co.za>; Tim Fletcher <Tim.Fletcher@cdhlegal.com>; Denzil Mhlongo <Denzil.Mhlongo@cdhlegal.com>
Subject: [EXTERNAL] RE: Cradock 4 Inquest | Draft proposed hearing schedule for session 3

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know that the content is safe.

Dear Mr Govender,

I am just following up on our emails below.

Regards,



Luke Kleinsmidt

Associate - Dispute Resolution
Cliffe Dekker Hofmeyr Inc
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From: Luke Kleinsmidt

Sent: Monday, 12 January 2026 08:25

To: Devendran Govender <devendrang@npa.gov.za>; Jannie Coltman (JC) <jccoltman@npa.gov.za>; Nomapa Mvandaba <nmvandaba@npa.gov.za>; DPP ECDPA <DPP.Ecdpa@npa.gov.za>; Barry B. Madolo <bmadolo@npa.gov.za>

Cc: Howard Varney <howardvarney@gmail.com>; Muhammad Zakaria Suleman <suleman@ubunye chambers.co.za>; Tim Fletcher <Tim.Fletcher@cdhlegal.com>; Denzil Mhlongo <Denzil.Mhlongo@cdhlegal.com>

Subject: RE: Cradock 4 Inquest | Draft proposed hearing schedule for session 3

Dear Mr Govender,

I hope you are well. Please would you provide an update per our email below.

Regards,

Luke Kleinsmidt

Associate - Dispute Resolution
Cliffe Dekker Hofmeyr Inc
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From: Luke Kleinsmidt

Sent: Friday, 28 November 2025 17:11

To: Devendran Govender <devendrang@npa.gov.za>; Jannie Coltman (JC) <jccoltman@npa.gov.za>; Nomapa Mvandaba <nmvandaba@npa.gov.za>; DPP ECDPA <DPP.Ecdpa@npa.gov.za>; Barry B. Madolo <bmadolo@npa.gov.za>

Cc: Howard Varney <howardvarney@gmail.com>; Muhammad Zakaria Suleman <suleman@ubunye chambers.co.za>; Tim Fletcher <Tim.Fletcher@cdhlegal.com>; Denzil Mhlongo <Denzil.Mhlongo@cdhlegal.com>

Subject: RE: Cradock 4 Inquest | Draft proposed hearing schedule for session 3

Dear Mr Govender,

In anticipation of the next sitting of the inquest, we would like to follow up on the status of the following –

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3. Copying of the record for Judge Beshe;
4. Translations of the outstanding documents; and
5. Compelling the Department of Defence to provide the outstanding documents.

We would be grateful for an update on the status of the above items.

Regards,

Luke Kleinsmidt

Associate - Dispute Resolution

Cliffe Dekker Hofmeyr Inc

Reg No: 2008/018923/21

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A handwritten signature in black ink, consisting of a stylized 'K' and 'H' combined.

Denzil Mhlongo

From: Notley Perry <PNotley@lcjudiciary.org.za>
Sent: Tuesday, 17 March 2026 12:02
To: Kobus Muller; 'Lucas Visagie'; Luke Kleinsmidt; SKapa; 'Bongekile Ngcobo'; 'Juan Schoeman'; 'Danielle van der Berg'
Cc: 'Pieter'; 'Ruhann'; Govender Devendran (NPA Contact); Madolo Barry (NPA Contact); Mvandaba Nomapa (NPA Contact); Singh Shubnum (NPA Contact); secretary@demeyerlaw.com; 'Callie Albertyn'; tokkie@law.co.za; sakhelan@sakhelainc.co.za; DPPEcdpa@npa.gov.za; Paige Winfield; Denzil Mhlongo; 'Howard Varney'; Tim Fletcher; Govender Devendran (NPA Contact); Coltman Jannie (NPA Contact); 'Muhammad Zakaria Suleman'
Subject: RE: CRADOCK 4 INQUEST 19/2024 | HIGH COURT GQEBERHA: SET DOWN FOR 13 - 24 OCTOBER 2025
Attachments: Order.pdf

 Contains topics of a financial nature >

Good day

Please be advised that the SANDF has applied for an extension in terms of paragraph 3 of the attached order.

Regards,
PC Notley
Senior Assistant State Attorney
0833078818



IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GQEBERHA)

INQUEST NO. CC 19/2024

In Re: RE-OPENED INQUEST INTO THE DEATHS OF:

1. MATTHEW GONIWE
2. FORT CALATA
3. SICELI MHLAULI
4. SPARROW MKONTO

AFFIDAVIT

I, the undersigned,

DR THOBEKILE GAMEDE

do hereby state under oath that:

1. I am a major female.

TM
Tg
K

2. The facts stated in this affidavit fall within my personal knowledge, save where otherwise stated or appears otherwise from the context, and are to the best of my belief both true and correct.
3. I am a member of the Department of Defence ("DOD") with my work address being Defence Headquarters, Armscor Building, Corner Nossob and Boeing Streets, Pretoria, Gauteng Province and the Acting Secretary for Defence.
4. In my capacity as such, I am the Head and the Information Officer of the DOD and depose to this affidavit in those capacities.
5. I attest to this affidavit following the order issued on 25 February 2026 by this Honourable Court for the release of certain classified documents ("the documents") relevant to the above pending inquest proceedings and my affidavit attested to on 13 March 2026.
6. The documents have been identified and comprise the following:

Serial No	Box No	File Reference No	Description	Vol	Date
a	b	c		d	e
GROUP 8: MID / CDCO					
1.	36	TL 43/82	SVR Notule	1	1982-02-03 to 1982-06-18
GROUP 28: AI (DIVERSE)					
2.	48	59	Dokument 'Sekerheid' Argiswe Seine		1985-12-31 to 1986-12-31
GROUP 28: AI (DIVERSE)					
3.	47	46	Ondersoek: Lek van Sein		1982-05-18 to 1982-05-21
4.	47	47	Mini GBS Planne / SA Leer Ops Strategie		1985-09-03 to 1985-09-30
GROUP 1: EASTERN PROVINCE COMMAND MAINTENANCE UNIT					
5.	173	506/3/0019/1 2	Inteme Auditverslag: Cradock Kommando Algemene en Tegnieise Vooraard Rekening	1	1987-05-06 to 1987-11-23
GROUP 28: AI (DIVERSE)					
6.	46	42	Lt Gen C.P. van der Westhuizen - Persoonlik		1983-01-31 to 1983-03-13
GROUP 21: HIS / AMI / DTI (CSI)					
7.	180	204/2/M10	ECC	16	1986-07-14 to 1986-08-20
8.	180	204/2/M10	ECC	20	1986-12-12 to 1986-09-26
9.	180	204/2/M10	ECC	21	1986-09-03 to 1986-12-16
10.	180	204/2/M10	ECC	22	1986-10-06 to 1986-12-16

Serial No	Box No	File Reference No	Description	Vol	Date
		B	c	d	e
11.	181	204/2/M10	ECC	23	1986-11-20 to 1986-12-30
12.	181	204/2/M10	ECC	24	1987-02-01 to 1987-02-17
13.	181		204/2/M10	ECC	25
14.	181		204/2/M10	ECC	25
GROUP 8: MID / CDCO					
15.	37		TL 54/82	Subject redacted	1

7. The documents are currently held under lock and key at the DOD Archives in Pretoria.

8. Although the documents have been authorised for restricted release, they remain classified in terms of the Defence Act, 42 of 2002, the Protection of Information Act, 1982, and the Minimum Information Security Standards ("MISS").

9. The documents contain information which, if disclosed without restriction, would:

9.1 Prejudice the security of the Republic of South Africa;

9.2 Compromise intelligence methods, sources and operational capabilities of the South African National Defence Force;

9.3 Contravene statutory obligations imposed on the DOD to safeguard classified information.

TM
TG



10. The documents have accordingly been masked/redacted to remove information that cannot lawfully be disclosed. Even in redacted form, the remaining content retains a security classification.
11. For the above reasons, the DOD is not in a position to release the documents into the public domain or to make unrestricted copies available.
12. Notwithstanding the above, the DOD is committed to assisting this Honourable Court in the fulfilment of its constitutional mandate in terms of section 34 of the Constitution.
13. The DOD therefore proposes that the documents be made available to this Honourable Court and to parties as identified by this Honourable Court under the following security conditions:
- 13.1 No duplication of the records in any form.
- 13.2 The records must be stored in a safe when not in use. The safe must be located in a secure area.
- 13.3 The records must not be made available for inspection and/or perusal by members of the general public.
- 13.4 No pages or sections of the documents are to be removed.

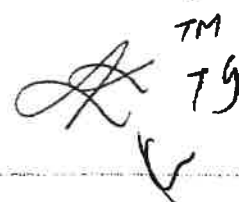
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- 13.5 A register is to be kept of all persons who had access to these records, indicating date, time, name, identity number, and signature.
- 13.6 Subsequent to the completion of the inquest, all records are to be returned to the DOD.
- 13.7 An affidavit by all persons who had access to the documents confirming, that the above have been adhered to must be forwarded to the DOD, Defence Intelligence.
14. Should resources not be readily available to ensure that the protocols set out in paragraphs 13.1 to 13.5 above can be achieved, the DOD avails itself to facilitate access for 4 persons at a time, or under such workable conditions as may be directed by this Honourable Court, subject to prior arrangements being made with DOD Archives to ensure that security prescripts are observed and maintained.



DR THOBEKILE GAMEDE

I hereby certify that the deponent declares that she knows and understands the contents of this affidavit and that it is to the best of her knowledge both true and correct. This affidavit was signed and sworn to before me at **PRETORIA** on this 21st day of



APRIL 2026 and the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.



COMMISSIONER OF OATHS

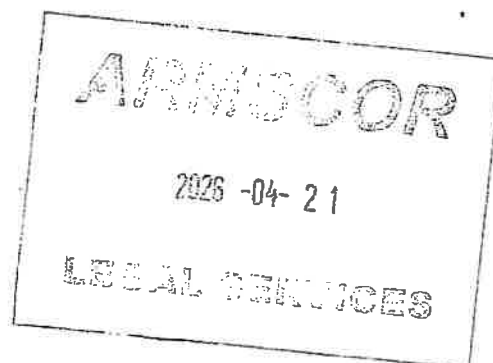
Full Names: *Thuli Mbatha*

Business Address: *370 Nossob Street
Erasmus Kloof Ext. 4
Pretoria 0001*

Designation: *Legal Advisor*

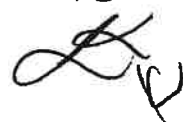
Capacity: *Commissioner of Oaths*

	
Kommissaris van Ede/Commissioner of Oaths	
Volle Name/Full Names :	
<i>Thuli Mbatha</i>	
Adres/Address	: <i>370 Nossob Street Erasmus Kloof Ext. 4 Pretoria 0001</i>
Gebied/Area	: <i>RCA</i>
Ex Officio	: <i>Krygkor/Armscor</i>
Datum/Date	: <i>2026/04/21</i>



7

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Denzil Mhlongo

From: Devendran Govender <devendrang@npa.gov.za>
Sent: Wednesday, 22 April 2026 16:01
To: 'Cc: Thami Beshe'; Thami Beshe
Cc: Nomapa Mvandaba; Jannie Coltman (JC); Gcinusapho G. Busakwe; Nomapa Mvandaba; Notley Perry; Howard Varney; Tembeka Ngcukaitobi; Ngqiqo Sakhela; Natalie Chesi-Buthelezi; M Van Zyl; 'Pieter'; Gitesh Gajjar; Muhammad Zakaria Suleman; Secretary; Kobus Muller; Jaap Cilliers; 'Lucas Visagie'; 'Juan Schoerman'; Jan Heunis; Christo van der Walt; Luke Kleinsmidt; Denzil Mhlongo; Guzana Namba
Subject: FW: S205 SUBPOENA - RELEASE OF CLASSIFIED DOCUMENTS BY SANDF
Attachments: Cradock 4 - Affidavit by Sec Def.PDF

Good afternoon Judge

I trust you are well.

Please see the trailing email from Mr. Notley and the attached affidavit.

It was our understanding from the affidavit provided on 13 March 2026 that the declassified documents will be provided by 21 April 2026. The attached affidavit now states that the documents can only be declassified with restrictions. Such restrictions are contained in paragraph 13 of the affidavit.

It is our submission that the court order clearly states that the Department of Defence must declassify and furnish the documents. In our view the Department has failed to comply with the order.

It is our submission that Dr. Gamede should be subpoenaed to appear before the honorable court, to explain the Departments position.

Please advise accordingly.

DEVEN GOVENDER
Senior Public Prosecutor
 National Prosecuting Authority

☎ 046 602 3022 📞 083 378 7091 ✉ devendrang@npa.gov.za
 📍 94 High Street, Makhanda, 6140
 Private Bag x 1009, 6140



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 🏠 National Prosecuting Authority

From: Notley Perry <PNotley@lcjudiciary.org.za>

Sent: Tuesday, April 21, 2026 2:39 PM

To: Devendran Govender <devendrango@npa.gov.za>; Jannie Coltman (JC) <jccoltman@npa.gov.za>

Subject: [EXTERNAL] S205 SUBPOENA - RELEASE OF CLASSIFIED DOCUMENTS BY SANDF

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know that the content is safe.

Dear Messrs Govender and Coltman

1. We refer to the above-mentioned matter concerning the release of classified documentation in the possession of the South African National Defence Force (SANDF).
2. You are referred to the attached affidavit deposed to by the Secretary of Defence, the contents of which are self-explanatory.
3. We await your response in respect of the proposal(s) contained therein, with a view to achieving the most efficient and expedient outcome for all legal teams involved.
4. We trust to hear from you at your earliest convenience.

Regards,
PC Notley
Senior Assistant State Attorney
0833078818



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From: [Luke Kleinsmidt](#)
To: ["Thobile Ngobeni@dod.mil.za"; "Mantsho Mashiane@dod.mil.za"; "secdef@dod.mil.za"](#)
Cc: [Denzil Mhlongo; Sibonokuhle Baart](#)
Subject: IN RE: CRADOCK FOUR INQUEST - CASE NO. CC19/2024 - URGENT CONTEMPT APPLICATION
Date: Wednesday, 27 May 2026 14:00:00
Attachments: [20260527 Contempt Application.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear Sirs,

Please see the attached application for your attention, for electronic service.

We will deliver hard copies to your offices.

Regards,

Luke Kleinsmidt

Associate - Dispute Resolution
Cliffe Dekker Hofmeyr Inc
Reg No: 2008/018923/21
11 Buitengracht Street, Cape Town, 8001
Tel. +27 021 481 6385 Mobile. +27 079 482 0960
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From: Microsoft Outlook
To: Thobile.Ngobeni@dod.mil.za; Mantsho.mashiane@dod.mil.za; secdef@dod.mil.za
Subject: Relayed: IN RE: CRADOCK FOUR INQUEST - CASE NO. CC19/2024 - URGENT CONTEMPT APPLICATION
Date: Wednesday, 27 May 2026 14:01:05
Attachments: IN RE CRADOCK FOUR INQUEST - CASE NO. CC19/2024 - URGENT CONTEMPT APPLICATION.msg

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
Thobile.Ngobeni@dod.mil.za (Thobile.Ngobeni@dod.mil.za) <mailto:Thobile.Ngobeni@dod.mil.za>
Mantsho.mashiane@dod.mil.za (Mantsho.mashiane@dod.mil.za) <mailto:Mantsho.mashiane@dod.mil.za>
secdef@dod.mil.za (secdef@dod.mil.za) <mailto:secdef@dod.mil.za>
Subject: IN RE: CRADOCK FOUR INQUEST - CASE NO. CC19/2024 - URGENT CONTEMPT APPLICATION