



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO.: 2025-127612

DELETE WHICHEVER IS NOT APPLICABLE
(1)REPORTABLE: NO
(2)OF INTEREST TO OTHERS JUDGES: NO
(3)REVISED: YES

In the matter between:

**THE SOUTH AFRICAN NATIONAL MILITARY
VETERANS ASSOCIATION ("SANMVA")**

Applicant

and

MINISTER OF DEFENCE AND MILITARY VETERANS

First Respondent

**DIRECTOR-GENERAL, DEPARTMENT OF MILITARY
VETERANS**

Second Respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Third Respondent

Delivered: *This judgment was prepared and authored by the Judge whose name is reflected herein and is handed down electronically by circulation to the parties' legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date and time for hand-down is deemed to be 10:00 on 26 August 2026.*

JUDGMENT

SUMMARY:

Review – what is a decision

INTRODUCTION:

- [1] The application involves a review of a “decision” to resume a process, commonly referred to as “Data Verification of Military Veterans”. The review was not brought in terms of Rule 53 as is the custom. However, the provisions of Rule 53 can be waived by an applicant.¹ Therefore, not much turns upon this fact.

BACKGROUND:

- [2] Because there had been no provision for payment of pensions and similar benefits to veterans who served in resistance armies such as “MK” and “Apla” prior to 1994, a process was put in place to address the plight of those veterans. This process culminated in the Military Veterans Act, 18 of 2011 (“the Act”).
- [3] There is obviously a risk that opportunistic individuals may abuse the system and claim pensions whilst they are not *bona fide* military veterans. The Act also seeks to address this risk by putting systems in place for data verification. Applicant largely relies on the Act to found its standing for the review.

THE DECISION WHICH IS ATTACKED:

- [4] Prayer 1 of the Amended Notice of Motion identifies the relevant decision as *“the decision or action of verification process as contained on annexure “FA16” issued through a media alert on 3 June 2025 purportedly exercised by*

¹ Van Loggerenberg – Erasmus Superior Court Practice, RS30, 2026, D1 Rule 53 – 16A; Mamadi v Premier of Limpopo Province, 2024 (1) SA 1 (CC) at para [29].

the First and/or Second Respondent in terms of Section 6 of the Military Veterans Act 18 of 2021...".

BASIS OF OPPOSITION:

[5] Respondents oppose the application essentially on the following grounds:

- Annexure "FA16" is not a "decision" as defined in the Promotion of Administrative Justice Act, 3 of 2000, but simply an announcement of a **resumption** of a verification process which had started years before.
- Applicant only has observer status at the verification process.
- Applicant did not challenge the decision to **appoint** the verification panel.

POINT IN LIMINE:

[6] Applicant argued at the outset that the deponent to Respondents' Answering Affidavit had not been duly authorised to represent Respondents and that those Respondents should at least have filed Confirmatory Affidavits.

[7] It is trite that the deponent to an affidavit need not be authorised by the party concerned to depose thereto. It is the institution of proceedings or opposition thereto that must be authorised. See in this regard the decision of Ganes & Another v Telkom Namibia Ltd, 2004 (3) SA 615 (SCA) at 624G – H. The proper manner to challenge authority in terms of the rules is to deliver a Rule 7-notice challenging a party's legal representatives to prove their authority. Applicant does not rely on such a notice, and it is reasonable to infer that none was served.

- [8] In the premises, the point *in limine* has no merit and the court is entitled to have regard to the Answering Affidavit. Even had the Answering Affidavit not been properly before me, Applicant is still required to make a case in its founding papers. For reasons dealt with below, I am of the view that it has failed to do so.

RELEVANT PROVISIONS OF THE ACT:

- [9] Applicant referred to various sections of the Act which I summarise briefly:

- 9.1 Section 3(2) stipulates the aims of any policy regarding military veterans, including the provision of benefits and services.
- 9.2 Section 6 stipulates that the Department of Military Veterans - through the guidance of Second Respondent (the Director-General) - must collect data and information regarding schemes and programs dealing with military veterans; data regarding existing benefits of those veterans and establish a data base on those veterans and their affairs. Such data base ought to be updated regularly to reflect the data of persons qualifying as military veterans or dependants.
- 9.3 Section 7 deals with the National Military Veterans' Association. Such association had to be established by the Director-General. The Director-General must, in conjunction with military veterans' organisations, *create mechanisms to ensure that the association serves as an umbrella structure representing military veterans' organisations.*
- 9.4 Section 8 deals with the functions of the association (such as Applicant *in casu*) and stipulates that the association must:
- Perform the functions provided for in the Act;

- Advise the Minister on matters relating to legislation and policy affecting military veterans *as the Minister may require*;
- Advise the Minister or the Director-General on any matter relating to the affairs of military veterans that *the Minister or the Director-General may require*.

APPLICANT'S STANDING TO REVIEW THE DECISION:

[10] I am not convinced that the Act provides Applicant with the necessary standing for the review it seeks, for the following reasons:

- 10.1 The establishment of the data verification panel does not overlap with the functions of the association as dealt with in Section 8 of the Act. It is noteworthy that the association is to advise the Minister or the Director-General on matters relating to the affairs of military veterans *that the Minister or the Director-General may require* (my emphasis). The Minister or the Director-General did not require Applicant to advise on the constitution of the panel, but merely to act as observers. Section 8 therefore does not assist Applicant.
- 10.2 Section 6 of the Act places the obligation to compile the database squarely on Second Respondent (the Director-General) and not on Applicant.
- 10.3 Section 7(2) compels the Director-General to create mechanisms *to ensure that the association serves as an umbrella structure representing military veterans' organisations*. It has nothing to do with data verification.

EVEN IF APPLICANT HAD STANDING, DOES IT ESTABLISH A CASE FOR REVIEW?

- [11] From Annexure “FA7” to the Founding Affidavit, it is evident that the current verification panel was constituted during 2020 already. Annexure “FA7” is a letter addressed by General Mashoala on the letterhead of the Minister of Defence. Paragraph 3 thereof identifies the members of the verification team, including the deponent to the Answering Affidavit (retired Major General Mashoala) as chairman. Paragraph 6 of the same letter invites certain military veterans’ organisations to nominate one observer each.
- [12] From the Answering Affidavit it is evident that preparatory meetings were held in February and April 2021 and that the verification panel commenced its proceedings on 6 May 2021. By June 2022, the process was far advanced. It was temporarily halted during June 2022 due to administrative challenges.
- [13] From 2020 until the current application was launched, Applicant did express its dissatisfaction with certain officials on the panel – *inter alia* via a letter addressed to the Deputy President of the RSA. I regard it as unnecessary to deal with the detail of this correspondence for the simple reason that the decision to **establish** the verification panel (of 2020) was never reviewed. The current application was only launched in August 2026.
- [14] Annexure “FA16” simply announces the resumption of the process. It is therefore merely a further stage of the process which had commenced five years earlier. Clearly, Applicant’s gripe is with the composition of the verification panel and the limitation of its own role to observer status.
- [15] Applicant’s role was explicitly defined in 2020 already. It cannot now, six years down the line, attempt to set aside a process which is far advanced. Needless to say, by now numerous candidates have been verified. It is certainly not in the interest of justice to disrupt such process after many State resources have been spent.

[16] In any event, *Applicant has chosen not to attack the material decision of 2020*. In my view the communication of 2025 is a mere further implementation of the 2020-decision. It is not an independent administrative decision that can be reviewed – in any event not on the grounds advanced by Applicant. Applicant is therefore the author of its own misery in that it delayed taking legal action for approximately five years after the panel had been constituted during 2020.

[17] In the premises, Applicant has failed to make a case for reviewing the “decision” as reflected in Annexure “FA16”. I make the following order:

- (1) The application is dismissed.
- (2) Applicant is ordered to pay the costs on Scale B.


F J ERASMUS
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Electronically delivered and signed.

APPEARANCES:

APPLICANT:	Adv W N Mothibe
INSTRUCTED BY:	Lefoka Inc
RESPONDENTS:	Adv A Moja
INSTRUCTED BY:	The State Attorney