

## AFFIDAVIT

I, the undersigned:

Elias Gezani Valoyi, Chief Director: Corporate Services do hereby make an oath and state as follows:

1.

I am employed by the Independent Complaints Directorate as a Chief Director: Corporate Services, stationed at National Office, Pretoria. My persal number is 18638511.

2.

I confirm that I am authorised to make this affidavit on behalf of the Second Defendant. The Second Defendant only became aware of the default judgment granted in this matter when informed by the State Attorney on 24 March 2010. The State Attorney has been instructed to apply for rescission of judgment thereof.

3.

Sometime in May 2008 the Landlord of the Old Mercedes Building came to the Old Mercedes Building situated at the corner Potgieter and Schoeman streets. The Landlord threatened to evict ICD staff from the building.

4.


I then informed the Landlord that he needs to contact the Department of Public Works as ICD is only occupying the building and the Department of Public Works is responsible for the lease agreement.

5.

I deny that I entered into an agreement to extend the lease agreement with KE Sons Investments (Pty) Ltd. At no stage did I agree to extend the lease agreement with them.

That is all that I know and wish to state in this matter.

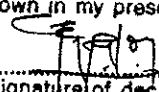
I know and understand the contents of this statement and to the best of my knowledge and belief true and correct. I confirm that the contents of this statement are binding on my consciousness.

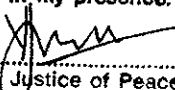
  
\_\_\_\_\_  
Deponent

1. Do you know and understand the contents of the declaration? **YES**  
Answer .....

2. Do you have any objection to taking the prescribed oath? **NO**  
Answer .....

3. Do you consider the prescribed oath to be binding on your conscience? **YES**  
Answer .....

A. I certify that the above-mentioned questions were put to me and that the answers thereto as reflected above were written down in my presence.  
  
\_\_\_\_\_  
Signature of declarant

B. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to/affirmed before me and the deponent's signature/thumb-print/mark was placed thereon in my presence.  
  
\_\_\_\_\_  
Justice of Peace  
Commissioner of Oaths

Full first names and surname **YIMICA SINGATI**  
(BLOCK LETTERS)

Designation (rank) **SENIOR LEGAL ADMIN OFFICER**  
Ex Officio RSA

Business address **215 SUTHERLAND STREET**  
(Street address must be stated)

Date **20/04/2010** Place **PRETORIA**

DEPT OF LABOUR  
PRIVATE BAG X 117  
2010 -04- 20  
PRETORIA 0001  
LEGAL SERVICES

Noted. The letter must be punched and filed  
in file number 11/L/10/2009 BT



## **Office of the State Attorney Pretoria**

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Manaka Heights  
8<sup>th</sup> Floor  
167 Andries Street

Tel: (Switchboard): (012) 309 1500  
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Docex: 298

22 February 2010

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**Enquiries: A J COETZEE**

**My Ref: 4780/2009/Z18/mk**

**Email: [adrcoetzee@justice.gov.za](mailto:adrcoetzee@justice.gov.za)**

**Your Ref: 1/L/10/2009 BT**

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SENIOR MANAGER: LEGAL SERVICES  
INDEPENDENT COMPLAINTS DIRECTORATE  
PRIVATE BAG X 941  
PRETORIA  
0001

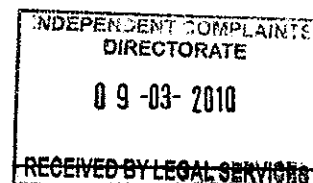
**RE: CIVIL CLAIM - K E SONS INVESTMENTS CC**

Thank you for your letter of 3 February 2010.

Whereas the Independent Complaints Directorate has independent *locus standi* and has not been cited as a party to the current action a plea will be entered to this effect. The clarification of Mr. Valoyi's involvement is appreciated and will be borne in mind in the conduct of this case.

Your cooperation is appreciated.

**A J COETZEE**  
**FOR: STATE ATTORNEY (PRETORIA)**  
4780/09/Z18





# independent complaints directorate

Department:  
Independent Complaints Directorate  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X941, Pretoria, 0001, 388 Andries Street, ICD House, Pretoria  
Tel.: (012) 392 0400 Fax: (012) 320 3116/7

Enquiries: B P Tukela  
Direct Tel No.: 012 392 0465  
Our Ref.: 1/L/10/2009 BT  
Your Ref.: 4780/09Z18  
Date: 03/02/2010

Office of the State Attorney  
Private Bag X 91  
Pretoria  
0001

## **CIVIL CLAIM: K E SONS INVESTMENTS CC**

We confirm receipt of your letter dated 27 January 2010 regarding the above mentioned matter.

We have gone through the particulars of claim made by plaintiff and have consulted with our Mr Elias Valoyi.

The information we received from Mr Valoyi is that, the landlord came to Old Mercedes Benz (OMB) building threatening to evict ICD from the premises. Mr Valoyi then requested the plaintiff to contact the Department of Public Works (DPW) as it is the DPW that is responsible for the lease agreement. At no stage did Mr Valoyi enter into an agreement with the plaintiff to extend the lease agreement.

Our instructions are that you should defend the matter on the basis that we were never a party to the agreement and have never entered an agreement to extend the lease with the plaintiff.

Senior Manager: Legal Services



# Office of the State Attorney Pretoria

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27 JANUARY 2010

Enquires: MR A J COETZEE

My Ref: 4780/09/Z18

Email: [adrcoetzee@justice.gov.za](mailto:adrcoetzee@justice.gov.za)

Your Ref: MS E TUKELA

FAX: 0866 300 969  
ATTENTION: MS TUKELA

THE HEAD: LEGAL SERVICES  
INDEPENDENT COMPLAINTS DIRECTORATE  
PRETORIA

CIVIL CLAIM: K E SONS INVESTMENTS CC

Writer's telephone conversation with your Ms Tukela on 22 January 2010 refers.

Attached please find a copy of the summons in the above matter that was served at this office on 4 August 2009. We subsequently entered appearance to defend the action on behalf of both the Defendants.

The lease agreement relied upon by the Plaintiff was entered into between the Plaintiff and "the Department of Public Works" (the First Defendant). The Plaintiff further alleges that a certain Mr E Valoyi accepted the Plaintiff's offer of extension of the mentioned agreement and that he was representing either the First or Second Defendant (the Minister of Safety and Security) in doing so.

According to the office of the Second Defendant, the Independent Complaints Directorate does not answer to the Second Defendant and in fact has its own *locus standi in iudicio*.

At this stage it seems that the Second Defendant should merely deny liability on the basis that it never was a party to the agreement in issue.

I look forward to receiving your instructions in view of the above.

*AJC*  
A J COETZEE

FOR STATE ATTORNEY (PRETORIA) COETZ-LET-INDEP-COMPL-DIR-4780 LDT