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AFFIDAVIT

I, the undersigned

JANNIE DANIEL ODENDAAL

do hereby state under oath as follows:

1.

I am an adult male person and a Warrant Officer with number 0442937-1 in the South African Police Services, stationed at the Johannesburg Flying Squad, Caroline Extension, Jan Hofmeyer, Johannesburg serving under the command of the Provincial Commissioner, Gauteng.

2.

The facts herein contained are true and correct and are within my own personal knowledge and belief, unless the context indicates otherwise.

3.

I have been employed by the South African Police Services for the last twenty odd years.

4.

From about September / October 2010 I have been stationed in my duty as a Flying Squad member to patrol amongst others the Southern Suburbs of Johannesburg's highways and byways. The purpose of our patrols would be to identify possible criminal activity which activity could include reckless and negligent driving which reckless and negligent driving often occurs as a result of crimes that have been committed somewhere else. It is therefore our duty to identify these vehicles and to approach these vehicles and if needed to search these vehicles for the purpose of basic Law enforcement.

5.

At about 09h50 on Thursday the 30th of December 2010 I was posted in a black BMW 330i with Registration Number YMM484GP together with Constable Abel Twala driving on the M1 Northbound in the region of the Xavier road turn-off.

6.

At that point in time we noticed a silver/grey Audi A6, with Registration Number VJM031GP with, tinted windows traveling at a high speed swerving dangerously through the traffic. The manner in which the vehicle was driven immediately raised suspicion and it necessitated myself and Constable Twala to pursue the vehicle in our black BMW which vehicle did not have the SAPS branding on but was fitted with blue lights and a siren. These lights are clearly visible when switched on.

7.

When myself and Constable Twala passed the Crown interchange I activated the siren and blue lights. The reason for only activating the siren when passing the Crown interchange was due to the fact that I was aware of the police vehicle that is always stationed at the Smit Street off-ramp and that a pull over of the vehicle would be safer when done in the presence of another police vehicle.

8.

Notwithstanding the obvious indication that we were from the SAPS (with our siren and lights) the Audi A6 proceeded to swerve through the traffic but it did seem to decelerate somewhat. It needs to be noted that the passenger in the Audi A6 waved a radio at us and I immediately recognized that the radio was not a police radio. It was therefore obvious that the driver and his passenger must have been aware of our pursuit as they attempted to signal something at us by waving the radio.

9.

As mentioned it was my intention to pull the Audi A6 off at the Smit street off-ramp and after following the vehicle with a siren and blue lights from the Crown interchange. The driver refused to pull over and I only managed to get the requested response from the driver of the Audi A6 when he pulled over after the Jan-Smuts avenue off-ramp. The Audi A6 therefore only pulled over approximately 5km from the Crown interchange fully knowing that a police vehicle was attempting to pull them over.

10.

We proceeded to stop the BMW behind the Audi A6 at a distance of approximately 10m when myself and Constable Twala exited the black BMW simultaneously. Constable Twala held his service R5 weapon in his hands and I was armed with my service pistol still safely in its holster. The reason for Mr Twala being armed was due to the obvious possibility of a threat being posed by the occupants of the Audi A6 in the circumstances. Myself and Constable Twala were dressed in full uniform with our ranks clearly visible.

11.

At that point in time the passenger in the front left of the Audi A6 exited and walked quickly towards Constable Twala who was on my left hand side and subsequently spoke to him.

12.

I proceeded towards the Audi A6 still not knowing who the other occupants of the vehicle were and how many occupants there might have been due to the fact that the Audi A6 had black tinted windows. I proceeded to knock on the boot of the car as a gesture for the occupants to exit the vehicle. At that point in time the boot of the vehicle opened and I can only assume that the driver opened the boot of the vehicle as a result of my tapping on the boot.

13.

I looked into the boot without searching it at which point in time I saw the passenger who was speaking to Constable Twala run toward me in a threatening manner. This passenger, who I later learned was a certain Mr Jacob Olebile Monare, then proceeded to bump me with both his hands on my chest in an attempt to move me away from the vehicle. I clearly recall him shouting and

using the words along the lines of: "Who gave you permission to search this car, this is not the apartheid years anymore." I can further recall that he indicated that they were transporting Mrs Winnie Mandela.

14.

At that point in time and due to the obvious threat I stepped back and pulled my service pistol from the holster after which I turned my back on him running to the black BMW to fetch my tazer.

15.

I decided to fetch my tazer and not point the gun at Mr Monare as I instinctively decided to use the route of minimum force. After taking my tazer out of the vehicle I then put my service pistol back in the holster still holding my hand on it. The tazer was then positioned in my other hand and I approached Mr Monare.

16.

I then told Mr Monare that if he assaults me again I would definitely use the tazer on him.

17.

At that point in time the driver of the vehicle exited the Audi A6 and he explained to me in a very calm and collected way that they were transporting Mrs Winnie Mandela after which he requested my personal details from me which details I provided orally. I later learned that the driver of the Audi A6 was a certain Mr Philemon Buthelezi. I proceeded to write down the registration number of the Audi A6. Mr Buthelezi confirmed to me that they were speeding due to the fact that they were late for a meeting in Pretoria.

18.

Throughout this conversation with Mr Buthelezi, Mr Monare proceeded to aggressively abuse myself and Constable Twala verbally.

19.

We attempted to ascertain who was in the vehicle but was physically stopped by the passenger, Mr Monare, from doing so. At that point in time Mrs Mandela exited the vehicle and her first words towards us were: "*Who the fuck do you think you are?*" She then repeatedly used the words "*Who do you think you are?*" shouting these words to us in a threatening and disrespectful manner.

20.

At that point in time I still did not recognize her even though I knew what she looked like from the obvious fact that she was a political figure often appearing on television.

21.

I then ordered her to keep quiet in an attempt to clam the situation down and in order to obtain the driver's details and to have a look at his driver's license. It was also my intention to obtain the details of the passenger who assaulted me but before I could do so Mrs Winnie Mandela shouted at the driver and the passenger that they must go as they do not have time for our interrogation.

22.

Mrs Mandela, Mr Monare and Mr Buthelezi then entered the Audi A6 and then sped off on the M1 direction north.

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23.

We then proceeded to follow the vehicle when we saw that the Audi A6 took the Grayston off-ramp (this was strange to me as they indicated earlier that they were heading to Pretoria). Immediately upon pursuit I reported the incident to the SAPS reaction channel via my radio and requested a vehicle to assist us in following the Audi A6 due to the fact that myself and Constable Twala needed protection from another unit. I was also concerned that due to the racial comments that were made earlier I would need further back-up to protect myself in this regard. We were then in contact with a vehicle from the SAPS Johannesburg Dog Unit.

24.

I was then contacted by a person from a tracking company who informed me that there was a problem involving the Audi A6 belonging to some company which involvement also included Mrs Mandela and that he just wanted to confirm the status of the vehicle. I am not sure how this person was able to contact me but I can assume that he had access to a police radio. He then contacted me again and informed me that everything was in order.

25.

I then made a conscious decision to abandon the pursuit with the full intention to file a full report and to leave it to my superiors to take the matter further. I subsequently provided a full report of the matter after which I was harshly dealt with at work.

26.

I requested the officers in the dog unit to also abandon the pursuit and I am unaware whether the occupants of the dog unit vehicle ever had contact with the

occupants of the Audi A6 and if they had I do not have details of such a conversation.

27.

In light of the abovementioned facts I wish to point out the following:

- 27.1 That I was assaulted by Mr Jacob Olebile Monare in that he pushed me on my chest with both his hands in a threatening manner;
- 27.2 Mr Monare did not have permission to push me and I did not assault Mr Monare in any way, shape or form which could have provoked Mr Monare in assaulting me;
- 27.3 I was restricted in performing my duties as a policeman in that Mr Monare refused to co-operate with me in providing me access to search the vehicle and to ascertain who the occupants were;
- 27.4 Mrs Winnie Mandela ordered the driver and the passenger to leave the scene which is an obvious attempt to obstruct the ends of justice and is an obvious sign of contempt for myself and Mr Twala's duties as members of the SAPS;
- 27.5 Mr Buthelezi, Mr Monare and Mrs Mandela subsequently left the scene of a police investigation without permission and in a clear attempt to obstruct the ends of justice in that they did not allow us to obtain all the relevant information required to finalise our investigation;
- 27.6 Mr Buthelezi drove the Audi A6 in a reckless and negligent manner which prompted the whole incident.

28.

Accordingly I herewith would like the SAPS and the Department of Justice to charge Mrs Winnie Madela with the willful attempt to obstruct the ends of justice by leaving a crime scene by ordering her driver and co-occupant to drive off while myself and Constable Twala were busy investigating the matter. Furthermore I want an investigation and a charge into the reckless and negligent driving by Mr Philemon Buthelezi which reckless and negligent driving took place in full view of me and Constable Twala.

29.

I would furthermore request the SAP and Department of Justice to charge Mr Monare with assault on a police officer in that he assaulted me without having permission to do so in an unprovoked manner.

30.

I would furthermore request the SAPS and Department of Justice to charge Mr Monare and Mr Buthelezi with obstructin the ends of justice by leaving a crime scene and the scene of an investigation without permission from the investigating police officers.

31.

I would furthermore request the SAPS and the Department of Justice with failure to provide me and Constable Twala with information when requested to do so.

31.

According to my knowledge Mr Monare resides at 69B Mamabolo Street, Naledi, Soweto and is employed by Mrs Winnie Mandela as a VIP protector at 11884 Mazeli Street, Orlando West. His cellphone number is 082 943 3525.

32.

According to my knowledge Mr Buthelezi resides at No 3166 Pitze Street, Emdeni Extension and is employed by Mrs Winnie Mandela as a VIP protector at 11884 Mazeli Street, Orlando West with contact number 011 982 3873. His cellphone number is 073 208 5866.

SIGNED AT _____ ON THIS _____ DAY OF _____ 2011.

JANNIE DANIEL ODENDAAL

I certify that the deponent has acknowledged that he knows and understands the contents of this Affidavit.

Signed and sworn to before me at _____ on this _____ day of _____ 2011 and I certify that the provisions of the regulations in Government Notice R1258 of 21 July 1972 and R1648 of 19 August 1977 were complied with.

COMMISSIONER OF OATHS