



MINISTER  
JUSTICE AND CORRECTIONAL SERVICES  
REPUBLIC OF SOUTH AFRICA

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Ms N Mapisa-Nqakula  
The Honourable Speaker of the National Assembly  
Parliament of the Republic of South Africa  
PO Box 15  
CAPE TOWN  
8000

Email: [speaker@parliament.gov.za](mailto:speaker@parliament.gov.za)

Dear Speaker

**REPORT TO BE TABLED IN PARLIAMENT IN TERMS OF SECTION 13(3)(B) OF THE  
MAGISTRATES ACT, 1993 (ACT 90 OF 1993) REGARDING THE PROVISIONAL SUSPENSION  
FROM OFFICE ON THE GROUND OF MISCONDUCT: MR AAK SINGH, SENIOR MAGISTRATE:  
PIETERMARITZBURG**

I have in terms of section 13(3)(a) of the Magistrates Act, 1993 (Act No 90 of 1993) and on the advice of the Magistrates Commission, provisionally suspended from office with immediate effect, Mr AAK Singh: Senior Magistrate, Senior Magistrate at Pietermaritzburg pending Parliament's decision to confirm or not confirm the provisional suspension.

I hereby submit my report for tabling in terms of section 13(3)(b) of the Act.

Yours respectfully

**MR RO LAMOLA, MP**  
**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**

Date: 18/12/2025



## **PROVISIONAL SUSPENSION FROM OFFICE: MR AAK SINGH, SENIOR MAGISTRATE, PIETERMARITZBURG**

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### **1. PURPOSE**

The purpose of this report is to inform Parliament on the provisional suspension from office of Mr AAK Singh, a Senior Magistrate at Pietermaritzburg, pending the outcome of an investigation into his fitness to hold office as a magistrate, as required by section 13(3)(b) of the Magistrates Act, 90 of 1993 (the Act).

### **2. BACKGROUND**

2.1 Mr Singh is a Senior Magistrate at Pietermaritzburg. Having received a number of complaints against him, the Magistrates Commission on the *prima facie* evidence to its disposal, resolved to summarily charge him with misconduct. A charge sheet, dated 27 September 2023, containing four (4) counts of misconduct, was duly served on Mr Singh.

### **3. DISCUSSION**

3.1 The misconduct charges preferred against Mr Singh relate to allegations that he:

a) on 8 July 2023 and at Pietermaritzburg sent a WhatsApp message to a journalist, who wrote an article for the Daily Maverick titled “NPA, Magistrates Commission asked to probe KZN magistrate’s murky immersion in spying and politics”, which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp messages from cellular phone number 072 608 0356 which is the number he used to be in contact with the journalist;

b) on 8 July 2023 and at Pietermaritzburg he sent a WhatsApp message to another journalist and the Managing Editor at AmaBhungane, who commissioned the journalist, to write the article for the Daily Maverick mentioned in Charge 1 above and assisted him in writing and editing the article which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp message from cellular phone number 072 608 0356 which is the number he used to be in contact with the journalist;

c) on 10 November 2017, under oath, stated that he on Friday, 30 December 2016 arrived at the Drakensburg Sun Hotel at about 16:00 and attended a meeting with individuals who are all members of the South African Police Services Crime Intelligence Unit, and an informant/contact/individual, whilst in truth and in fact he did not attend such meeting on 30 December 2016 at the Drakensburg Sun Hotel, and

d) had and or has a close relationship with officials attached to the South African Police Services and more especially to those attached to the Crime Intelligence Unit to such an extent that he, during the period 2016 and 2017, actively involved himself in the Crime Intelligence Unit's investigations and undercover operations by identifying and recruiting suspects appearing in the Pietermaritzburg Magistrates Court as informants/contacts for the Crime Intelligence Unit, assisted with the arrangements for the Crime Intelligence Division's Technical Surveillance Unit, KZN to do a covert installation of equipment at an office which he identified for recording purposes, assisted the Crime Intelligence Unit with an investigation of a project into the "fees must fall" incidents and divulged information regarding the strength of a case against arrested persons to an identified informant/contact.

3.2 In the Commission's letter dated 27 September 2023, to which the charge sheet was attached, Mr Singh was, in compliance with the rules of natural justice and in terms of section 13(3)(a)(i) of the Act, afforded the opportunity to provide the Commission with written submissions/representations on the desirability to provisionally suspend him from office. A copy of the correspondence in this regard is attached.

**(27 September 2023)**

3.3 Mr Singh instructed an attorney to act on his behalf in the matter and forwarded his submissions/representations dated 06 October 2023, why the Commission should not recommend to the Minister that he be provisionally suspended from office to the Commission on 09 October 2023. A copy of his submissions are attached.

**(09 October 2023)**

3.4 Although Mr Singh objects to his provisional suspension from office, he made no particular submissions/representations in this regard, except for requiring further particulars and the *prima facie* evidence which the Commission obtained relating to the charges of misconduct preferred against him. The Commission is of the view that the charges of misconduct, as framed and contained in the charge sheet, provide sufficient information for him to furnish the Commission with a written statement in this regard and that he is not entitled to any documentation or evidence in the Commission's possession at this stage. The Commission noted Mr Singh's remarks on some issues and is of the view he may raise these and other issues he has at a pre-trial hearing or at the commencement of the misconduct inquiry against him.

3.5 Having due regard to the serious nature of the allegations, the totality of the information at hand and Mr Singh's representations, the Commission's Executive Committee at its meeting held on 13 October 2023 resolved to recommend that Mr Singh be provisionally suspended from office in terms section 13(3)(a) of the Act.

3.6 The Commission is of the view that the existing evidence against Mr Singh is of such a serious nature as to make it inappropriate for him to perform his judicial functions pending the conclusion of the misconduct inquiry against him. The representations/remarks he submitted do not sufficiently address the issue of his provisional suspension and are not cogent or weighty enough for him not to be provisionally suspended from office. The reasons for his provisional suspension, pending the outcome of the misconduct hearing, far outweigh his "submissions" for remaining in office.

3.7 The Commission is of the view that the existing evidence against Mr Singh is

furthermore of such a serious nature that it would justify his removal from office, should he be found guilty of the misconduct charges which are preferred against him.

#### **4. AUTHORITY TO PROVISIONALLY SUSPEND**

4.1 In terms of section 13(3)(a) of the Magistrates Act, 90 of 1993, the Minister, on the advice of the Magistrates Commission, may provisionally suspend a magistrate from office if-

“(i) the Commission, after affording the magistrate a reasonable opportunity to be heard regarding the desirability of such provisional suspension, is satisfied that reliable evidence exists indicating that an allegation against that magistrate is of such a serious nature as to make it inappropriate for the magistrate to perform the functions of a magistrate while the allegation is being investigated; and

(ii) an investigation has been instituted by the Commission into such magistrate’s fitness to hold office.”

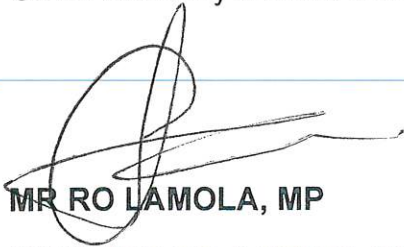
4.2 A report in which the provisional suspension and the reasons therefore are made known, must, in terms of section 13(3)(b) of the Act, be tabled in Parliament by the Minister within 7 (seven) days of such suspension, if Parliament is then in session, or if Parliament is not then in session, within 7 (seven) days after the commencement of its next ensuing session.

#### **5. CONCLUSION**

5.1 In light of the above, I decided to provisionally suspend Mr AAK Singh a Senior Magistrate at Pietermaritzburg from the office of Magistrate with immediate effect, pending the outcome of an investigation into his fitness to hold such office.

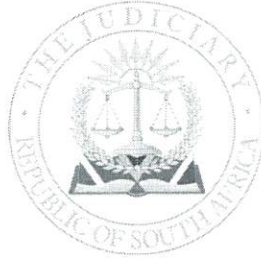
5.2 This report is submitted for consideration by Parliament in terms of section 13(3)(b) of the Magistrates Act, No 90 of 1993.

Given under my hand at Pretoria on this 18th day of December 2023.



**MR RO LAMOLA, MP**

**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**



Received  
6/11/23  
Re

**MAGISTRATES COMMISSION  
FOR THE  
REPUBLIC OF SOUTH AFRICA**

PO Box 9096, PRETORIA, 0001 • Centre Walk Building, c/o Pretorius and Thabo Sehume Streets, PRETORIA • Tel (012) 325 3951, Fax (012) 325 3957

The Honourable Mr R Lamola, MP  
The Minister of justice and Correctional Services  
Private Bag X 276  
**PRETORIA**  
**0001**

Enquiries: J Finger  
Ref No: 6/5/52 - 21/2018  
Date: 01 November 2023

Dear Minister

**RECOMMENDATION FOR THE PROVISIONAL SUSPENSION FROM OFFICE OF MR AAK SINGH, SENIOR MAGISTRATE AT PIETERMARITZBURG**

1. The purpose of this letter is to appraise you of the circumstances which moved the Magistrates Commission (hereinafter the Commission) to resolve to recommend that Mr AAK Singh, a Senior Magistrate at Pietermaritzburg, be provisionally suspended from office pending the outcome of an investigation/misconduct hearing into his fitness to hold office and to enable you to table a report in Parliament in terms of section 13(3)(b) of the Magistrates Act, No 90 of 1993 (the Act).
2. Having received a number of complaints against him, the Commission on 27 September 2023 charged Mr Singh with misconduct in that he inter alia:
  - a) on 8 July 2023 and at Pietermaritzburg sent a WhatsApp message to a journalist, who wrote an article for the Daily Maverick titled "NPA, Magistrates Commission asked to probe KZN magistrate's murky immersion in spying and politics", which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp messages from cellular phone number 072 608 0356 which is the

number he used to be in contact with the journalist;

b) on 8 July 2023 and at Pietermaritzburg he sent a WhatsApp message to another journalist and the Managing Editor at AmaBhungane, who commissioned the journalist, to write the article for the Daily Maverick mentioned in Charge 1 above and assisted him in writing and editing the article which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp message from cellular phone number 072 608 0356 which is the number he used to be in contact with the journalist;

c) on 10 November 2017 he, under oath, stated that he on Friday, 30 December 2016 arrived at the Drakensburg Sun Hotel at about 16:00 and attended a meeting with individuals who are all members of the South African Police Services Crime Intelligence Unit, and an informant/contact/individual, whilst in truth and in fact he did not attend such meeting on 30 December 2016 at the Drakensburg Sun Hotel, and

d) had and or has a close relationship with officials attached to the South African Police Services and more especially to those attached to the Crime Intelligence Unit to such an extent that he, during the period 2016 and 2017, actively involved himself in the Crime Intelligence Unit's investigations and undercover operations by identifying and recruiting suspects appearing in the Pietermaritzburg Magistrates Court as informants/contacts for the Crime Intelligence Unit, assisted with the arrangements for the Crime Intelligence Division's Technical Surveillance Unit, KZN to do a covert installation of equipment at an office which he identified for recording purposes, assisted the Crime Intelligence Unit with an investigation of a project into the "fees must fall" incidents and divulged information regarding the strength of a case against arrested persons to an identified informant/contact.

3. In the Commission's letter dated 27 September 2023, to which the charge sheet was attached, Mr Singh was, in compliance with the rules of natural justice and in terms of section 13(3)(a)(i) of the Act, afforded the opportunity to provide the Commission with written submissions/representations on the desirability to provisionally suspend him from office. A copy of the correspondence in this regard is attached.

**(27 September 2023)**

4. Mr Singh instructed an attorney to act on his behalf in the matter and forwarded his submissions/representations dated 06 October 2023, why the Commission should not recommend to the Minister that he be provisionally suspended from office to the Commission



on 09 October 2023. A copy of his submissions are attached.

**(09 October 2023)**

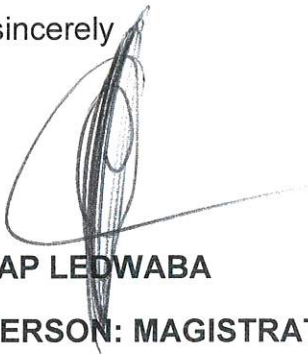
5. Although Mr Singh objects to his provisional suspension from office, he made no particular submissions/representations in this regard, except for requiring further particulars and the *prima facie* evidence which the Commission obtained relating to the charges of misconduct preferred against him. The Commission is of the view that the charges of misconduct, as framed and contained in the charge sheet, provide sufficient information for him to furnish the Commission with a written statement in this regard and that he is not entitled to any documentation or evidence in the Commission's possession at this stage. Mr Singh's remarks are noted. He may raise the other issues he has at a pre-trial hearing or at the commencement of the misconduct inquiry once a date has been set.
6. Having due regard to the serious nature of the allegations, the totality of the information at hand and Mr Singh's representations, the Commission's Executive Committee at its meeting held on 13 October 2023 resolved to recommend that Mr Singh be provisionally suspended from office in terms section 13(3)(a) of the Act.
7. The Commission is of the view that the existing evidence against Mr Singh is of such a serious nature as to make it inappropriate for him to perform his judicial functions pending the conclusion of the misconduct inquiry against him. The representations/remarks he submitted do not sufficiently address the issue of his provisional suspension and are not cogent or weighty enough for him not to be provisionally suspended from office. The reasons for his provisional suspension, pending the outcome of the misconduct hearing, far outweigh his "submissions" for remaining in office. The existing evidence against Mr Singh is furthermore of such a serious nature that it would justify his removal from office, should he be found guilty of the misconduct charges which are preferred against him.
8. In terms of section 13(3)(a) of the Magistrates Act, 90 of 1993, the Minister, on the advice of the Magistrates Commission, may provisionally suspend a magistrate from office if-
  - “(i) the Commission, after affording the magistrate a reasonable opportunity to be heard regarding the desirability of such provisional suspension, is satisfied that reliable evidence exists indicating that an allegation against that magistrate is of such a serious nature as to make it inappropriate  
  
for the magistrate to perform the functions of a magistrate while the allegation is being investigated; and

ii) an investigation has been instituted by the Commission into such magistrate's fitness to hold office."

9. A report in which the provisional suspension and the reasons therefore are made known, must, in terms section 13(3)(b) of the Act, be tabled in Parliament by the Minister within 7 (seven) days of such suspension, if Parliament is then in session, or if Parliament is not then in session, within 7 (seven) days after the commencement of its next ensuing session.
10. It is recommended that you table the required report in Parliament for consideration in terms of section 13(3)(b) of the Act. A draft report is attached for your convenience.

**(Draft report)**

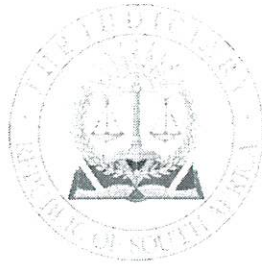
Yours sincerely

A handwritten signature in black ink, appearing to be 'AP Ledwaba', written over a horizontal line.

**JUDGE AP LEDWABA**

**CHAIRPERSON: MAGISTRATES COMMISSION**

27 September 2023



*Republic of South Africa*  
*Republiek van Suid-Afrika*

P O BOX/POSBUS 9096, PRETORIA, 0001

☎ (012) 325 3951

FAX/FAKS (012) 326 0094

┌  
Mr AAK Singh  
c/o The Chief Magistrate  
Private Bag X 9011  
**PIETERMARITZBURG**  
**3200**  
└

┌  
Reference : 6/5/5/2 (21/2018)  
Enquiries : J Finger  
Date : 27 Sept 2023  
└

Dear Mr Singh

**CHARGES OF MISCONDUCT AND PROVISIONAL SUSPENSION FROM OFFICE:  
YOURSELF**

As you are aware, the Magistrates Commission has previously received a number of complaints against you which include complaints by the journalist regarding your conduct.

Having considered further complaints relating to allegations of misconduct against you, the Magistrates Commission is of the view that there is *prima facie* evidence to support charges of misconduct against you. A charge sheet in this regard, dated 27 September 2023, is attached for your attention. The charges of misconduct, as contained in the charge sheet, are not comprehensive and additional misconduct charges may be levelled against you.

The Commission is satisfied that *prima facie* reliable evidence exists indicating that the allegations against you are of such a serious nature as to make it inappropriate for you to perform your functions as a magistrate while the allegations are being investigated and pending the outcome of the forthcoming misconduct inquiry against you.

2.

In the circumstances, you are hereby in terms of section 13(3)(a)(i) of the Magistrates act, 90 of 1993 afforded the opportunity to provide your written submissions/representations, if any, on the desirability of such provisional suspension from office.

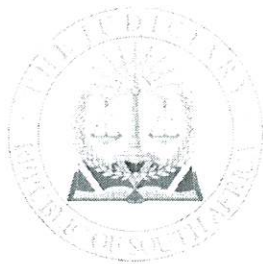
Such submissions/representations should reach our offices, for the attention of the Secretary of the Magistrates Commission, Mr J Finger at JuFinger@justice.gov.za, not later than Tuesday, 03 October 2023.

Should you fail to respond within the stipulated period, it will be deemed that you do not wish to submit any representations.

Yours faithfully



**AP LEDWABA**  
**CHAIRPERSON: MAGISTRATES COMMISSION**



**MAGISTRATES COMMISSION  
FOR THE  
REPUBLIC OF SOUTH AFRICA**

P. O. Box 9096, PRETORIA, 0001 • Centre Walk Building, co Pretorius and Thabo Sehume Streets, PRETORIA • Tel (012) 325 3951, Fax (012) 325 3957

Mr A A K Singh  
c/o The Chief Magistrate  
Private Bag X9011  
**PIETERMARITZBURG**

**3200**

Reference: 6/5/5/2 – 21/2018

Enquiries: Mr D Shikwambana

Date: 27 September 2023

**CONFIDENTIAL**

Dear Mr Singh

**CHARGE SHEET: SENIOR MAGISTRATE A A K SINGH: PIETERMARITZBURG  
MAGISTRATES COURT**

You, **Ashin Ashkok Kumar Singh**, at all relevant times a magistrate duly appointed in terms of section 10 of the Magistrates Act, No. 90 of 1993 (“the Act”) read with section 9 of the Magistrates’ Courts Act, No. 32 of 1944 and the Judicial Matters Amendment Act, No. 85 of 1995 and with effect from 1 February 2018 appointed as Senior Magistrate, in terms of the Magistrates’ Courts Act, 1944 as amended, in respect of whom the Magistrates Commission, instituted in terms of the Act has jurisdiction, **are charged with the following charges of misconduct:**

**Charge 1**

**That** you are guilty of contravening regulations 25(c) of the Regulations for Judicial Officers in the Lower Courts, R.361 dated 11 March 1994, (“the Regulations”) read with regulation 26(17) of the Regulations, as amended, section 16 of the Act, section 180(b) of the Constitution and further read with the Preamble and Articles 5(1) and 5(2) and the applicable Notes of the Code of Judicial Conduct for Magistrates published in R. 41888 dated 7 September 2018 as contained in Schedule

E of the Regulations, as amended.

**In that** on 8 July 2023 and at Pietermaritzburg you sent a WhatsApp message to Mr Gregory Pierre Ardé, a journalist, who wrote an article for the Daily Maverick titled “NPA, Magistrates Commission asked to probe KZN magistrate’s murky immersion in spying and politics” and which was published on 6 July 2023. After publication of the article you sent an inappropriate, concerning and threatening WhatsApp message from cellular phone number 072 608 0356 which is the number you used to be in contact with him. The following message was sent to Mr Gregory Pierre Ardé:

*“You are WARNED to make signed arrested(sic) portion of the affidavit available immediately or NB”.*

**You thereby** contravened the Code of Judicial Conduct by acting dishonourably and in a manner not befitting judicial office. Your conduct was not compatible with the status of judicial office.

## **Charge 2**

**That** you are guilty of contravening regulations 25(c) of the Regulations for Judicial Officers in the Lower Courts, R.361 dated 11 March 1994, (“the Regulations”) read with regulation 26(17) of the Regulations, as amended, section 16 of the Act, section 180(b) of the Constitution and further read with the Preamble and Articles 5(1) and 5(2) and the applicable Notes of the Code of Judicial Conduct for Magistrates published in R. 41888 dated 7 September 2018 as contained in Schedule E of the Regulations, as amended.

**In that** on 8 July 2023 and at Pietermaritzburg you sent a WhatsApp message to Mr Stephen “Sam” Sole, the Managing Editor at AmaBhungane who commissioned Mr Ardé to write the article for the Daily Maverick mentioned in Charge 1 above and assisted him in writing and editing the article which was published on 6 July 2023. After publication of the article you, from cellular phone number 072 608 0356, which is the number you used to be in contact with Mr Stephen “Sam” Sole sent the following inappropriate, concerning and threatening WhatsApp message to him:

*“You have 1 hour grace period before I deal with you like I did Billy Downer. I will refer to your clandestine gay relationship with Downer... hence your favourable articles... this is your chance to resound to MY ARTICLE in response.”.* This message included a number of “angry face emojis”.

**You thereby** contravened the Code of Judicial Conduct by acting dishonourably and in a manner not befitting judicial office. Your conduct was not compatible with the status of judicial office.

### **Charge 3**

**That** you are guilty of contravening regulations 25(i) and 25(c) of the Regulations for Judicial Officers in the Lower Courts, R.361 dated 11 March 1994, read with regulation 26(17) of the Regulations, as amended, section 16 of the Act, section 180(b) of the Constitution and further read with paragraphs 1 and or, 4 of the Code of Conduct for Magistrates as published in Schedule E to the said Regulations as amended.

**In that** on 10 November 2017 you, under oath, stated that you on Friday, 30 December 2016 arrived at the Drakensburg Sun Hotel at about 16:00 and attended a meeting with Major General D Moodley, Lieutenant Colonel Preadhashni Govender, Warrant Officer Shamalan Moodley, who are all members of the South African Police Services Crime Intelligence Unit, and an informant/contact/individual by the name of "David", whilst in truth and in fact you did not attend such meeting on 30 December 2016 at the Drakensburg Sun Hotel.

**You thereby** acted in contravention of the Regulations and the Code of Conduct for Magistrates in that you made a false or incorrect statement knowing it to be false or incorrect to the prejudice of the administration of justice and or failed to act with integrity and or failed to act in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice.

### **Charge 4**

**That** you are guilty of contravening regulation 25(c) of the Regulations for Judicial Officers in the Lower Courts, R.361 dated 11 March 1994, read with regulation 26(17) of the Regulations, as amended, section 16 of the Act, section 180(b) of the Constitution and further read with paragraphs 4 and or 6 and or 10 of the Code of Conduct for Magistrates as published in Schedule E to the said Regulations as amended.

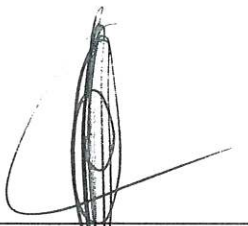
**In that** you had and or have a close relationship with officials attached to the South African Police Services and more especially to those attached to the Crime Intelligence Unit to such an extent that you, during the period 2016 and 2017, actively involved yourself in the Crime Intelligence Unit's investigations and undercover operations by identifying and recruiting suspects appearing in the Pietermaritzburg Magistrates Court as informants/contacts for the Crime Intelligence Unit, assisted with the arrangements for the Crime Intelligence Division's Technical Surveillance Unit,

KZN to do a covert installation of equipment at an office which you identified for recording purposes, assisted the Crime Intelligence Unit with an investigation of the "Funda 5 Project" into the "fees must fall" incidents and divulged information regarding the strength of a case against arrested persons to an identified informant/contact.

**You thereby** failed to act in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice and or associated with individuals or a body to the extent that you became obligated to such individual(s) or body in the execution of your official duties or created the semblance thereof and used your office to further the interests of such individual(s) or body or permitted this to be done.

You are invited in terms of regulation 26(5) of the Regulations to send or deliver a written explanation regarding the misconduct with which you are charged in order to establish which allegations are admitted and which allegations are disputed within fourteen (14) days after receiving this charge sheet. Such explanation is to be made to Mr MJ Finger, the Secretary, Magistrates Commission, Pretoria. Should you fail to reply within the stipulated period it will be deemed that you did not wish to submit any explanation.

GIVEN UNDER MY HAND AT PRETORIA THIS 27 DAY OF SEPTEMBER 2023



**AP LEDWABA**  
**CHAIRPERSON: MAGISTRATES COMMISSION**

\_\_\_\_\_

I hereby acknowledge receipt of the charge sheet on (date)

\_\_\_\_\_

Full names and surname

\_\_\_\_\_

Signature





(Head office)

**ATTORNEYS AT LAW, ADMINISTRATORS OF ESTATES**

1<sup>st</sup> Floor, Nedbank Consumer Credit Building  
225 Langalibalele Street (Longmarket)  
Pietermaritzburg  
E mail: sue@singhandsingh.co.za

Head office

Tel: 033 3450616  
Fax: 0864615835

P O Box 8697  
Cumberwood  
3235

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**DATE: 6 OCTOBER 2023**

Response to commission: Reference 6/5/5/2(2018)

## **OBJECTION TO SUSPENSION**

We act on behalf of our client, Mr A A K Singh.

We accordingly place ourselves on record in this matter.

We have briefed senior counsel to oppose any attempt to suspend our client.

In this regard we request the following on an urgent basis:

- The full transcript of the interviews of our client for the post of Chief Magistrate Cape Town and Regional Magistrate Cape Town;
- All statements and complaints made against our client that are under oath or otherwise;
- A full list of the number of complaints made against our client that you refer to that was never forwarded to our client;
- All correspondence between Ledwaba and the complainants in his matter;
- The full WhatsApp conversations between our client and the two journalists mentioned;

- The commission states that prima facie, reliable evidence exists. We require the minutes and records of such finding as a matter of urgency as well as the audio recordings of such, if any;
- We require full details of the nature of the investigation, the names of the investigators, and all records and findings and the basis thereof.
- We require full details as to how the allegations are deemed serious at this point in time when the complaint appears to have been made in 2018.

Client was informed in 2018, that the complaint was laughable and was being dismissed out of hand.

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We are entitled by law to all the evidence used to frame charges and point out that we have not been furnished with a single statement or summary of same, or the names of the witnesses and complainants in this matter.

We now place you on terms to supply this information to us, failing which we request the basis for your refusal so that further and necessary steps can be taken to obtain same.

We reserve the right to assume that if you fail to supply these documents that you no longer wish to suspend our client.

We find it surprising that reference is made to an alleged affidavit that both journalists have not produced to date. With reference to the alleged affidavit:

- Does the commission have such an affidavit and information on its origin?
- Why it has not been produced?
- Do these journalists have the right to publish lies and defamatory statements without any basis in law or fact for ulterior and sinister purposes?

The Commission is warned in the strongest possible terms to ensure that they have an affidavit made by our client and produce same or face the same consequences that these journalist will face, that is the full might of the law.

The “alleged affidavit” seems to be a classified document in the realm of intelligence. Was such a classified document declassified and is the commission in lawful possession of such affidavit attributed to me?

It would appear that the journalists had unlawfully and illegally accessed a document that was not signed by our client, and / or are party to forgery and uttering.

Is the commission assisting them by providing them with an affidavit that is allegedly made by client?

We are deeply concerned as to how a *prima facie* case exists without any investigation being done.

These allegations are clearly malicious and made in bad faith and there should be consequences for such conduct.

We will request that the JSC observe these proceedings and decide on the conduct of the officials concerned.

You are well aware that our client is a Senior Magistrate who conducts inspections at various courts and does not preside over cases normally.

He has a remarkable record and is held in high esteem.

He has previously been seconded to the Truth Commission, The Electoral Commission and the Political Violence Unit which became known as the Scorpions.

Ledwaba has personal knowledge thereof as indicate by him at our clients interviews.

Currently a number of old Truth Commission inquests have been reopened and our client is expected to assist there with as well as the location of bodies of ANC combatants that have not been recovered to date.

Our client is also putting together a video of the various exhumation he conducted at the Truth Commission which has not been made public to date and did not form part of the Truth Commissions final report.

We must record for purposes of any future application that our client was humiliated and insulted and treated in an undignified manner by the chairperson of the commission and subsequent investigations reveal that he has an axe to grind with Jacob Zuma.

For Reasons best known to himself he assumed that our client was a friend of Jacob Zuma which we deny in the strongest possible terms.

Our client has 36 years of service and is senior to most judicial officers but merit and competence is not considered whilst race quotas are. Our client qualifies for a 2% Indian race quota only despite his patriotic service to the state.

Our client had only been involved and assisted in the ANC prior to it's unbanning. We mention this as they are sinister forces at play here.

We further object to the suspension as we are ready to proceed with the matter on a 24-hour notice period.

We require the chairperson of the commission and the Deputy Minister of Justice to be present to testify at *in liminie* points that will be raised on the day of commencement.

We also request that an independent member be appointed to chair the hearing who is not subject to the authority of the chairperson of the Commission or the Deputy Minister of Justice John Jeffrey.

This will ensure that we are able to proceed and finalize the matter within hours.

We view these allegations and charges as a desperate attempt to protect the two journalists and question the nature of their relationship with officials involved in this matter.

We note that Sam Sole has been involved in a concerted effort to undermine and insult Jacob Zuma over a 20-year period and has a relationship with Billy Downer on the prosecution against Jacob Zuma. These journalists were excluded by RUSSIA and attacked by INDIA for being suspected foreign agents.

In view of the serious defamatory allegations made and published by these journalists we demand that these proceedings be open to other journalists and Radio and TV broadcast. We have no doubt that they will be exposed as being two of the most dishonest journalists the country has seen with questions being raised as to their honesty and integrity.

This will also be an opportunity for our client to clear his name and refute the defamatory malicious allegations made by these journalists who refused to publish our clients right to reply.

The Magistrate's Commission should never be seen to be protecting two dishonest journalists like Sam Sole and Greg Arde.

As a Senior Magistrate conducting Court inspections our client has come across shockingly atrocious conduct by magistrates for which no action has been taken yet he is threatened with suspension when there is no evidence whatsoever that he committed any transgression.

Your conduct is viewed as malicious and being done in bad faith.

We want the JSC and HRC to investigate this matter and take whatever action may be necessary against any officials who have acted in any corrupt or dishonest manner herein.

There is pending action against these journalists yet they cry like little babies after publishing defamatory malicious dishonest allegations in a media attacking our client.

Unfortunately there is no body which will deal decisively with them despite their refusal to publish our right to respond to the rubbish they published.

We now place you on terms to supply the documents we have set out that we require within SEVEN days from date hereof.

We therefore reserve the right to further amplify our objection to your planned suspension.

We are deeply concerned that you as a Judicial Body have deviated from the *Audi alteram partem* rule yet claim to have a prima facie case. This reeks of maliciousness and a predetermined outcome.

We place on record that we will cooperate with any investigation that is conducted in good faith by senior Judicial Officers who is not linked to the Chairperson of the Commission or the journalists.

We are concerned that the chairperson has a deep hatred for Jacob Zuma and has now assumed that my client should be punished for this.

It is undeniable that Sam Sole has spent 20 years reporting maliciously on Jacob Zuma and praising Billy Downer. It is common cause that our client was cross-examined at length at his interview for the post of chief magistrate about Billy Downer and Jacob Zuma by the Chairperson of the Commission or had prior knowledge about our client and his own wrong ideas about our client.

There is no merit whatsoever to the charges that are going to be put to our client.

There is no evidence whatsoever to justify any of the charges that have been proffered.

We await your response in this matter.

Yours faithfully

'S SINGH" (signed electronically)  
**Surendra Singh and Associates**