

SOUTH AFRICAN POLICE SERVICE****AFFIDAVIT / VERKLARING / STATEMENT

(To be completed in the presence of a Commissioner of Oaths)

I, the undersigned,

JOHAN GRABE

Do hereby make oath and state as follows:

1. DEPONENT DETAILS

1.1. I am an adult male, acting in my capacity as Director of **Eilandpunt Zuid (Pty) Ltd** (Registration Number: [Insert Reg No]), the lawful and registered owner of Erf 170 and Erf 5, Koingnaas, Northern Cape. 1.2. My contact details are:

- **Email:** voorsitter@koingnaas.co.za
 - **Address:** Crecent Avenue 9, regarding Erf 170 and Erf 5, Koingnaas, Northern Cape
- 1.3. The facts contained in this affidavit fall within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct. I am duly authorized to depose to this affidavit on behalf of Eilandpunt Zuid (Pty) Ltd.

2. PURPOSE OF AFFIDAVIT

2.1. This affidavit is deposed to formally register criminal complaints and lay charges of trespassing, malicious damage to property, harassment, and severe environmental offenses. It also serves as the foundational document for an urgent High Court interdict. 2.2. The complaints are laid against the following individuals and entities:

- **Mr. Cyril Cook** (Employee, Kamiesberg Municipality)
- **Mr. Rufus Beukes** (Municipal Manager, Kamiesberg Municipality)
- **Ms. Susarah Nero** (Mayor, Kamiesberg Municipality)
- **Mr. M Prince** (Namaqua District Municipality)
- **The Department of Water and Sanitation (DWS)**

3. CHARGE 1: HARASSMENT AND TRESPASSING (INTERDICT REQUIREMENTS)

3.1. I hereby request SAPS to register a case of criminal trespass in terms of the Trespass Act 6 of 1959, and harassment in terms of the Protection from Harassment Act 17 of 2011, against Mr. Cyril Cook.

3.2. **Incident 1 (17 February 2026):** Between 11:00 and 12:00, Mr. Cyril Cook unlawfully entered Erf 170 accompanied by armed SAPS members. He had no written authorization or registered servitude to enter the property. Video evidence confirms Mr. Cook falsely claimed, "This is my own property," and admitted, "Because you don't have a servitude here!". This entry was in direct defiance of prior written warnings.

3.3. **Incident 2 (4 March 2026):** At approximately 10:00, Mr. Cook and unknown men again entered Erf 170 without authorization. When challenged, they could not provide any lawful justification and departed when filmed [1](#).3.4. **Incident 3 (3 June 2026):** Mr. Cook arrived at Erf 170 ostensibly to repair a water leak reported by our employee, Mr. Hartman Beyl. Instead of repairing the leak, Mr. Cook unilaterally, destructively, and without legal authority disconnected and removed one of the two legitimate, authorized water connections belonging to Eilandpunt Zuid (Pty) Ltd.

3.5. **Harassment of Hartman Beyl:** Mr. Cook's repeated, unauthorized entries and aggressive conduct constitute severe harassment of our employee, Mr. Hartman Beyl, who resides and works on the property. Mr. Cook's actions have caused economic harm and inspire a reasonable belief of further harm, satisfying the definition of harassment under the Protection from Harassment Act 17 of 2011.

3.6. **Interdict Relief Sought:** Eilandpunt Zuid (Pty) Ltd has a clear right to the peaceful enjoyment of its private property (Section 25 of the Constitution). Mr. Cook's actions constitute an injury actually committed. There is no other satisfactory remedy but to seek an urgent High Court interdict restraining Mr. Cyril Cook from entering Erf 170 or any properties owned by Eilandpunt Zuid, and preventing further harassment of Mr. Hartman Beyl.

4. CHARGE 2: ILLEGAL CONDUCT REGARDING 7-YEAR SEWAGE SPILLAGE

4.1. **I hereby register a formal complaint** of criminal negligence, environmental pollution, and contravention of the National Water Act 36 of 1998 against Mr. Rufus Beukes (Municipal Manager), Ms. Susarah Nero (Mayor), and the Department of Water and Sanitation.

4.2. **For the past seven (7) years**, there has been continuous, untreated sewage spillage on Erf 170 and Erf 4 (adjacent to Erf 5) in Koingnaas, originating from the town's failing wastewater treatment works (WWTW) and municipal sewerage trucks. This constitutes a severe "ward problem" located specifically at Erf 170, Erf 4, and Erf 5, Koingnaas.

4.3. **Video Evidence 1 (Sewage Spillage):** Video evidence recorded on 3 June 2026 at 15:55 clearly shows a distinct, extensive area of dark, wet, sludgy soil with caking and cracking, indicating a significant volume of liquid has flowed over the surface in an uncontrolled manner on private property. The flow path and concrete utility infrastructure are visible.

4.4. **Video Evidence 2 (Honey Sucker Dumping - 4 June 2026):** Video evidence recorded on 4 June 2026 clearly shows a white Hino 300 series municipal vacuum truck ("honey sucker") with license plate **CF 68686** parked off a dirt track near a wire fence. When confronted, the municipal workers in blue overalls admitted to dumping. The video shows fresh puddles of dark, murky, brown liquid running off the higher ground into a larger depression, confirming the illegal dumping of wastewater/sewage.

4.5. **Department of Water and Sanitation (DWS) Directives:** The DWS is fully aware of this crisis. On 25 February 2022, the DWS issued a formal Directive to Mr. Rufus Beukes and the Kamiesberg Local Municipality under Sections 19(3) and 53(1) of the National Water Act (No 36 of 1998), ordering them to immediately cease and contain sewer spillages emanating from the Koingnaas WWTW and to refurbish the plant.

4.6. As confirmed by the DWS Acting Provincial Head for the Northern Cape on 26 September 2025, subsequent Green Drop inspections in August 2024 and August 2025 showed "no progress, with the Koingnaas WWTW still dysfunctional with continued pollution". The municipality has flagrantly ignored these statutory directives for years.

4.7. Under Section 19 of the National Water Act, the municipality has a fundamental duty to prevent pollution of water resources. The Kamiesberg Municipality, under the leadership of Mr. Beukes and Mayor Nero, has unlawfully failed to maintain the infrastructure, allowing raw sewage to pool on private property, creating a severe biological and health hazard. This is a direct violation of Section 24 of the Constitution (Right to a safe environment).

4.8. The municipality's failure is compounded by the fact that in 2017, De Beers provided a R21 million grant specifically to formalize servitudes and upgrade infrastructure, which was misappropriated and never applied to resolve these issues.

5. CONCLUSION AND DEMANDS

5.1. I request that SAPS immediately open criminal dockets for Trespass, Malicious Damage to Property, and violations of the National Water Act and National Environmental Management Act (NEMA).

5.2. I request that this affidavit be utilized to support our application for a Protection Order under the Protection from Harassment Act 17 of 2011 against Mr. Cyril Cook, protecting Mr. Hartman Beyl and the property of Eilandpunt Zuid. 5.3. We demand immediate criminal investigation into the following municipal officials and employees:

| Name / Entity | Designation | Specific Liability and Laws Broken (April 2022 - June 2026) |
|------------------|--|---|
| Mr. Cyril Cook | Municipal Employee — On-Site Manager, Koiingnaas Sewerage Works | Directly responsible for the day-to-day operation of the Koiingnaas WWTW. As the person physically present and in charge on-site, he bears direct criminal responsibility for the ongoing sewage spillage and the illegal dumping by the honey sucker truck (CF 68686). Laws Broken: - National Water Act 36 of 1998: Section 151(1)(i) and (j) (criminal offence to pollute a water resource). - NEMA 107 of 1998: Section 28 (failure of duty of care). - Trespass Act 6 of 1959: Criminal trespass on Erf 170. - Protection from Harassment Act 17 of 2011: Harassment of Hartman Beyl. |
| Mr. Rufus Beukes | Municipal Manager, Kamiesberg Municipality | Administratively and legally responsible for ensuring compliance with the DWS Directive of 25 February 2022. Laws Broken: - National Water Act 36 of 1998: Section 151(1)(d) (criminal offence to fail to comply with a directive issued under section 19 or 53).- NEMA 107 of 1998: Section 28 (failure of duty of care). - Municipal Finance Management Act 56 of 2003: Section 171 (financial misconduct/negligence for failing to maintain infrastructure). - Water Services Act 108 of 1997: Failure to provide basic sanitation. |
| Ms. Susarah Nero | Mayor, Kamiesberg Municipality | Politically and constitutionally responsible for ensuring the municipality fulfills its executive obligations. Laws Broken: - Constitution of South Africa: Section 24 (failure to protect the right to an environment not harmful to health) and Section 152 (failure to ensure provision of services). - Complicity in NEMA Section 28 and National Water Act Section 151 violations through dereliction of executive oversight. |

| Name / Entity | Designation | Specific Liability and Laws Broken (April 2022 - June 2026) |
|---|--|--|
| Mr. M Prince | Environmental Health Practitioner, Namaqua District Municipality | Mandated to investigate and enforce public health standards. He made a recommendation on 19 April 2022 but failed to take further enforcement or criminal action when the pollution continued unabated until June 2026. Laws Broken: - National Health Act 61 of 2003: Section 83 (failure to adequately enforce and investigate conditions constituting pollution detrimental to health or a health nuisance). - NEMA 107 of 1998: Section 28(1)(a) (failure of an organ of state/official to exercise functions assigned by law to prevent significant pollution). |
| Department of Water and Sanitation (DWS) | National Government Department (Northern Cape Provincial Office) | The DWS issued a directive on 25 February 2022 and noted "no progress" in August 2024 and August 2025, yet failed to institute criminal proceedings or execute emergency remediation for over 4 years. Laws Broken: - NEMA 107 of 1998: Section 28(7) (failure of the Director-General/Provincial Head to take reasonable measures to remedy the situation when a person fails to comply with a directive). - Constitution of South Africa: Section 24 (failure to protect the environment through enforcement). |

The video evidence of the honey sucker truck must be investigated as direct proof of illegal dumping, and Mr. Cyril Cook, as the on-site responsible official, must be held directly accountable for authorizing or permitting this illegal act.

I know and understand the contents of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

DEPONENT SIGNATURE (JOHAN GRABE) **DATE:** _____ **PLACE:** _____

SIGNATURE: _____

CERTIFICATE OF COMMISSIONER OF OATHS

I certify that the Deponent has acknowledged that he knows and understands the contents of this declaration, which was sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

COMMISSIONER OF OATHS SIGNATURE _____ **FULL NAMES:**

_____ **DESIGNATION:** _____ **ADDRESS:**

_____ **DATE:** _____