



ORGANISED LAND INVASION AT “KNOFLOKSKRAAL” GRABOUW, WESTERN CAPE

Briefing to:
Portfolio Committee on
Forestry, Fisheries, and
Environment

Date:
7 March 2023

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Background

- On 13 September 2022 the Deputy Minister of Police and a delegation from the South African Police Service (SAPS) presented to the Portfolio Committee on Forestry, Fisheries, and Environment, updating the Committee on the land invasion at Knoflokskraal, Grabouw.
- A follow-up briefing was done , on 25 October 2022, followed by a Government-Community engagement, on 25 November 2022, at Grabouw.
- This presentation is intended to provide an update on matters under investigation by the SAPS.
- The first person to set up an informal structure in Knoflokskraal was Richard Isaacs from Genadendal. At the time he claimed that the area originally belonged to the Khoisan and he was a direct descendant to the Khoisan by birth as his mother's maiden surname was 'Haas' which is unique to the Khoisan clan.
- Thereafter, he encouraged and recruited people from the Cape Flats to erect illegal structures at Knoflokskraal, in accordance with his claim.

Background (2)

- The first report by the Department of Forestry, Fisheries, and Environment to the SAPS, was during 2020.
- The SAPS attended to and investigated all reported crimes associated with the unlawful occupation at Knoflokskraal.
- The Sheriff of the Court and security personnel were appointed to demolish half erected structures and unoccupied dwellings on the land.
- Subsequently, a High Court Order (Containment Order) was granted directing that no evictions can be executed nor further persons, other than the current occupants at the time, be allowed to erect more structures.

Interventions

- Daily visible policing deployment to patrol the area.
- Deployment of the Public Order Policing, to deal with public violence and service delivery protests.
- Integrated Crime Prevention Operations involving Provincial Traffic, Rural Flying Squad and Law enforcement.
- Multidisciplinary stakeholder meetings involving the SAPS, the Department of Forestry, Fisheries and Environment and the National Department of Public Works and Infrastructure (NDPWI).
- Public engagements with Community Leaders and the Human Rights Commissioner by the stakeholders.
- Weekly Provincial meetings addressing spontaneous and planned service delivery protest including land invasion.
- Assistance to the Sherriff of the Court to implement orders of the Court.
- Community Awareness, Reporting to the Extortion Hotline: 0800 31 44 44

Cost Breakdown of Interventions

Cost Driver	Number of Interventions	Total Cost
Overtime Remuneration	15 Operations	R38 168,00
Salaries: SAPS Grabouw	14 Members X 15	R221 027,00
Salaries: POP Paarl	22 Members X 15	R331 895,00
Fuel Cost: SAPS Grabouw	15 Operations	R16 296,00
Fuel Cost: POP Paarl	15 Operations	R96 305,00
Total Cost		R703 691,00

Reported Cases

Station	Case Number	Offence	Status
Grabouw	166/05/2021	Trespassing	Four Arrests, Withdrawn – Pending High Court Decision
Grabouw	254/03/2021	Trespassing	No Arrests – Under Investigation
Grabouw	248/08/2021	Trespassing	No Arrests – Under Investigation
Grabouw	53/09/2021	Trespassing	No Arrests – Under Investigation
Grabouw	206/09/2021	Trespassing	No Arrests – Under Investigation
Grabouw	270/05/2020	Housebreaking & Theft	One Arrest, Remanded to 2023-02-20
Grabouw	144/11/2020	Theft	Three Arrests – Withdrawn (Pending Arrest of one Accused) Warrant Issued
Grabouw	Enquiry 1/09/2022	Fraud	Covert Investigation - Under Investigation

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	166/05/2021	Count 1 - Public violence Count 2 – Contravention of a Court Order (Containment Order)	<p>The incident happened on 2021-05-25 at 08:45. The scene of crime is at Knoflokskraal N2 Grabouw.</p> <p>The complainant is 0464002-1 Captain David Reginald Gideon SAPS POP Paarl.</p> <p>Members from SAPS POP Paarl were employed to render a protection service to contractors and the Sheriff who were performing duties with a High court order at farm 336 and farm 445. A crowd of approximately eighty unknown people became violent and started protesting in the road.</p> <p>Four suspects were arrested and the crowd dispersed.</p> <p>The suspects were charged and the case docket was placed on the court roll.</p> <p>The case was withdrawn by the Senior Public Prosecutor Grabouw Magistrate court who requested the final High court order to be finalized.</p>	Four (4) people were arrested after investigations were conducted.	<ul style="list-style-type: none"> The investigation has been completed with the exception of the statement of the Sheriff, Mr Witbooi to be submitted on 2023-02-08. Supporting documentary evidence from the Sherriff was provided.

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	254/03/2021	Count 1 - Trespassing Count 2 – Contravention of a Court Order (Containment Order)	<p>The incident happened on 2021-03-30 at 14:30.</p> <p>The scene of crime is at Farm number 1/336 High rising Charleskloof N2 Grabouw and farm 445 Heritage sight.</p> <p>The property belongs to Public works.</p> <p>The complainant is Mrs Ivy Murundwa, employee at Public works.</p> <p>The complainant visited the property and found one erected structure as well as 100 plots marked with boards. A bulldozer was busy cleaning the plots.</p> <p>No suspects were identified.</p> <p>No CCTV footage and no photos were available.</p> <p>No witnesses available.</p> <p>Informers did not have any information.</p>	None	<ul style="list-style-type: none"> • The investigation has been completed with the exception of the statement of the Sheriff, Mr Witbooi to be submitted on 2023-02-08. • Supporting documentary evidence from the Sherriff was provided.

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	248/08/2021	Count 1 - Trespassing Count 2 – Contravention of a Court Order (Containment Order)	The incident happened on 2020-11-04 at 12:00. The scene of crime is at Knofloks kraal N2 Grabouw. The complainant is Mr. Falintenjwa Masithandaza. The property belongs to the Department of Forestry, Fisheries and Environment. No suspects was identified. No witnesses was available. No CCTV footage and no photos was available. Informers had no information.	None	<ul style="list-style-type: none"> The investigation has been completed with the exception of the statement of the Sheriff, Mr Witbooi to be submitted on 2023-02-08. Supporting documentary evidence from the Sherriff was provided.

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	53/09/2021	Count 1 – Trespassing Count2 – Contravention of a Court Order (Containment Order)	The incident happened on 2021-09-09at 13:00. The scene of crime is at Knofloks kraal High rising N2 Grabouw. The complainant is Mr. Rubson Ngalande a security manager. The suspects managed to drive two trucks through the security control without permission. The witness were able to obtain one vehicle’s registration number as CAA 250228. (vehicle identified on e-Natis)	None	<ul style="list-style-type: none"> • The investigation has been completed with the exception of the statement of the Sheriff, Mr Witbooi to be submitted on 2023-02-08. • Supporting documentary evidence from the Sherriff was provided. • Owner of the vehicle was traced and his warning statement obtained.

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	206/09/2021	Trespassing	<p>The incident happened on 2021-09-17 at 08:00. The scene of crime is at Knofloks kraal N2 Grabouw. The complainant is Mr. Raphephele Piet Mutshavhi a security officer. The complainant was doing patrols when unknown people arrived with building materials. Force was used to gain access to the property. There was no suspects identified. No witnesses. No CCTV footage and no photos. Informers do not have information.</p>	None	<ul style="list-style-type: none"> The investigation has been completed with the exception of the statement of the Sheriff, Mr Witbooi to be submitted on 2023-02-08. Supporting documentary evidence from the Sherriff was provided.

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	270/05/2020	Housebreaking and theft	On 2020/05/24 at 10:00 Mr Falitenjwa Masithandaza the Deputy Director from DAFF registered a case of Housebreaking and Theft at Eikenhof Cottages which is adjacent to Knoflokskraal. The suspect was apprehended by security guards and handed over to the SAPS.	One	<p>Suspect was arrested and charged.</p> <p>The investigation is complete and the next court date is 2023-02-20.</p>

Summary of Reported Offences

STATION	CAS	CHARGE	DETAILS OF INCIDENT	SUSPECTS ARRESTED	STATUS
Grabouw	144/11/2020	Theft	On 2020/11/18 at 15:10 Mr Falitenjwa Masithandaza the Deputy Director from DAFF reported the matter after 3 people were apprehended on High Rising Farm whilst loading Pine logs onto a LDV which were cut down on the property without the necessary permits	Three (3)	<p>The suspects were charged and appeared in court.</p> <p>The driver of the vehicle did not appear in a subsequent court appearance an a warrant of arrest was issued.</p> <p>The NPA has withdrawn the matter pending the arrest of the suspect.</p>

Geographical Map of the Property



High Court Order

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2.1.2. Intimidating, threatening, harassing or assaulting or in any way interfering with the applicants' officials, or any persons acting on its behalf or involved with law enforcement at the properties; and/or

2.1.3. Inciting or encouraging other persons to invade and/or attempt to invade the properties.

2.2. Authorising the Sheriff and/or the Applicants duly assisted, if necessary, by the members of the South African Police Service ("the SAPS"), and/or the Seventh Respondent to give effect to the provisions of this Order by:

2.2.1. Immediately removing any person found to be in contravention of this order;

2.2.2. Demolishing any incomplete and/or unoccupied structures and/or structures that do not yet constitute the home of any person erected on the property after the grant of this order;

2.2.3. Removing any possessions found at or near such structures or the property including any building materials, which possessions and / or building materials shall be kept in safe custody for one week by the Applicants until released to the lawful owner, failing which the Applicants shall be entitled to dispose thereof; and

2.2.4. To take all reasonable steps in order to give effect to this order.

92-40-1202

High Court Order

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6. That this order shall be served on the SAPS at the nearest police station having jurisdiction over this area, *in casu*, Grabouw police station.
7. That the Applicants are entitled to supplement the notice of motion and file further affidavits, if necessary, by 5 May 2021.
8. That the Respondents may anticipate the return day on 48 hours' written notice to the Applicants' attorneys of record.

BY ORDER OF THE COURT

2021-04-26

WCD:001



COURT REGISTRAR

State Attorney

4th Floor, 22 Long Street,
Cape Town
8001
EScharf@justice.gov.za

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High Court Order

CAS 54/09/2021

BOX 30

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

Before the Honourable Justice Steyn
Cape Town, Wednesday 21 April 2021

21.04.21
CASE NO.: 6478 / 2021

In the matter between:

**THE DEPARTMENT OF PUBLIC WORKS AND
INFRASTRUCTURE
THE MINISTER OF FORESTRY, FISHERIES
AND ENVIRONMENT**

and

2021 -04- 26 *ABF*

**THOSE PERSONS WHOSE IDENTITIES
ARE TO THE APPLICANTS UNKNOWN AND WHO MAY BE
OCCUPYING AND/OR INTENDING TO OCCUPY AND/OR
ATTEMPTING TO OCCUPY FARM 336; AND OR FARM 445
GRABOUW, WESTERN CAPE**

RICHARD ISAACS
(and all those making common cause with him)

JAQUES ROSSOUW
(and all those making common cause with him)

ELOUISE ROSSOUW
(and all those making common cause with her)

MARK MATTHEWS
(and all those making common cause with him)

CHRISJAN GERTSE
(and all those making common cause with him)

THE STATION COMMANDER, GRABOUW POLICE STATION,

First Applicant
Second Applicant
First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent

State Attorney
4th Floor, 22 Long Street,
Cape Town
8001
EScharf@justice.gov.za

High Court Order

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SOUTH AFRICAN POLICE SERVICES, GRABOUW,
WESTERN CAPE

Seventh Respondent

ORDER

2021-04-26

AFTER PERUSING THE DOCUMENTAION FILED AND HEARING COUNSEL
FOR THE APPLICANTS AND THE SECOND RESPONDENT (IN PERSON), WHO
HAS NOT FILED A NOTICE OF OPPOSITION, IT IS HEREBY ORDERED THAT

1. Dispensing with the forms and service provided for in the Uniform Rules of Court, and directing that this application be heard on an urgent basis in terms of Uniform Rule 6(12)(a).
2. That a *rule nisi* is issued calling on the first to sixth respondents (and all those making common cause with them) to show cause on 19 MAY 2021 why the following order should not be made final:
 - 2.1. Interdicting and restraining the first to sixth respondents (and all those making common cause with them) from:
 - 2.1.1. Entering or being upon – FARM 336 AND FARM 446 GRABOUW (hereinafter referred to as "the properties") for the purposes of unlawfully occupying and/or attempting to occupy the properties; and/or

High Court Order

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2.1.2. Intimidating, threatening, harassing or assaulting or in any way interfering with the applicants' officials, or any persons acting on its behalf or involved with law enforcement at the properties; and/or

2.1.3. Inciting or encouraging other persons to invade and/or attempt to invade the properties.

2.2. Authorising the Sheriff and/or the Applicants duly assisted, if necessary, by the members of the South African Police Service ("the SAPS"), and/or the Seventh Respondent to give effect to the provisions of this Order by:

2.2.1. Immediately removing any person found to be in contravention of this order;

2.2.2. Demolishing any incomplete and/or unoccupied structures and/or structures that do not yet constitute the home of any person erected on the property after the grant of this order;

2.2.3. Removing any possessions found at or near such structures or the property including any building materials, which possessions and / or building materials shall be kept in safe custody for one week by the Applicants until released to the lawful owner, failing which the Applicants shall be entitled to dispose thereof; and

2.2.4. To take all reasonable steps in order to give effect to this order.

92-40-1202

High Court Order

5

6. That this order shall be served on the SAPS at the nearest police station having jurisdiction over this area, *in casu*, Grabouw police station.
7. That the Applicants are entitled to supplement the notice of motion and file further affidavits, if necessary, by 5 May 2021.
8. That the Respondents may anticipate the return day on 48 hours' written notice to the Applicants' attorneys of record.

BY ORDER OF THE COURT

2021-04-26

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Closing Remarks

- The identified area where the complaint emanates from is Knoflokskraal, which is identified as ERF 335.
- The High Court Order relates to ERF 336 & ERF 445 only and therefore enforcement of the order excludes Knoflokskraal – ERF 335.
- The pending eviction order hampers progress in addressing the matter as the current ‘Containment Order’ only directs that no further persons may occupy ERF 336 & 445.
- A list of persons and plots occupied on ERF 336 and 445, as surveyed by the Sheriff of the Court, was provided.
- His detailed sworn statement to be obtained.
- The National Department of Public Works and Infrastructure (NDPWI) and the Department of Forestry, Fisheries and Environment to appoint a authorised person to depose sworn statements for investigation and court purposes.
- The construction of appropriate fencing and signage prohibiting entrance to the property should be implemented as it is a factor considered in the decision by the National Prosecuting Authority to prosecute offenders for trespassing.
- It needs to be noted that during May 2021 when the Sheriff of the court, supported by the SAPS attempted to demolish and remove uncompleted and unoccupied structures on the property, they were stopped by the NDPWI.
- Clarity on the above will be obtained upon receipt of the statement from the Sherriff.
- All matters are to be referred to the Director of Public Prosecutions (DPP) after receipt of the statement from the Sheriff.



THANK YOU