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**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

Case No. 2025-018563

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED.

SIGNATURE

DATE: 4 September 2025

In the matter between:

M[...] P[...] T[...] M[...]

First Applicant

S[...] E[...] M[...]

Second Applicant

and

**MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

First Respondent

**THE DIRECTOR, OFFICE OF WITNESS PROTECTION,
LIMPOPO REGION**

Second Respondent

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS Third Respondent

DIRECTOR OF PUBLIC PROSECUTIONS,
GAUTENG LOCAL DIVISION Fourth Respondent

MINISTER OF POLICE Fifth Respondent

JOHN HENRY FFENNEL NICHOLAS Sixth Respondent

FATIMA GAFFOOR Seventh Respondent

JUDGMENT

WILSON J:

- 1 On 28 March 2025, I issued a *rule nisi* calling upon any interested party to show cause why I should not grant a final interdict restraining the seventh respondent, Lt. Col. Gaffoor, from threatening, harassing or intimidating the applicants, the M[...]s, and directing the fifth respondent, the Minister, to take such steps as may be necessary to restrain Lt. Col. Gaffoor from threatening, harassing and intimidating the M[...]s, whether herself or through the agency of any other person. The *rule* incorporated an interim interdict on those terms.
- 2 My reasons for granting the *rule nisi* are set out in the judgment I issued with it, which was published as *M[...] v Minister of Justice and Constitutional Development* [2025] ZAGPJHC 325 (28 March 2025). In brief, those reasons were that it had been established, *prima facie*, that text messages containing threats to injure and to kill the M[...]s had been issued from cell numbers associated with Lt. Col. Gaffoor. One of the messages identified the sender as “Gaffoor”. In addition, at least some of the messages had been sent from

Parkview, or its neighbouring suburbs. Lt. Col. Gaffoor was stationed at Parkview Police Station at the time the messages were sent, and apparently still is. Finally, Lt. Col. Gaffoor is subject to a final protection order, issued in the Randburg Magistrates' Court, which restrains her from harassing the first applicant, Mr. M[...]. She had apparently neither opposed the application for that order nor sought to challenge it once it was granted.

- 3 Nevertheless, Lt. Col. Gaffoor had not been joined to the proceedings at the time I issued the *rule*, and she was plainly entitled to be heard before it was made final or discharged. Accordingly, I joined her as the seventh respondent, and invited her to show cause why the *rule* should not be finalised.
- 4 On the return day, 4 June 2024, I was advised that an affidavit from Lt. Col. Gaffoor was in the advanced stages of preparation, and would be filed shortly. It was unfortunate that the affidavit had not been prepared in time, but it was in the interests of justice to afford Lt. Col. Gaffoor the opportunity to complete it. Accordingly, I extended the *rule* to 23 July 2025.
- 5 In the interim, Lt. Col. Gaffoor filed her affidavit. In it, Lt. Col. Gaffoor denied that she had sent the messages the M[...]'s received, but did very little to disturb the underlying facts from which I drew the *prima facie* inference that she had sent the messages. She accepted that one of the numbers used to send the messages was associated with her address and identity number. She also accepted that a number of the messages were sent from Parkview or its neighbouring suburbs. She pointed out that other messages were sent from Limpopo or other locations where she says she was not present at the time they were sent. She also adverted to the fact that the National Prosecuting Authority had declined to take action on the M[...]'s' complaints against her. Lt. Col. Gaffoor had herself opened a complaint of intimidation against the M[...]'s. The National Prosecuting Authority declined to pursue that complaint as well.

- 6 The inherent weaknesses of Lt. Col. Gaffoor's affidavit notwithstanding, I took the view that, having at least asserted that she was not the source of the messages the M[...]s received, Lt. Col. Gaffoor ought to be cross-examined on her version. I directed that her affidavit would stand as her evidence in chief. Lt. Col. Gaffoor presented herself to be cross-examined on 18 August 2025. Since the M[...]s appeared in person, I appointed Ushir Ahir of the Johannesburg Bar as *amicus curiae* to conduct the cross-examination. He did so skilfully and fairly, and I am grateful to him for his assistance. Ms. Jara was then given an opportunity to re-examine Lt. Col. Gaffoor, after which I heard argument and reserved judgment.
- 7 Lt. Col. Gaffoor's performance under cross-examination was poor, and I am now satisfied on a balance of probabilities that she was the source of the threatening text messages the M[...]s received. In what follows, I give my reasons for reaching this conclusion.
- 8 Mr. M[...] was a material witness in at least two murder cases that the National Prosecuting Authority had ultimately declined to prosecute. The M[...]s and their son were enrolled in the witness protection programme in 2014 in order to protect them from reprisal from the accused in those cases. In 2017, after the National Prosecuting Authority declined to pursue the prosecutions further, the M[...]s were ejected from the programme. The M[...]s were not happy with the circumstances under which this took place. In 2018, the M[...]s laid complaints about the handling of their case, and the murder dockets underlying them, at the Parkview Police Station.
- 9 On 14 October 2019, Lt. Col. Gaffoor commenced her duties as head of the detectives section at Parkview Police Station. On 31 October 2019, the docket relating to one of the M[...]s' complaints, which had been sent to the National Prosecuting Authority, was "booked back" to Parkview Police Station. I was told in evidence that a docket is "booked back" when it is removed from the National Prosecuting Authority's custody, and is no longer actively being considered for further prosecutorial action. Mr. M[...] developed the impression that the "booking back" of the docket was part of

an organised effort to frustrate his complaints against the way he had been treated by the police and prosecutorial authorities.

- 10 The focus of Mr. M[...]’s discontent was apparently Lt. Col. Gaffoor. In late April 2020, he laid a complaint against Lt. Col. Gaffoor at the Parkview Police Station. The first threatening message sent to Mr. M[...] placed before me on the papers is dated 5 May 2020. It says: “You think you better than other people. Your cases will make other people lose their job. Withdraw or you get shot. You will be traced. Son of a whore”. It was followed up on 12 May 2020 with two more messages. The first simply said “Tik tok”. The second said “bang”. The meaning of these messages is obvious. It is that time is running out for Mr. Mamiane to withdraw his complaints, and that if he does not there will be a “bang” – he will be shot.
- 11 The threatening messages continued regularly, and assumed more elaborate and sometimes macabre forms as they did so. On 26 June 2020, Mr. Mamiane received the following message: “I have checked and u still have not withdraw [sic] your stupid cases. Your wife will be shot first and then your child will [be] next before u r killed like a dog. And nothing u can do about it. You are just a dog”. The significance of this message is that it was sent from a number - +2[...] – that everyone accepts was registered using an address linked to Lt. Col. Gaffoor’s identity number.
- 12 On 24 July 2020, Mr. Mamiane received a message from the same number. It said: “ur very stupid. You think this is a joke. Dont [sic] stand on the way u are gonna die like a dog. Its either u withdraw or your wife gets killed. You fucken [sic] dog. These cases are not going anywhere. Do u want to lose your pathetic life over this.? [sic] Son of a bitch.” A further message sent a minute later said: “Bang bang bang”.
- 13 The threatening messages continued, and Mr. Mamiane was certain that they were coming from Lt. Col. Gaffoor. On 7 October 2021, Mr. Mamiane obtained a protection order against Lt. Col. Gaffoor in the Randburg Magistrates’ Court. On 26 October 2021, Mr. Mamiane received the following message: “I am sick and tired of your attitude. No court in this country is

gonna stop me from getting u killed. I am gonna show u what i am made of. Ur mdssing [sic] with a wrong woman. I will wipe off your whole family in broad day light. Fuck u. K****r". The significance of this message is that it was sent soon after the protection order was granted against Lt. Col. Gaffoor and contains reference to a "court". It also refers to its sender as a "woman".

- 14 On 13 December 2021, Mr. Mamiane received a further message. It said: "Ur a fool. Nobody is gonna believe your story until u get killed. Your family is gonna be killed too. U r not GAFFOOR i am, ur just a K****R not GAFFOOR. Ur dead or withdraw your cases. BANG BANG." A message from the same number sent on 24 December 2021 says: "Bang bang. I hope my people find u soon and kill your family during this festive season. I warned u to withdraw your stupid cases. If u dare open another case again, your wife will die first. All your cases r gonna be closed if u do not withdraw them. I know all the investigators. Son of a bitch."
- 15 On 21 January 2022, the same number sent the following message to Mr. Mamiane: "I am not gonna rest until your cases r withdraw or u and your stupid family r dead. Or just cancel your cases and save your pathetic wife and family. My guys r busy trying to follow u. See u in hell". The number was active again on 11 February 2022, when it sent the following message to Mr. Mamiane: "Good mornng [sic] son of a bitch. I think u believe now when i say that i know people in high and low places. Your stupid cases are now finished. Now i want to make u pay the price for the pain and stress u caused me. Believe me when i say that your ugly wife, son and u are gonna die like dogs. Nobody will know what killed. U r k****r."
- 16 Finally, on 8 April 2022 the same number generated the following message to Mr. Mamiane: "Good morning dog. We have noticed that ur now using a bigger white car. We followed u from parkview to your residence. I am glad we now identified your car and your address. Your station commander who protected u is now gone, ur now on your own. The new station commander is an indian like myself not a k****r like u. Ur gonna die like a dog. Or do the right thing and withdraw your stupid cases or u die like a bitch."

- 17 There were other messages, but I have set out only those that demonstrate a clear contextual link to Lt. Col. Gaffoor. There is nothing in the messages I have not set out which is inconsistent with such a link. The messages are tied to Lt. Col. Gaffoor in at least five respects. First, there is the fact that two of the messages were sent from a number linked to Lt. Col. Gaffoor. Second, there is the fact the all the messages refer to cases lodged by Mr. Mamiane, apparently against the author of the messages. Third, there is the fact that one of the messages refers to its author as “GAFFOOR”. Fourth, there is the fact that one of the messages refers to Mr. Mamiane being followed from “parkview”, where Lt. Col. Gaffoor is stationed, and where Mr. Mamiane lodged his complaint against her. Fifth, there is the fact that one of the messages refers directly to “court” action in circumstances where Mr. Mamiane had recently obtained a protection order against Lt. Col. Gaffoor.
- 18 It seems to me that these facts, evaluated in context and left uncontradicted, tip the balance of probabilities firmly in favour of the conclusion that the messages came from Lt. Col. Gaffoor. In her evidence, Lt. Col. Gaffoor could neither deny that these messages had been sent, nor explain why they appeared to refer to her. Nor could she explain why one of the numbers from which they emanated was linked to her. Mr. Ahir put to Lt. Col. Gaffoor that the fact that Mr. Mamiane had laid a complaint against her was not publicly known. She accepted this. Lt. Col. Gaffoor also accepted that only she, or someone else within the police or prosecutorial services, would have the knowledge or the motive necessary to send the messages Mr. M[...] received.
- 19 Lt. Col. Gaffoor did suggest that she was the victim of a set-up engineered by other police officers, but she did not offer the level of particularity I would need to entertain such a far-reaching allegation. Nevertheless, I cannot exclude the possibility that other police officers were involved in sending the messages – especially since several of the messages refer to their author acting in concert with others, and the fact that some of the messages were sent from locations at which Lt. Col. Gaffoor says she was not present at the

time the messages were sent. However, the significant number of messages sent from Parkview at times Lt. Col. Gaffoor accepts she was there, evaluated in light of the probabilities I have already set out, satisfies me that, whether or not other officers were involved, Lt. Col. Gaffoor was the prime mover in the campaign of intimidation directed at the M[...]s.

- 20 Faced with these probabilities, Lt. Col. Gaffoor would have to have been an extremely impressive witness to create any hesitancy in confirming the *rule*. However, her evidence was poor. While accepting all the facts which make it overwhelmingly likely that she sent the messages of which the M[...]s complain, she sought to explain them away by reference to a vague conspiracy theory – to which I have already adverted – and appeals to the proposition that she had no motive to endanger her position by threatening the M[...]s.
- 21 There is, of course, one motive for Lt. Col. Gaffoor's conduct evident on the papers. That is the fact that Mr. M[...] had complained about her. In argument, Ms. Jara had to concede that this was motive enough. In any event, the probability that Lt. Col. Gaffoor sent the messages is so strong that the absence of a motive would not have displaced it. As to Lt. Col. Gaffoor's regard for her senior position within the police service, it seems to me that she made the threats she did in the expectation that she would never be held accountable.
- 22 In this, she was very nearly right. The facts in this case disclose a worrying atmosphere of impunity around Lt. Col. Gaffoor. No-one in the police force appears to have sought either to exonerate her or hold her accountable, despite the very strong evidence against her. I cannot imagine what led the National Prosecuting Authority to refuse to prosecute her for breaching the protection order against her, or for sending the intimidating messages, but I see nothing on the papers that explains the decision. In this court, too, the M[...]s' case had to be enrolled twice before it was entertained.

23 Finally, Ms. Gaffoor adverted to the fact she is in a relationship with a black African man, and so would never have used the word “k****r” in the way that it was deployed in the messages sent to Mr. M[...]. I have already adverted to the facts which demonstrate, at least on a balance of probabilities, that this is exactly what she did. In any event, it seems to me that forming a close relationship someone of another race does not in itself immunise a person from racist attitudes or conduct.

24 For all these reasons, the *rule nisi* must be confirmed. Though they acted in person, the M[...s] are entitled to their disbursements in pursuing the relief I will now grant.

25 Accordingly –

25.1 The *rule nisi* issued on 28 March 2025 is confirmed.

25.2 The fifth respondent is directed to take such steps as may be necessary to ensure that the seventh respondent ceases, whether herself or through the agency of any other police officer, to harass, threaten or intimidate the applicants in any manner whatsoever.

25.3 The fifth respondent is directed to take such steps as may be necessary to ensure that the seventh respondent refrains from carrying out, whether herself or through the agency of any other police officer, any of the threats made in the messages marked as annexures 2 to 20 to the applicants’ founding affidavit, or from harming the applicants in any other way.

25.4 The seventh respondent is interdicted and restrained, whether herself or through the agency of any other person, from harassing, threatening or intimidating the applicants in any manner whatsoever, and from carrying out, whether herself or through the agency of any other person, any of the threats made in the messages marked as annexures 2 to 20 to the applicants’ founding affidavit, or from harming the applicants in any other way.

25.5 The fifth respondent is directed to pay the applicants' costs. Those costs are limited to the disbursements the applicants reasonably incurred in prosecuting the application.

S D J WILSON

Judge of the High Court

This judgment is handed down electronically by circulation to the parties or their legal representatives by email, by uploading to Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 4 September 2025.

HEARD ON: 18 August 2025

DECIDED ON: 4 September 2025

For the Applicants In person

For the Respondents: P Jara
Instructed by the State Attorney

Amicus Curiae: U Ahir

At the request of the court