

Annexure D



**Magistrates' Court Judiciary  
Republic of South Africa**

Private Bag X3904, North End, PORT ELIZABETH, 6056  
Tel: 041-5025201, Fax: 041-4841230  
New Law Courts Building, 584 Govan Mbeki Avenue, North End, Port Elizabeth

Ref:	
Enq:	L V MAKABA
E-mail	lmakaba@justice.gov.za
Date:	14 June 2007

The Chief Magistrate  
Magistrates Office  
PORT ELIZABETH

**ABSENCE FROM DUTY WITHOUT AUTHORITIES: MR T.V.D. MATYOLO: MAGISTRATE**

On 5 June 2007 whilst I was busy attending to correspondence in my office, Mr Matyolo entered my office.

Without even greeting me he reminded me that in December 2006 he approached me applying for vacation leave and I refused. I advised him to apply for sick leave if he was sick.

The reason for refusing was that Mr Matyolo had been on sick leave for 48 days between 7 August 2006 and 6 December 2006 and on vacation leave for 15 days between 30 August 2006 and 22 December 2006.

He then continued shouting at me, not giving me a chance to reply or explain to him the reason for my refusal until I chased him out of my office. It is unfortunate that I did not hit him.

He further confronted me with the newspaper report dated 1 June 2007 stating that although I am a black man I am not respecting African traditions and I am acting as a white.

Mr Matyolo did not explain the reason for his unauthorized absence from work or submit leave forms or medical certificates to me or management of this office. I heard later that he left medical certificates with Mrs Herselman, an administrative officer allocated to judiciary, which were later handed over to the Chief Magistrate. The certificates he has handed in cover the period 28 February 2007 to 1 June 2007.

Mr Matyolo is supposed to be on duty from 4 June 2007 to date but he never reported, and his whereabouts are unknown.

A handwritten signature in black ink, appearing to read 'L.V. Makaba', with a long horizontal stroke extending to the right.

L.V.MAKABA  
SENIOR MAGISTRATE/SUBCLUSTER HEAD  
PORT ELIZABETH



Annexure F

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
PORT ELIZABETH MAGISTRATE**

PRIVATE BAG X 3904, PORT ELIZABETH 6056, TEL 041-5025265 FAX 041-4845638  
584 GOVAN MBEKI AVENUE, NORTH END, PORT ELIZABETH, 6025

File 2/1/5

20 June 2007

The Chief Magistrate  
Private Bag X 3904  
**Port Elizabeth**  
6025

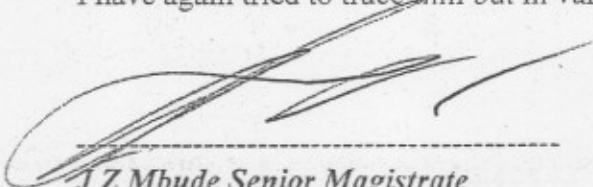
**ABSENCE FROM DUTY WITHOUT PERMISSION: MAGISTRATE T.V.D MATYOLO**

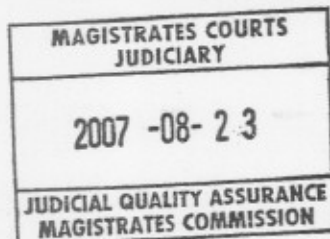
On 5 June 2007, it came to my attention that the above named submitted sick leave certificates to the Administration Clerk Mrs Herselman and latter filled in the application forms which where later signed by Mr Matyolo. Thereafter he approached Senior Magistrate Makaba who is cluster head, about a newspaper report that referred to him (Mr Matyolo).

As previously mentioned he works under my supervision, and I find it unacceptable that he would approach Mrs Herselman and Mr Makaba without having consulted me. Bearing this in mind and his history, I will not recommend his application for sick leave.

He should have reported to me first and made submissions for having been absent for more than 3 months before submitting any leave forms or sick leave certificates. I have noticed that the application for sick leave and vacation leave purported to have been submitted is for the period from 28th February 2007 to 3rd June 2007. He has again been absent from the 4th June 2007 to date, without permission or submitting any applications.

I have again tried to trace him but in vain.

  
-----  
**J Z Mbude Senior Magistrate**  
**Civil Section : Port Elizabeth**



**Magistrates' Courts Judiciary  
Republic of South Africa**

Private Bag X3904, North End, PORT ELIZABETH, 6056  
Tel: 041-5025111, Fax: 041-4841230  
New Law Courts Building, 584 Govan Mbeki Avenue, North End, Port Elizabeth

Ref:	2/1/5
Eng:	P R Rothman
E-mail:	prothman@justice.gov.za
Date:	23 August 2007

The Secretary  
Magistrate's Commission  
Private Bag X 9096  
PRETORIA  
0001

Attention: Mr Meijer

**ABSENCE FROM DUTY WITHOUT PERMISSION : MAGISTRATE T V D MATYOLO :  
PERSAL 16799739 : YOUR 6/5/52(103/04)**

It is hereby confirmed that, except for the 5 June 2007 when Mr Matyolo visited the office for the purpose of submitting his medical certificates, he has to date, namely 23 August 2007, not reported for duty or made any contact with the management of this office.

No medical certificates were received since 2 June 2007.

Yours faithfully

~~P R ROTHMAN~~  
CHIEF MAGISTRATE  
PORT ELIZABETH



I, IVOR LEON BOTHA, DECLARE UNDER OATH AS FOLLOWS:

1. I AM A SENIOR MAGISTRATE AND JUDICIAL QUALITY ASSURANCE OFFICER STATIONED AT PRETORIA, MAGISTRATE'S COMMISSION.
2. I WAS REQUESTED TO ASSIST WITH THE INVESTIGATION OF MISCONDUCT MATTER NO 78/2007, MAGISTRATE T V D MATYOLO (ABSCONDMENT), AFTER CORRESPONDENCE WAS RECEIVED FROM CHIEF MAGISTRATE PORT ELIZABETH CONTAINING 21 MEDICAL CERTIFICATES RECEIVED FROM MR MATYOLO COVERING THE PERIOD 28 FEBRUARY – 1 JUNE 2007, FROM VARIOUS MEDICAL PRACTITIONERS.
3. ON 2 JULY 2007 MR MATYOLO'S HOME ADDRESS AT 40 MARK AVE, CHARLO, PORT ELIZABETH WAS VISITED IN ORDER TO CONTACT HIM. HE WAS NOT AT HOME. THE CURTAINS WERE DRAWN, THE GATES WERE LOCKED AND THE GARDEN AND POOL NEATLY MAINTAINED. THERE WAS NO ACCUMULATED POST IN THE POST BOX.

HIS NEXT-DOOR NEIGHBOUR ARRIVED, A MRS KNOETZE, WHO INDICATED THAT SHE RESIDES WITH A MRS MORRIS, WHO ALSO SPOKE TO US. MRS KNOETZE INDICATED THAT MR MATYOLO USUALLY LEAVES HOME AT 6H45, WHEN SHE IS ALSO ON THE WAY TO WORK, AND RETURNS AT 23H00. THIS IS A DAILY PATTERN.

BOTH LADIES INDICATED THAT DURING WEEKENDS HE HAS A LOT OF VISITORS. MRS MORRIS INFORMS US THAT HER DAUGHTER VISITED MR MATYOLO AT HIS HOME ON 23 JUNE IN ORDER TO OBTAIN ADVICE AS SHE IS BUSY WITH A DIVORCE MATTER. MRS MORRIS INDICATED THAT MR MATYOLO FREQUENTLY VISITED HER HOME TO HAVE A CHAT.

ACCORDING TO BOTH LADIES HE NEVER COMPLAINED OF ANY ILLNESSES AND NEVER APPEARED TO BE ILL.

MRS KNOETZE INFORMED THAT MR MATYOLO LEAVES HIS HOME AT 6H45 TO GO TO WORK AT THE MAGISTRATES OFFICE WHERE HE IS EMPLOYED. SHE PRESUMED HE WAS GOING TO THE OFFICE.

MRS MORRIS IS NOT EMPLOYED AND AT HOME EVERY DAY. SHE IS VERY AWARE OF HER SURROUNDINGS.

ACCORDING TO BOTH LADIES MR MATYOLO IS A QUIET NEIGHBOUR AND THEY EXPERIENCE NO PROBLEMS REGARDING HIS BEHAVIOUR. ACCORDING TO BOTH LADIES THE MOTHER OF HIS CHILDREN CAME TO COLLECT THEM LAST YEAR FROM MR MATYOLO'S HOME AND RETURNED TO SOMEWHERE NEAR PORT ALFRED. HE ALSO INFORMED THEM THAT HIS WIFE TRIED TO POISON HIM. HE APPARENTLY TOOK THE PROBLEM REGARDING HIS CHILDREN SERIOUSLY.

ACCORDING TO MRS MORRIS ANOTHER MAGISTRATE (MR NOBUMBA) VISITS MR MATYOLO FREQUENTLY.

4. DR COLLINS, A MEDICAL PRACTITIONER AND PARTNER AT WALMER MEDICAL CENTRE, WAS INTERVIEWED.

DR COLLINS CONFIRMED THAT MR MATYOLO WAS SEEN BY VARIOUS DOCTORS AT THE PRACTICE DURING THE PERIOD 27 MARCH TO 26 JUNE 2007. HE CONFIRMED THE AUTHENTICITY OF THE MEDICAL CERTIFICATES ISSUED FOR THIS PERIOD.

DR COLLINS INFORMED THAT THE VAGUENESS OF MR MATYOLO'S SYMPTOMS DURING THE PREVIOUS VISITS BOTHERED HIM AND HE DISCUSSED THE ABUSE OF SICK LEAVE

WITH MR MATYOLO. MR MATYOLO, HOWEVER, INSISTED THAT HIS ILLNESSES WERE GENUINE.

DR COLLINS SUGGESTS THAT MR MATYOLO BE EXAMINED BY A SPECIALIST INTERN TO DETERMINE THE VERACITY OF THE SYMPTOMS.

5. DR GERBER, A GENERAL MEDICAL PRACTITIONER, WAS INTERVIEWED. HE INDICATED THAT ON THE DATES ON THE CERTIFICATES ISSUED BY HIM, MR MATYOLO DID VISIT HIM. HE FURTHER INDICATED THAT HE REFERRED MR MATYOLO TO A SPECIALIST INTERN, DR POHL AT ST GEORGE'S MEDICAL CENTER. HE WAS UNSURE OF THE DATE BUT INDICATED THAT IT WAS PROBABLY DURING MARCH 2007. HE FURTHER INDICATED THAT MR MATYOLO DID NOT AGAIN CONSULT HIM AFTER 11 MAY 2007.

THE RECEPTIONIST AT DR POHL'S OFFICE INDICATED THAT MR MATYOLO HAD SEEN DR POHL ONCE ON 9 FEBRUARY 2007.

6. ON 3 JULY DR MBETE OF NEW BRIGHTON, ALSO A GENERAL PRACTITIONER, WAS VISITED. HE INDICATED THAT MR MATYOLO WAS SEEN BY HIM ON THE DATES OF THE MEDICAL CERTIFICATES ISSUED BY HIM. HE INDICATED THAT MR MATYOLO SOMETIMES DISPLAYED PSYCHOTIC BEHAVIOUR. MR MATYOLO HAD REFERRED TO PEOPLE AT WORK BEING JEALOUS OF HIM. HE THOUGHT THAT MR MATYOLO HAD BEEN ADMITTED TO HUNTER'S CRAIG, A MENTAL FACILITY, FOR A SHORT PERIOD DURING 2006. HE FORMED THE OPINION THAT MR MATYOLO WAS A MALINGERER.

7. ON 4 JULY DR KHAN, A GENERAL PRACTITIONER, WAS INTERVIEWED AT LIVINGSTONE HOSPITAL. HE CONFIRMED THE AUTHENTICITY OF THE MEDICAL CERTIFICATES ISSUED BY HIM.

HE INFORMED THAT HE HAD ALSO CONSIDERED REFERRING MR MATYOLO TO A SPECIALIST AS HIS ILLNESSES WERE CONSISTANT YET VAGUE. MR MATYOLO HAD INFORMED HIM THAT HE WAS UNHAPPY WITH HIS PLACEMENT IN THE CIVIL SECTION AT WORK AND WOULD PREFER TO RETURN TO THE CRIMINAL SECTION.

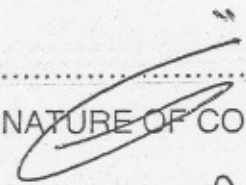
DR KAHN IS OF THE OPINION THAT MR MATYOLO'S ILLNESSES MAY BE INFLUENCED BY HIS CULTURAL AND TRADITIONAL BELIEFS. HE IS ALSO OF THE OPINION THAT MR MATYOLO SHOULD BE EXAMINED BY A SPECIALIST.

8. DURING MY VISIT IN PORT ELIZABETH FROM 2 – 4 JULY 2007 MR MATYOLO DID NOT REPORT FOR DUTY.

DATED AT PORT ELIZABETH ON THIS 4<sup>TH</sup> DAY OF JULY 2007.

  
.....  
IVOR LEON BOTHA

I HEREBY CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME AND THAT THE DECLARENT ADMITTED THAT HE IS FAMILIAR WITH THE CONTENTS OF THE SAID STATEMENT AND UNDERSTANDS IT, THIS STATEMENT WAS SWORN/~~AFFIRMED~~ AND SIGNED BY THE DECLARENT IN MY PRESENCE.

  
.....  
SIGNATURE OF COMMISSIONER OF OATHS

PETER RICHARD ROTHMAN

.....  
NAMES AND SURNAMES



RANK

BUSINESS ADDRESS

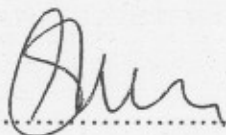
Chief M. J. Stutz

1000  
Marguerite St  
De Villiers Street  
North End

I, GAYNAÉ TUCK, DECLARE UNDER OATH AS FOLLOWS:

1. I AM A SENIOR MAGISTRATE AND JUDICIAL QUALITY ASSURANCE OFFICER STATIONED AT PORT ELIZABETH.
2. DURING THE PERIOD 2 – 4 JULY 2007 I ASSISTED MR BOTHA WITH HIS INVESTIGATION OF THE CIRCUMSTANCES SURROUNDING MR MATYOLO'S ABSENCE FROM WORK.
3. I CONFIRM THE CONTENTS OF MR BOTHA'S STATEMENT DATED 4 JULY 2007.

DATED AT PORT ELIZABETH ON THIS 4<sup>TH</sup> DAY OF JULY 2007.



.....  
GAYNAÉ TUCK

I HEREBY CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME AND THAT THE DECLARENT ADMITTED THAT HE IS FAMILIAR WITH THE CONTENTS OF THE SAID STATEMENT AND UNDERSTANDS IT, THIS STATEMENT WAS SWORN TO AND SIGNED BY THE DECLARENT IN MY PRESENCE.



.....  
SIGNATURE OF COMMISSIONER OF OATHS

.....  
PETER RICHARD ROTHMAN  
NAMES AND SURNAMES

MAGISTRATES OFFICE  
DEVILLERS STREET, NORTH END, PORT ELIZABETH  
.....  
BUSINESS ADDRESS

.....  
CHIEF MAGISTRATE  
RANK

I, DR

*Michael Douglas Collins*

....., A GENERAL MEDICAL PRACTITIONER  
(M/B/Ch.B.(U.C.T.)) AND PARTNER AT WALMER MEDICAL CENTRE, Cnr  
17<sup>TH</sup> AVENUE AND BUFFELSFONTEIN ROAD, WALMER, DECLARE  
UNDER OATH AS FOLLOWS:

1. MR T V D MATYOLO, A LOCAL MAGISTRATE, IS A PATIENT AT THIS PRACTICE.
2. ACCORDING TO HIS PATIENT FILE I CONFIRM THAT MR MATYOLO WAS SEEN BY VARIOUS DOCTORS FROM THIS PRACTICE ON 27 MARCH 2007 UP TO AND UNTIL 26 JUNE 2007.
3. I CONFIRM THAT HE WAS SEEN ON 27 MARCH BY DR VENTER; 5 APRIL BY DR POTGIETER; 17 APRIL BY DR DU TOIT; 24 APRIL BY MYSELF; 26 APRIL BY DR SKEAD; 17 MAY BY DR FOURIE; 22 MAY BY MYSELF; 19 JUNE BY DR POTGIETER AND 26 JUNE BY DR JEFFERY.
4. I CONFIRM THE AUTHENTICITY OF THE MEDICAL CERTIFICATES ISSUED OVER THIS PERIOD WHICH WERE SHOWN TO ME.
5. DURING EXAMINATION OF THE PATIENT I WAS OF THE OPINION THAT HIS SYMPTOMS WERE ALWAYS OF A VAGUE NATURE AND NOT EASY TO IDENTIFY OR CONFIRM ON EXAMINATION. I, THEREFORE, DISCUSSED THE ABUSE OF LEAVE WITH MR MATYOLO WHEREUPON HE INDICATED THAT THE ILLNESSES ARE GENUINE.
6. IN VIEW OF THE ABOVE I SUGGEST THAT MR MATYOLO BE SUBJECTED TO AN EXAMINATION BY A SPECIALIST IN

ORDER TO DETERMINE WHETHER THE DIFFERENT ILLNESSES HE COMPLAINED OF ARE FOUNDED.

7. I AM FAMILIAR WITH THE CONTENTS OF THIS STATEMENT AND UNDERSTAND IT. I HAVE NO OBJECTION TO TAKE THE PRESCRIBED OATH. I CONSIDER THE PRESCRIBED OATH AS BINDING ON MY CONSCIENCE.

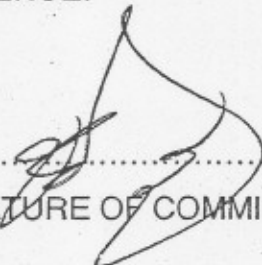
SIGNED AT PORT ELIZABETH ON 3<sup>RD</sup> DAY OF JULY 2007 AT

*11. H.S.O.*



.....  
SIGNATURE OF DECLARENT

I HEREBY CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN DOWN BY ME AND THAT THE DECLARENT ADMITTED THAT HE IS FAMILIAR WITH THE CONTENTS OF THE SAID STATEMENT AND UNDERSTANDS IT, THIS STATEMENT WAS SWORN/~~AFFIRMED~~ AND SIGNED BY THE DECLARENT IN MY PRESENCE.



.....  
SIGNATURE OF COMMISSIONER OF OATHS

*Ivor Leon Botha*

NAMES AND SURNAMES

*5TH FLOOR  
NEWT BULLOCK* *170 Ansonia St* *Port Elizabeth*

.....  
BUSINESS ADDRESS

*SENIOR MAGISTRATE*

.....  
RANK

AFFIDAVIT BY L.V. MAKABA SENIOR  
MAGISTRATE, P.E

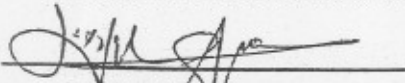
MAGISTRATES COURTS JUDICIARY
2007 -07- 12
JUDICIAL QUALITY ASSURANCE MAGISTRATES COMMISSION

On 5 June 2007 Mr Matyolo came to my office and confronted me about a newspaper report that referred to him. It was impossible to talk to him as he was shouting and we then quarrelled. I still feel very unhappy about what happened.

He then left my office. He was from another office when he came to me. I expected him to report about his absence from duty from 28 February 2007 to the 5 June 2007. He never remarked about that.

He then left my office and he never reported for duty at this office again. His whereabouts are not known. No leave forms were ever submitted and no explanation or statement has been submitted to this office by anyone about Mr Matyolo.

Dated at Port Elizabeth this 10<sup>th</sup> day of July 2007.

  
L V Makaba

The Deponent acknowledges that he knows and understands the contents of this affidavit which is sworn to before me this 10<sup>th</sup> day of July 2007.

*Nanela Malekani*  
COMMISSIONER OF OATH  
Nanela Malekani  
Registry Clerk  
MAGISTRATE, 584 GOVAN MBEKI AVENUE  
NORTH END, PORT ELIZABETH

MAGISTRATE
PRIVATE BAG/PRIVAATSAK X3904
2007 -07- 10
PORT ELIZABETH 6055
LANDDROS