



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

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO

(2) OF INTEREST TO OTHER JUDGES: YES/NO

(3) REVISED

DATE: 18 May 2026

SIGNATURE: [REDACTED]

Case No. 2026-096408

In the matter between:

SEMAKALENG DAPHNEY MANAMELA

APPLICANT

And

**THE NATIONAL COMMISSIONER, SOUTH AFRICAN
POLICE SERVICES**

FIRST RESPONDENT

THE MINISTER OF POLICE

SECOND RESPONDENT

MAJOR GENERAL ZEPH MKHWANAZI

THIRD RESPONDENT

ADVOCATE LEON HALGRYN SC

FOURTH RESPONDENT

ADVOCATE K MILLARD

2
FIFTH RESPONDENT

ADVOCATE H CASSIM

SIXTH RESPONDENT

Coram: Millar J

Heard on: 14 May 2026

Delivered: 18 May 2026 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 09H00 on 18 May 2026.

JUDGMENT

MILLAR J

- [1] This is an application in which the applicant (Ms Manamela) seeks an order that the first respondent, the National Commissioner of SA Police Service (National Commissioner) is held in contempt of a court order granted in this Court on 11 October 2024. In addition, an order is also sought that the National Commissioner be sentenced to a period of imprisonment suspended, and subject to the non-establishment of a board of inquiry into the purported misconduct of Ms Manamela.

- [2] The relevant paragraph of the court order germane to these proceedings reads as follows:

"The first respondent is interdicted and restrained from convening and conducting a Board of Inquiry on 14 to 18 October 2024 and on 18 to 22 November 2024, pending the hearing and determination of the ongoing appeal processes under SCA Case number 928/24 and/or review application under case number 2024/06489."

- [3] The circumstances under which the interdict was granted are that Ms Manamela, a Lieutenant General in the South African Police Service (SAPS) and Provincial Commissioner for the Province of Mpumalanga, faced charges of misconduct. These charges are said to concern inter alia the acceptance of gifts worth approximately R298 000.00 from SAPS semi-official funds and the approval of unlawful promotions of officials with pending criminal corruption cases.
- [4] Two sets of charges have been preferred against Ms Manamela. The first set of charges and the establishment of the board which was to conduct an inquiry into these formed the subject matter of the first of the two cases referred to in the court order of 11 October 2024. The first set of charges, the initial charges and the board to inquire into them, by the time the interdict was granted on 11 October 2024, were the subject of proceedings in the Supreme Court of Appeal under case number 928/24. Thereafter, additional charges (the second set of charges) were preferred, and it is in respect of these additional charges that the review proceedings, said to be under case number 2024/06489 were brought.
- [5] Once the proceedings in the Supreme Court of Appeal had concluded, an application was then brought to the Constitutional Court by Ms Manamela. It suffices to state that she was unsuccessful in the Supreme Court of Appeal and that the Constitutional Court dismissed her final application for leave to appeal on 2 March 2026.

- [6] The review proceedings relating to the additional charges remain extant.
- [7] The present proceedings have been brought, ostensibly on the basis that on a proper reading of the court order granted on 11 October 2024, no board of inquiry can be constituted to conduct any inquiries in respect of Ms Manamela unless and until the review proceedings have also been concluded.
- [8] After the decision of the Constitutional Court on 2 March 2026, the National Commissioner proceeded to convene the board of inquiry to deal with the initial charges in respect of which the legal proceedings had now been finalized. The board was set to convene for the week of 4 to 8 May 2026 but was prevented from doing so when on 28 April 2026, the present application was launched. In consequence of the present proceedings, the convening of the board was postponed to the week of 25 to 29 May 2026.
- [9] It is the case for Ms Manamela that the court order of 11 October 2024 properly interpreted means that no board of inquiry can be convened until the review proceedings have been finalized. It is not in issue between the parties that the review proceedings will not be finalized in the foreseeable future.
- [10] It is no co-incidence that Ms Manamela's term of office will expire on 30 June 2026 and that if the board of inquiry scheduled for 25 to 29 May 2026 does not proceed, the opportunity to conduct an inquiry in terms of sections 8 and 9 of the South African Police Service Act¹ will be lost. The board of inquiry which the SAPS seeks to convene is a statutory board which is convened during the term of office of the person in respect of whom the inquiry is to be conducted. In other words, a board of inquiry may only be convened for Ms Manamela while she is in office as the Provincial Police Commissioner for Mpumalanga.

¹ 68 of 1995.

- [11] While Ms Manamela contends for the interpretation that she does of the court order, the first, third and fourth respondents (the SAPS) contend that, having regard to the imminent end of her term in office, the present proceedings are nothing more than another step to delay the board of inquiry. The SAPS contends that there have been 14 separate incidents where Ms Manamela has utilized legal proceedings to delay and frustrate the disciplinary process.
- [12] In this regard, the steps and timeline about which the SAPS complain, inclusive of what has been set out above, are:
- [12.1] 23 February 2023 – Initial charges were preferred against Ms Manamela.
- [12.2] 24 February 2023 – Ms Manamela was suspended.
- [12.3] 23 March 2023 – Review launched.
- [12.4] 18 September 2023 – Set down – initial charges of serious misconduct served on Ms Manamela.
- [12.5] October 2023 – The board of inquiry scheduled to commence; proceedings are halted following litigation initiated by Ms Manamela, and postponed *sine die* pending review proceedings.
- [12.6] 2023–2024 – Ms Manamela prosecutes a review application (“the first review application”) challenging the establishment of the board.

- [12.7] 5 April 2024 – The High Court dismisses the first review application with costs.
 - [12.8] 23 July 2024 – Application for leave to appeal is dismissed.
 - [12.9] 2024 (SCA) – Petition to the Supreme Court of Appeal is unsuccessful.
 - [12.10] 2024–2026 – Application for leave to appeal to the Constitutional Court is pursued.
 - [12.11] 2 March 2026 – The Constitutional Court dismisses the application for leave to appeal. All challenges to the initial charges are thereby finally exhausted.
 - [12.12] 16 May 2024 – A separate set of additional charges is served, giving rise to a second review application (still pending), which does not concern the initial charges.
 - [12.13] 27 March 2026 – Following the exhaustion of appeal processes, the board of inquiry is set down to proceed on the initial charges.
 - [12.14] 28 April 2026 – Ms Manamela launches the present application.
- [13] Are the SAPS in contempt² for convening a board of inquiry in respect of the original charges?

² *Fakie NO v CCII Systems (Pty) Ltd* 2006 (4) SA 326 (SCA) at para [42] and *Pheko and Others v Ekurhuleni City* 2015 (5) SA 600 (CC) at para [33].

- [14] There is no dispute between the parties that the SAPS knows of the order and its terms. The SAPS argues that since the board of inquiry that it has convened relates only to the initial charges and not to the additional charges, it cannot be said that it is not complying with the order or that it is willful or acting with *mala fides* in the approach that it has taken.
- [15] Ms Manamela argues that the order granted on 11 October 2024 is to be read conjunctively – in other words both the SCA proceedings and the review proceedings would have to be finalized before the board of inquiry can be convened. The SAPS on the other hand argue that such an interpretation is illogical and is in effect contrived and self-serving.
- [16] It is by now trite that court orders are to be interpreted in a manner which is sensible³ and consonant with the purpose of the document. Regarding court orders specifically, the Supreme Court of Appeal in *Finishing Touch 163 (Pty) Ltd v BHP Billiton Energy Coal South Africa Ltd*,⁴ stated the following:

“[13] As indicated earlier in the judgment, the determination of this appeal depends on the proper interpretation of the Preller J order. The starting point is to determine the manifest purpose of the order. In interpreting a judgment or order, the court’s intention is to be ascertained primarily from the language of the judgment or order in accordance with the usual well-known rules relating to the interpretation of documents. As in the case of a document, the judgment or order and the court’s reasons for giving it must be read as a whole in order to ascertain its intention. See. *Firestone South Africa (Pty) v Genticuro AG* 1977 (4) SA 298 (A).

[14] It is necessary to place the Preller J order in proper perspective and to examine its terms and purpose in order to determine the intention of the

³ *Natal Joint Municipal Pension Fund v Endumeni Municipality* 2012 (4) SA 593 (SCA) at para [18].

⁴ (363/11) [2012] ZACSA 49 (30 March 2012).

learned judge when he used the word 'initiate'. In so doing one has to consider the context in which the order was made. It is not in dispute that there were two competing rights that required to be settled without delay, viz, BHP's entitlement to a prospecting permit on the one hand and Finishing Touch's prospecting rights granted on 19 and 22 September 2006, on the other. It was imperative that the dispute be resolved."

- [17] What is in issue is whether the order properly construed permits of a reading in terms of which a lower court may pre-emptively interdict a party from enforcing rights in respect of which the apex court has finally ruled. In this regard, Ms Manamela relies on the "and/or" and seeks an interpretation in terms of which the "/or" is omitted or disregarded. The SAPS for its part, contends that properly interpreted, each of the separate proceedings referred to in the order of 11 October 2024 while pending at that time, and thus both subject to interdict, and could at that time be referred to conjunctively, could not once one of the proceedings was concluded to finality – the SCA proceedings which were finally dismissed by order of the Constitutional Court.
- [18] It seems to me to be self-evident that the interpretation contended for by Ms Manamela cannot be accepted as a sensible interpretation of the order. To do so would be to invert the hierarchy of our courts. Regarding the Constitutional Court and in respect of whose order the initial charges are concerned, section 167(3)(a) of the Constitution of the Republic of South Africa⁵ explicitly states that:

"The Constitutional Court –

(a) Is the highest Court of the Republic;"

⁵ 1996.

- [19] The court order of 11 October 2024 must, it seems to me, as a matter of common sense for the reasons I have set out above, be interpreted in a manner contended for by the SAPS.
- [20] Having found that the court order of 11 October 2024 is to be interpreted in a manner which does not preclude the convening of a board of inquiry in respect of the initial charges, it follows that the application to hold the National Commissioner in contempt must fail.
- [21] Ms Manamela had one final arrow in her quiver in regard to the interdict sought. It was this – she had on 6 February 2023 made an application for legal assistance at the board of inquiry relying on National Instruction 1 of 2017 (NI 1/2017).
- [22] NI 1/2017 states that its purpose is to regulate the payment of legal representation *“in criminal matters or at inquiries referred to in paragraph 12 of this instruction”*. The reference to paragraph 12 is an error as it is only paragraph 11 which deals with inquiries. Central to the provision of legal assistance is where representation at the inquiry is necessary *“in order to protect the interests of the Service.”* It was argued by the SAPS that the purpose of legal assistance in inquiry proceedings is institutional and to protect the Service from adverse findings made by an external body. This it was argued was entirely consistent with the entities listed in paragraph 11(1) in NI 1/2017 such as IPID, the Public Protector, Commissions of Inquiry and formal inquests. These are all external oversight or investigative bodies before which the SAPS’s conduct, and reputation are at stake.
- [23] In any event, Ms Manamela has taken no steps for some 3 years to pursue this application and it is not open to her now to seek to interdict the board of inquiry from being convened because she has not asserted her rights to compel a response. In this regard, her conduct, having regard to paragraph [12] above and the various steps she took to assert her rights, it is quite inexplicable.

[24] In summary then – firstly, the court order of 11 October 2024 properly construed cannot be read as though the SCA proceedings and review proceedings referred to in it had been consolidated and that one could not proceed in the absence of the finalization of the other. To interpret it this way is entirely contrived and self-serving. Secondly, Ms Manamela has not made out a case for an interdict in respect of the board of inquiry in respect of the initial charges. She has failed to establish a right to personal legal representation before a board of inquiry convened by her employer into her conduct during the course and scope of her employment. Absent such a right, no interdict can be granted, and I need not deal with the other requirements.

[25] Turning finally to the question of costs. The SAPS contend that costs should be awarded on a punitive scale which costs are to include the costs consequent upon the engagement of two counsel. It was submitted and I agree that such costs are warranted for the following reasons:

[25.1] The present application represents the latest in a series of proceedings brought to delay the board of inquiry. All the previous proceedings, with the exception of the outstanding review application have been unsuccessful but have had the consequence of causing a three-year delay such that the board of inquiry can only be convened a month shy of the end of Ms Manamela's contract.

[25.2] The application to hold the National Commissioner in contempt is entirely contrived and self-serving and was brought for the sole purpose of bringing the National Commissioner into disrepute as part of a course of conduct in litigation, the purpose of which is to delay the board of inquiry.

[26] In the circumstances, I make the following order:

- [26.1] The application is dismissed.
- [26.2] The applicant is ordered to pay the costs of the first, third and fourth respondents on the scale as between attorney and client, such costs are to include the costs consequent upon the engagement of two counsel.

A MILLAR

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON: 14 MAY 2026

JUDGMENT DELIVERED ON: 18 MAY 2026

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