THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Reportable

Case No: 811/2016

In the matter between:

MINISTER OF SAFETY AND SECURITY	**APPELLANT**
and	
RAYMOND AUGUSTINE	**1ST RESPONDENT**
BASHNEE SHARON AUGUSTINE	**2ND RESPONDENT**
JARRED SHELDON AUGUSTINE	**3RD RESPONDENT**
CELINE JANINE AUGUSTINE	**4TH RESPONDENT**

Neutral citation: *Minister of Safety and Security v Augustine* (811/2016) [2017] ZASCA 59 (24 May 2017)

Coram: Shongwe ADP, Lewis, Petse and Mbha JJA and Gorven AJA

Heard: 4 May 2017

Delivered: 24 May 2017

Summary: Delict: General damages: appeal against quantum: test: damages awarded not disproportionate: appeal against punitive costs order: order warranted: appeal dismissed.

ORDER

On appeal from: Gauteng Division of the High Court, Pretoria (Makgoka, Tolmay and Tuchten JJ sitting as court of appeal):

The appeal is dismissed with costs.

JUDGMENT

Gorven AJA (Shongwe ADP, Lewis, Petse and Mbha JJA concurring):

[1] This appeal is directed at the amount of general damages awarded to the four respondents by the full court of the High Court, Gauteng Division, Pretoria (the full court) and the punitive costs order which accompanied that award. The full court was hearing an appeal from the decision of Mali AJ, sitting as a judge of first instance (the trial court).

[2] The claim related to damages arising from the unlawful entry into the home of the respondents without their permission or lawful warrant, for the unlawful damage to one or more of the doors of their home and the lock of a security gate, for the unlawful pointing of firearms at the respondents, for insulting, assaulting, humiliating and intimidating the respondents. The trial court awarded each of the respondents general damages in the sum of R25 000 and costs on the Magistrates' Court scale.

[3] This prompted an appeal by the respondents to the full court. It was directed against the failure to award damages for future medical costs, the quantum of general damages, the rate of interest and the date from which interest ran as well as the failure to award attorney and client costs, taxed on the high court tariff.

[4] The full court was unanimous in its view that the appeal should succeed, that damages for future medical expenses should be awarded and on the interest rate and the date from which interest should run. However, the court divided as to the quantum of general damages and the costs to which the respondents were entitled.

[5] The majority judgment was that of Tolmay J in which Tuchten J concurred. It ordered the appellant to pay each of the first to third respondents general damages in the sum of R200 000 and the fourth respondent general damages in the sum of R250 000. It also ordered the appellant to pay both the trial and appeal costs on the scale as between attorney and client, taxed on the high court tariff.

[6] The minority judgment was that of Makgoka J. He held that he would have awarded all four respondents general damages in the sum of R100 000 and granted party and party costs, taxed on the high court tariff. It is against the order of the full court that the appellant appeals, with the leave of this court. The appeal is limited to the issues of the quantum of general damages and the costs award.

[7] The background to the claim is as follows. The first respondent was employed as a quality supervisor for a vehicle tracking company. His family comprised his wife who was employed as a credit controller (the second respondent), their 16 year old son (the third respondent), their 15 fifteen year old daughter (the fourth respondent) and their two-and-a-half year old baby boy. They resided at 12 Mowbray Avenue, Benoni, in a semi-detached house adjoining the house at 12B Mowbray Avenue. The two houses had separate entrances and separate numbers. Each number was displayed outside. The two houses shared a common internal wall with no interconnecting door.

[8] At approximately 02h00 on 16 June 2009, the first respondent was woken by the frantic barking of his dogs. He investigated by opening the bathroom window which looked onto the area in which the dogs were confined. They quietened down when they saw him and he left. Soon thereafter, the dogs began to cry in a way he had never heard before. He returned to the bathroom window and that is when he saw people inside the dining area pointing torches and red laser lights in his direction. He responded by screaming at them. Thinking that they were housebreakers, he shouted for his son and set off for the bedroom in which his wife and two and a half year old baby were sleeping.

[9] Before he could step out of the bathroom door, he felt a rifle barrel held against him. He was ordered not to look or talk and to lie down. He obeyed. He heard footsteps on the wooden stairs ascending to the loft. He initially saw three to five people but later realised that there were more. It transpired that there were between 30 and 45 intruders in the house and yard. None of them identified themselves. He feared that his wife or 15 year old daughter would be raped and felt helpless to prevent it. He politely requested the intruder holding the rifle against him to take whatever he wanted but not to harm him. He told

him where the vehicle keys and his wallet were located invited him to take them. He heard his daughter scream and one of the intruders ordering her to be quiet. She was, however, too hysterical to be able to desist. He also heard his son running towards the room where his mother had been sleeping but then heard the son cry out that he was being hurt. His son had been pinned to the floor under the boot of an intruder. He heard his wife telling an intruder that she wanted to go into the bedroom to attend to the baby but her request was refused.

[10] After he had requested the intruder to take the valuables and car keys, the person was quiet for about two minutes and then said to him, 'My friend, we are not here to rob you, we are the police.' This was about 30 minutes after the house was entered. The first respondent became angry and tried to push the rifle aside. He asked why, if they were the police, they were hurting the family they were employed to protect. The response was that the intruder could not give him any information and he should wait for the captain. During this period, he heard cupboards being searched and, after a while, one of the intruders said 'clear'. The intruders then began to leave the property. He could observe that they were wearing what he referred to as combat uniforms but, since they were wearing balaclavas, could not make out any of their faces. He could not see any nametags or other form of identification and also saw no police uniforms. During the period of the incident, the only electric light burning in the house was the one in the bathroom which the family left burning overnight. The intruders had used only torchlight.

[11] As they were leaving through the front door, he noticed that the side door had been broken in order to gain access. He became angry, stopped some of them and told them that they could not simply do something like that and then walk away. He required an explanation as to their conduct. He was told that

Inspector Van Zyl would be there to talk to him but, for the rest, his request was ignored. After insisting on an explanation, one of the young intruders told him that they were looking for a person called Eugene, who had robbed a casino a few days before. He responded that there was no Eugene staying there but that there was a Eugene staying in the next door semi-detached house at 12B Mowbray Avenue.

[12] On receiving this information, the intruders began to assault a non-uniformed, handcuffed person, accusing him of having brought them to the wrong house. They then left, went to the next door house, broke the gate down, booted in the door and entered. After a while, the police left in vehicles. Nobody came to him to explain what had happened, including anyone named Inspector Van Zyl. He had noticed that the neighbours had witnessed the police leaving his home and felt humiliated by this.

[13] After the intruders had left their home and he had seen them enter the next door house, he went inside. When he was asked what had happened next, he said: 'We were in a situation. We were distraught. We were trying to figure out what was going on, why this had happened and, you know, comforting each other. My daughter was a mess. My wife was a mess. They were all traumatised by this. Luckily the baby did not experience any of this. He was asleep. My son was complaining that the guy actually trampled on him. We were having a look at his back and we just could not sleep. We were scared. We were scared. We were shaken.'

[14] The intruders had cut a lock in order to enter the driveway gate. The lock of a door to the house was broken as was the sliding gate lock. Two panes of glass on the front door were broken. All of these items had to be replaced.

[15] That morning, the first and second respondents went to the Benoni Police Station to lay a complaint against the police that had come to his property. They also wanted to seek counselling for their family to address the trauma which they had experienced. At the police station they were taken into a private room where the station commander joined them. He was very helpful until he heard that they were alleging that it was the police who had acted like this. He then left the room and, on his return, told them that they did not have a case and were wasting their time. The second respondent began talking to a female police counsellor at that stage. She was being very helpful and told them that they were entitled to lay a charge and should contact the Independent Police Investigative Directorate (IPID) to do so. The station commander then called the counsellor aside and, after he had spoken to her, she said that she was unable to assist them any further. The second respondent later begged her for her mobile number which she gave but, when she was phoned, she said that she did not have the number of the IPID.

[16] The respondents finally laid a criminal charge. However, despite their mention that Inspector Van Zyl was supposedly in charge of the operation, the docket later recorded that there had been a decision not to prosecute because the identity of the suspects was not known. The respondents also brought this action which has led to this appeal.

[17] It is of some importance to note the manner in which the appellant conducted the litigation in this matter. The appellant denied liability in toto. Not only that, but the plea denied that any member of the South African Police Service entered the house of the respondents. It also denied that any such member pointed a firearm, assaulted, intimidated or humiliated any of the respondents. It further denied that any of the persons referred to by the

respondents were employees of the South African Police Service or had acted in the course and scope of their employment as such. At a later stage, on a date which is not clear from the record, the appellant amended the plea. It alleged that, in search of a suspect in an armed robbery and on reliable information that this person resided at 12 Mowbray Avenue, members of the South African Police Service arrived at that address, knocked on the door, identified themselves as police officers, explained the reason for their presence at the premises and requested permission to search. Thereupon, the person who had answered the knock opened the door and allowed them to search the premises. The police then found some documents displaying the names of the suspect in one of the rooms in the house. The appellant went on to plead that the search was conducted decently and in an orderly fashion, denying that there was any forced entry or any assault or intimidation or humiliation of any of the occupants of the house or that any firearm was pointed at any of the occupants or that anyone was detained. In the alternative it was pleaded that if it was found that any of the occupants had been intimidated, such intimidation was necessary in the circumstances.

[18] At the commencement of the trial, the appellant had refused to furnish the respondents with copies of the discovered documents. A formal application to compel production had to be brought. This finally resulted in an undertaking to provide what was termed ‘the docket’ to the respondents. The version set out in the amended plea was persisted in at the trial. It was correctly found by the trial court that this version was false. In addition, employees of the appellant testified falsely that the semi-detached houses were in fact a single house. It was also falsely persisted in that a document, as opposed to documents as was pleaded, bearing the names of the suspect was found in the home of the respondents. The full court correctly found that the members of the South African Police Service,

by giving false evidence, were simply attempting to defeat the claim of the respondents.

[19] After the incident, the family experienced sleepless nights and flashbacks. The children were scared to sleep in the dark. They were scared to go out of the home at night. They visited the family doctor and explained the whole situation. He prescribed medication to assist but that did not resolve their problems. The work done by the first respondent required his leaving home at night in order to work on night shifts. His family was scared to stay alone. He therefore started to work a normal shift and no longer do weekend or night shift work. The trauma associated with their house reached a point where they relocated to another property. The first respondent had a heart attack which he attributed to the stress caused by the incident. When he testified, on 18 August 2014, the incident was still affecting his performance at work. This was more than five years later. The fourth respondent's academic performance deteriorated. Whereas before she was a bright student, afterwards she even had to repeat one of her grades. She refused to sleep in her bed and insisted on sleeping in the same room as the first and second respondents. The third respondent became aggressive. At the time of the trial, he was still struggling to sleep at night.

[20] The expert evidence of Dr Swanepoel was led. He was a clinical psychologist who testified about the psychological sequelae suffered by the respondents. None of his evidence was countered. He conducted a series of tests on each of the respondents as well as interviewing each of them extensively. He testified that, because the incident took place in the home of the respondents, they were no longer able to view it as their place of safety or protection, comfort or rest. This caused severe psychological distress. Likewise, for the first two respondents, their inability to protect their children from being threatened

created psychological distress and had a severe effect on their level of functioning. The psychological trauma was exacerbated by their experience at the police station when the persons employed to serve and protect refused to entertain their complaint. He went on to deal in detail with each of the respondents in turn. I will summarise aspects of his evidence.

[21] The first respondent suffered from post-traumatic stress disorder arising from the incident. This goes far beyond the need to be assisted after a traumatic situation which could be done by a counsellor. It is a psychiatric disturbance and requires specialised treatment. Where post-traumatic stress disorder is untreated, it will lead to major depression. Once that exists, there are occupational problems, general functioning problems and possibly even suicidal thoughts and attempts. In addition, he suffered from dysthymia which includes a chronic feeling of ill-being and lack of interest in activities that were formerly enjoyable. This was diagnosed as falling short of depression but causes a person to live ‘a life of depression’ and function at a low level. This is only diagnosed after symptoms have persisted for two years or more. The first respondent also suffered from sleeplessness and anxiety.

[22] The second respondent suffered from post-traumatic stress disorder arising from the incident. She also suffered from insomnia and anxiety. Her inability to attend to her youngest child resulted in feelings of guilt and self-blaming. Her trauma was such that she did not even hear the hysterical screaming by the fourth respondent during the incident. The fact that the intruders refused to respond to the enquiries from the first respondent led to a feeling that their existence was negated. This can lead to psychotic behaviour. It was understandable that she was looking for an apology so that her existence

could be confirmed. It was clear when she gave evidence that she was still emotionally affected.

[23] The third respondent, who had a booted foot placed on his back and a rifle pointed at his head, also suffered from post-traumatic stress disorder, dysthymia and anxiety. This would have been caused by his own trauma and by seeing his father lying on the ground, powerless and with a rifle to his head. It would have been exacerbated by his inability to protect his sister. He even attempted to crawl to her when the boot was on his back and the rifle at his head. He could not sleep for months after the intrusion. He had lost respect for the South African Police Service. His academic performance deteriorated as a result of his concentration being impaired after the incident. He had aggressive impulses.

[24] The fourth respondent suffered from post-traumatic stress disorder which resulted from the incident. For months after the incident she could not sleep properly and every time she closed her eyes she saw the flashlights and heard men screaming at her. She became too afraid to sleep on her own and had to sleep with her mother. She was unable to sleep with the lights off. Her friends informed her that she had become short tempered and irritable. She lost trust in and respect for members of the South African Police Service. She also suffered from severe traits of paranoia and a sense of self-importance. The latter could be a defence mechanism employed to deal with anxiety. Hers was clearly the worst case in the family and Dr Swanepoel expressed particular concern for her wellbeing. Dr Swanepoel recommended certain therapy for each of the respondents in an effort to prevent a degeneration into permanent depression.

[25] The approach for arriving at the quantum of general damages is well established. A court attempts to arrive at a fair award to compensate for the negative impact of the delict on the life of the injured party. The amount of this award is therefore not susceptible of precise calculation.[1] It is arrived at in the exercise of a broad discretion.

[26] The test for interference on appeal is:

'[S]hould an appellate Court find that the trial Court had misdirected itself with regard to material facts or in its approach to the assessment, or, having considered all the facts and circumstances of the case, the trial Court's assessment of damages is markedly different to that of the appellate Court . . .'.[2]

The first of these requires analysis of the judgment to establish whether there have been misdirections regarding either the proper approach or the facts taken into account. The second requires the appeal court itself to broadly assess what it would have awarded had it been sitting as a court of first instance.[3] An appeal court must interfere if 'the damages are so high [or low] as to be manifestly unreasonable.'[4] The underlying principle for this latter approach must be that the award is so disproportionate that the appeal court can infer that the discretion accorded the trial court was not properly exercised.

[27] The appellant's counsel accepted that the full court was entitled to interfere with the award of the trial court. He was, however, unable to point to any misdirection in the judgment of the full court in the approach to the assessment or the material facts taken into account. Nor can I find any. His submission was that the award itself warranted interference because it was

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[1] *Minister of Safety and Security v Seymour* 2006 (6) SA 320 (SCA) para 20.
[2] Per Mokgoro J, in *Dikoko v Mokhatla* 2006 (6) SA 235 (CC); 2007 (1) BCLR 1; [2006] ZACC 10 para 57, summarising and approving the approach of this court in *Sandler v Wholesale Coal Suppliers Ltd* 1941 AD 194 at 200.
[3] *Dikoko* para 95. See also; *Sutter v Brown* 1926 AD 155 at 171 and *Salzmann v Holmes* 1914 AD 471 at 480.
[4] Per Wessels JA in *Black & others v Joseph* 1931 AD 132 at 150.

outrageously high. In this regard, he submitted that the court a quo did not pay due regard to the following dictum of Holmes J:

'[T]he Court must take care to see that its award is fair to both sides – it must give just compensation to the plaintiff, but it must not pour out largesse from the horn of plenty at the defendant's expense.'[5]

[28] This submission requires a consideration of whether the award is egregiously disproportionate. If not, there is no basis on which we can interfere. Both counsel pointed to a number of previously decided matters which, they submitted, should guide this exercise. It is worth remembering the part played by previous awards in comparable cases. This was clearly expressed by Potgieter JA:[6]

'It should be emphasised . . . that this process of comparison does not take the form of a meticulous examination of awards made in other cases in order to fix the amount of compensation; nor should the process be allowed so to dominate the enquiry as to become a fetter upon the Court's general discretion in such matters. Comparable cases, when available, should rather be used to afford some guidance, in a general way, towards assisting the Court in arriving at an award which is not substantially out of general accord with previous awards in broadly similar cases, regard being had to all the factors which are considered to be relevant in the assessment of general damages. At the same time it may be permissible, in an appropriate case, to test any assessment arrived at upon this basis by reference to the general pattern of previous awards in cases where the injuries and their *sequelae* may have been either more serious or less than those in the case under consideration.'[7]

And, while a court should also take into account a significant reduction in the value of money, the mechanical application of the increase in the consumer price index between the date of the award and the present case should likewise be guarded against.[8] Some effect should, however, be given to it.[9]

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[5] In *Pitt v Economic Insurance Co Ltd* 1957 (3) SA 284 (D) at 287E-F.
[6] *Protea Assurance Co Ltd v Lamb* 1971 (1) SA 530 (A) at 535H-536B.
[7] See also *De Jongh v Du Pisanie NO* 2005 (5) SA 457 (SCA) para 63.
[8] *AA Onderlinge Assuransie Assosiasie Bpk v Sodoms* 1980 (3) SA 134 (A) at 141G-H.
[9] *Norton & others v Ginsberg* 1953 (4) SA 537 (A) at 541C-E; *Seymour* note 1 para 16.

[29] Both counsel accepted that there were no previous matters which were directly comparable to the present one. Both referred to the matter of *Pillay v Minister of Safety and Security*,[10] which influenced the full court in its decision. In this matter, the police purported to act under an authorisation to search the home of the 62 year-old plaintiff. They broke through two security gates as well as the entrance door in order to obtain access. They damaged certain interior doors, door frames, door locks and cupboard door locks and scattered goods and belongings of the plaintiff around the house. The plaintiff was scared and called the flying squad to assist her. She was body searched but how this was conducted was disputed. She suffered PTSD involving 'flash-backs and reliving the traumatic event, anxiety, mood disturbances, upsetting dreams, persistent avoidance, sleep disturbances, impaired concentration, memory deficiencies, depression, feelings of guilt, rejection and humiliation.' Her prognosis was poor. She was awarded general damages in the sum of R150 000.

[30] Counsel for the appellant submitted that the award in this matter should not be based on *Pillay* for two reasons. The first was that the award in that matter was 'grossly excessive'. The second was that the full court failed to distinguish the facts in this matter from those in *Pillay*. Counsel for the respondents submitted that the full court correctly held that *Pillay* was the case which most closely resembled the present one. He also submitted that the full court was alive to the distinguishing features and also considered a number of other matters, including those relied upon by the appellant in contending for a lower award.

[31] The second submission of counsel for the appellant was withdrawn before us, as I have mentioned. No misdirections on the part of the full court were

[10] *Pillay v Minister of Safety and Security* [2008] ZAGPHC 463 (2 September 2008).

relied on. In my view, this withdrawal was correct. The full court focussed on a range of factors in the present matter which had guided it. It also considered a number of other cases dealing with psychological sequelae and with unlawful arrest and detention, some of which resulted in substantial awards.

[32] One of these was *Kritzinger & another v The Road Accident Fund*,[11] where parents of two children killed in a motor vehicle accident suffered from chronic PTSD and major depressive disorder. They were awarded R150 000 and R120 000 respectively in 2009. In *Marwana v Minister of Police*,[12] the employer of the plaintiff, a domestic worker, was robbed at his home. When the plaintiff reported for work the following day, she was arrested and detained for just over a day. During that time she was taken to her home where an unauthorised search was conducted and she was assaulted. Her general damages under various heads totalled R155 000 in 2012. In *Minister of Police v Dlwathi*,[13] the plaintiff, an advocate, was assaulted resulting in a loss of hearing and depression. He was awarded a reduced amount of R200 000 on appeal in 2016.

[33] In addition to these cases, the appellant referred to a number of cases. The only one of these not already covered which is of relevance is that of *Minister of Safety and Security v Van Der Walt & another*,[14] where the respondents had both been police captains prior to their resignation. They were unlawfully arrested and detained. They were imprisoned by and in front of their erstwhile colleagues and suffered dreadful conditions in the holding cells. One of them could not sleep well for a while afterwards and the other contracted influenza

[11] *Kritzinger & another v The Road Accident Fund* [2009] ZAECPEHC 6 (24 March 2009).
[12] *Marwana v Minister of Police* [2012] ZAECPEHC 56 (28 August 2012).
[13] *Minister of Police v Dlwathi* (20604/14) [2016] ZASCA 6 (2 March 2016).
[14] *Minister of Safety and Security v Van Der Walt & another* (1037/13) [2014] ZASCA 174; 2015 (2) SACR 1 (SCA) (19 November 2014).

which led to complications with his kidneys. On appeal the award of R250 000 was reduced to R120 000 in 2014.

[34] In the light of the abovementioned cases, it can hardly be said that the awards made by the full court in this matter allow for interference on the test set out above. Some of the aggravating factors in this case were that the incident happened in the dead of night, it took place in the sanctity of the respondents' home, which ultimately led to their relocation due to flashbacks which must have been exacerbated by passing the places associated with the events. Moreover, the whole family suffered serious sequelae such that their ability to provide comfort and support to each other was compromised. After the relevant cases and factors were debated, the appellant's counsel simply submitted that the award was 'a little bit high'. That may be so but that is not sufficient to warrant interference by an appeal court.

[35] The final submission of the appellant's counsel on the question of quantum was that the higher award of R250 000 to the fourth respondent was not justified. This is not correct. The clear and unchallenged evidence of Dr Swanepoel was that the fourth respondent was the most seriously affected of all of the respondents. She was even unable to testify due to the strong probability that this would be seriously detrimental to her health. There is accordingly also no basis on which to interfere with this aspect of the quantum of damages arrived at by the full court.

[36] Counsel for the appellant submitted that the punitive scale of the costs order was not warranted. In particular, it was submitted that there was no appeal against the costs order granted by the trial court and that the full court erred in concluding that the trial was extended by the denial that the police were at all

involved and that they acted unlawfully. As to the first of these, the notice of appeal to the full court requested costs on the scale as between attorney and client. The submission is thus without merit. As to the second, not only was there no basis to interfere with the exercise of the full court's discretion, but the punitive costs order was fully warranted.

[37] I have set out quite fully earlier in this judgment the manner in which the litigation was conducted. The approach taken is to be deprecated. When those entrusted with protecting the public[15] do the opposite, the least that can be expected is that they do not compound this behaviour with deliberate falsehoods. These must have been made in full knowledge that if the respondents were able to muster the resources to bring the matter to court, the denials would be shown up for what they were. In addition, giving false testimony that a document bearing the name of the person they were seeking was found in the home of the respondents was a cynical attempt to mislead the court. To then discover, but refuse to make available, documents in the matter forcing a formal application to compel disclosure invites severe censure. From the expert report the appellant was aware of the trauma which the members of the South African Police Service had caused the respondents. In causing the respondents to be cross-examined on the basis of the false version, with this awareness, showed a total disregard for the police motto to serve and protect. The outrageous conduct of the police when it was realised that the complaint of the respondents involved fellow police officers was cynical, self-serving and a clear attempt to impede the respondents in their justifiable quest for justice. It

[15] The preamble to the South African Police Service Act 68 of 1995 says that it was enacted to meet the need for a police service to:
'(a) ensure the safety and security of all persons and property in the national territory;
(b) uphold and safeguard the fundamental rights of every person as guaranteed by Chapter 3 of the Constitution;
(c) ensure co-operation between the Service and the communities it serves in the combating of crime;
(d) reflect respect for victims of crime and an understanding of their needs; and
(e) ensure effective civilian supervision over the Service . . .'.

directly ignored their obligations as police members. In addition, their actions contravened the provisions of s 28 read with s 29 of the Independent Police Investigative Directorate Act.[16] When counsel for the appellant was confronted with these factors, he wisely and properly indicated that he would make no further submissions on this point.

[38] In the result, the following order is made:

The appeal is dismissed with costs.

T R GORVEN

Acting Judge of Appeal

[16] Independent Police Investigative Directorate Act 1 of 2011. The material parts of these sections read:
'28 Type of matters to be investigated
(1) The Directorate must investigate-
(f) any complaint of torture or assault against a police officer in the execution of his or her duties'
. . .
29 Reporting obligations and cooperation by members
(1) The Station Commander, or any member of the South African Police Service or Municipal Police Service must-
(a) immediately after becoming aware, notify the Directorate of any matters referred to in section 28 (1) *(a)* to *(f)*; and
(b) within 24 hours thereafter, submit a written report to the Directorate in the prescribed form and manner of any matter as contemplated in paragraph *(a)*.
(2) The members of the South African Police Service or Municipal Police Services must provide their full cooperation to the Directorate . . .'.

Appearances

For the Appellant:	M S Phaswane
	Instructed by: State Attorney, Pretoria
	State Attorney, Bloemfontein
For the Respondents:	R J Groenewald
	Instructed by: Aucamps Attorneys, Kempton Park
	Symington & De Kok Inc, Bloemfontein