
**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AGAINST MR RUTENDO
BENSON MATINYARARE
SOUTH AFRICAN IDENTITY NUMBER: 760609 6118 184
ZIMBABWEAN PASSPORT NUMBER: EN402240**

I the undersigned:

SIMBA CHITANDO

Do hereby make oath and say that:

1. I am an adult male Advocate of the High Court of South Africa of 16 years standing. This is the only time I have been compelled to initiate criminal proceedings against a former client.
2. The facts stated herein are within my personal knowledge and belief, save for where the context indicates to the contrary, and are both true and correct.
3. I depose this affidavit in support of a criminal complaint against Mr Rutendo Benson Matinyarare, South African identity number: 760609 61118 184, Zimbabwean passport number: EN402240, (hereinafter called Matinyarare, alternatively, the first respondent). Matinyarare has committed the offence of perjury, and obstructed the administration of justice in his 6 May 2024 affidavit in contempt of Court proceedings against him before the Gauteng Local Division of the High Court under Case Number: 131956/ 2023.



4. On Tuesday 7 May 2024 the first respondents 6 May 2024 affidavit opposing a contempt of Court application was brought to my attention.
5. The affidavit is 61 pages and makes reference to me in my capacity as his previous counsel of record, and director of the Zimbabwe Anti Sanction Movement ("ZASM"). The allegations are untrue, far-fetched, in conflict with objective evidence, and more importantly, amount to perjury, and defeating the ends of justice, which is a criminal offence.
6. Having considered the difficult position I have been placed in, I have decided, for reasons set out below, to restrict my evidence to my duties as a director of ZASM, and the extent that the first respondent has waived attorney client privilege.
7. The first respondents affidavit include the following false allegations:
 - (a) That the first respondent is the chairman of ZASM, and in addition to fighting sanctions on Zimbabwe, ZASM's objectives included combating "food imperialism". The first applicant believes that "**food colonialism was a form of sanction**", and as such ZASM should have been joined as one of the parties in the matter. Matinyarare contends that "**challenging me (him) as a chairperson of that organisation is tantamount to the suppression of the activities of ZASM**"¹;
 - (b) On 29 February 2024 I allegedly informed the first respondent that the applicants were not able to proceed with their contempt of Court application, and were left

¹ Answering Affidavit para 11



with no option but to negotiate for full and final settlement of all and any other dispute related to this matter²;

- (c) That I did not understand the terms of the settlement order considering the retweet I made of his retweet, and my own views on allegations about the applicants use of harmful substances in their food products³;
- (d) There was no consensus between the applicants and the respondents on the terms of the settlement agreement made an order of Court by Wanless J⁴.
- (e) On 22 March 2024 the applicants legal representatives wrote an email to me and that I forwarded it to the first respondent⁵;
- (f) The first respondents response to the applicants attorneys suggests that no Court order had yet been granted in terms of the settlement agreement⁶;
- (g) The respondents did not know Mr Sindiso Sibanda (the attorneys of record) and that he had no mandate to represent them. Leaving me, and me alone, as their sole legal representative⁷;
- (h) The settlement order granted by Wanless, which he did not consent to, was not served on him, and was not brought to the respondents knowledge⁸;

² Answering Affidavit para 30.1 – 30.3

³ Answering Affidavit para 30.8

⁴ Answering Affidavit para 30.10

⁵ Answering Affidavit para 31.1

⁶ Answering Affidavit para 32

⁷ Answering Affidavit para 36

⁸ Answering Affidavit para 47.1



- (i) The first respondent asked me to enlighten him of the details of what transpired in Court on 20 March 2024 to no avail, and an email was sent to the Deputy Judge President requesting access to all Court documents⁹;
- (j) That I had no instructions from the respondents to agree to the settlement order¹⁰;
- (k) The first respondent published content about the applicants because he was unaware of the settlement order¹¹;
- (l) On 18 March 2024 the first respondent sent me a message stating that he was unhappy with the affidavit I had drafted for him. Believed it was rushed, and no effort was made to set up a proper defense in respect to the articles the applicant claimed to be defamatory¹²;
- (m) On 29 April 2024 the first respondent informed me that he would be obtaining new legal representation, pursuant to an assertion made by me that I did not represent the second respondent in these proceedings. The first respondent also states that the fact I did not represent the second respondent in these proceedings is further confirmation that I had no authority to agree to the settlement agreement on behalf of the second respondent¹³;
- (n) On 30 April 2024 my attorneys sent a letter to the respondents threatening civil and criminal proceedings¹⁴.

⁹ Answering Affidavit para 47.2

¹⁰ Answering Affidavit para 50.6

¹¹ Answering Affidavit para 50.7

¹² Answering Affidavit para 61.1.1

¹³ Answering Affidavit para 61.1.2

¹⁴ Answering Affidavit para 61.1.3

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CAPACITY AS DIRECTOR OF ZASM.

8. I am a founding director of ZASM. I have a fiduciary duty to act in the best interests of ZASM. On 29 May 2021 the majority of founding directors of ZASM made a decision to terminate the first respondents directorship with immediate effect. A copy of the resolution is attached marked: "SC1". Sometime thereafter I spoke to Mr Chibvongodze and Ms Shumba to reappoint the first respondent. They both refused, and elected to resign, before a written resolution reappointing the first respondent could have been made. As a result, there was no resolution reappointing the first respondent, and there was no quorum of directors of ZASM to reappoint the first respondent as a director of ZASM. The Companies Act does not make provision for the position of chairman of the company, it only provides for directors. ZASM did not incorporate articles of association that created the position of chairman. ZASM's CIPC documents can easily corroborate the submissions made in this paragraph.
9. ZASM did not resolve to include "food imperialism", and "food colonization", (whatever that means), as objectives of the organisation. ZASM's activities were isolated to economic sanctions set out in the various executive orders by the President of the United States of America, his executive, and various legislation from that territory together with similar sanctions by western governments. The allegation that the first respondent made poor quality food, used pesticides, had GMO's in food, and enjoy unfair dominance in the market, does not constitute economic sanctions. Ironically, the removal of sanctions would grow the Zimbabwean economy and make the applicants more profitable.
10. ZASM is not interested, and has not been affected, by the various Court orders (in South Africa and Zimbabwe) against the first respondent. The organisation is



dormant. It does not have the prescribed quorum of directors provided for by the Act. It has not been audited in years. Its bank account was closed because it had no money, went into arrears, and became inactive. This did not stop the first respondent from asking donors to make payments intended for ZASM to the second respondent's bank account. That is the reason why my lawyers have taken the steps mentioned by the first respondent.

11. As I understand the respondents case in the reconsideration proceedings, central to their allegations is the submission that this Honourable Court lacks (lacked) jurisdiction to decide the issues subject of the dispute between the parties. My heads of argument, in the reconsideration proceedings, detailed the reasons why this Court lacks jurisdiction. The respondents gave evidence to that effect in their affidavits in the reconsideration proceedings. The 6 May 2024 affidavit, deposed after my mandate was terminated, also supports the argument that the Court lacks jurisdiction. The respondents also gave evidence is that the second respondent should not have been joined because it did not publish the alleged defamatory content, is not involved in journalism, and the mere fact that the first respondent is a director of the second respondent (registered in the Republic) is insufficient to establish jurisdiction over the first respondent. For precisely the same reasons why the second respondent should not be joined to these proceedings, ZASM should not be joined to these proceedings.
12. Unfortunately, apart from the obvious self-contradiction, should the respondents succeed in its claim that ZASM should have been joined to this matter, for the reasons mentioned by the first respondent in his 6 March 2024 affidavit, it would inevitably mean that the South African High Court has jurisdiction to grant the orders it has made against the first respondent, even though he is based in Zimbabwe. This is because ZASM, registered in South Africa, and the first respondent, in his changed

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version, would have both been allegedly fighting “**food imperialism**” in South Africa, when they jointly made the allegedly defamatory publications.

13. As a director of ZASM, acting in its best interests, I submit that ZASM should not be joined to these proceedings because the first respondent does not have the power to drag it into this matter, it is separate from the first respondents publications, in his personal capacity as a journalist, not as a director of ZASM, and has no interests in the business of the second respondent either.
14. The first respondent makes the submission that “ **challenging me (him) as a chairperson of that organisation is tantamount to the suppression of the activities of ZASM**”. There are currently no activities to suppress, and if they were, the risk for the suppression of those activities would not come from the applicants, but from the fact that ZASM is not compliant with the Companies Act, and liable to be wound up, which on the first respondents version, I instructed my lawyers to do before I had sight of the first respondents 6 May 2024 affidavit. If one accepts that the first respondent is still a lawful director of ZASM, which I deny, his version leaves no doubt that there is a deadlock of directors that would justify winding up ZASM.
15. The most important motivation for winding up ZASM, and the reason for my fall out with Matinyarare, has been his harmful comments on social media celebrating the sexual abuse of minors while using the ZASM logo. These appalling comments, which I was unaware of, were apparently made some time ago, but resurfaced, apparently at the hands of his detractors, after Matinyarare’s profile on the back of the Innscor matter increased. Matinyarare made the following offensive remarks: “**when you date 16yr olds, you get the bonus of also smashing the mums when you are feeling like mature wine**”, and followed with this comment “**Tender and**



impressionable. Still having dreams before being abused by bad boys". A copy of this publication is attached marked: **"SC2"**.

16. On 28 April 2024 Matinyarare justified these comments by saying: **"young women who are sexually emancipated to have sex have a right to choose who they sleep with, without anyone trying to police their bodies and choices. Who are you to dictate who young women can sleep with"**. These words are chilling, especially to the parents of 16 year old girls. There are several other posts, and video clips, which I have do not wish to repeat, where Matinyarare doubles down on these appalling statements. A copy of Matinyarare's publication is attached marked: **"SC3"**.
17. I do not share Matinyarare's views regarding the age of sexual consent. In my view, a 16 year old is a child, and ought to be protected from middle aged sexual predators who share the same sick ideas as Matinyarare. Had I known about them, which I did not when ZASM was formed, I would not have become a director in the same organisation as him. The fact that he believes that all his views are that of ZASM, where I am a director, and appear on the website along with him, is a fact of serious concern.
18. The first respondent has irreparably damaged the reputation of ZASM. His reprehensible statements glorifying the abuse of 16 year old girls, on a ZASM logo, are entrenched in the minds of the public. Under the circumstances, the first respondent, by his own hand, has suppressed any hope that the organisation can embark on any beneficial activities for the public.
19. The respondents previous affidavits in South African and Zimbabwean Courts, over essentially the same issue, are silent on ZASM. Half a year after over 2000 pages of

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Court papers the first respondent, for the first time, has dragged ZASM into this matter after, on his version, falling out with me, and in so doing contradicted his prior evidence.

20. In summary, the first respondents 6 May 2024 affidavit is untrue in the following respects: he is not the chairman of ZASM (it has never had a chairman), he is not a lawfully appointed director, there was no quorum of directors to chair, there are no activities that have been suppressed. ZASM is a dormant non for profit company, that is not compliant with the Companies Act, and subject to existential litigation to wind it up. For the above reasons Matinyarare has perjured himself.

CAPACITY AS A LEGAL PRACTITIONER.

21. As a legal practitioner, I am bound by the provisions of the Code of Conduct, and the common law. Clause 3.1 of the Code of Conduct requires me to maintain the highest standards of honesty and integrity. For that reason, my response to the above allegations shall rely on objective evidence.
22. According to Clause 3.3 of the Code of Conduct legal practitioners are obligated to treat the interests of their clients as paramount, provided the conduct of the legal practitioner shall be subject always to their duty to Court; the interests of justice; observance of the law; and the maintenance of ethical standards prescribed by the code, and any ethical standards generally recognised by the profession.
23. My obligation to treat the first respondent's interests as paramount are limited, and subject to my duty to this Court, the interests of justice, and observance of the law, and recognised ethical standards. The first respondents allegations that the Court order granted by Wanless J was fraudulently obtained in a manner that defeated the



administration of justice has obligated me, in my capacity as an officer of this Court, to put my duty to our Courts, the interests of the administration of justice, observance of the law (in this case a binding Court order), and ethical standards expected of legal practitioners, ahead of the interests of the first respondent.

24. Clause 3.6 of the Code of Conduct states that I have an obligation to maintain legal privilege and confidentiality regarding the affairs of present or former clients or employers, **according to law**. In other words, legal professional privilege over communications I have had with the first respondent is not absolute, but limited in the terms provided for by the law.

25. The recent United Kingdom judgment in ***Clements v Fisby*** [2002] EWHC 3124 (Ch) dealt with the waiver of legal professional privilege by a client. In that matter Clements claimed that he did not pursue a claim because of legal advice. HHJ Cawson KC found that his statement amounted to a waiver of privilege by virtue of his statements that included words protected by legal professional privilege. The statement referred to the legal advice obtained, not merely the fact that legal advice had been obtained. The Judge found that the scope of the waiver should be limited to copies of the correspondence and documentation related to the specific contention in Clements witness statement regarding the advice he had received from his solicitors. A copy of a summary of that judgment is attached marked: **"SC4"**.

26. The first respondents affidavit relies on allegations that legal advice, and services, he received from me was responsible for a fraudulent Court order, which he did not consent to, and was not brought to his attention, leading him to believe he could conduct himself in a manner that was inconsistent with the law.

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27. The first respondents evidence in this regard refers to the content of the actual legal advice received, and not that legal advice had been received. There is no doubt, from the allegations related to me, set out above, that correspondence protected by privilege has been relied upon as a defence to an accusation of a criminal offence brought against the respondents. Under the circumstances, the respondents waived legal professional privilege, and opened the door to scrutiny of evidence ordinarily protected by legal professional privilege.
28. The first respondent has made several serious allegations about all his previous legal representatives, myself included, which I will address not just for the sake of defending the affected lawyers, but putting the truth before Court, protecting the administration of justice by filing a criminal complaint against perjury, using objective evidence, which I believe is an ethical duty of all legal practitioners.
29. The first respondent, on the issue of his legal representation, claims that:
- “In this regard I point out to the Honourable Court that the respondents did not even know this Sindiso (Mr Sindiso Sibanda from MSM attorneys) and the law firm that this Sindiso comes from. This law firm was never authorised by the respondents to represent them in these proceedings and the as the matters presently stand, myself and the second respondent, do not even know the said Sindiso and the law firm, he or she represents. Our legal representative that myself and the second respondent appointed to represent our interests was Advocate Simba Chitando and no one else”¹⁵.
30. I was not involved in this matter when the 9 January 2024 order against the respondents was granted. I first heard about it in the press. NLR attorneys was briefed to attend to the matter. A copy of their notice to oppose is attached marked: **“SC5”**.

¹⁵ Answering Affidavit para 36



31. On 5 January 2024 Ms Bekani, according to the affidavits before Court, terminated their mandate with NLR attorneys because they could not meet them in time for the hearing. A copy of the letter to that effect is attached marked: "**SC6**".
32. On 5 January 2024 NLR attorneys withdrew as the respondents attorneys of record. A copy of that notice is attached marked: "**SC7**".
33. On 9 February 2024 Howard Woolf attorneys, and myself, were briefed to represent the respondents. A copy of the special power of attorney is attached marked: "**SC8**".
34. On 14 February 2024 Howard Woolf withdrew as the first respondents attorneys of record. A copy of the notice of withdrawal is attached marked: "**SC9**".
35. On 15 February 2024 the first respondent briefed MSM attorneys, and myself, to represent him in this matter. A copy of the special power of attorney is attached marked: "**SC10**".
36. On 15 February 2024 MSM attorneys filed their notice of appointment as the respondents attorneys of record. A copy is attached marked: "**SC11**".
37. On 20 March 2024 the first respondent briefed MCM attorneys and myself to be his legal representatives for a similar matter, about the same posts, in Zimbabwe. I was leading litigation in the first respondents matters on both sides of the border, which was a coordinated effort. The Court papers in Zimbabwe include the affidavits by the parties in South Africa. MCM contributions, in Zimbabwe, assisted South African proceedings, and vice versa. A copy their special power of attorney to that effect is attached marked: "**SC12**".



38. It would appear that ENS are the respondents new attorneys, albeit without filing a notice of appointment before appearing in Court in May 2024, which makes the total number of 5 law firms in as many months, and a minimum of two counsel, representing Matinyarare and his girlfriend. The first respondents evidence that **"This law firm was never authorised by the respondents to represent them in these proceedings and the as the matters presently stand, myself and the second respondent, do not even know the said Sindiso and the law firm, he or she represents. Our legal representative that myself and the second respondent appointed to represent out interests was Advocate Simba Chitando and no one else"**, is untrue, and amounts to perjury, on the basis of objective evidence set out above.
39. As mentioned above, the first respondent has waived privilege and shared communications with his previous lawyers to support a case that I, together with other lawyers, embarked on a 5 month conspiracy to ultimately bind him to one out of the three Court orders, which he did not consent to, and occasioned a second contempt of Court application. By doing so he has unilaterally waived legal privilege, and to arrive at the truth, communications related to this alleged conspiracy ought to be put before the Court. My Whatsapp messages with the first respondent are attached in green background, and the first respondents messages in white background.
40. On 8 February 2024 at 18:29 I sent the first respondent a copy of Gwina attorneys request for FICA, which was one of their conditions before they could take him on as a client. The first respondent refused to complete it because he does not have a bank account, and all his income goes to the second respondents account, which receives funds from individuals subject to United States sanctions. Major law firms

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have South African and international banks as clients, to avoid secondary sanctions, and conflict of interest, they do FICA checks before taking Zimbabwean clients. The respondents are financially linked to individuals on the US sanctions list. For that reason, only law firms I approved were considered. I was surprised ENS, who in the past briefed me to do work for the Reserve Bank, would take the risk of exposing themselves, and the financial institutions they represent, to secondary US sanctions, and conflict of interest, by representing Matinyarare. That said, the 8 February 2024 message is relevant because it proves that the first respondent knew that a law firm was going to work with me on the matter, and that I would decide on law firms that I have a good working relationship. This is further evidence of the fact that the first respondents accusation that I, and no one else, represented him in this matter was untrue. A copy of the Whatsapp message is attached marked: **"WA0"**.

41. On 9 February 2024 at 9:25 the first respondent sent me a message which read as follows:

"Hey Simba,

Lets get lawyers to file and close this chapter before we are served again by Innscor because they have to serve us for damages before 30 days if their order is to stick and they will certainly do that.

So let us certainly priorities filing today and take the battle to them. Let's not procrastinate on it beyond today because then we are opening ourselves to an obvious counter".

42. The above message in context proves that the first respondent knew that a law firm, and not me personally, would file papers in the matter. This is further evidence of the fact that the first respondents accusation that I, and no one else, represented him in this matter was untrue. A copy of the Whatsapp message is attached marked: **"WA1"**.



43. On 9 February 2024 at 13:27 the first respondent sent me a special power of attorney that briefed Woolf attorneys and myself to act on his behalf. This is further evidence of the fact that the first respondents accusation that I, and no one else, represented him in this matter was untrue. A copy of the Whatsapp message is attached marked: "**WA2**".
44. On 12 February 2024 at 10:09 I shared a copy of the notice of set down filed on caselines by the attorney of record. That notice is dated 9 February 2024 and is for a 15 February 2024 hearing. My message also states that I was to be interviewed by the media to advance the first respondents cause. The notice of set down has the details of the attorneys of record. This is further evidence of the fact that the first respondents accusation that I, and no one else, represented him in this matter was untrue. A copy of the Whatsapp message is attached marked: "**WA3**". A copy of the notice is attached marked: "**SC13**".
45. On 15 February 2024 at 4:58 the first respondent texted me an attachment of a letter from the applicants attorneys addressed to his attorneys of record at the time, which included both firms details, and asked me: "received this from Robyn, what is the meaning?". This is further evidence that the first respondent knew that he had attorneys of record working with me, and his evidence to the contrary was untrue. A copy of the message is attached marked: "**WA4**". A copy of this letter is attached marked: "**SC14**".
46. On 20 February 2024 at 11:46 I messaged the first respondent a copy of the letter from Deputy Judge President Sutherland to Mr Sindiso Sibanda, where the learned Judge referred the matter for case management. The letter has Mr Sindiso Sibanda's email address and contact number. This message and the letter attached

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is further objective evidence that the first respondent knew who Mr Sibanda was, and at all times had his contact details. A copy of the Whatsapp is attached marked: **"WA5"**. A copy of Sutherland DJP's letter is attached marked: **"SC15"**.

47. On 2 April 2024 at 15:18 I forwarded a message to the first respondents that Ms Robyn Adams (the applicants attorneys) had sent to Mr Sindiso Sibanda (the first respondents then attorney). The message mentions the removal of the first respondents posts. This message is further proof that the first respondent knew Mr Sibanda, and that his latest affidavit is untrue. A copy of that message is attached marked: **"WA34"**.
48. On 2 April 2024 at 15:25 the first respondent sent me a message of the response he wanted Mr Sibanda to send to Ms Robyn Adams. This message is further proof that the first respondent knew that Mr Sibanda was his attorney. A copy of the message is attached marked: **"WA36"**.
49. On 5 April 2024 at 10:31 I spoke to the first respondent for 4 minutes and we agreed on the content of the message that Mr Sibanda should send to Ms Adams. This is further proof that the first respondent knew Mr Sibanda was his attorney. A copy of the message is attached marked: **"WA37"**.
50. On 12 April; 2024 at 11:05 I sent a letter that I had received from MCM attorneys (the firm on brief with me in litigation in Zimbabwe). The letter came from Muvingi Mugadza (the Grain Millers Association of Zimbabwe's lawyers). This message is proof that I was not the only lawyer representing the first respondent, and that his 6 May 2024 affidavit is untrue. A copy of the message is attached marked: **"WA42"**. A copy of the letter is attached marked: **"SC16"**.



51. On 12 April 2024 at 11:05 I sent a copy of the applicants notice of bar to the first respondent. The notice of bar has Mr Sibanda's details as his attorney. It is further proof that the first respondent knew that he was his attorney, and that his 6 May 2024 affidavit to the contrary is untrue. A copy of the message is attached marked: **"WA43"**. A copy of the notice is attached marked: **"SC17"**.
52. On 24 April 2024 at 12:52 I sent the first respondent a screenshot of the individual who had access to caselines in this matter. The individuals who had access include the first respondent and Mr Sibanda, which is further proof that the first respondent knew that Mr Sibanda was his attorney. A copy of the message is attached marked: **"WA58"**. A copy of the attachment is attached marked: **"SC18"**.
53. On 26 April 2024 at 12:21 I sent a copy of the applicants attorneys email, about the contempt of Court application, to the first respondent. The email contains the email addresses of all the attorneys working at MSM attorneys (including Mr Sibanda). This email is proof that the first respondent knew Mr Sibanda, and his firm, and that his 6 May 2024 affidavit to the contrary is untrue. A copy of my message is attached marked: **"WA59"**. A copy of the email is attached marked: **"SC19"**.
54. The first respondent, in regard to the contempt of Court application, and the Court order granted by Wanless J, the first respondent states that: on 20 March 2024 the applicants were not able to proceed with their matter and wanted to settle¹⁶; "the settlement order" was made an order of Court without his knowledge¹⁷; the respondents did not consent the order granted on 20 March 2024¹⁸; there was no consensus for the order granted by Wanless J¹⁹; on 22 March 2024 the applicants

¹⁶ Answering Affidavit para 30.1

¹⁷ Answering Affidavit para 30.2

¹⁸ Answering Affidavit para 30.6 – 30.7

¹⁹ Answering Affidavit para 30.10

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lawyers wrote a letter to me and I forwarded it to him²⁰; the first respondent replied directly to the applicants lawyers²¹; the first respondent asked me to enlighten him on the details of what transpired in Court on 20 March 2024 to no avail²²; he did not have any knowledge of the order by Wanless J and it was not served on him or the second respondent²³.

55. The first respondent's 6 May 2024 affidavit states that the March 2024 contempt of Court application was heard on 20 March 2024. That is not true. The record will show that the matter was called on 19 March 2024, which is the day that all matters on the urgent roll that week in that Court were called.
56. On 19 March 2024 I attended urgent Court on the first respondents behalf pursuant to my brief. I did not inform the first respondent that the applicants were not able to proceed, and that they had no option but to negotiate. I informed the first respondent that the applicants would likely file a replying affidavit, and that both parties should file heads of argument on agreed dates, which is the practice in these matters. The matter stood down for that reason.
57. On 19 March 2024 at 11:06 I sent the first respondent a picture of myself and Adv Khumalo taken outside Court immediately after the matter stood down. Mr Khumalo is known to both of us for reasons unrelated to this matter. This picture is only relevant because it proves that the first respondents version that I did not communicate with him after the hearing was not true. A copy of the message is attached marked: "**WA20**".

²⁰ Answering Affidavit para 31.1

²¹ Answering Affidavit para 31.3

²² Answering Affidavit para 47.2

²³ Answering Affidavit para 47.3

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58. On 19 March 2024 at 11:09 the first respondent responded by saying: **"Nice!!! Very Nice!!!"**. This message proves that the first respondent and I were in contact immediately after the matter stood down, contrary to what the first respondent says in his 6 May affidavit. A copy of the message is attached marked: **"WA20"**.

59. On 19 March 2024 at 15:16 I sent the first respondent a message that stated:

"Hey bro...don't post anything about the case until get back to you".

This message is relevant because it proves that my legal advice to the first respondent was that he should not post anything about the case or the applicants until I said he could do so. That advice did not change. Nowhere in his affidavit does the first respondent say that I told him he could post anything about the applicants in contravention of the binding Court orders. More importantly it proves that I gave the first respondent legal advice, which he self-evidently ignored, telling him not to post anything about the case, which is contrary to what the first respondent says in his 6 May affidavit. A copy of the message is attached marked: **"WA20"**.

60. On 19 March 2014 at 15:42 I spoke to the first respondent for 49 seconds. We could not talk and postponed the call. At 17:50 we spoke for 35 minutes and I advised the first respondent further of what transpired that day, and we agreed on contents of the draft order to be made an order of Court the next day. We also spoke of a deadline in the Zimbabwean High Court for the 21st of March 2024, and that the order by agreement gave us an opportunity to focus on the Zimbabwean legal proceedings. This call is proof that I gave detailed legal advice and services, which is contrary to what the first respondent says in his 6 May affidavit. A record of that call is attached: **"WA20"**.

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61. On 19 March 2024 the first respondent posted the following on "X" (formerly Twitter):

"Advocate Ike Khumalo and my trusted Advocate Simba Chitando met today in Court where Simba was attending to Innscor's application for contempt of Court against me. This is a developing story..."

The post included the image I sent him earlier that day. A copy of that post is attached marked: "**SC20**".

62. On 20 March 2024 at 08:24 I called the first respondent. He did not pick up. A record of the call is attached marked: "**WA21**".
63. On 20 March 2024 at 08:33 I called the first respondent. He did not pick up. A record of the call is attached marked: "**WA21**".
64. On 20 March 2024 at 09:20 I called the first respondent and we spoke for 30 minutes before Court commenced. In that call we discussed amendments to the wording of the draft order. This call is evidence that the first respondents 6 May 2024 affidavit stating that we did not discuss what happened in Court, and did not agree to the order being taken, was false. A record of the call is attached marked: "**WA21**".
65. On 20 March 2024 at 09:27 I sent the first respondent a copy of the order by agreement. This message is proof that he knew about the terms of the order, it was brought to his attention, and he consented to it, which is contrary to his evidence in the 6 May 2024 affidavit. There is no message from him to me saying that he does not accept the terms of that order. A copy of the message is attached marked: "**WA21**". A copy of the order is attached marked: "**SC21**".

A handwritten signature in black ink, appearing to be 'S Chitando', with the initials 'mB' written below it.

66. On 20 March 2024 at 9:50 I sent the first respondent a copy of the Provisional Order from the Zimbabwean High Court, which the first respondent received directly from the Harare High Court, because I wanted to remind him of his obligations to comply with that order, which directed him to remove the same content subject to the contempt of Court proceedings in the South African High Court, and meet a deadline for filing further papers in that Court. This is relevant because it proves that I provided the first respondent legal advice on 20 March 2024, and that he knew he had to remove the content subject of dispute, which is contrary to what the first respondent says in his 6 May affidavit. A copy of that message is attached marked: "**WA22**". A copy of the Provisional Order from the Zimbabwean High Court is attached marked: "**SC22**".
67. On Thursday 14 March 2024, after the Zimbabwean High Court granted an interdict against the first respondent for the same content in the South African Court orders, the first respondent emailed the assistant of Honourable Justice Deme of the Harare High Court. The email reads as follows:
- "Thamusanya
- I gave you and your team the email of my lawyers last week and my lawyers contacted your lawyers yesterday.
- Why are you only sending the notice an hour before the hearing knowing well that I was attending court against Innscor's application in South Africa the day before yesterday?
- Are these underhanded techniques to stop us from responding to the case.
- Going forward, ensure that you notify my lawyers accordingly, instead of operating in bad faith like this.



Thank you.

Regards,
Rutendo Matinyarare”

A copy of the email is attached marked: “**SC23**”.

68. The above email is proof that the first respondent received the Zimbabwean interdict directly from the Harare High Court, and not through me or the legal team. He knew he had to remove the publications subject of the dispute in both countries before the 20 March 2024 hearing in South Africa, and expressed his displeasure with Honourable Justice Deme’s order in a terse email to Thamusanya Mahoko (Judge Deme’s assistant). Matinyarare’s abusive correspondence with Judge Deme’s assistant, on its own, obviously constitutes contempt of Court in Zimbabwe.

69. Notwithstanding the above, the first respondent, in his 6 May 2024 affidavit, claims that:

“...I continued to publish further articles notwithstanding the Settlement Order, as I did not know that there was a settlement which was made an order of Court”⁴.

The first respondent consented to the terms of the order after more than an hour of conversation on the phone between 19 and 20 March 2024. If one accepts the first respondent’s 6 May 2024 version that he only continued to publish content about the applicants because he was unaware of the 20 March 2024 order, which is a lie, it would mean that he had no regard to the Provisional Order in Zimbabwe prohibiting him from publishing the same content. His 6 May 2024 affidavit is obviously sufficient evidence of willful contempt of Court in Zimbabwe because he has claimed under oath that a deficient Wanless J order, and not the Provisional order in Harare,

⁴ Answering Affidavit para 43



was the only lawful impediment prohibiting his publications. Sadly, he put his own legal team in Zimbabwe, which I led, in a position of deceiving the Harare and Johannesburg High Court at the same time, on the same issue, which is something I simply could not do.

70. An ethical lawyer, regardless of instructions, cannot put a case to the Johannesburg High Court that his client did not comply with the 20 March 2020 order, prohibiting specific publications, because he was unaware of it, knowing that his client had received a Harare High Court order directly from the Zimbabwean Court before the 20 March 2024 Johannesburg High Court order was granted, prohibiting the exact same publications, which he did not comply with either.
71. The Zimbabwean police need no further evidence besides Matinyarare's 6 May 2024 affidavit before taking action against him in that jurisdiction. He has admitted that the Wanless J order in South Africa was the only order that restrained him, and not Justice Deme's order in Zimbabwe. The Zimbabwean attorneys, who I led, and are aware of Matinyarare's unlawful conduct, have their own case to defend with the law society, the relevant authorities, and the Court's, if they put forward a case that is different from Matinyarare's 6 May 2024 affidavit in South Africa.
72. On 20 March 2024 at 9:54 I forwarded a letter from GMAZ lawyers in Zimbabwe informing him that he had to comply with the Harare High Court under case number: HCH64/ 24. Compliance with that order was identical to compliance with the Court order in South Africa. This is relevant because it proves that the first respondent knew that compliance with the Zimbabwean Court was linked directly to compliance with the South African Court orders, it also proves that I advised him of his legal position, contrary to the first respondents 6 May 2024 affidavit. A copy of the message is attached marked: "**WA23**".

A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a smaller signature, possibly 'MO'.

73. On 29 April 2024 at 17:21 the first respondent sent a copy of the draft order, which was made an order of Court on 20 March 2024, and called soon thereafter to discuss the applicants contempt of Court application. I missed the call, but received a copy of the order he now says he did not have. The first respondents message proves that he had a copy of the 20 March 2024 Court order, which is contrary to his 6 May 2024 affidavit. A copy of the message, and record of the missed call is attached marked: "**WA60**".
74. The respondents version is that the Court order was a draft of an ongoing negotiation, but the draft order mentions the date of the order, and name of the judicial officer, which to the reasonable person leaves no doubt that the order is taken on the given by a specific Judge, contrary to the first respondents submission that he believed it was a draft of a pending agreement.
75. The first respondents 6 May 2024 affidavit states that:

"On 22 March 2024, the applicants legal representatives wrote a letter to Advocate Chitando, and said the letter was forwarded to me on Whatsapp"²⁵.

The first respondent did not attach the letter because, on the objective evidence, this statement is a flat lie. The applicants lawyers have never sent me letters. All their letters were addressed directly to the respective attorneys of record, and each letter had an internal and external reference, as is the case with legal letters. None are addressed to me. All addressed to Sibanda.

²⁵ Answering Affidavit para 31.1

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by the letters 'MB'.

76. On 22 March 2024 at 09:06 I sent the first respondent a letter Mr Sibanda had sent to me. The letter is from the applicants lawyers and is saved as: **"220324 MVR Letter to MSM & Associates – Breach of Court ..."**. This is proof that the applicants 22 March 2024 communication was not directed to me, contrary to the first respondents 6 May 2024 affidavit. Not only is it not addressed to me, it's directed to Mr Sibanda, who the first respondent claims he does not know. The first respondent, in deceiving the Court, quotes the content of the letter excluding Mr Sibanda's name and details, because he knows that elsewhere in his affidavit, he denies that Mr Sibanda was his attorney of record. The 6 May 2024 affidavit is not remotely true, and in 16 years of practice, it is the most striking evidence of perjury to have been filed in a Court of law, and obviously defeating the ends of justice. A copy of the first respondents message is attached marked: **"WA29"**. A copy of the applicants letter is attached marked: **"SC24"**.

77. The first respondent's 6 May 2024 affidavit, in seeking condonation from the Court, claims that:

"On 18 March 2024, I sent Advocate Chitando a Whatsapp message that I was unhappy with the affidavit that he had drafted for me, and in particular, I made the point that the affidavit was rushed and no effort was made to set out a proper defense in respect of articles which the applicant claimed to be defamatory"²⁶.

78. On 18 March 2024 at 13:40 the first respondent sent me a message, referred to in paragraph 61.1.1, which reads as follows:

"Hi Simba

²⁶ Answering Affidavit para 61.1.1

A handwritten signature in black ink, appearing to be 'MS' or similar, located in the bottom right corner of the page.

I read through the affidavit and I just feel like it was rushed, simply lacks the human spirit, it fails to give the Judge my state of mind, lacks context and makes me sound arrogant.

I believe that our argument needed to go far enough to make the Judge understand my character, and intention and purpose, in order for us to kill Inncor's application in its tracks".

A copy of the message is attached marked: "**WA13**".

79. On 18 March at 14:15 the first respondent sent me a message that read as follows:

"By the way I am leaving the country. Just can't trust these Courts and I am worried that our answering papers don't guarantee that I won't be jailed".

A copy of the message is attached marked: "**WA15**".

80. On 18 March 2024 at 16:54 I responded to the first respondents message as follows:

"We don't include argument in the affidavit. There is a separate document called heads of argument where all these points in your message are raised referencing specific paragraphs in the record".

A copy of this message is attached marked: "**WA16**".

81. On 18 March 2024 at 17:02 the first respondent sent me a message that stated that he had signed the affidavit in question after I explained the difference between evidence and argument. A copy of the message is attached marked: "**WA16**".

82. I did not force the first respondent to sign the affidavit. If he was unhappy with signing the affidavit, after I explained the difference between evidence and argument, he could have refused to sign it, and found alternative representation. The first

A handwritten signature in black ink, appearing to be the initials 'JMS' or similar, located in the bottom right corner of the page.

respondent's 6 May 2024 affidavit does not disagree with any of the facts set out in the affidavit I drafted for him, which suggests that his version that he was unhappy, is untrue. Filing further sworn evidence, that contradicts existing sworn evidence, is proof that a version before Court has changed, which is a sign of a dishonest witness.

83. In that regard I draw this Courts attention to the fact that the third paragraph of the first respondents 18 March 2024 message says that: **“considering the amount of paperwork you said Innscor lawyers were bombarding you with and how much you said the team was working on this, I was expecting more in your response to include the following ...”**. The difficulty with that statement is the fact that the first respondents 6 May 2024 affidavit states that I was working alone²⁷, and not with a team, which is obviously not true. The first respondent is not only a liar, but a bad one. His own accusations on one issue is evidence of a lie on another issue. It is impossible for a Court to accept his version, and clear to the authorities that he is guilty of perjury.

84. In respect of the appointment of alternative legal representation the first respondent states the following:

“On 29 April 2024, I wrote a further letter to Advocate Chitando that I will be appointing new legal representation, pursuant to an assertion made by Advocate Chitando that he never represented the second respondent in these proceedings. A copy of this letter is annexed hereto marked: “RM16”. To extent that Advocate Chitando do not represent the second respondent in these proceedings this is further confirmation that he had no authority to agree to the settlement agreement in Court on behalf of the second respondent”²⁸.

²⁷ Answering Affidavit para 36

²⁸ Answering Affidavit para 61.1.2

85. On 29 April 2024 at 20:17 the first respondent sent me a message that read as follows:

“Hey bro,

Nosi has moved Frontline’s account to ENS because apparently you told her that you were not representing Frontline.

As a result, there is an issue about us having two separate lawyers for the same case. ENS are willing to represent both on the costs of one, so it makes sense for me to work with them.


If you are still interested, we can still need service in Zimbabwe. So let me know if you will still assist with that.

This is not personal but just a need to rationalize costs.

Thanks”

A copy of that message is attached marked: **“WA61”**.

86. The 29 April 2024 message is relevant because it was the last message I received from the first respondent, and proof that when he terminated the mandate for the South African legal proceedings, he had no complaints about my, or the legal team’s, performance in the case. The fact that he wanted me to continue with the Zimbabwean proceedings corroborates the fact that he did not have any complaints on the services rendered at the end of my mandate. According to him he acted solely **“to rationalize costs”**.

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a smaller signature.

87. The first respondent told me about the potential involvement of ENS in this matter before 29 April 2024, when the brief was terminated. In March 2024 he said that Mr Simon Rudland (a multi-millionaire Zimbabwean businessman) and apparent rival of Mr Zinona Koudounaris, was considering financing Matinyarare's case against Innscor because he does not like Koudounaris's control of the Zimbabwean economy. His condition was that Matinyarare would have to use ENS. This happened long before the events in April 2024.
88. On 17 March 2024 at 11:37 the first respondent forwarded me a message that he said came from Mr Simon Rudland. In that message Rudland expressed an interest in financing the litigation against Koudounaris, but on condition that he uses ENS, which I was told handled Rudland's legal matters. A copy of the message is attached marked: "**WA8 – WA10**".
89. On 17 March 2024 at 11:39 I sent the first respondent a message that said the legal team I led had nothing to do with the order's taken against him. A copy of the message is attached marked: "**WA10**".
90. On 17 March 2024 at 11:40 the first respondent sent me a message saying that he told Mr Simon Rudland that I was not responsible for the orders against him, but Mr Rudland was not paying attention. A copy of the message is attached marked: "**WA10**".
91. On 17 March 2024 at 12:09 – 12:12 I sent the first respondent a message concerning my position in light of Mr Rudland's offer to finance the litigation on condition that his lawyers take over from me. My message read as follows:



“It’s not my decision. As for wins, & losses. We’re not near either one. Papers are due between now and April. There is another hearing on Tuesday. The chamber book (Zimbabwean High Court) ambush is due return day. These matters are nowhere near won or lost.

Also if it’s already lost, then why need his legal team? Let me know so all these guys (legal team), including me, grafting know where we stand”.

A copy of these messages are attached marked: **“WA12”**.

92. On 17 March 2024 at 12:46 the first respondent sent me a copy of the report he sent to Mr Rudland. A copy of the message is attached marked: **“WA12”**. The report is attached marked: **“SC25”**.

93. The above messages, and report, prove that the first respondent was happy with the legal representation (from me and the team – not me alone), but was under pressure from his sponsor – Mr Rudland, to change lawyers. The allegation in the first respondents 6 May 2024 affidavit that I caused the change of lawyers, and that was a reason for condonation in the contempt of Court proceedings, is a flat lie. Matinyarare told me that he would consider changing lawyers as far back as March 2024, as a condition for Rudland’s financial support, and I told him that it was his decision to make.

94. In respect of my communications with Ms Nosipo Bekani, on 21 April 2024 at 19:09 she sent me a message that read as follows:

“Good evening Advocate, I have been trying to get hold of you to find out when I am getting my caselines access and the billing invoices for the Innscor case.



As a director of Frontline Strat Marketing Consultancy who has the power of attorney to act solely on Frontline's interests I am not happy at all with the way you have treated me in this matter.

I have has numerous discussion with Rutendo about when you are providing us with access to the caselines and invoices for the work we have paid but Rutendo is vague.

I am writing to you as a courtesy to inform you that I have decided to separate Frontline from Rutendo's case. I have sought to advise from another attorney on how to proceed with this case separate from Rutendo.

He has advised me to write to the President of the Hight Court to report that you have refused to grant me access to our caselines and you have neglected to provide me with advice and invoices for all the work you have done so far, yet I am paying you.

I will also raise the issue of ZASM and unaccounted for monies we paid you and Lesley.

If I do not get access to caselines by tomorrow morning at 9 am, I will be writing an email to the Judge President of the Joburg High Court to report you.

Rutendo seems to be happy with your services hence I've decided to separate the representation.

You will continue with him but I'm taking Frontline away from your service. I am not happy at all Advocate".

A copy of the message is attached marked: **"WA63 – WA 64"**.

95. On 21 April 2024 at 19:40 I responded to Ms Bekani as follows:

"Evening,



1. The written correspondence with Rutendo asks what email address he wants for caselines. He only gave me one email address...his own. In fact he was asked several times & only volunteered his email address as a recipient for caselines, not yours. His email address is a Frontline email address. Caselines has issues for everyone, including myself, I informed Rutendo in a call yesterday that if it is still not working by end of day an IT expert can sit with him and troubleshoot which they do often.
2. All the Court papers we filed were sent to Rutendo & are in his possession.
3. The special power of attorney Rutendo signed with the legal team does not include Frontline as a client.
4. As for your "treatment" Rutendo has not invited you, in your capacity as a director of that company, to any of the numerous meetings & phone calls connected with the case.
5. The evidence in an affidavit you have both signed says Frontline shouldn't have been joined to the proceedings.
6. You are free to write a complaint to whoever you choose.
7. Kindly refrain from communicating with me in any form or capacity in future".

A copy of this message is attached marked: "**WA65**".

96. The above two messages prove that the first respondents allegation in his 6 May 2024 affidavit that he appointed new legal representation because of an assertion I had made that I did not represent the second respondent²⁹ was false. The truth, from the horse's mouth, is that Ms Bekani initiated a withdrawal of a mandate that did not exist. The second respondent did not give me, or the legal team, a mandate to

²⁹ Answering Affidavit para 36



act. Over half a year of litigation she did not attend any of the frequent consultations I had with the first respondent. I received no instructions from her. Her only input was a confirmatory affidavit stating that the second respondent wants nothing to do with the issues in the matter.

97. Apart from that, her message proves that the first respondent was happy with the legal services he received from me, which is contrary to the submissions in the first respondents 6 May 2024 affidavit.
98. On 21 April 2024 at 19:48 I forwarded Ms Bekani's message to the first respondent. A copy of the forwarded message is attached marked: "**WA53 – WA54**".
99. On 21 April 2024 at 21:30 the first respondent replied to the forwarded message from Bekani as follows:

"Where is this coming from, Nosi?"

We are not speaking. She has moved out of the house yesterday and went to her place because she is mad at how I am handling this issue. She is really irate!!!

We have auditors coming in this week and so I think this is where some of the strain is coming from.

She has some guys at Sonnenburgs advising her so I don't know man.

My advise is speak directly to her because I don't want to talk to her"

A copy of this message is attached marked: "**WA55**".



100. The first respondents response to Ms Bekani's, (his life partner's) message is relevant because it proves that he knew that Ms Bekani's message about my brief with the second respondent was not true, which is why he said: "**where is this coming from Nosi ?**". He went on to tell me that she had moved out, was stressed with auditors, was emotional, and suggested that was the reason why her statements were untrue. It is clear, from the above, that the first respondent knew that the allegation that I terminated the second respondents nonexistent brief was false before he deposed to the 6 May 2024 affidavit stating that I terminated the brief, and in so doing perjured himself.
101. Ms Bekani's 21 April 2024 messages complained that I had denied the first respondent Court papers.
102. On 11 April 2024 at 11:26 I sent the first respondent a screenshot of a WeTransfer email of the entire bundle of papers in the matter. The file was 211 MB, which was a large file that could not have been sent without WeTransfer. The file needed to be opened by the first respondent before it expired on 18 April 2024. A copy of the message is attached marked: "**WA41**".
103. On 11 April 2024 at 11:29 the first respondent acknowledge receipt of the message, and said: "Thanks bro". a copy of the message is attached marked: "**WA42**".
104. On 15 April 2024 the first respondent replied again to my 11 April 2024 message and asked: "Have you sent me the bundle". Later on, 15 April 024 at 09:06 I repeated myself and said: "Yes. This is the complete bundle". A copy of the message is attached marked: "**WA46**".

A handwritten signature in black ink, appearing to be 'JMB' or similar, located in the bottom right corner of the page.

105. On 19 April 2024 at 08:53 the first respondent sent me a message that said: "This file has expired, I didn't see the email when you sent it". The message had a picture from WeTransfer showing that the email carrying the entire bundle of Court papers that the respondent demanded, and was sent to him days before, had expired because the first respondent neglected to open the file. A copy of the message is attached marked: "**WA47**".

106. On 19 April 2024 at 08:53 the first respondent complained that he was receiving notifications from caselines, but had no access. The notifications he was receiving was from the "IECMS" system (Zimbabwe's version of caselines), and not caselines in South Africa. A copy of the message is attached marked: "**WA48**".

107. On 20 April 2024 at 11:00 the first respondent sent me a message that read as follows:

"Simba,

I have been calling you, sending you messages and you don't respond. What's the deal?

When am I getting my links for the bundle and caselines?"

A copy of the message is attached marked: "**WA49**".

108. On 20 April 2024 at 11:35 I responded to the first respondent as follows:

"On 11 April 2024 at 11:16 am I sent you the complete bundle of documents in the SA Court by We Transfer (I also sent a screenshot from We Transfer themselves showing that the complete bundle was sent to you). You replied on the same day at 11:29 am saying "thanks bro".

A handwritten signature in black ink, appearing to be 'JME' or similar, located in the bottom right corner of the page.

This past Monday (4 days later) at 8:42 am you asked me "Have you sent me the bundle?". I responded saying "Yes. This is the complete bundle". I also sent you the screenshot from We Transfer.

Yesterday at 8:15 am you sent me a screenshot saying that the message expired because it was not opened by the receiver. We must now resend the documents. There has been no filing in the SA Court by Innscor between now and when the bundle was sent to you".

A copy of the message id attached marked: **"WA49 – WA50"**.

109. The above correspondence proves the allegation that I had denied the respondents the Court papers was a flat lie. Even before the bundle was sent to the first respondent, he had all the papers in electronic form. Some of the affidavits, including the answering affidavit in the contempt application I drafted for him, he commissioned it himself at the police station, emailed a scanned copy for filing, and kept the original. If anything, the first respondent was lackadaisical with his own matter. I told him on the phone that I can take a horse to the river but cannot make it drink. As with the Court orders, I cannot force him to comply, we can email Court papers, but I cannot make him open the file on his computer, and read it for him. The fact that he had his girlfriend, who I could hear in the background when we last spoke, returned from self-imposed exile, believed that I denied Matinyarare the Court papers, is a lie he admits in writing when he said: "where is this coming from Nosi?". It is not open for the respondents to fail to take responsibility over themselves, and tell falsehoods that place the blame for their wrongdoing on their lawyers. Deliberate false representations, in sworn statements before Court, to evade justice, constitutes perjury and obstructing the administration of justice.
110. The first respondent suggests that my support of his views on GMO's gave the impression that he had the permission he needed to breach all three Court order's



(two in South Africa and one in Zimbabwe) related to the content in question³⁰. As mentioned above, the first respondent knew about these orders and continued to post because he elected to do so, after I told him not to on 20 March 2024. These orders are against the respondents, and nobody else. The first respondent asked me, and several others, to publish content critical of the applicants GMO laced food because he believed that it was harder to silence a choir. The single purpose of counsel is to advocate the clients views, which would be impossible if counsel is gagged alongside the client. Although I share the first respondents views on healthy food for the Zimbabwean public, I do not condone breaking the law, and deceiving the Court.

111. It is true that on 30 April 2024 I instructed lawyers to file civil and criminal proceedings against the respondents. It is not true that these proceedings occasioned the contempt of Court applications, which were filed before I took any action against the first respondent. The civil and criminal proceedings I have filed are related to ZASM, and the misappropriated donations paid to the second respondent's bank account from Zanu PF affiliated businessman Mr Kuda Tagwirei intended for ZASM's anti-sanctions campaign that I was involved in, and have nothing to do with the contempt of Court proceedings against the respondents.

112. After the May 2024 contempt of Court hearings, which took place after my involvement had ended, the first respondent proclaimed victory in a publication on "X" (formerly Twitter) that read as follows:

"INNSCOR FAILS TO JAIL RUTENDO

³⁰ Answering Affidavit para 44

A handwritten signature in black ink, appearing to be 'JMS' or similar, located in the bottom right corner of the page.

Three days ago I returned to South Africa to attend an Inncor Contempt of Court application in the Gauteng High Court, that sought to jailed me for 2mths.

Inncor's two #MVR Advocates failed to argue contempt after my lawyers at #ENS put up a very strong argument to protect my rights to whistleblower and expose the truth. The case has now been struck off the roll and I can continue to writing the facts on Inncor and exposing their wrongdoing and criminality. Thanks to Douglas Molepo and Thabang Poshodi".

A copy of the post is attached marked: "**SC26**".

The truth is that the matter was not struck off the roll, it was removed. The three interdicts are still binding on the first respondent, and he is obligated to comply with them. Argument on the merits could not have been heard, because the matter was removed. The first respondent knows the difference between removal and striking from the roll, because in previous matters with me, and if not that, his new heroes at ENS would have told him. Apart from all of the lies in the first respondents publication, it proves that even after he provided evidence that a 6 month conspiracy, which I allegedly orchestrated, was the only reason why he breached the Wanless J order, is obviously a flat lie. He subsequently briefed new lawyers, and continued to publish content in breach the three Court orders that bind him. His allegations that I was singularly responsible for the breach of the order's, by his own words, and subsequent conduct, constitutes perjury. It also proves that he has not just lied to the Court; he has lied to the public about what has happened in Court proceedings.

ELEMENTS OF PERJURY.

113. Justice **Senyatsi in Talacar Holdings (Pty) Ltd v City of Johannesburg Metropolitan Municipality** Case Number: 44294/ 2020 (a copy of the judgment is attached marked: "**SC27**") defined the law related to perjury as follows:



“I will now deal with the first issue on the law pertaining to perjury. Section 9 of the Justice of Peace and Commission of Oaths Act 16 of 1963 provides as follows: Any person who, in an affidavit, affirmation or solemn or attested declaration made before a person competent to administer an oath of affirmation or take the declaration in question, has made a false statement knowing it to be false, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law of the offence of perjury”³¹.

“The learned authors Hoctor, Cowling & Milton in South African Criminal Law and Procedure comment as follows:

‘Although this offence is often called ‘statutory perjury’, that description is inaccurate, for it is an independent substantive offence and the perjury rules (for example that requiring corroboration) do not apply. The essential elements of the offence are: (i) false statement; (ii) in an affidavit, affirmation or attested declaration; (iii) made before a competent person; (iv) mens rea”³².

114. Matinyarare's 6 May 2024 affidavit constitutes a sworn statement made before a commissioner of oaths, that includes several false allegations set out in detail above, which he knew to be false at the time he made them, proved to be false by his own evidence, together with objective evidence, and was made with the intention (mens rea) of evading criminal culpability for a separate offence of contempt of Court.
115. Matinyarare is thereby liable to be convicted of the criminal offence of perjury, and to receive the prescribed penalties for the offence of perjury.

³¹ supra at para 14

³² supra at para 15



ELEMENTS OF DEFEATING THE ENDS OF JUSTICE.

116. According to the South African Police Service definition of common law offences (a copy of the code is attached marked: "SC28"), defeating or obstructing the course of justice is defined as follows:

"The crime of defeating or obstructing the course of justice consists of unlawfully and intentionally engaging in conduct which defeats or obstructs the course or administration of justice".

117. The objective evidence, and Matinyarare's own evidence, proves that he unlawfully made false statements, in his 6 May 2024 affidavit, under oath in the Johannesburg High Court in the matter under Case Number: 131956/ 2023, with the intention of evading criminal liability in contempt of Court proceedings against him, and thereby obstructed the administration of justice.
118. Matinyarare is thereby liable to be convicted for obstructing and defeating the administration of justice, and sentenced in a manner the Court deem fit.

CONCLUSION.

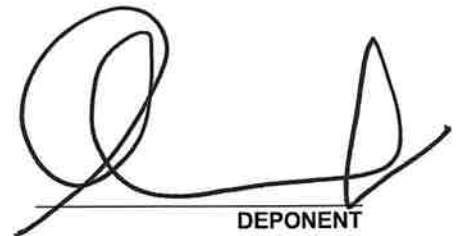
119. I have no interest in the merits of the contempt of Court application brought by the applicants, the counter applications by the respondents, and or, reconsideration proceedings. I have an interest in the respondents criminal act of perjury, of which I am a victim, and conduct that unlawfully obstructs the administration of justice, after the first respondent voluntarily waived privilege in his 6 May 2024 affidavit, and committed these criminal offences.



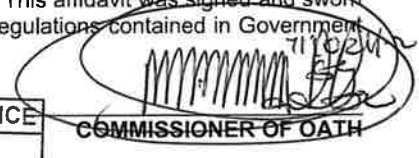
- 120. The first respondents 6 May 2024 affidavit, on objective evidence, includes several acts of perjury, with the intent to defeat the administration of justice. These criminal offences are serious, and could lead to a custodial sentence of 10 years.

- 121. The South African justice system would be paralyzed if witnesses make false allegations in sworn affidavits with the intent of evading justice.

- 122. It is in the interests of justice that these allegations are seriously considered by the police, and the National Prosecuting Authority.


DEPONENT

I hereby certify that the deponent declares that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at **SANDTON** on this 19th **DAY OF JUNE 2024** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.


71024
COMMISSIONER OF OATH

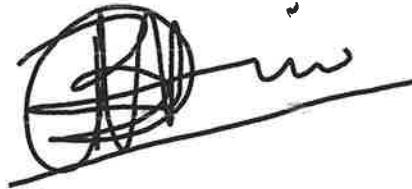
SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
SANDTON
2024 -06- 19
KLIENTE DIENSSENTRUM
SANDTON
SUID-AFRIKAANSE POLISIEDIENS

refox

SPECIAL RESOLUTION OF DIRECTORS

On Tuesday 25 May 2021 a majority of the Directors of the Zimbabwe Anti Sanctions Movement made a decision to terminate the directorship of **RUTENDO BENSON MATINYARARE** with immediate effect.

SIGNED ON 29 MAY 2021 AT JOHANNESBURG



BRIAN CHIBVONGODZE



MARTHA SHUMBA

ADV SIMBA CHITANDO



SCS



Rutendo Matinyarare @matiny... · 7m

Replying to @sarah86181713

@Trudy101111 and @PumPum_Radebe

When you date 16yr olds, you get the bonus of also smashing the mums when you are feeling like mature wine.

1

Rutendo Matinyarare @matin... · 8m

Replying to @sarah86181713

@Trudy101111 and @PumPum_Radebe

Tender and impressionable. Still having dreams before being abused by bad boys.

2





Post



Rutendo Matinyarare

@matinyarare



There is nothing like that. There is rule of law. Simple. You are trying to advocate for the law of the jungle and arbitrariness.

Furthermore, young women who are sexually emancipated to have sex have a right to choose who they want to sleep with, without anyone trying to police their bodies and choices.

Who are you to dictate who young women must sleep with?

15:01 · 2024/04/28 From Earth · 342 Views



Divha Africa @DivhaAfrica · 3d



Disgusting really, if you happen 2be the 50yr old dating my 16 yr old (Form 3) daughter then pray that we don't meet. If we do, better count ur teeth afterwards.

We cannot have a community were 50year olds who are supposed 2be vanguards of morals busy preying on young girls



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Clements v Frisby: unintentional waiver of privilege and its scope

RPC



United Kingdom | January 3 2023

Introduction

Facts

Decision

Comment

Introduction

In *Clements v Frisby*,⁽¹⁾ His Honour Judge Cawson KC granted a disclosure application on the basis that the claimant had waived privilege by referring to legal advice in a witness statement. The judge found that the witness statement in question referred to the content of legal advice obtained by the claimant, not merely the fact that legal advice was obtained, or the effect of such advice. Additionally, the claimant had relied on the privileged matters referred to in his witness statement to advance his case. Each of these factors contributed to the judge's finding that a waiver of privilege had occurred. However, the scope of the waiver was limited to documents relating to the specific "transaction"⁽²⁾ referenced in the claimant's witness statement, which had occasioned the waiver.

The judgment is consistent with previous case law⁽³⁾ dealing with the waiver of privilege and its scope. It is a further example of how in practice the distinction between the content and effect of legal advice is often a grey area and cannot be determined mechanistically.⁽⁴⁾

Facts

The claimant, Mr Clements, is a businessman engaged in enterprises that include property investment and development. The defendant, Mr Frisby, is a director of a company called "In the Style Fashion Limited" (ITSFL), which sells women's clothing through an online store.

Clements alleged that the share capital of ITSFL is now held by The Style Group Plc, which was admitted to the Alternative Investment Market in 2021. This resulted in the realisation of substantial sums for the shareholders of the company, including Frisby. At the trial of the case scheduled to begin in January 2023, the claimant will seek a declaration that the defendant's interest in ITSFL is held on trust for the claimant.(5)

Frisby, on the other hand, asserted that Clements's claim was entirely fraudulent. Frisby claimed that the development and success of the business was entirely based on his own efforts and involved no input from Clements.

Disclosure application

Two of the disclosure issues in the case related to the alleged failure of Clements to pursue a claim against Frisby for a number of years, which Frisby alleged demonstrated Clements's lack of involvement in the business.

In a witness statement, Clements stated that his solicitors "took time to make progress with my claim, primarily because they felt that the business [ITSFL] did not look at all valuable and did not appear to present a target worth pursuing".

Frisby alleged that this statement amounted to a waiver of privilege and brought a disclosure application seeking copies of:

- the documentation in which Clements's solicitors advised that Frisby should not pursue the claim; and
- any other documents recording the reasons why Clements did not progress his claim earlier.

These orders were sought on the basis that such documents should have been disclosed to Frisby upon the alleged waiver of privilege by Clements, as they fell within the scope of an order for extended disclosure made in June 2022. Alternatively, Frisby sought a variation of that court order to provide for the specific disclosure of the documents.

Decision

Waiver of privilege

HHJ Cawson KC found that Clements had waived privilege by virtue of the words used in his witness statement on the following



bases:

- The witness statement referred to the content of the legal advice obtained by Clements, not merely the fact that legal advice was obtained or the effect of such advice. Specifically, Clements's witness statement referred to his solicitors' view that the business ITSFL did not look valuable and did not appear to present a target worth pursuing. The judge saw this as going much further than the facts of *Digicel v Cable & Wireless*,⁽⁶⁾ in which no waiver of privilege occurred. In *Digicel*, the fact of legal advice was referred to, but it was necessary to infer what the content of that advice was (even though the judge in that case noted that the inference was not overly difficult to draw).
- Clements relied on the matters referred to in his witness statement to advance his case. In particular, Clements relied not just on the fact that his solicitors had certain views that hindered the progress of the claim but also on the content of the advice, which was deployed to provide an explanation for Clements's inactivity. Furthermore, the alleged delay on the part of Clements in bringing the claim against Frisby was relevant to certain explicit disclosure issues in the case.

HHJ Cawson KC relied on previous case law which makes clear that the application of the content or effect distinction has to be viewed through the prism of:

- whether there is any reliance on the privileged material referred to;
- what the purpose of that reliance is; and
- the particular context of the case in question.⁽⁷⁾

Scope of waiver

The judge found that the scope of the waiver should be limited to copies of the correspondence and other documentation relating to the specific contention in Clements's witness statement regarding the advice he had received from his solicitors.

Consistent with previous authorities, the judge found that, in determining the scope of a waiver, it is necessary to first identify the relevant "transaction" which had been referenced, and which occasioned the waiver. In this case, the "transaction" was correspondence and other documentation relating to Clements's solicitors view that the business ITSFL did not look at all valuable, and did not appear to present a target worth pursuing. This is what was specifically relied upon by the claimant to advance his case.

The judge found that, contrary to the defendant's submissions, there were no concerns of "cherry picking" or "unfairness" in limiting the scope of the waiver to correspondence and other documentation relating to the view of the claimant's solicitors that ITSFL was not a target worth pursuing. Although the reference to legal advice in Clements's witness statement may be part of a bigger picture involving other (non-primary) reasons as to why his solicitors took time to progress the claim, the judge noted that Frisby had not identified any other specific reasons that were relied upon by Clements in support of his case.

The judge commented that any extension of the waiver would give Frisby a "largely speculative advantage" rather than a "principled one". He further stated that "once the genie is let out of the bottle so far as any extension of waiver is concerned, I consider it difficult to see how the limit could be sensibly set as to what becomes disclosable".

Comment

As noted above, *Clements v Frisby* does not depart from established case law regarding the waiver of privilege. However, the case clearly shows that the court will take a fact-specific approach to the distinction between the content and effect of legal advice when determining whether a waiver of privilege has occurred. The distinction is often a fine line and cannot be applied mechanistically. The fact that cases regarding the waiver of privilege arise relatively frequently is perhaps further evidence of the difficulty of the distinction.

Parties and their lawyers may generally wish to avoid references to privileged material in witness statements and other documents, as this could open the possibility of an opponent bringing, for example, a disclosure application claiming that privilege has been waived and the privileged material must be disclosed. If for some reason it is strategically desirable to refer to privileged material in a document, describing such material as narrowly as possible may reduce the scope of any potential waiver if such a claim is made by an opposing party.

For further information on this topic please contact Ana Margetts or Simon Hart at RPC by telephone (+44 20 3060 6000) or email (ana.margetts@rpc.co.uk or simon.hart@rpc.co.uk). The RPC website can be accessed at www.rpc.co.uk.

Endnotes

(1) [2022] EWHC 3124 (Ch).



- (2) *Clements v Frisby* [2022] EWHC 3124 (Ch) at [70] – [79].
- (3) *Great Atlantic Insurance v Home Insurance* [1981] 1 WLR 529; *Nea Karteria Maritim Co v Atlantic and Great Lakes Steamship Corp* [1981] Com LR 138; *Government Trading Corporation v Tate & Lyle International* 1984 WL 283024; *PCP Capital Partners LLP v Barclays Bank Plc* [2020] EWHC 1393 (Comm); *PJSC Taifnet v Bogolyubov* [2020] EWHC 3225 (Comm), [2021] 1 WLR 1612; *Marubeni v Alafouz* [1986] WL 408062; *Brennan v Sutherland City Council* [2009] ICR 479; *Digicel v Cable & Wireless* [2009] EWHC 1437; *Mid-East Sales v United Engineering* [2014] EWHC 892; *R (Jet2.Com Ltd v Civil Aviation Authority (Law Society intervening))* [2020] QB 1027; *Fulham Leisure Holdings Limited v Nicholson Graham & Jones* [2006] EWHC 158 (Ch); [2006] 2 All ER 599.
- (4) *PCP Capital Partners LLP v Barclays Bank Plc* [2020] EWHC 1393 (Comm) at [60].
- (5) The claimant is also seeking an account of profits; equitable compensation, damages for breach of contract and/or confidence; damages for deceit; all necessary accounts and inquiries, other relief; and costs and interest.
- (6) *PCP Capital Partners LLP v Barclays Bank Plc* [2020] EWHC 1393 (Comm) at [60].
- (7) [2009] EWHC 1437.

RPC - Ana Margetts and Simon Hart

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

CASE NUMBER: 2023/131956

INNSCOR AFRICA LIMITED, ZINODA KOUNADIS

APPLICANT

and

BENSON RUTENDO MATINYARARE

FIRST RESPONDENT

**FRONTLINE STRAT MARKETING CONSULTANCY
RESPONDENT**

SECOND RESPONDENT



NOTICE OF INTENTION TO OPPOSE

KINDLY TAKE NOTICE THAT the First and second Respondent herein intends to oppose the above mentioned application and give the address of their attorneys mentioned hereunder for service of all notices and processes herein.

BE PLEASED TO TAKE NOTICE FURTHER that the first and second respondent is prepared to accept service of all subsequent documents and notices in this application by way of email at the following email addresses:
lesley@ramulifho.co.za/ Molebogengman@gmail.com/ tariq@thokanattorneys.co.za.

DATED AT PRETORIA ON THIS THE 29th day OF December 2023.

08-2

31/12/2023-5:51:17 PM
08-3

NLR ATTORNEYS INC
FIRST AND SECOND RESPONDENTS'
ATTORNEYS
21A GARSFONTEIN OFFICE PARK
645 JACQUELINE STREET
GARSFONTEIN,PRETORIA
TEL: 012 993 5324
FAX: 012 993 5324
EMAIL: lesley@ramulifho.co.za
Molebogengman@gmail.com



REF: ZIM/INNSCOR- 3709914
c/o **THOKAN ATTORNEYS**
UMMED HOUSE GROUND FLOOR
Unit 1, 113 Industrial Road
Amalgam
Johannesburg
Email: tariq@thokanattorneys.co.za

**TO: THE REGISTRAR OF THE ABOVE HONOURABLE HIGH COURT
JOHANNESBURG**

AND TO: MV RATSHIMBILANI ATTORNEYS INC
APPLICANTS' ATTORNEYS
TBE Sandton
Sandton,2057
PO Box 410113
Craighall,2024
Tel: 079 393 7972
E-mail: robvyn@mvrllaw.co.za
matodzi@mvrllaw.co.za
REF: M Ratshimbilani/R Adams/ M0009

08-3

"SC6"

033-5



167 Gatoe, Von Döbergs Street
Montclair Park, 2195
Johannesburg, South Africa
+27 81 725 0787
+27 72 747 5820
www.frontlinestrat.co.za

NLR Attorneys Inc
21A Garsfontein Office Park
645 Jacqueline Street
Garsfontein
Pretoria

5 January 2024

Dear Mr Ramulifho

RE: INNSCOR & ANOTHER // RUTENDO MATINYARARE & ANOTHER CASE NUMBER: 131956/2023

Thank you for filing the notice to oppose the application brought by Innscor. Unfortunately we cannot consult with you because I am in the Eastern Cape, and Mr Matinyarare resides in Zimbabwe.

We are in a helpless situation, where we cannot defend ourselves on the day of the Court hearing, and have no choice but to cancel your mandate in the hope the Court will see that what Innscor is doing is to us wrong.

Sincerely,

Ms. Nosipo Bekani
Managing Director

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

Case Number: 131956/ 2023

In the matter between:

INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

And

RUTENDO MATINYARARE

First Respondent

FRONTLINE STRAT MARKETING CONSULTANCY

Second Respondent

NOTICE OF WITHDRAWAL AS ATTORNEYS OF RECORD

BE PLEASE TO TAKE NOTICE that **NLR ATTORNEYS INC** hereby withdraws as the respondents attorneys of record.

DATED AT PRETORIA ON THIS 5TH DAY OF JANUARY 2024



NLR ATTORNEYS INC
21A GARSFONTEIN OFFICE PARK
645 JACQUELINE STREET
PRETORIA
T: 012 993 5324
E: lesley@ramulifho.co.za
T: 011 268 8400

C/O THOKAN ATTORNEYS
Unit 1. 113 Industrial Road
Amalgam
Johannesburg
E: tariq@thokanattorneys.co.za



TO:
REGISTRAR HIGH COURT
JOHANNESBURG

AND TO:
MV RATSHIBILANI ATTORNEYS INC
Applicants Attorneys
TBE Sandton
90 Rivonia Road
Sandton
2057
E: robyn@mvlaw.co.za
T: 079 393 7972

AND TO
FACEBOOK
1 Hacker Way
Menlo Park
California
94025
E: info@meta-global.org
T: 087 700 2093

AND TO:
X (Formerly Twitter)
Suite 900, 1355 Market Street
San Francisco
United States of America
T: 1 415 2229670

A handwritten signature in black ink, consisting of a large, stylized loop followed by a smaller loop and a short horizontal stroke at the bottom right.

SPECIAL POWER OF ATTORNEY

I the undersigned:

RUTENDO MATINYARARE

Do hereby nominate and appoint **HOWARD WOOLF ATTORNEYS** as my attorney, and agent with necessary power of attorney, and **ADVOCATE SIMBA CHITANDO** to be my counsel of record to:

1. To institute legal proceedings to set aside the 9 January 2024 order made against me in the Johannesburg High Court of South Africa.

SIGNED at JOHANNESBURG on 9 February 2024.



RUTENDO MATINYARARE



"SC9"

032-1

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

Case number: 2023 - 131956

In the matter between:

INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

and

BENSON RUTENDO MATINYARARE

First Respondent

**FRONTLINE STRAT MARKETING
CONSULTANCY**

Second Respondent

NOTICE OF WITHDRAWAL AS ATTORNEY OF RECORD

BE PLEASED TO TAKE NOTICE that the hereinafter mentioned attorneys hereby withdraw as the attorneys of record for the respondents.

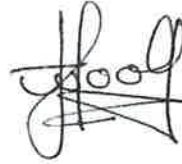
TAKE NOTICE FURTHER that the respondent's last known address is at Flat 2, 38 On Bath, Avondale, Harare, Zimbabwe.

DATED at Johannesburg on this the 14th day of February 2024

032-1

A handwritten signature in black ink, appearing to be a stylized 'M' or 'B' with a flourish, located at the bottom right of the page.

032-2



HOWARD S WOOLF
RESPONDENTS ATTORNEY
NO 31 CHESTER ROAD
PARKWOOD
JOHANNESBURG
TEL: 011 268 8400
FAX: 011 8801928
DOCEX: 129 JHB
EMAIL: hwoolf@mweb.co.za
REF: HSW

TO: THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
JOHANNESBURG

AND TO: **MVR ATTORNEYS**
Applicant's attorneys
TBE Sandton
90 Rivonia Road
Sandton
Email: robyn@mvrilaw.co.za

032-2



"SC 10"

SPECIAL POWER OF ATTORNEY

I the undersigned:

RUTENDO MATINYARARE

Do hereby nominate and appoint **MSM ATTORNEYS** as my attorney, and agent with necessary power of attorney, and **ADVOCATE SIMBA CHITANDO** to be my counsel of record to:

1. To institute legal proceedings to set aside the 9 January 2024 order made against me in the Johannesburg High Court of South Africa, and take any lawful action to defend my rights.

SIGNED at JOHANNESBURG on 15 February 2024.



RUTENDO MATINYARARE



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

Case Number: 131956/ 2023

In the matter between:
INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

and

RUTENDO MATINYARARE

First Respondent

FRONTLINE STRAT MARKETING CONSULTANCY

Second Respondent

NOTICE OF APPOINTMENT

BE PLEASED TO TAKE NOTICE that the previous attorneys of record have been substituted. The Respondents appoint the below mentioned attorneys where all Notices, Pleadings and Correspondence in respect of the above matter shall be received.

DATED AT PRETORIA ON THIS 15th DAY OF FEBRUARY 2024



MSM & ASSOCIATES INC
Applicants Attorneys
50 Tudor Chambers
231 Helen Joseph Street
Pretoria


MS

Tel: 012 054 5608
Email: sindiso@msmlaw.co.za
(Preferred Method of Service)
c/o 13 Lindale Crescent
Lyndhurst
Johannesburg
2192

TO:
REGISTRAR HIGH COURT
JOHANNESBURG

AND TO:
MV RATSHIBILANI ATTORNEYS INC
Applicants Attorneys
TBE Sandton
90 Rivonia Road
Sandton
2057
E: robyn@mvrllaw.co.za
T: 079 393 7972

AND TO
FACEBOOK
1 Hacker Way
Menlo Park
California
94025
E: info@meta-global.org
T: 087 700 2093

AND TO:
X (Formerly Twitter)
Suite 900, 1355 Market Street
San Francisco
United States of America
T: 1 415 2229670

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a cursive flourish and the initials 'MB' at the bottom right.

SPECIAL POWER OF ATTORNEY

I the undersigned:

RUTENDO MATINYARARE

Do hereby nominate and appoint **MCM ATTORNEYS** as my attorney, and agent with necessary power of attorney, and **ADVOCATE SIMBA CHITANDO** to be my counsel of record to:

1. Oppose legal proceedings instituted by Grain Millers Association Zimbabwe.
2. Institute legal proceedings against any party related to genetically modified organisms (GMO's) and harmful pesticides in Zimbabwe.
3. File criminal proceedings related to genetically modified organisms (GMO's) and harmful pesticides in Zimbabwe.

SIGNED at HARARE on 20 MARCH 2024.



RUTENDO MATINYARARE



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

Case Number: 131956/ 2023

In the matter between:

INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

And

RUTENDO MATINYARARE

First Respondent

FRONTLINE STRAT MARKETING CONSULTANCY

Second Respondent

NOTICE OF SET DOWN

BE PLEASED TO TAKE NOTICE that the abovementioned matter has been set down for hearing in the **URGENT COURT** on **15 FEBRUARY 2024** at 10:00h or soon thereafter as counsel may be heard.

DATED AT JOHANNESBURG ON THIS 9TH DAY OF FEBRUARY 2024

HOWARD S WOOLF ATTORNEYS

Respondents Attorneys

31 Chester Road

Parkwood

Johannesburg

T: 011 268 8400

E: hwoolf@mweb.co.za

TO:
**REGISTRAR HIGH COURT
JOHANNESBURG**

AND TO:
MV RATSHIBILANI ATTORNEYS INC
Applicants Attorneys
TBE Sandton
90 Rivonia Road
Sandton
2057
E: robyn@mvrllaw.co.za
T: 079 393 7972

AND TO
FACEBOOK
1 Hacker Way
Menlo Park
California
94025
E: info@meta-global.org
T: 087 700 2093

AND TO:
X (Formerly Twitter)
Suite 900, 1355 Market Street
San Francisco
United States of America
T: 1 415 2229670

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a flourish and the letters 'MTO' at the bottom right.

Per Email: hwoolf@mweb.co.za

CC: simba@graystonchambers.co.za
iamrutendo@gmail.com
rutendo@frontlinestrat.co.za

14 February 2024

Your Ref: INNSCOR/MATINYARARE

Our Ref: M Ratshimbilani/R Adams/DMH

URGENT

Dear Mr Woolf,

CASE NO.: 2023.131956 - URGENT RECONSIDERATION APPLICATION – INNSCOR AFRICA LIMITED AND ONE OTHER / RB MATINYARARE AND ONE OTHER

1. We refer to the respondents' urgent reconsideration application served on our office on Friday, 9 February 2024, which application included a Notice of Motion for the enrolment of the matter on Thursday, 15 February 2024.
2. We address this letter to Mr Woolf, who is, to the writer's knowledge, the respondents' attorney of record. The letter is sent to the respondents' counsel, and the first respondent as the writer is unsure of the status of the respondents' legal representation for reasons referred to herein below.
3. We place on record that the respondents' counsel Advocate Simba Chitando contacted the applicants' counsel telephonically at approximately 12:00 today, informing our counsel as follows:
 - 3.1. The respondents have appointed a new set of instructing attorneys and are in the process of placing themselves on record;
 - 3.2. The respondents' urgent application will not be proceeding tomorrow;

Company Registration Number: 2022/500014/21
MANAGING DIRECTOR: Matodzi Ratshimbilani

EXECUTIVES: JOHANNESBURG Robyn Adams Eduan Kapp Nkuli Mabandla Nonkosi Koranteng Maphanga Maseko Mzoxolo Welemva
EXECUTIVES: CAPE TOWN Layla Sieed



- 3.3. The respondents new set of attorneys will be attending to file an answering affidavit on behalf of the second respondent and heads of argument for the respondents and attend to enroll the matter for next week.
4. Our counsel advised Advocate Chitando that his instructing attorneys must contact the writer's office to inform the writer of the abovementioned developments. As at the time of dispatch of this letter, there has been no contact with the writer from the new instructing attorneys for the respondents.
5. The applicants have incurred significant legal costs to oppose the respondent's application, including the employment of counsel to prepare the replying affidavit and Heads of Argument.
6. Whether the respondents intend to proceed with the application tomorrow, the respondents are reminded that they remain liable for the applicants' legal costs, and you are in this regard referred to *Republikeinse Publikasies (Edms) Bpk v Afrikaanse Pers (1962) Bpk (74/71) [1971] ZASCA 76*.
7. Please urgently confirm whether the matter is to proceed tomorrow, or not.
8. Our Clients' rights remain strictly reserved.

Yours faithfully

(electronically sent)

MV RATSHIMBILANI ATTORNEYS INC

Robyn Adams

Cc

Adv. Chitando

Mr. Matinyarare





**OFFICE OF THE DEPUTY JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG LOCAL DIVISION**

Private Bag X7
JOHANNESBURG
2000
Republic of South Africa

Telephone number: +27 010 494 8491

e-mail: Secretarydjp@judiciary.org.za

Our Ref: DJP/05/2012/lt

Your Ref:

19 February 2024

URGENT

MSM & Associates Attorneys
Your Ref: S Sibanda
Per E-mail: info@msmlaw.co.za

And

MV Ratshibilani Attorneys
Your Ref: Ms R Adams
Per E-mail: robyn@mvrlaw.co.za

Dear Sir/Madam

RE: REFERRAL TO CASE MANAGEMENT – INNSCOR AND ZINONA KOUDOUNARIS v RUTENDO BENSON MATINYARARE AND FRONTLINE STRAT MARKETING CONSULTANCY (CASE NO: 2023-131956)

1. The above matter refers.
2. The matter is hereby referred to case management.
3. The Honourable Mr Justice L Wepener has been appointed to case manage the matter further.
4. The parties should liaise with the judge, through his clerk, Mr M Moolman, to set the case management in motion. The secretary can be contacted per e-mail at MMoolman@judiciary.org.za and per telephone at 010 494 7252.
5. The parties are directed to liaise with each other and furnish the case managing judge with a status quo report, listing:
 - a. The issues not in dispute;

- b. The issues in dispute;
- c. A proposed and/or agreed timetable; and
- d. Any other issues that may need to be brought to the case managing judge's attention.

The report is to reach the case managing judge by no later than 09h00 on Thursday, 22 February 2024.

6. If a joint report cannot be composed, each party must submit their own report.
7. It is noted that the file has been created on the Court Online system.
8. Once the matter is certified ready for hearing, the judge will set a hearing date and hear the matter this term.

Yours Faithfully

*Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature*

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**

A handwritten signature in black ink, appearing to be 'RS' with a flourish, located in the bottom right corner of the page.

"SC 16"

MUVINGI | MUGADZA

LEGAL PRACTITIONERS

Our Ref: NBM/cjm/sm
Your Ref: SKC/sn

9 April 2024

AB & DAVID LEGAL PRACTITIONERS
2nd Floor, Engen House,
Cnr Kaguvi Street/R. Mugabe Ave
Mapondera Building
HARARE

Received by MCM Legal
Magistrate Chidyausiku Muzota
at 10:24 Name S-U
on 11/04/24 am/pm

Dear Sir,

RE: GRAIN MILLERS ASSOCIATION OF ZIMBABWE v RUTENDO BENSON MATINYARARE & NATIONAL BIOTECHNOLOGY AUTHORITY OF ZIMBABWE N.O CASE NO. HCH 1364/24

Reference is made to the above matter and the urgent chamber application for interdict which was filed and served on the 11th of March 2024. Kindly take note of our interest on behalf of the 2nd Respondent, National Biotechnology Authority of Zimbabwe.

Further to the hearing of the urgent chamber application on the 15th of March 2024 and the interim relief which was granted *per* Honourable Justice Deme, we advise that the 2nd Respondent has no vested interest in the matter and will abide by any decision made by the Honourable Court.

We advise accordingly

Yours faithfully,

MUVINGI & MUGADZA

AB & David
RECEIVED BY S. Naudoo
TIME/DATE 11/04/24 09:50
RECEIVED FROM Ncube
Anesu Bryan & David

cc: Registrar of the High Court (HC H 1364/24)

Plot 7, Regalash Harare, 57 54 Samora Machel Avenue, P.O. Box 4397, Harare, Zimbabwe. Tel: +263 11 2 792211 / 792212 / 792213 / 792214. Cell: +263 77 186 028, +263 77 046 538. Email: info@muvingi.co.zw

"SC 17"

**IN THE HIGH COURT SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case No: 013584-2024

In the matter between

INNSCOR AFRICA LIMITED

First Plaintiff

ZINONA KOUDOUNARIS

Second Plaintiff

and

BENSON RUTENDO MATINYARARE

First Defendant

FRONTLINE STRAT MARKETING CONSULTANCY

Second Defendant

NOTICE OF BAR

BE PLEASED TO TAKE NOTICE THAT the Plaintiffs require the Defendants to file their Plea within 5 (FIVE) days of delivery hereof, failing which the Defendants shall be ipso facto barred and the Plaintiffs will be entitled to proceed with an application for Default Judgment.

DATED AT SANDTON ON THE 11TH DAY OF APRIL 2024



Plaintiff's Attorneys
MV Ratshimbilani Attorneys Inc.
TBE Sandton,
90 Rivonia Road,



Sandton, 2057
PO Box 410113
Craighall, 2024
Tel: 079 393 7972
Email: matodzi@mvrllaw.co.za
robyn@mvrllaw.co.za
Ref: R Adams/M00096

**AND TO:
THE REGISTRAR OF THE HONOURABLE COURT
JOHANNESBURG**

**AND TO:
MSM AND ASSOCIATES**
Respondents' Attorneys
0250 Tudor Estate
Helen Joseph Street
Pretoria, 0002
Tel: 012 054 5608
Email: sindiso@msmlaw.co.za
c/o MSM JOHANNESBURG OFFICES
19 Lindale Crescent
Lyndhurst
Johannesburg, 2192

SERVICE VIA EMAIL

A handwritten signature in black ink, consisting of a large, stylized initial 'R' or 'A' followed by a smaller signature. Below the signature, the initials 'MS' are written in a smaller, simpler font.

Mr	Khaya	Lubelwana	Registrars Clerk	--	klubelwana@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Mr	Vusi	Mabunu	Registrars Clerk	--	vmabunu@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Miss	Coldia Salome	Mafologela	Registrars Clerk	--	smafologela@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Dr	Siyabonga	Mahlangu	Advocate	--		Case Access Details	01	Master Bundle	Yes
Mr	Julius	Makofane	Registrar	--	jmakofane@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Miss	Estelle	Manuel	Court Admin	--		Case Access Details	01	Master Bundle	Yes
Ms	Mamoloko	Maseema	Registrars Clerk	--	mmaseema@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Mrs	Mokgadi Lorraine	Mashashane	Registrars Clerk	--	mmashashane@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Mr.	Rutendo	Matinyarare	Respondent	--	rutendo@frontlinestrat.co.za	Case Access Details	01	Master Bundle	Yes
Ms	Dieketseng	Matsie	Creator	--		Case Access Details	01	Master Bundle	Yes
Ms	Portia	Matsitse	Registrars Clerk	--	lmatsitse@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
Ms	Anna	Mentz	Registrars Clerk	--	amentz@judiciary.org.za	Case Access Details	01	Master Bundle	Yes
mr	maake	mothibedi snyder	Registrars Clerk	--	smaake@justice.org.za	Case Access Details	01	Master Bundle	Yes

"SC18"



"SC 19"

From: Robyn Adams

Sent: Thursday, April 25, 2024 6:50 PM

To: sindiso@msmlaw.co.za; dominee@msmlaw.co.za;
ofentse@msmlaw.co.za

Cc: Matodzi Ratshimbilani <matodzi@mvrllaw.co.za>;

Mashudu Mundalamo <mashudu@mvrllaw.co.za>

Subject: URGENT CONTEMPT APPLICATION -
INNSCOR AFRICA LIMITED AND ONE OTHER / RB
MATINYARARE AND ONE OTHER (CASE NO.:
131956/2023)

Importance: High

Dear Sirs,

We attach hereto the following for service via electronic mail, for your urgent attention:

1. Issued Notice of Motion in re Urgent Contempt Application enrolled for 7 May 2024;
2. Supplementary Affidavit and Annexures thereto;
4. Certificate of Authentication.

Please note that the confirmatory affidavit of RA Adams will be filed during the course of tomorrow morning.

Please confirm receipt hereof.

Kind regards,

mvr
attorneys

**Robyn
Adams**
Executive –
Dispute
Resolution
(Litigation)



"SC 20"
c e o




Rutendo Matinyarare  · 2024/03/19

Advocate Ike Khumalo and my trusted Advocate, Simba Chitando met today in court where Simba was attending to Innscor's application for contempt of court against me.

This is a developing story.....



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 11K



"SC21"

20/3/2024-1:13:48 PM

23-11

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

Case number: 2023 - 131956

Handwritten notes:
Nkomo
20/3/24

Johannesburg, 20 March 2024

Before His Lordship Mr. Justice Wanless

In the matter between:

INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

Private Bag X7, Johannesburg 2000

and

2024 - 00 - 70

GLD-JHB-006

BENSON RUTENDO MATINYARARE

First Respondent

**FRONTLINE STRAT MARKETING
CONSULTANCY**

Second Respondent

DRAFT ORDER

BY AGREEMENT BETWEEN THE PARTIES:

IT IS ORDERED THAT

- 1 The urgent contempt of court application is postponed sine die.

Handwritten initials: AT

23-11

Handwritten signature: [Signature]

2 The parties, through legal representatives, engaged in settlement negotiations on the contempt application. Pursuant to the negotiations, the first respondent undertakes to remove the following posts from the first and second respondents' social media accounts:

2.1 A tweet on the first respondent's X (formerly known as Twitter) handle "@matinyarare" titled "INNSCOR GMO TESTS: RAW PORK" and a post of the same content on his Facebook page on 24 February 2024;

2.2 A Facebook post published on the first respondent's Facebook page on 25 February 2024 entitled INNSCOR GMOS RISK EXPOSING ZIMBABWEANS, ZAMBIANS, KENYANS & OTHERS TO BIOLOGICAL WEAPONS"



2.3 The TikTok video entitled "UPDATE ON INNSCOR CASE" published on <https://vm.tiktok.com/ZMM8W9cx7/>;

2.4 A tweet published on the first respondent's X (formerly known as Twitter) handle "@matinyarare" on 29 February 2024 titled "GLYPHOSATE DAMAGES AND SETTLEMENTS found on the following link:

<https://x.com/matinyarare/status/1762666906782142883?s=48>.

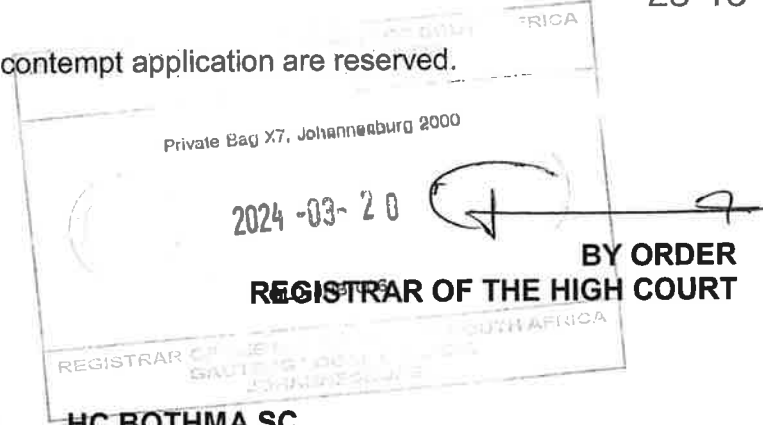
3 The first respondent undertakes not to publish and/or disseminate, directly or indirectly, any written articles, recordings, and videos related to the applicants and the quality of the first applicant's food until the finalization of the Rule 6 (12) (c) reconsideration proceedings.

GA

23-12

2

4 The costs of the urgent contempt application are reserved.



Counsel for the Applicant:

HC BOTHMA SC
S MAHLANGU
Chambers
Sandton
20 March 2024



Counsel for the Respondent:

S CHITANDO
Chambers
Sandton
20 March 2024

3
ME

"SC22"

FORM 26
Provisional order
Rule 60(11)(a)

Case No. HCH1364/24

IN THE HIGH COURT OF ZIMBABWE

In the matter between:

GRAIN MILLERS ASSOCIATION OF
ZIMBABWE

APPLICANT

AND



RUTENDO BENSON MATINYARARE
AND
NATIONAL BIOTECHNOLOGY AUTHORITY
OF ZIMBABWE N.O.

1st RESPONDENT

2nd RESPONDENT

PROVISIONAL ORDER

TO: GRAIN MILLERS ASSOCIATION OF ZIMBABWE
ZIMBABWE, Harare, Harare, Harare, Eastlea North, 13 BODLE AVENUE
Rutendo Benson Matinyarare
ZIMBABWE, Harare, Harare, Harare, Avondale, Flat 2, 38 on Bath Road, Avondale, Harare
National Biotechnology Authority of Zimbabwe N.O.
ZIMBABWE, Harare, Harare, Harare, Newlands, 21 Princess Drive, Newlands, Harare


TAKE note that, on Thursday, the 14th day of March 2024 the Honourable Mr. / Mrs.
Justice Honourable Mr Justice Deme J sitting at Harare issued a provisional order as shown overleaf.
The annexed chamber application, order / s and documents were used in support of the application for
this provisional order.

If you intend to oppose the confirmation of this provisional order, you will have to file a Notice of
Opposition in Form No. 29B, together with one or more opposing affidavits, with the Registrar of the
High Court at Harare within 1 days after the date on which this notice was served upon you. You will
also have to serve a copy of the Notice of Opposition and order/ s on the applicant at the address for

service specified below. Your affidavits may have annexed to the documents verifying the facts set out in the order.

If you do not file an opposing order within the period specified above, this matter will be set down for hearing in the High Court at Harare without further notice to you and will be dealt with as an unopposed application for confirmation of the provisional order.

If you wish to have the provisional order changed or set aside sooner than the Rules of Court normally allow and can show good cause for this, you should approach the applicant / applicant's legal practitioner to agree, in consultation with the Registrar, on a suitable hearing date. If this cannot be agreed or there is great urgency, you may make a chamber application, on notice to the applicant, for directions from a judge as to when the matter can be argued.



..... JUDGE/REGISTRAR

Form No. 26A

Provisional Order

Rule 60(11)(b) (reverse)

TERMS OF FINAL ORDER SOUGHT

That you show cause to this Honourable Court why a final order should not be made in the following terms –

1. 1st Respondent be and is hereby permanently interdicted from publishing any defamatory material against Applicant's members.
2. 1st Respondent shall pay costs of suit.

INTERIM RELIEF GRANTED

Pending determination of this matter, the Applicant is granted the following relief -

1st Respondent be and is hereby directed forthwith to remove from his social account the following defamatory content:

A. A tweet on the 1st Respondent's X account (formerly known as Twitter) with a handle "@Matinyarare titled "Inscor GMOS risk exposing Zimbabweans, Zambians, Kenyans and others to biological weapons".

B. A tweet on the 1st Respondent's X account (formerly known as Twitter) with a handle "@matinyarare titled "Tafadzwa Musarara's claim that GMOS don't have side effects is not scientific"



C. A tweet on the 1st Respondent's X account, (formerly known as Twitter) with a handle "@matinyarare" titled "Response to Grain Millers Association".

2. Pending the return date, the 1st Respondent shall maintain the status quo ante and is prohibited from publishing any further defamatory content against Applicant's members.

SERVICE OF PROVISIONAL ORDER

Leave be and is hereby granted to the Applicant's Legal Practitioners to effect service of this order upon the Respondents in accordance with the Rules of the High Court.

A handwritten signature in black ink, appearing to be the initials 'JMO' with a stylized flourish.

Re: Notice of Hearing HCH1364/24

From: rutendo@frontlinestrat.co.za (rutendo@frontlinestrat.co.za)

To: tmahoko@jsc.org.zw

Cc: iamrutendo@gmail.com; simba@graystonchambers.co.za; simba_c2006@yahoo.com;
simba.chitando@graystonchambers.co.za

Date: Thursday, March 14, 2024, 02:42 PM GMT+2

Thamusanya,

I gave you and your team the email of my lawyers last week and my lawyers contacted your lawyers yesterday.

Why are you only sending this notice an hour before the hearing knowing well that I was attending court against Innscor's application in South Africa the day before yesterday?

Are these underhanded techniques to stop us from responding to the case.

Going forward, ensure that you notify my lawyers accordingly, instead of operating in badfaith like this.

Thank you

Regards

Rutendo Matinyarare
+27727475820
+263774473228

Sent from my iPhone

On 14 Mar 2024, at 08:57, Thamusanya Mahoko <tmahoko@jsc.org.zw> wrote:

Good morning

Please find attached a copy of the notice of hearing for matter HCH1364/24. Please provide your phone number, email address and ID number so that you are linked to the matter.

Regards

Thamsanya

IMPORTANT NOTICE: The information contained in this email including any attachments is confidential and is meant to be read only by the individual or entity to which it is addressed. If you are not the intended recipient, you are prohibited from printing, disclosing, distributing, saving, copying or taking any action in reliance on the contents of this email and any attachments. If you have received this e-mail in error, please immediately notify the sender and delete this e-mail and any attachments from your computer. Internet communications are not guaranteed to be secure or virus-free. Judicial Service Commission of Zimbabwe does not accept responsibility and liability for any loss or damage arising from unauthorised access to, or interference with, any Internet communications by any third party, or from the transmission of any viruses or other threats. Any opinion or other information in this e-mail or its attachments that does not relate to the business of Judicial Service Commission of Zimbabwe is personal to the sender and is not



given or endorsed by Judicial Service Commission of Zimbabwe.



Notice of Hearing (Lead_Assigned Judge) (18)_signed.pdf
179kB

A handwritten signature in black ink, appearing to be 'MB' with a large flourish above it.

"SC24"



MV Ratshimbilani Attorneys Inc

+27 10 012 6575

info@mvrllaw.co.za

www.mvrllaw.co.za

TBE Sandton, 90 Rivonia Road
Sandton, 2057

MSM & ASSOCIATES

Attention: Sindiso Sibanda

Per Email: sindiso@msmlaw.co.za

ofentse@msmlaw.co.za

22 March 2024

Your Ref: S Sibanda

Our Ref: R ADAMS/M00096

URGENT!

Dear Sirs,

CASE NO.: 2023.131956 - URGENT CONTEMPT APPLICATION – INNSCOR AFRICA LIMITED AND ONE OTHER / RB MATINYARARE AND ONE OTHER

1. We refer to the court order dated 20 March 2024 as well as the email exchange with the writer on even date.
2. Despite your undertaking to advise your client to comply, as at 08:39 this morning, the posts outlined in the court order are still very much posted on your client's social media pages, on both facebook and X.
3. We hereby remind you that the terms of the court order were reached by agreement between the parties, with your client giving the undertaking to remove the posts.
4. Your client is once again in breach of the court order and we request that you immediately address this with your client and ensure that he removes the posts by no later than 12:00 today.

Yours faithfully

(electronically sent)

MV RATSHIMBILANI ATTORNEYS INC

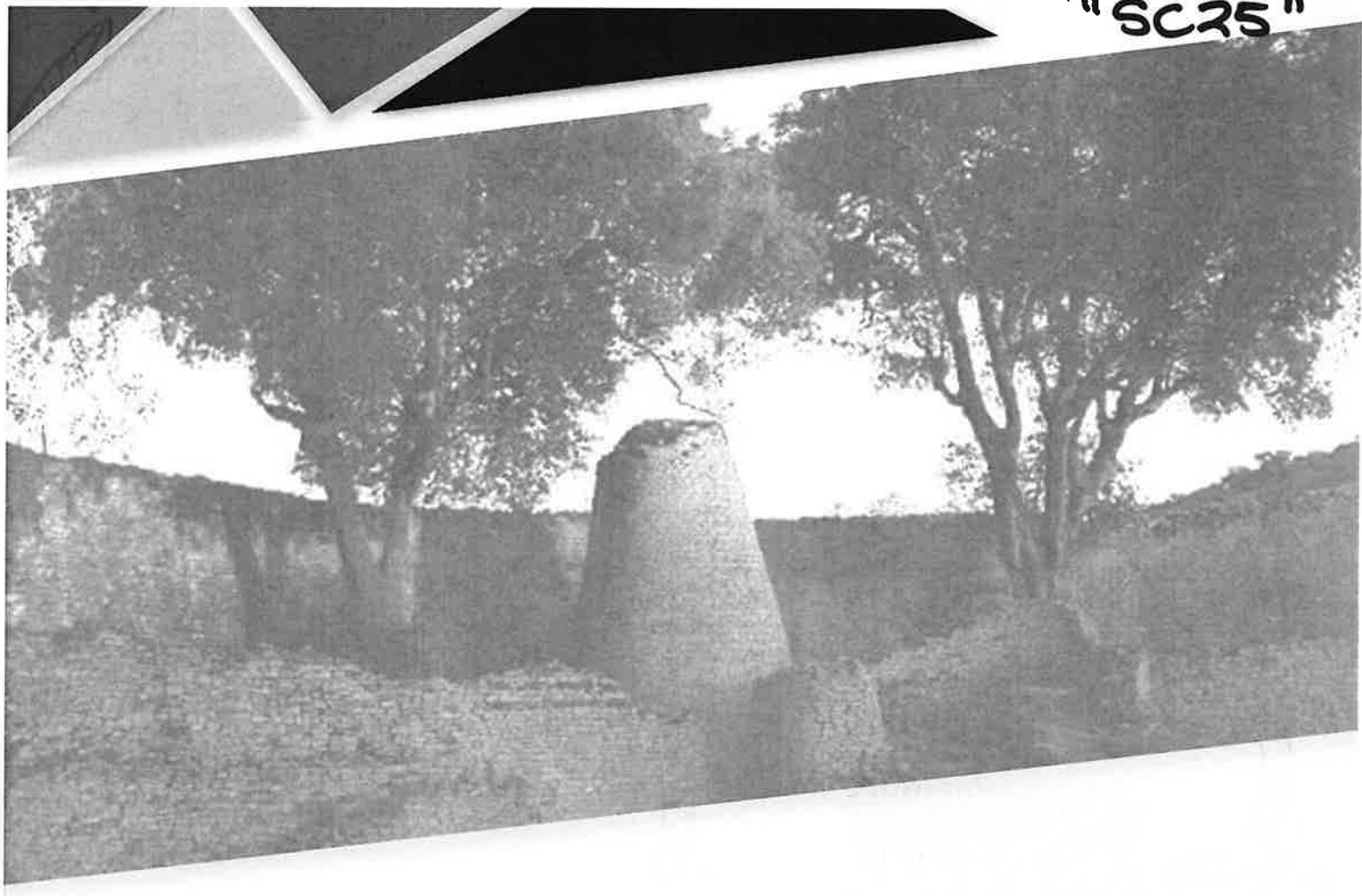
Robyn Adams

Company Registration Number: 2022/500014/21

MANAGING DIRECTOR: Matodzi Ratshimbilani

EXECUTIVES: JOHANNESBURG Robyn Adams Eduan Kapp Nkuli Mabandla Nonkosi Koranteng Maphanga Maseko Mizoxolo Welemva

EXECUTIVES: CAPE TOWN Layla Sieed



INNSCOR VS RUTENDO MATINYARARE IN JOHANNESBURG HIGH COURT

Prepared by: Rutendo Matinyarare
Date: 17th March 2024

INNSCOR vs. RUTENDO MATINYARARE IN JOHANNESBURG HIGH COURT

These are the events that led up to the legal cases playing themselves out in the courts in Inncor versus Rutendo Matinyarare in the South African High Court and the Grain Millers Association vs. Rutendo in the Zimbabwe High Court.

1. The events began on the 19th of November 2023, when I Rutendo Matinyarare was in Harare, undertaking work for two Zimbabwean companies.
2. While sitting and having breakfast on the morning of the 19th of November, 2023, I was so disgusted by the food that I was eating that I decided to make a video of how disgruntled I was by the quality of food being produced to us by the food monopoly called Inncor.
3. I expressed my unhappiness about their pork products that come from their company, Colcom, and my total disappointment with their eggs and chicken products that come from their other subsidiary, Irvines, and their milk products that come from Mafuro.
4. In the video, I complained about the fact that the taste of the pork products and eggs had totally deteriorated ever since Inncor took over Colcom and Irvines. I also expressed that I believed that the reason why the food tasted so bad was because of the quality of feed that was being fed to the livestock, as those feeds contained GMO grains and toxic chemicals like glyphosate and neonicotinoids.
5. I also expressed the fact that Inncor had become a monopoly that had destroyed competition, to the extent that even if we wanted to substitute them with the products of competitors, we had no choice but to only eat this terrible food from Inncor.
6. Additionally, I raised the fact that Inncor had been implicated with distorting the value of the Zimbabwe dollar due to externalization and money laundering, something that has been in the public domain, newspapers, and commented on by even the Vice President of the country. Not only that, but Inncor itself has also been implicated in the Panama Papers, giving me a right to speak about these issues as fair comment, since Inncor has never contested the public account or the information on this matter that is in the public domain.
7. On the 1st of December, Inncor then got in touch with my partner in South Africa to try and serve a cease-and-desist at our offices.
8. My partner in South Africa told them that she was not in Johannesburg [near the offices] but was unwell and in East London and could not receive the papers. She also informed them that I was no longer living in South Africa but I was living in Zimbabwe, and therefore they should look to serve me these papers in Zimbabwe.



9. On the same day, they did eventually send the cease and desist to one of my emails, which I did not open since I was on holiday and focused on the work that I was doing in Zimbabwe.
10. As a result of not seeing the cease-and-desist, I did not respond to the letter of demand.
11. On the 27th of December, 2023, they then sent a notice of their court application for a Defamatory Order and a notice summoning me to court on the 7th of January, 2024. I informed them that they needed to send these papers to my lawyer, Ramulifho Inc. Attorneys, in South Africa, and gave them the information of my lawyers.
12. I also instructed my lawyers to respond and inform the court that we would oppose the application in the courts.
13. Unfortunately, my lawyer advised Innscor that there was an intention to oppose, but never filed any opposing answering papers on my behalf. For that reason, two days before we were supposed to appear in court on the 9th of January on the 7th of December, I released my lawyers after giving them a retainer of R1.2 million for the Innscor case and the ZASM case against South African banks.
14. As a result, we were absent from court on the 9th of January, 2024, and the next day, on the 10th, the High Court of South Africa's Judge Siwendu, issued a court order granting Innscor, a Zimbabwean company with no presence in South Africa, their Defamation Order against me a Zimbabwean citizen who was commenting on food issues in Zimbabwe.
15. The order instructed me to take down all the alleged defamatory videos and write-ups cited by Innscor. Additionally, it instructed me not to defame Innscor and not to say anything false about Innscor.
16. With immediate effect, I appointed my advocate in the ZASM vs South African banks case, Simba Chitando, and immediately he began to work on a Reconsideration Application. The reconsideration application was based on the following argument:

- Jurisdiction:

The fact that Rutendo Matinyarare, as a Zimbabwean, commented on Innscor's food, with Innscor being a Zimbabwean company with no presence in South Africa, and Rutendo Matinyarare commenting on Innscor's while living in Zimbabwe makes it rather strange that a South African court believes it can regulate the issues discussed by Zimbabweans in Zimbabwe. Therefore, both Simba Chitando and I believe believe that the South African courts do not have jurisdiction to regulate what a Zimbabwean says about the Zimbabwean public interest issues and national security issues in Zimbabwe about a company that operates in Zimbabwe and does not operate in South Africa.





- Comments Are Factual:

We also believe that the information that I was giving was factual, honest, and fair comment, as either, there is evidence to prove my claims or the information and the things that I commented on are in the public domain, thus fair comment and opinion.

- For example, we have taken Innscor's food for laboratory tests and discovered that there are indeed GMOs in their feed and food, and there are also toxic chemicals like glyphosate, which affect people's health. And thus, the claim that there are toxins and GMOs in Innscor's food has been verified by the scientific tests that we have undertaken.
- Not only that, the Grain Millers Association in their own application submitted to the Zimbabwean court, also acknowledge that their members, which include Innscor that they are representing, have been selling GMOs in Zimbabwe with the permission of the National Biotechnology Authority of Zimbabwe which is the second respondent in the case.
- They also make an effort to say that glyphosate is not toxic but it is a herbicide used with the authority of the National Biotechnology Authority of Zimbabwe.
- Other comments that I made, like the fact that Innscor and its owners Zinona (Zed) Koudounaris and Michael Fowler are alleged to externalise money from Zimbabwe and are associated with money laundering, which has affected the value of the Zimbabwe dollar, are fair comment, as Zed Koudounaris and Innscor were implicated in the Panama Papers as having externalized and laundered money out of Zimbabwe illegally through shell companies created by Mossack Fonseca that was the subject of the Panama Papers and financial crimes it committed. <https://www.news24.com/fin24/panama-papers-nandos-operator-named-for-offshore-payments-20160510>.
- In their defamation order application, Innscor complained about me [Rutendo Matinyarare] destroying their good reputation by calling them a monopoly, and Rutendo Matinyarare went on to prove that Innscor has been charged various times for anti-competitive practices by the Competition and Tariffs Commission of Zimbabwe, and they have also not paid a lot of their fines <https://www.herald.co.zw/ctc-fines-innscor-40m-reverses-proceeds-deal/amp/>
- illustrating that they do not have a good reputation and they are a monopoly that has been caught engaged in anti-competitive practices.
- For these reasons, we believe that our Reconsideration Application should succeed.



Reconsideration Application

17. The reconsideration application was set down for hearing on the 13th of March, 2023.
18. Two weeks prior, on the 27th of February, 2024, Judge Wepenor convened a case management meeting on Tuesday, 27 February, 2024, with the lawyers of Inncor and my lawyers.
19. The Judge then gave a cut-off period that there would no longer be any new applications or supplementary affidavits admitted four days after this meeting.
20. However, at the hearing on the 13th of March, 2024, Inncor's lawyers presented an application asking for certain evidence or certain statements in our supplementary affidavit that was permitted by the judge within the approved window, to be struck off.

For example they wanted to strike off from our list the fact that

- Zed Koudonaris and Inncor were implicated in the Panama Papers, which is factual.
- They also wanted to strike off the fact that glyphosate is toxic, saying that it's not toxic, yet the American courts have awarded damages against the manufacturer of the glyphosate roundup manufactured by Monsanto to the tune of \$11 billion.
- In just one claim, Monsanto was asked to pay damages of \$2.25 billion to a man who was spraying Round Up and contracted cancer. So it is beyond doubt that glyphosate is a carcinogen, and the American courts have agreed to charge damages against Monsanto for the carcinogenic effects of their glyphosate product. <https://www.lawsuit-information-center.com/amp/roundup-lawsuit.html>
- And finally, they purported that the food tested by me was not their food, only for the Grain Miller Association to write in their court papers defending Inncor as their member that their millers sell GMOs because they were licensed and authorised by the National Biotech Authority of Zimbabwe.

A handwritten signature in black ink, appearing to be 'JW' or similar, located in the bottom right corner of the page.

18. The Applicant facilitates for its members to import maize from different source countries. However, the members are the ones who conduct the actual imports of grain & wheat. The Applicant's members who import maize do so after, among others, they have obtained a GMO permit from the 2nd Respondent, who is the regulatory body and a creature of statute established by the National Biotechnology Authority of Zimbabwe (NBA) Act of 2006 [Chapter 14: 31]. The 2nd Respondent is clothed with the responsibility to, inter alia, research, assess and adjudicate on all matters relating to the bio safety of the country. It is a regulatory authority in that regard.

CS CamScanner

15/136

19. The permits that are obtained by Applicant's members from the 2nd Respondent authorize Applicant's members to import genetically modified grain into Zimbabwe after 2nd Respondent has been satisfied with the safety of the GMO credentials of the maize stocks identified to be imported. All GMO imports by the Applicant's members have been conducted with the supervision and licencing of the 2nd Respondent.


20. The 2nd Respondent has been instructed to issue a GMO permit to the Applicant's members.
21. We believe that Innscor is undertaking delayed tactics; hence, a day before the court hearing in South Africa, they simultaneously asked the Grain Millers Association of Zimbabwe to also institute an application for a Defamation Order against me in the Zimbabwe High Court.
 22. We believe that the strategy is designed to keep me fighting in court on many battlegrounds so that I can either run out of resources or tire and eventually let the issue of Innscor go.

INNSCOR'S APPLICATION OF CONTEMPT OF COURT

23. As per the court order issued by Judge Siwendu on the 10th of January, 2024, it instructed me (Rutendo Matinyarare) to remove all articles that Innscor had flagged as defamatory, and it went on to ask me not to write any more defamatory or false content against Innscor.



24. The defamation order would last 30 days unless Innscor applied for damages, which would then make their court order stand permanently if the damages claim is successful.
25. On receiving the court order, I immediately removed the said offending content, knowing that the information was true.
26. To prove my claims, on the 22nd of January, 2024, I took sealed packages of Innscor's Profeds 50kg pork and 50kg chicken feed, Chicken Inn fried chicken, raw pork sausages, raw pork chops, raw chicken, Tomato sauce, and milk and tested them for GMOs, Glyphosate, MSG and Aflatoxins at an internationally certified lab by the name of Mérieux NutriSciences laboratories.
27. In five weeks' time, the results came back positive for GMOs, Glyphosate, MSG and negative for Aflatoxins and now I had proof that my claims against Innscor were correct and right and so now if I spoke about Innscor, I wouldn't be defaming them but speaking scientifically proven facts.
28. Between the 10th of January, 2024, when the court order was issued, and the 11th of February, 2024, Innscor never notified us that they had made an application to the court for damages.
29. So this meant that by the 11th of February, 23, 31 days had passed without Innscor applying for damages, which meant the expiration of their gag order.
30. By the 12th of February I had received results from the laboratory proving that Innscor's foods had genetically modified organisms in their Zimbabwean-produced food, at a time when the Zimbabwean government had not given permission for the importation of GMOs into Zimbabwe.
31. Secondly, a number of the GMO's that were found in Innscor's foods were not authorized by the South African government, yet when the Zimbabwean government issues permission for the importation of GMO's, they only authorise the importation of authorized GMO's from South Africa, particularly, Maize. However we found in Innscor's food, GMO's not authorized in South Africa, therefore such GMO's could not have come from South Africa or in the least they were illegal in South Africa.
32. Additionally, the Zimbabwean government has traditionally approved the importation of maize GMOs specifically from South Africa; however, in Innscor's GMOs, we found GMO cotton and soya together with maize, some of which are not authorized in South Africa.
33. This means that the importation of the GMO's found in Innscor's foods was contravening even the previous Statutory Instruments issued before to bring in GMO's from South Africa in 2021, notwithstanding the fact that at the time that we tested Innscor's food, there was no gazetted and valid Statutory Instrument or government permission for Zimbabwean companies to import GMO's from South Africa either for



animal feed or human consumption because we had had two bumper harvests since the last Statutory Instrument was issued in 2001.

34. Additionally, we also proved that there were toxic chemicals like glyphosate in Innscor's food, thus proving that the claims I made were not false but true, thus my video could not have been defamatory but in fact factual.
35. In our court papers, we also downloaded information that Innscor and Zed Koudounaris, founder of Innscor alongside Michael Fowler, were implicated in the Panama papers, and there were various newspaper articles to that effect.
36. Armed with this information, on the 17th of February, 2024, I then went back onto social media, showing the results from the lab tests to prove to the public that, in fact, I had not committed defamation against Innscor but I had actually spoken facts that were backed up by scientific lab tests.
37. Because Innscor had and has decided to fight this case in the court of public opinion by leaking the interim Defamatory Orders against me, I also went to show the lab results proving that Innscor has genetically modified foods in their food plus toxic chemicals in their feed to exonerate my name.
38. In retaliation, on the 1st of March, 2024, Innscor then went back to launch another case of Contempt of Court against me <https://i.harare.com/inncor-africa-wants-unrepentant-rutendo-matinyarare-jailed/>
39. In this application, they notified the court that they had applied for damages, but they had deliberately not notify our lawyers or me that they had applied for damages. Furthermore, they did not send us the application papers for the damages for us to respond accordingly or for them to pursue their damages.

This same lack of notification is precisely what the Grain Millers Association of Zimbabwe also did on the 14 of March, 2024, when they deliberately did not inform us of their application for a defamatory order in the Harare High Court or the hearing date.

40. This illustrates underhanded tactics, and we believe that by us not being served the application or the damages application within the timeline stipulated by the court, Innscor illustrated two things:
 - They really had no desire to seek damages from us; hence, they never issued us with the application to prevent us from defending their application or even settling the damages if we so chose.
 - They also wanted to bait me into believing that their gag order had expired so that I could start making more defamatory comments, so that they could apply for Contempt of Court, as they have done now.




41. Unfortunately for Innscor, the information we were putting out on social media after the 17th of February, 2024, as with the one before the gag order, was factual and thus not defamatory and not a contravention of the gag order.
42. Since then, Innscor has gone to apply for Contempt Of Court against me in the Johannesburg High Court and they're asking for me to be given two months in prison if I refuse to remove this so-called defamatory information, even though the information is factual.
43. The Contempt of Court hearing will be heard on the 19th of March, 2024.
44. I and my lawyers contend that factual information that can be proved scientifically cannot be defined as defamation against Innscor as the information is factual, the information is of public interest, and the publics of Zimbabwe deserve to know what is in their food. Innscor cannot gag me from giving the Zimbabwean people facts and information that can affect the food security of their nation and their health.

GRAIN MILLERS ASSOCIATION OF ZIMBABWE BROUGHT INTO THE EQUATION

45. As illustrated above, Innscor has undertaken underhanded tactics and delaying tactics to stop the Reconsideration Application made by myself and my lawyers from being ruled on by the courts of South Africa.
46. They are also trying to take away my right to free speech on public interest issues pertaining to Innscor and the food that it is selling to Zimbabweans because they know that they have no basis to have gone to the South African courts on a matter pertaining to the Zimbabwean jurisdiction. Surely, Zimbabwean national interest issues cannot be regulated by South African courts as if we are a colony of South Africa.
47. They also know that the information that I am giving is factual and that their current Defamation Order is bound to be revoked based on jurisdiction and the fact that what I said is factual and fair comment.
48. To continue their delaying tactics, they have decided to open a new front for me in Zimbabwe in order to drain my financial resources by asking the Grain Millers Association to apply for a defamation order against me as well, on the basis that he is defaming their member (Innscor and Chairman Tafadzwa Musarara).

Source Of The Grain Miller's Association's Gripe.

49. On the 28th of February, 2024, Bulwayo 24 wrote an article titled: Knives Out As Battle Looms Between Benson Matinyarare and Milling Industry.
<https://bulwayo24.com/index-id-news-sc-national-byo-240638.html>



50. In this article, the journalists claimed that sources from the Grain Millers Association had said that I was lying that I had undertaken tests of Innscor's food and found GMOs and toxins.
51. On the same day, social media was flushed with a video of Tafadzwa Musarara speaking in Parliament and saying that the Grain Millers had been authorised to bring in GMO grains and that GMOs had no health risks to people.
52. Without seeing the Bulawayo 24 article, I responded to the video of Musarara speaking in Parliament by writing an article titled: Tafadzwa Musarara's Claim that GMOs Don't Have Side Effects Is Not Scientific. <https://zimbabweantisanctionsmovement.org/TAFADZWA-MUSARARA/>
53. The next day, on the 29th of February, 2024, I read the article by Bulawayo 24 and responded with my own written response titled: Response To GMAZ (Grain Millers Association): <https://zimbabweantisanctionsmovement.org/2887-2/>
54. On the 5th of March, 2024, the Grain Millers Association sent me a Cease and Desist application, asking me to apologize and remove the two articles on Tafadzwa Masarara and GMAZ.
55. I forwarded the Cease and Desist to my lawyers.
56. I responded to their March 5th Cease and Desist email, copied my lawyers, and informed GMAZ lawyers that they should contact his lawyer, Simba Chitando, for any correspondence and communication.
57. By the 12th of March, 2024, GMAZ had filed an application for a defamation order against me in the Zimbabwe High Court.
58. On March the 12th, when the Grain Millers Association made their application to the High Court, they did not inform or notify me or my lawyers that they had filed for a Defamation Order with the Harare High Court.
59. It was only through the media that we discovered that the Grain Millers had gone to court and had applied for a Defamation Order against me, of which they did not notify my lawyers or myself.
60. On the same day, I left Zimbabwe for South Africa to attend to the Innscor case the next day, on the 13th.
61. The Grain Millers Association's lawyers were aware that I was not in Zimbabwe; however, when the court gave them notice that the case was set down for the 14th of March, 2024, they again did not send notification to me or my lawyers.
62. It was only on the 14th of December, 2024, that the assistant to Judge Dede sent an e-mail at 8:57am, one hour and 3 minutes before the hearing at 10:00 on the same day, to notify me (while I was in South Africa) that there would be a hearing on the application made by the Grain Millers Association.



63. No email was sent to my lawyers to inform them of this court appearance.
64. Unfortunately, I only saw this email at 2:30pm, in the afternoon.
65. As such, myself and my lawyers, unaware of the hearing at 10:00 on the 14th of March, did not appear in court, and so we are reading from the media that a default judgment was issued against me in my absence.
66. I notified the assistant of Judge Dede that we had been prejudiced as there had been no notice of the fact that there was an application made against me, and there was also no timely notice of the fact that there was a hearing on the 14th March, 2024, to give our lawyers an opportunity to respond and notify them of our intention to oppose or to attend the court on the 14th.
67. Judge Dede's assistant never responded, and since then we have asked for the court order to be given to us by Judge Dede's assistance, and it still has not been issued to us.
68. We believe that these are the same underhanded tactics we saw being employed by Innscor's lawyers in South Africa when they did not notify us of their damages application, in an attempt to trap me in contempt of court.
69. So right now, we have no court order ordering us to take down our articles, so if I do write anything, it would not be surprising if GMAZ also applied for contempt of court and we were once again denied the opportunity to defend ourselves.
70. We intend to oppose and ask for a rescission of the ruling of the Judge, as we believe that it was not done procedurally and we were not given an opportunity to represent ourselves and to defend ourselves from this prejudicial application for a defamatory claim.
71. Additionally, in the Grain Millers Association's own papers, they acknowledge that Innscor and other members of the Grain Millers Association do sell GMOs, and those GMOs have been authorized and permitted by the National Biotech Authority.
- To that effect, the Grain Millers Association has also cited the National Biotechnology Authority as the second respondent alongside myself.
72. What is interesting is that there was no Statutory Instrument permitting the importation of GMO feed or GMO food for human consumption prior to the cabinet sitting on the 13th of March, 2024, and issuing a permit that has not yet been gazetted and has not yet turned into a Statutory Instrument permitting the importation of animal feed.
73. Moreover, we also found GMOs in Innscor's food that is eaten by human beings.

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74. Additionally, GMAZ also insinuated in its papers that glyphosate is not a dangerous pesticide because it is approved by the National Biotechnology Authority of Zimbabwe, tacitly implying that there is nothing wrong with having glyphosate in their members' food because it is approved by NDA.

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37. In the immediate term, there are consumers who may be influenced in their purchasing decisions by an encounter with the defamatory material. This kind of loss will be difficult to quantify.

38. The 1st Respondent has *no reasonable defence to the claim* as his publications are devoid of truth. The Applicant's members' imports are supported by a permit issued according to law to import GMO grain into Zimbabwe. On the other hand the 1st Respondent's claims that Applicant's members' products are harmful has not been tested and adjudicated upon by the 2nd Respondent who is the sole authority in that regard.

39. 1st Respondent claims to have tested the products of Applicant's members at some unnamed laboratory in France. The 2nd Respondent is the only regulatory body that has legal authority in Zimbabwe to conduct such tests and pronounce the results. 1st Respondent does not allege to have submitted any sample to 2nd Respondent. We aver that since the 2nd Respondent is the sole legal authority in Zimbabwe to conduct the tests, the 1st Respondent should have gone to the 2nd Respondent, an institution which is less than 10 kilometres from his residence.

40. The 1st Respondent's allegations *do not constitute fair comment or publication*. The 1st Respondent does not present the allegations as opinion but rather as fact. As stated above, these are

CS CamScanner

75. Innscoor in its own application to have information struck out of our supplementary affidavit in the Reconsideration Applications in the Joburg High Court, also insinuated that glyphosate is not toxic. Here, Innscoor like GMAZ is tacitly admitting that they would not keep glyphosate out of their food because they believe its non-toxic.

76. So in fact, the Grain Millers Association was admitting in its papers filed in Zimbabwean courts that Innscoor already was importing GMOs and probably knew that their food has glyphosate, which they don't believe is harmful, but they still went to the South African courts asking for a Defamation Order, knowing that the information I was vlogging and blogging about them having GMOs and glyphosate in their food was true and factual.

This insinuates that Inncor may have committed perjury in the South African courts by pretending like they did not have GMOs and toxins in their food when they did.

77. We are now seeking a rescission of the current order issued by Judge Dede.

So this is currently what we are fighting in the Zimbabwean courts.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by the letters 'ME'.



Rutendo Matinyarare 

@matinyarare

INNASCOR FAILS TO JAIL RUTENDO

Three days ago I returned to South Africa to attend an Innscor Contempt Of Court application in the Gauteng High Court, that sought to jailed me for 2mths.

Innscor's two #MVR Advocates failed to argue contempt after my lawyers at #ENS put up a very strong argument to protect my rights to whistleblow and expose the truth. The case has now been struck off the role and I can continue to writing facts on Innscor and exposing their wrongdoing and criminality. Thanks to Douglous Molepo and Thabang Poshodi.



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SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)

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

CASE NO: 44294/2020

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

NOT REVISED

08.03.23

In the matter between:

TALACAR HOLDINGS (PTY) LTD

Applicant

And

**CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

First Respondent

FLOYD BRINK N.O

Second Respondent

FLOYD BRINK

Third Respondent

MELUSI MLANDU N.O

Third Party/Proposed Fourth Respondent

JUDGMENT

SENYATSI J:



[1] This is the return of the rule nisi following the order by Dlamini J on 16 March 2022, in terms of which all persons with a legitimate interest in the contempt application were called upon to show cause, if any, why the following orders ought not to be made final:

- (a) That charges of perjury be lodged against Melusi Mlandu, the deponent of the answering affidavit dated 11 March 2022 filed on behalf of the first respondent (“the Municipality”) and the second respondent, (“the Municipal Manager”) in the second contempt of court application.
- (b) That the Municipal Manager be arrested and imprisoned for a period of 90 days alternatively, be ordered to pay a fine of R250 000.00 as punishment for his contempt of the orders of this court; and
- (c) That the Municipality and Municipal Manager *de bonis propriis*, be ordered to pay the costs of this application, jointly and severally the one paying the other should be absolved, such costs to be taxed on the attorney and client scale, including the cost of counsel.

[2] The *rule nisi* was a sequel to two court orders by Siwendu J and Opperman J, respectively. The gist of the court orders was, inter alia, that the services, namely, water, electricity and refuse removals were not to be terminated pending the debatement of account and flagging of the applicant’s account with the Municipality. This was to be done within a specified period mentioned in the orders.

[3] The Opperman J order was to the following effect:

- a) The Municipality will credit the applicants account held under number 5[...] in the amount of not less than R140 000.00 being the admitted incorrect charges levied on the applicant’s account within 3 calendar days of the court order;

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- b) The respondents are to take all steps necessary to finalize all necessary investigations, if any, and obtain any outstanding reports and water and electricity downloads within 7 calendar days of the date of the court order;
- c) The respondents alternatively, the respondents' representatives must attend a meeting with the applicants' representatives to debate the water and electricity charges for the months of November 2019 to February 2022 within 15 calendar days of the date of the court order to determine the reason for the incorrect/unreasonable charges which are still being levied on the applicants account and to determine all amounts overpaid by the applicant and allocate the additional credits due to the applicant which shall be paid to the applicant within 10 days of determination they thereof.

[4] In respect of the Siwendu J Order, which was issued prior to the Opperman J Order, it was ordered as follows:

- a) That all necessary internal investigations, if any, be finalized and the applicants account held under number 5[...], all amounts due to the applicant, in full within 7 days of the date of the court order had to be credited;
- b) In the alternative to (a) above the respondents must finalize all necessary investigations, if any, and any outstanding reports within 7 days of date of this court order and attend a meeting with the applicant's representatives to debate the account within 15 days of date of this court order.

[5] On 16 March 2022, Dlamini J issued an order ("Dlamini J Order") in the following terms:

- (a) The Municipality and the Municipal Manager were declared in willful contempt of the Siwendu J and Opperman J court orders;

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- (b) The Municipality and the Municipal Manager were ordered to immediately comply with the Siwendu J and Opperman J court orders; and
- (i) to credit the applicant and provide proof thereof to the applicant's attorney of record;
 - (ii) to deliver all the original and supporting documents, reports, downloads, job cards, to the applicant in respect of the water and electricity consumption charges billed to the applicant's account for the period November 2019 to February 2022,
- (c) The Municipality and the Municipal Manager were ordered to attend a meeting with the applicant and
- (i) to conduct a debatement of the applicants account for the period November 2019 to February 2022;
 - (ii) the reason for the incorrect/unreasonable charges which are still being levied on the applicant's account and
 - (iii) all amounts overpaid by the applicant and to allocate the additional credit due to the applicant which shall be paid to the applicant within 10 calendar days of determination thereof.
- (d) the interdict by Siwendu J on 18 December 2020, under case number 2020/44292 would remain valid and enforceable until such time as the debatement of the applicant's account held under number 55266117 has been finally resolved and all due credits paid over to the applicant, if any
- (e) Dlamini J issued a *rule nisi* calling upon all persons with a legitimate interest to show cause, if any, on 15 August 2022 why the following orders should not be



made final:

- (i) the Acting Municipal Manager be held liable for each count of perjury in his answering affidavit dated 11 March 2022;
- (ii) The Municipal Manager and the Acting Municipal Manager be imprisoned for a period of 90 days or such other period as determined by the court, alternatively, the Municipality and the Municipal Manager and the Acting Municipal manager be ordered to pay a penalty of R250 000.00 to the applicant.

[6] Both Siwendu J and Opperman J court orders remain unchallenged. The respondents provided an answer on why the Dlamini J order should not be made final.

[7] The applicant contends that the respondents remain in contempt of the court orders because they have failed and/or refused:

- (a) to credit the applicant's account with an amount of not less than R140 000.00 within 3 days of the court order, that is, by 21 February 2022;
- (b) to provide the water meter downloads for the period November 2019 to February 2022 within 7 days, that is by 25 February 2022;
- (c) to provide the electricity meter downloads for the period November 2019 to February 2022, that is by 25 February 2022.
- (d) to determine the reasons for the incorrect charges levied on the applicant's account for the period November 2019 to February 2022;
- (e) to determine all amounts overpaid by the applicant to the first respondent for the period November 2019 to February 2022; and

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- (f) to allocate additional credits due to the applicant for the period November 2019 to February 2022;
- (g) to hold a meeting to debate the applicant's account;
- (h) to resolve the ongoing billing dispute that has been ongoing since 2018.

[8] It is evident from the papers and this is a common fact between the parties that the Siwendu J order was made by agreement between the parties.

[9] The Opperman J Order was sought and obtained following termination of services of the applicant by the Municipality. The Municipality concedes that the termination of the electricity ought not to have happened as the account was flagged.

[10] The respondents contend that for the account to be flagged, a manual intervention is required and that due to the volume of the accounts, which are over one million in number, a human error is possible.

[11] Within five days of the Opperman J Order, another application was launched, this time before Dlamini J which culminated in the Dlamini J order which was obtained by default as the attorney for the respondents was attending another court in Limpopo.

[12] As far back as on 17 March 2022, the respondents made a request to the applicant for a meeting for the debatement of the applicants account as ordered by the orders. The meeting was refused by the applicant.

[13] The controversies in this application is firstly whether or not the respondents continue to be in contempt of the court orders and whether Mr. Melusi Mlandu has rendered himself are guilty of perjury by contending that the matter has been settled. Secondly and most importantly, the applicant needs to know that there was a deliberate and willful intent on the respondents to ignore the court orders.



[14] I will now deal with the first issue on the law pertaining to perjury. Section 9 of the Justice of Peace and Commissioners of Oaths Act 16 of 1963 provides as follows:

“Any person who, in an affidavit, affirmation or solemn or attested declaration made before a person competent to administer an oath of affirmation or take the declaration in question, has made a false statement knowing it to be false, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law for the offence of perjury.”

[15] The leaned authors Hoor, Cowling & Milton in South African Criminal Law and Procedure¹ comment as follows:

“Although this offence is often called ‘statutory perjury’, that description is inaccurate, for it is an independent substantive offence and the perjury rules (for example that requiring corroboration) do not apply. The essential elements of the offence are: (i) a false statement; (ii) in an affidavit, affirmation or attested declaration (iii) made before a competent person (iv) *mens rea*.”

[16] The elements of the crime of perjury are applicable in both criminal and civil proceedings.

[17] In the instant case, the contention by the applicant is that because the respondents stated under oath that the matter was settled when in fact it was not, they have subjected themselves to be guilty of perjury. The respondents contend that the settlement related to the queried account and the fact that credits in excess of R140 000.00 were passed on the applicant’s account as required by the Siwendu J Order. They contend that the context of the use of the word “settled” was not intended to state that all the issues were resolved.

[18] The test to ascertain whether there is an intention to lie under oath, is to consider

¹ Vol 3: Statutory Offences CD Rom and Intranet: ISSN 2218 – Jutastat, e-publication at C2 P25; S v Ncamane (R153 - 2019) [2019] ZAFSH 220 (28 November 2019)



the context of words used in the affirmation.²

[19] In their answering affidavit to the Dlamini J Order, the respondents state that they reversed R166 496.30 and credited same to the applicant's account. They attach to their affidavit documents marked "SAS2". In fact, a copy of the tax invoice dated 2022/03/10 shows an opening balance of R569 591.13 which after adjustments are made takes the balance to R663 967.65. The respondents contend that the balance is after the deduction of R166 496.30.

[20] If regard is had to the context at which the word "settled" was used, I find no factual basis to conclude that Mr. Mlandu has perjured himself in contravention of the legislation. There is therefore no reason to hold that he is guilty of perjury and as a consequence the explanation given for the use of the words in the context used, fails to meet the requirement of the offence of perjury.

[21] I now deal with the second issue which is whether the respondents have deliberately ignored the court orders. It is trite that a party to a civil case against whom a court has given an order and who intentionally refuses to comply with it, commits contempt of the order.

[22] In *Fakie NO v CCII Systems (Pty) Ltd*³ the court held that:

"It is a crime to unlawfully and intentionally to disobey a court order.⁴ This type of contempt of court is part of a broader offence, which can take many forms, but the essence of which lies in violating the dignity, repute or authority of the court.⁵ The offence has in general terms received a constitutional stamp of approval, since the rule of law, a founding value of the Constitution requires that the dignity and authority of the courts, as well as their capacity to carry out their functions,

² See *S v Van Staden en Ander* 1973 (1) SA 70H

³ [2006] ZASCA 52; 2006 (4) SA 326 (SCA) (31 March 2006) at para 6

⁴ *S v Beyers* 1968 (3) SA 326 (SCA)

⁵ See *Melius de Villiers The Roman and Roman- Dutch Law of Injuries* (1899) pg 166; *Attorney – General v Crockett* 1911 TPD 893 at 925 -6



should always be maintained.⁶

[7] The form of proceeding CCII involved appears to have been received into South African law from English law – and is a most valuable mechanism.⁷ It permits a private litigant who has obtained a court order requiring an opponent to do or not to do something (*ad factum praestandum*),⁸ to approach the court again, in the ...of non-compliance, for a further order declaring the non-compliant party in contempt of court, and imposing a sanction. The sanction usually, though not invariably, has the object of inducing the non-complier to fulfil the terms of the previous order.

[8] In the hands of a private party, the application for committal is a peculiar amalgam, for it is civil proceedings that invokes a criminal sanction or its threat. And while the litigant seeking enforcement has a manifest private interest in securing compliance, the court grants enforcement also because of the broader public interest in obedience to its orders, since disregard sullies the authority of the courts and detracts from the rule of law.”

[23] It is manifest from the quoted passages above that a civil contempt is a feature of our law as the court orders need to be complied with. This ensures the rule of law is observed and embraced in our society.

[24] The fact for when disobedience of a civil order constitutes contempt has come to be stated as whether the breach was committed deliberately and *mala fide*.⁹ A deliberate disregard is not enough, since the non-complier may genuinely; albeit mistakenly, believe him or herself entitled to act in the way claimed to constitute the contempt. In such a case good faith avoids the infraction.¹⁰

⁶ Coetzee v Government of the Republic of South Africa [1995] ZACC 7; 1995 (4) SA 631 (CC)

⁷ Attorney- General v Crockett (Supra) pg 917 - 922

⁸ Bannatyne v Bannatyne [2002] ZACC 31; 2003 (2) SA 363 (CC) at para 18

⁹ Frankel Max Pollak Vinderine Inc v Menell Jack Hyman Rosenberg & Co Inc [1996] ZASCA 21; 1996 (3) SA 355 (A) 367 H-I; Jayiya v Member of the Executive Council for Welfare, Eastern Cape 2004 (2) SA 602 (SCA) paras 18 and 19

¹⁰ Consolidated Fish (Pty) Ltd v Zive 1968 (2) SA 517 (C) 524 D

Even a refusal to comply that is objectively unreasonable may be *bona fide* (though unreasonableness could evidence lack of good faith).¹¹

[25] The applicant must establish:

- a) the existence of the order;
- b) its service on the respondent;
- c) non-compliance in order to succeed with the civil disobedience of the court order. The respondents must furnish evidence raising a reasonable doubt whether non-compliance was willful and *mala fide*, to rebut the offence.¹²

[26] Although committal for contempt of court is permissible under our Constitution, the courts should always guard against finding an accused person guilty of a criminal offence in the absence of conclusive proof of its essential elements.

[27] In *Fakie NO v CII Systems (Pty) Ltd*¹³, Cameron J held as follows in dealing with the Constitutional imperatives on contempt of court:

“[23] It should be noted that developing the common law does not require the prosecution to lead evidence as to the accused’s state of mind or motive: once the three requisites mentioned have been proved, in the absence of evidence raising a reasonable doubt as to whether the accused acted willfully and *mala fide*, all the requisites of the offence will have been established. What is changed is that the accused no longer bears a legal burden to disapprove willfulness and *mala fides* on balance of probabilities, but to avoid conviction need only lead evidence that establishes a reasonable doubt.”

¹¹ Noel Lancaster Sands (Edms) Bpk v Theron 1974 (3) SA 688 (T) 692 E –G

¹² *Fakie NO v CII Systems (Pty) Ltd* (Supra) at para 22

¹³ Supra at paras 23 and 24



[28] There can be no reason why these protections should not apply also where a civil applicant seeks an alleged contemnor's committal to prison as punishment for non-compliance. This is not because the respondent in such an application must inevitably be regarded as an accused person for the purposes of s35 of the Bill of Rights. On the contrary, with respect to the careful reasoning in the Eastern Cape decisions, it does not seem to me to insist that such a respondent falls or fits within s35. Section 12 of the Bill of Rights grants those who are not accused of any offence the right to freedom and security of the person, which includes the right not only to be detained without trial,¹⁴ but not to be deprived of freedom arbitrarily or without cause.¹⁵ This provision affords both substantive and procedural protection,¹⁶ and an application for committal for contempt must avoid, infringing it."

[29] As already stated, once the applicant has proved the existence of the order, the service thereof and failure to comply with the order, *mala fides* requirements are inferred and the onus will be on the respondent to rebut the inference on balance of probabilities.¹⁷

[30] If regard is had to the fact that the debatement has not taken place because the applicant refused the request, it is not difficult to understand why the parties are still a distance apart in resolving the debatement. This is so because the applicant insists that it should be provided with the original records and not copies of the source documents used to charge for services. The applicant complains about the use of computer screen spread sheets as source of documents, but it is also manifest from the papers that the respondents are experiencing challenges to secure some of the original source of documents on which the invoices to the applicant are based. While there is criticism by the applicant that one of the staff of the first respondent instructed one of her colleagues to "generate" the original, that on its own cannot be imputed on the City Manager

¹⁴ Bill of Rights s12 (1)(b)

¹⁵ Bill of Rights s12(1)(a)

¹⁶ *Bernstein v Bester* NO [1996] ZACC 2; 1996 (2) SA 751 (CC) para 145 -146

¹⁷ *Frankel Max Pellak v Menell Jack Hyman Rosenberg* 1996 (3) SA 355 at 367 E

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himself. There is no evidence on the papers to suggest that the staff concerned acted at the behest of the city manager. As stated, the account can be debated with the co-operation of the applicant. I am fortified on this view by the fact that the applicant even suggested to the respondents that the matter will be considered to be settled if payment of over R 489 000 of the legal bill as well as the additional credit of more than R94 000 could be credited by the first respondent on the account of the applicant held with the first respondent.

[31] The applicant contends that the respondents are thumbing their noses to the court orders. I am not convinced that failure to produce some of the original documents is the demonstration of the required intent to disobey the court orders. On the contrary, if the applicant were to agree to further account debatement meetings, it is likely that significant progress will be made to resolve the account debate. Based on the papers before me, I am not persuaded that the respondents have perjured themselves. Regards is had to the fact that the sheer volume of the Municipal accounts, which is over 1 million and the fact that the flagging of the account required manual intervention, this is in my view, a demonstration of the absence of *mens rea* to perjure themselves especially the third respondent who has shown by presenting emails the steps he took to ensure the court orders are complied with.

[32] It should be remembered that the City Manager including Mr. Mlandu who was acting city manager when he deposed to an affidavit, acts through various support staff members. This explains for instance, why the affidavits are also compiled and signed by the legal advisor of the Municipality who has access to records. I do understand the frustration experienced by the applicant to get the matter resolved but caution that the co-operation by the applicant is key to resolving the debatement of the account. Accordingly, I have not been able to find the basis that indeed the respondents have perjured themselves.

[33] The respondents contend that when the court was approached with the alleged third contempt application, there was no default because the applicant's account had



already been credited prior to the launching of the alleged contempt application.

[34] The applicant insists that there was no compliance in that, there was still an amount of over R94 376.52 on account number 5[...] that still required to be credited by the respondent. This as already stated is suggested in a letter written in July 2022 to the respondents and included an amount for payment of the legal bills.

[35] I have considered the submissions made by the parties on the third alleged contempt. I am not persuaded that there was a deliberate intent to disobey the court order by the respondents.

[36] From the papers, it appears manifest to me that the reason the rule nisi order was obtained was because of the account, which was still disputed by both parties. The respondents contend that there are no additional credits to be passed on the account of the applicant and that they are not in contempt of the court orders.

[37] The applicant is still insisting that some of the account show for instance the same consumption of electricity on the subsequent months. This is the function of debatement of the account, of which, in any considered view, would still take place. I am fortified on the view by the fact that the applicant refused about two requests about two requests to debate the account from the respondents contending that the debatement will not serve any purpose as the applicant believed the respondents were deliberately disobeying the previous court orders.

[38] The other point for considerations whether perjury has been proved by the applicant against the Acting City Manager of the first respondent. The basis of the charge is that he lied under oath when he stated that the matter had been settled.

[39] The analysis of what Mr Mlandu states under oath in the context of the account is reference to the query on the account. Consequently, I am of the view that Mr Mlandu did not perjure himself.



[40] Having regard to the papers before me, I am not persuaded that the *rule nisi* should be made final and that Mr. Mlandu has perjured himself and that the court orders have been deliberately disobeyed.

ORDER

[41] The following order is made:

- (a) The existing *rule nisi* ordered by Dlamini J is discharged;
- (b) The application to find Mesuli guilty of perjury is refused;
- (c) The applicant is ordered to pay the costs.

ML SENYATSI
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

DATE APPLICATION HEARD: 11 November 2022

DATE JUDGMENT DELIVERED: 8 March 2023

APPEARANCES

Counsel for the Applicant: Adv WH Pocock

Instructed by: Di Siena Attorneys

For the Respondent: Adv F Magano

Instructed by: Nozuko Nxusani Inc



[Links \(./links.php\)](#) [FAQ's \(https://www.saps.gov.za/sapswebsite/index.php/faq/\)](https://www.saps.gov.za/sapswebsite/index.php/faq/)



[Home \(/index.php\)](#) / [Frequently Asked Questions \(faq.php\)](#)

Common Law Offences-Definitions

Common law offences still applicable within the South African legal system are defined below.

Abduction

Abduction consists in unlawfully taking a minor out of the control of his or her custodian with the intention of enabling someone to marry or have sexual intercourse with that minor.

Arson

Arson is the unlawful and intentional setting fire to an immovable property belonging to another.

Assault

Assault consists of unlawfully and intentionally

- applying force to the person of another;
- inspiring a belief in another person that force is immediately to be applied to him or her;

Assault with intent to cause grievous bodily harm. This is another form of assault, however, committed with the intention to cause serious bodily injury.

Bestiality

Bestiality consist in unlawful intentional sexual intercourse between a human being and an animal.

Bigamy

It consists of unlawfully and intentionally entering into what purports to be a lawful marriage ceremony with one person while lawfully married to another.

Contempt of court

Contempt of court consists in unlawfully and intentionally -

- violating the dignity, repute or authority of a judicial body or a judicial officer in his/her judicial capacity; or
- publishing information or comment concerning a pending judicial proceeding which has the tendency to influence the outcome of the proceeding or to interfere with the administration of justice in that proceeding.

Crimen Injuria

Crimen injuria consist of unlawfully and intentionally impairing the dignity or privacy of another person.

Culpable Homicide

Culpable homicide is the unlawful negligent killing of another human being.

Defamation

Defamation consists of the unlawful and intentional publication of matter that impairs another person's reputation.

Defeating or obstructing the course of justice

The crime of defeating or obstructing the course of justice consists of unlawfully and intentionally engaging in conduct which defeats or obstructs the course or administration of justice.

Exposing an infant

This crime consists of unlawful and intentional exposure and abandonment of an infant in such a place or in such a circumstance that its death from exposure is likely to result.

Extortion

It consists of taking from another some patrimonial or non-patrimonial advantage by intentionally and unlawfully subjecting that person to pressure which induces him or her to submit to the taking.

Forgery and uttering

Forgery consists of unlawfully and intentionally making a false document to the actual or potential prejudice of another.

Uttering consists of unlawfully and intentionally passing off a false document (forged) to the actual or potential prejudice of another.

Fraud

It is the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another.

High treason

It consists of any conduct unlawfully committed by a person owing allegiance to a state with the intention of -

- overthrowing the government of the Republic;
- coercing the government by violence into any action or inaction;
- violating, threatening or endangering the existence, independence or security of the Republic;
- changing the constitutional structure of the Republic.

Housebreaking with intent to commit a crime

Housebreaking with intent to commit a crime consists of unlawfully and intentionally breaking into and entering a building or structure with the intention of committing some crime in it.

Incest

Incest is unlawful and intentional sexual intercourse between male and female persons who are prohibited from marrying each other because they are related within the prohibited degrees of consanguinity, affinity or adoptive relationship.

Indecent assault

Indecent assault consists of unlawfully and intentionally assaulting, touching or holding another in circumstances in which either the act itself or the intention with which it is committed is indecent.

Kidnapping

This crime consists of unlawfully and intentionally depriving a person of his or her freedom of movement and/or, if such person is a child, the custodians of their control over the child.

Malicious injury to property

It consists of unlawfully and intentionally damaging the property of another.

Murder

Murder is the unlawful and intentional killing of a human being.

Perjury

Perjury consists in the unlawful and intentional making of a false statement in the course of a judicial proceeding by a person who has taken the oath or made an affirmation before, or who has been admonished by somebody competent to administer or accept the oath, affirmation or admonition.

Poisoning or administering poison or other noxious substance

This crime consists of unlawfully and intentionally administering poison or other noxious (harmful) substance to another.

Public indecency

This crime consists of unlawfully, intentionally and publicly engaging in conduct which tends to deprave the morals of others, or which outrages the public's sense of decency.

Public violence

It consists of the unlawful and intentional commission, together with a number of people, of an act/s which assume serious dimensions and which are intended forcibly to disturb public peace and tranquillity or to invade the rights of others.

Rape

Rape consists of intentional unlawful sexual intercourse with a woman without her consent.

Receiving stolen property

The crime of receiving consists of unlawfully receiving possession of stolen property knowing it to have been stolen.

Robbery

It consists of the theft of property by intentionally using violence or threats of violence to induce submission to the taking of it from another.

Sedition

It consists of unlawfully and intentionally -

- taking part in a concourse of people violently or by threats of violence challenging, defying or resisting the authority of the State; or
- causing such a concourse.

Theft

It consists of the unlawful appropriation of moveable corporeal property belonging to another with intent to deprive the owner permanently of the property.

Violating a corpse

It consists of unlawfully and intentionally violating a corpse.

Violating a grave

It consists of unlawfully and intentionally damaging a human grave.

[Home \(/index.php\)](#)

[About us \(/about/about.php\)](#)

[Resource Centre \(/resource_centre/rc_index.php\)](#)

[Services \(/services/services.php\)](#)

[Careers \(/careers/careers.php\)](#)

[Child Safety \(/child_safety/index.php\)](#)

[Talk to us \(/talk/talk.php\)](#)

[Be Alert! \(/alert/index.php\)](/alert/index.php)

[Crime Stop \(/crimestop/crimestop.php\)](/crimestop/crimestop.php)

[Copyright \(http://www.saps.gov.za/copyright.php\)](http://www.saps.gov.za/copyright.php)

[Disclaimer \(http://www.saps.gov.za/disclaimer.php\)](http://www.saps.gov.za/disclaimer.php)

Web Content Manager: Capt Y Sampson ([mailto:SampsonY@saps.gov.za?subject=Website feedback](mailto:SampsonY@saps.gov.za?subject=Website%20feedback))

For Technical Assistance: Web Team ([mailto:sapsweb@sitaco.za?subject=Technical assistance](mailto:sapsweb@sitaco.za?subject=Technical%20assistance))

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Head Office

Tel: +27 (0) 12 393 1000

SAPS Head Office

Telkom Towers Building

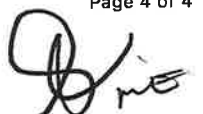
152 Johannes Ramokhoase Street

Pretoria

Private Bag X94

Pretoria

0001

A handwritten signature in black ink, appearing to be 'D. M. S.', located in the bottom right corner of the page.



"WAO"

forms.

18:05

Thu, 08 Feb



Missed voice call at 18:28

GWINA | ATTORNEYS

- Switchboard: 011 666 7300
- Suite 22 Second floor 133 Dairy Street Sandton Sandton 2196
- PO Box 78178 Sandton 2146
- gwina@gwinattorneys.co.za
- www.gwinattorneys.co.za

pdf

GAI FICA DOCUMENT REQUEST FORMS (Natural P...

3 pages • 141 KB • pdf

18:29 ✓✓

Forwarded



FISCAL TAX INVOICE
Monthly invoice

Invoice Number: 40970147
Account No: 4140151597

pdf

E (1).pdf

2 pages • 239 KB • pdf

19:40

Fri, 09 Feb

Hey Simba,

Please can we get the filing done today.





"WA1"

Thu, 08 Feb

Fri, 09 Feb

Hey Simba,

Please can we get the filing done today.

Let's get lawyers to file and close this chapter before we are served again by Innscor because they have to serve us for damages before 30 days if their order is to stick and they will certainly do that.

So let us certainly prioritize filing today and take the battle to them. Let's not procrastinate on it beyond today because then we are opening ourselves to an obvious counter.

09:25

On it now. Filing today 09:30 ✓✓

You

On it now. Filing today

Cool bro.

09:46



Handwritten signature



"WA 2"

Fri, 09 Feb

SPECIAL POWER OF ATTORNEY

I the undersigned:



MATINYARARE SPECIAL POWER OF ATTORNEY.pdf

1 page • 29 KB • pdf

13:27

You deleted this message. 14:00

Calling in a bit. Making progress

14:11 ✓✓



Robyn Adams



15:03

Message

Save Contact



Missed voice call at 15:06

Don't know why it keeps dropping

15:07 ✓✓

You

Don't know why it keeps dropping

Maybe it's my network.

15:07





"WAZ"

Mon, 12 Feb

026-1

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

Case Number: 131956/ 2023

In the matter between:

INNSCOR AFRICA LIMITED

First Applicant

ZINONA KOUDOUNARIS

Second Applicant

And

RUTENDO MATINYARARE

First Respondent

FRONTLINE STRAT MARKETING CONSULTANCY

Second Respondent

NOTICE OF SET DOWN

BE PLEASED TO TAKE NOTICE that the abovementioned matter has been set down for hearing in the URGENT COURT on 15 FEBRUARY 2024 at 10:00h or soon thereafter as counsel may be heard.

DATED AT JOHANNESBURG ON THIS 9TH DAY OF FEBRUARY 2024

Ndeipi...I'm good. We are set down for the 15th. Meeting media & legal today. Get ready for fireworks

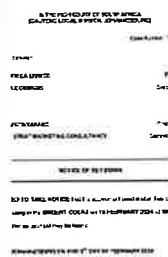
10:09 ✓✓

Will update in an hour.

10:09 ✓✓

You

Ndeipi...I'm good. We are set down for the 15th. Meeting media & legal today. Get ready for firew...



Ok. You are aware that I am in Addis Ababa from tomorrow until the 19th?

10:32



[Handwritten signature]

Do you have a stamp in your



"WA4"

Tue, 13 Feb

Thu, 15 Feb



MV Ratshimilani Attorneys Inc
+27 10 012 6575
info@mvrllaw.co.za
www.mvrllaw.co.za
181 Sandton, 06 Rivonia Road
Sandton, 2017

Per Email: hwoolf@mweb.co.za

pdf 140224- MVR Letter to H Woolf Attorneys - Reconside...
2 pages • 182 KB • pdf

Received this from Robyn, what is the meaning?
04:58

Tried to call. All under control.
05:09 ✓✓



problems.

Tue, 20 Feb

08:14



Rutendo Benson Matinyarare

17 m • 🌐



ZIM PORK LAB TESTS.

In our possession we have lab test results indicating that the Zimbabwean pork we took for testing at the lab is not 100% pork but it has an disproportionate amount of soya, lecithin and flour that have been injected as a filler or thickening agent.

We will release the full report on whether the soya, lecithin and flour in the pork have GMOs, pesticides, hormones and other additives in due course.

#StopFeedingUsTaintedFood #ZimGMOLabTests



More drama. Call back when you can

11:41 ✓✓



OFFICE OF THE DEPUTY JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA, GAUTENG LOCAL DIVISION

Private Bag X7
JOHANNESBURG
2000

Telephone number: +27 010 494 8491

e-mail: Secretarydjp@judiciary.org.za



pdf

DJP052012.20240219lt
(2023-131956).pdf

2 pages • 227 KB • pdf



11:46 ✓✓

Thu, 22 Feb

Forwa...

Good morning Ladies and Gentlemen

Re: APPLICANTS REPORT:
INNSCOR & ANOTHER// RUTENDO
MATINYARARE & ANOTHER CASE
NO:1319561/2023

Judge Wepener has been appointed to Case Manage the abovementioned matter.

Judge Wepener would like to convene a case management meeting in this matter this coming Tuesday 27th February 2024 at 09h00 on MS Teams to discuss this pending application.

Can the all the parties kindly indicate via email their availability for this proposed meeting with Judge Wepener by close of business today.

Regards,

Mornay Moolman



12:01 ✓





Thu, 14 Mar
Cool. I can't believe the levels these guys are willing to go. Zed has compromised the entire system.

14:20

Rutendo Matinyarare

Do we remove or wait for the rescission application?

Remove, when the order is sent to us, I'm going to email them formally for the actual court order

14:20 ✓✓

Only when we receive the order

14:20 ✓✓

You

Only when we receive the order

This is madness.

14:22



Notice of Hearing
(Lead_Assigned Judge) (18)...

2 pages • 183 KB • pdf

14:38



"WAS"

< 120



Rutendo Matinyarare



Sat, 16 Mar

Sun, 17 Mar

Forwarded

Hi Rutendo,

I hope this message finds you well. We're closely monitoring your case and are eager to assist you. The VP is fully engaged in this matter.

However, I do have a concern regarding the competency of your current legal team. We've observed two instances where default judgments were issued against you due to their failure to attend court hearings. This raises doubts about their effectiveness.

Before allocating any resources, we need to see outcomes or victories that show that your legal representation is capable. It would be beneficial if you could also provide a comprehensive report detailing the case's progression from its inception to the present. This will allow our team to assess the situation thoroughly.





Sun, 17 Mar

However, I do have a concern regarding the competency of your current legal team. We've observed two instances where default judgments were issued against you due to their failure to attend court hearings. This raises doubts about their effectiveness.

Before allocating any resources, we need to see outcomes or victories that show that your legal representation is capable. It would be beneficial if you could also provide a comprehensive report detailing the case's progression from its inception to the present. This will allow our team to assess the situation thoroughly.

While I understand your loyalty to your current team, if they continue to yield unsatisfactory results, it may be prudent to consider alternatives. I can offer you access to a highly skilled team that I have readily available on retainer. Let's ensure your case receives the attention and expertise it deserves.



< 120



Rutendo Matinyarare



"WA 10"

Rutendo Matinyarare Sun, 17 Mar

Hi Rutendo,

I hope this message finds you well. We're...

That's from Simon.

He is in this with another two people that are watching this very keenly.

11:37

Have you told them that you changed the legal team after the default judgment? We had nothing to do with it. Also the second one, there was no notice to the legal team at all after we were promised notice.

11:39 ✓✓

You

Have you told them that you changed the legal team after the default judgment? We had nothing to do with it. Also the second...

Yes I did but Simon asked me why we still got Lesley on ZASM if I was not happy with what he did on Insncor.

I didn't think he was paying attention bro.

11:40





"WAI!"

I want to discuss in person on return. As for proof of competenc, **Sun, 17 Mar**, my record is good. Did you tell them we stop...

Yep. I have conveyed this and said to him that I can never leave my legal team because we have been in the trenches together for long.

I told him that you have also earned more than enough evidence of your competence in ZEP and ZASM which no one expected us to win.

He acknowledges that but he says to me that lawyers are judged by their wins in each case and so here he says he has nothing to go on yet.

He feels that by now we should have put Zed in a corner with the evidence we have.

He has set aside something for us and was supposed to have released it two weeks ago and then he came up with this. I needed that injection.

The GMAZ tricks have cost us here





"WA12"

Sun, 17 Mar

Rutendo Matinyarare

Yep. I have conveyed this and said to him that I can never leave my legal team because we have been in the trenches to...

It's not my decision. As for wins, & losses. We're not near either one. papers are due between now and April. There is another hearing this Tuesday. The chamber book ambush is due return day. These matters are nowhere near won or lost.

12:09 ✓✓

Also if it's already lost, then why need his legal team? Let me know now so all these guys, including me, grafting know where we stand

12:12 ✓✓

↶ Forwarded



**INNSCOR VS RUTENDO
MATINYARARE IN JOHANNE...**

13 pages • 6.9 MB • pdf



12:46



"6413"

This message was deleted. Mon, 18 Mar 3:11

This message was deleted. 13:33

You

RESPONDENTS ANSWERING
AFFIDAVIT CONTEMPT OF
COURT.pdf • 4 pages



Hi Simba,

I read through the affidavit and I just feel like it was rushed, simply lacks the human spirit, it fails to give the judge my state of mind, lacks context and makes me sound arrogant.

I believe that our argument needed to go far enough to make the judge understand my character, intention and purpose, in order for us to kill Innscor's application in its tracks.

Considering the amount of paperwork you said Innscor lawyers were bombarding you with and how much you said the team was working on this, I was expecting more in our response to include the following:





"WA14"

1. Creation of CO Mon, 18 Mar ' my intentions and state of mind i.e. explaining to the court why I have been posting information after we received the results from the lab and after what we thought was the lapse of the defamation order after 31 days in which Innscor had not applied for damages.

(a) In as much as I knew that my initial video and literary claims about Innscor were true, after the defamation judgment by Judge Swendu, I respected the court and removed the offending material from social media and began undertaking tests to prove that my claims were true and not defamatory.

(b) Once Innscor received the judgment, they decided to play the court of public opinion by posting judgments on social media to make me seem like a liar who is defaming them so that they could discredit me. They also projected my removing the offending content as an admission of guilt on my part.





"WAIS"

judgment, they decided to play the
Mon, 18 Mar
court of public opinion by posting
judgments on social media to make
me seem like a liar who is defaming
them so that they could discredit
me. They also projected my
removing the offending content as
an admission of guilt on my part.

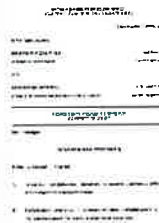
(c) As a result, the moment I got
my lab tests, in an attempt to
salvage my own reputation that is
being damaged by Innscor's
publications and in an attempt to
prove that my initial comments on...

Read more

13:40

You

RESPONDENTS ANSWERING
AFFIDAVIT CONTEMPT OF
COURT.pdf • 4 pages



9:15

13:52



By the way I am leaving the
country. Just can't trust these
courts and I am worried that our
answering papers don't guarantee
that I won't be jailed.

14:15





"WA1611"

No answer 16:52

Mon, 18 Mar

Rutendo Matinyarare

Hi Simba,

I read through the affidavit and I just feel I...

We don't include argument in the affidavit. There is a separate document called heads of argument where all these points in your message are raised referencing specific paragraphs in the record.

16:54 ✓✓

I'm sorry I could receive your calls coz was traveling.

16:54 ✓✓

You

Did you sign the affidavit

Yes

17:02

You

We don't include argument in the affidavit. There is a separate document called heads of argument where all these points in you...

Doesn't that paper with additional paragraphs also need to be signed?

17:03



"WA 17"

< 120



Rutendo Matinyarare
online



of argument where all these points in you...
Mon, 18 Mar

Doesn't that paper with additional paragraphs also need to be signed?
17:03



Voice call
No answer 17:03

Rutendo Matinyarare

Doesn't that paper with additional paragraphs also need to be signed?

Failing to file any anything is a guarantee of failure.
17:32 ✓✓

Forwarded

1

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

Case Number: 131956/ 2023

In the matter between:

IN THE HIGH COURT OF SOUTH AFRICA.pdf
4 pages • 1.3 MB • pdf

17:36

Rutendo Matinyarare

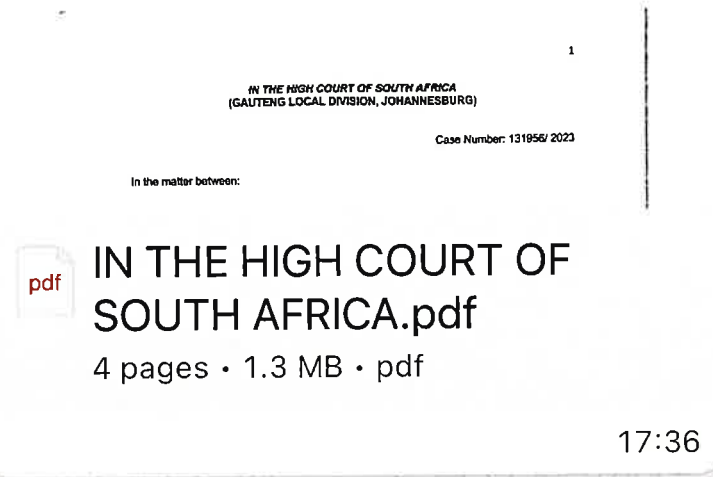
IN THE HIGH COURT OF SOUTH AFRICA.pdf • 4 pages

I get that but can't we improve this



Forwarded

Mon, 18 Mar



Rutendo Matinyarare

IN THE HIGH COURT OF SOUTH AFRICA.pdf • 4 pages

I get that but can't we improve this affidavit because I am not happy with it?

Edited 17:36

Rutendo Matinyarare

IN THE HIGH COURT OF SOUTH AFRICA.pdf • 4 pages

Nosi is trying to call you to discuss this on my behalf. Can you please pick up the phone.

17:36

You

Failing to file any anything is a guarantee of failure.

Please answer the question that I



Message input field



Handwritten signature

You Mon, 18 Mar
Failing to file any anything is a guarantee of failure.

Please answer the question that I have asked. 17:37

I called her back. I'm also running around looking for transport home 17:38 ✓✓

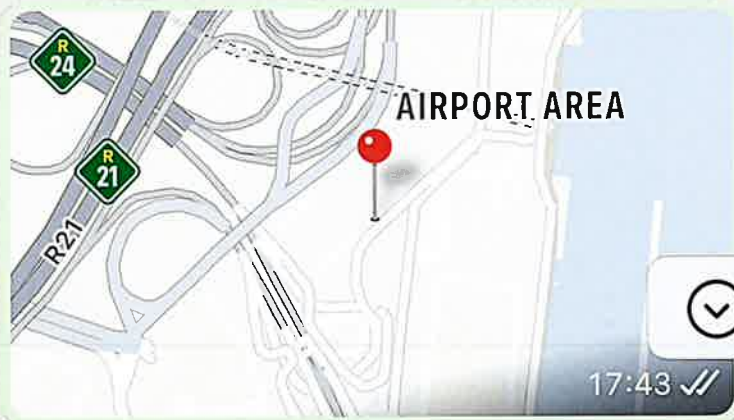
You
I called her back. I'm also running around looking for transport home

Where are you?

If possible for us to improve this affidavit, can we do that? I will sign while in Harare and send back.

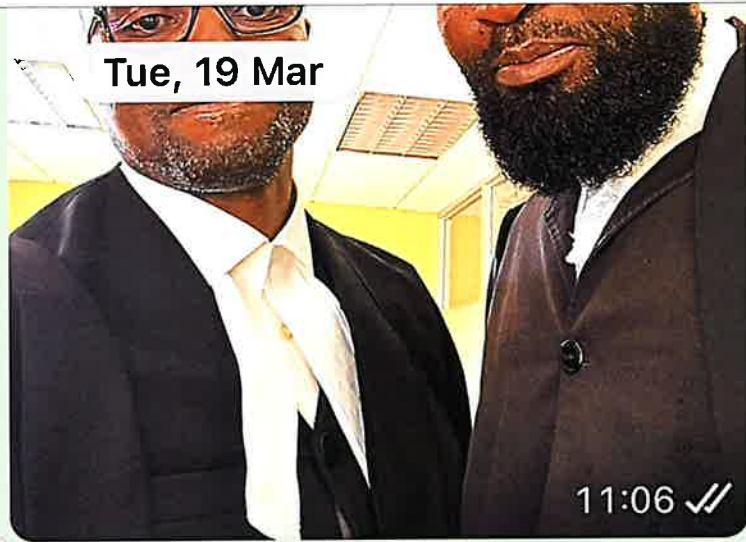
17:39

I'm in Joburg 17:43 ✓✓



17:43 ✓✓

Handwritten signature



He came to me. And the BLA (black lawyers association) chair also came for selfies 😂😂😂

11:07 ✓✓

You

📷 Photo



Nice!!!! Very nice!!!!

11:09

Hey bro...don't post anything about case until get back to you.

15:16 ✓✓



Voice call

No answer 15:30



Voice call

49 sec 15:42



Voice call

35 min 17:50



Handwritten signature
ME



Wed, 20 Mar

Voice call
No answer 08:24

Voice call
No answer 08:33

Missed voice call
Tap to call back 09:19

Voice call
No answer 09:20

Voice call
30 min 09:20

Forwarded

Innskor - 200324 Draft Order
- with Chitando comments.d...
1 page • 55 KB • docx
09:27 ✓✓

FORM 26
Provisional order
Rule 60(11)(a)

Case No. HCH1364/24

IN THE HIGH COURT OF ZIMBABWE

Handwritten signature



Wed, 20 Mar Voice call 30 min 09:20

Forwarded

Innscore - 200324 Draft Order - with Chitando comments.docx 1 page • 55 KB • docx

09:27 ✓✓

FORM 26 Provisional order Rule 60(11)(a)

Case No. HCH1364/24

IN THE HIGH COURT OF ZIMBABWE

Provisional order Rule 60(11) (CC)_signed (2).pdf 3 pages • 136 KB • pdf

09:50 ✓✓



Call failed Try again

09:51



Voice call No answer

09:52



Voice call No answer

0



Voice call 4 min



Handwritten signature

Wed, 20 Mar Voice call No answer 09:52

Voice call No answer 09:52

Voice call 4 min 09:52

Dear Mr Rutendo Matinyarare

We hereby serve you with the provisional order by the High Court of Zimbabwe sitting at Harare granted in Case Number HCH 1364/24.

The provisional order is attached to this email for your ease of reference and immediate compliance.

In terms of the interim relief granted you are required forthwith to comply with the order of the court as follows;

1. You are hereby directed forthwith to remove from your social media account the following defamatory content:

1.1 A tweet on your X account, (formerly known as Twitter) with a handle "@matinyarare titled "Inuscor GMOS risk exposing Zimbabweans, Zambians, Kenyans & others to biological weapons".

1.2 A tweet on your X account, (formerly known as Twitter) with a handle "@matinyarare titled "Tafadzwa Musarara's claim that GMOS don't have side effects is not scientific"

1.3 A tweet on your X account, (formerly known as Twitter) with a handle "@matinyarare titled "Response to Grain Millers Association"

09:54

< RE: REQUEST FOR FORTHWITH C... AA

2. Pending the return date, you shall maintain the status quo ante and you are prohibited from publishing any further defamatory content against Applicant's members.



Handwritten signature



Thu, 21 Mar

Hey Simba,

Simon would like to have a look at all the papers on Reconsideration Application and Contempt of Court.

How do I get access?

07:39

Any luck with submitting our challenge Zim side?

07:42

Only seeing your message now. We've a deadline for tomorrow in your reconsideration matter. Phone was on silent while I worked on the document.

In short it deals with hearsay allegations.

12:22 ✓✓

I will send everything later today

12:22 ✓✓



Voice call

No answer

12:36

You

Only seeing your message now. We've a deadline for tomorrow in your reconsideration matter. Phone was on sile...



Handwritten signature
ME



In short Thu, 21 Mar h hearsay allegations.

12:22 ✓✓

I will send everything later today

12:22 ✓✓



Voice call

No answer

12:36

You

Only seeing your message now. We've a deadline for tomorrow in your reconsideration matter. Phone was on sile...

Ok. How do I get to sign that affidavit?

14:07

You can go to a police station back home

14:45 ✓✓

You

You can go to a police station back home

Ok. Sent it once you are done.

I am meeting Simon on Saturday for a meeting on the way forward. So he wants to look at the papers before we meet.

14:54



Handwritten signature



17:32

Wed, 20 Mar

Thu, 21 Mar

Hey Simba,

Simon would like to have a look at all the papers on Reconsideration Application and Contempt of Court.

How do I get access? 07:39

Any luck with submitting our challenge Zim side? 07:42

Only seeing your message now. We've a deadline for tomorrow in your reconsideration matter. Phone was on silent while I worked on the document.

In short it deals with hearsay allegations. 12:22 ✓✓

I will send everything later today 12:22 ✓✓

Voice call No answer 1



Message input field



Handwritten signature



Hey bro,

Fri, 22 Mar

Rudland's lawyer said that it shouldn't be difficult for you as my lawyer to give me link and a code as the client to grant me access to all my papers.

In fact, he used the words that tell Simba to stop playing games and give you the link and code because this is your case.

11:00



Voice call

6 min

11:00



Missed voice call

Tap to call back

14:00

Linda is willing to write the affidavit but she needs us to write for her the content she must write and she will have it certified.

14:03

Rutendo Matinyarare

Linda is willing to write the affidavit but she needs us to write for her the content she must write and she will have it certified.

You can either dictate or write what





Rutendo Matinyarare



"WAZ8"

needs to facilitate.

00:51

Fri, 22 Mar

025-1

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

Case Number: 131956/ 2023

In the matter between:



pdf

F-innscor-v-b-matinyarare-
rule-6-12-c-notice.pdf

2 pages • 33 KB • pdf

08:04 ✓✓

024-1

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

Case Number: 131956/ 2023

In the matter between:



pdf

F-innscor-v-b-matinyarare-
respondents-affidavit.pdf

75 pages • 7.8 MB • pdf

08:05 ✓✓

37 -1

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

Case Number: 131956/ 2023

In the matter between:



pdf

F-respondents-heads-of-
argument.pdf

36 pages • 236 KB • pdf

08:0



➔ Forwarded

"LOA 29"



Rutendo Matinyarare



F-...-heads-of-argument.pdf
Fri, 22 Mar

36 pages • 236 KB • pdf

08:07 ✓✓

Forwarded

mvr
attorneys

MV Ratsimbilani Attorneys Inc
+27 10 012 6575
info@mvr-law.co.za
www.mvr-law.co.za
18E Sandton, 90 Rivonia Road
Sandton, 2057

MSM & ASSOCIATES
Attention: Sindiso Sibanda
Per Email: sindiso@msmlaw.co.za



220324 MVR Letter to MSM & Associates - Breach of Court...

1 page • 177 KB • pdf

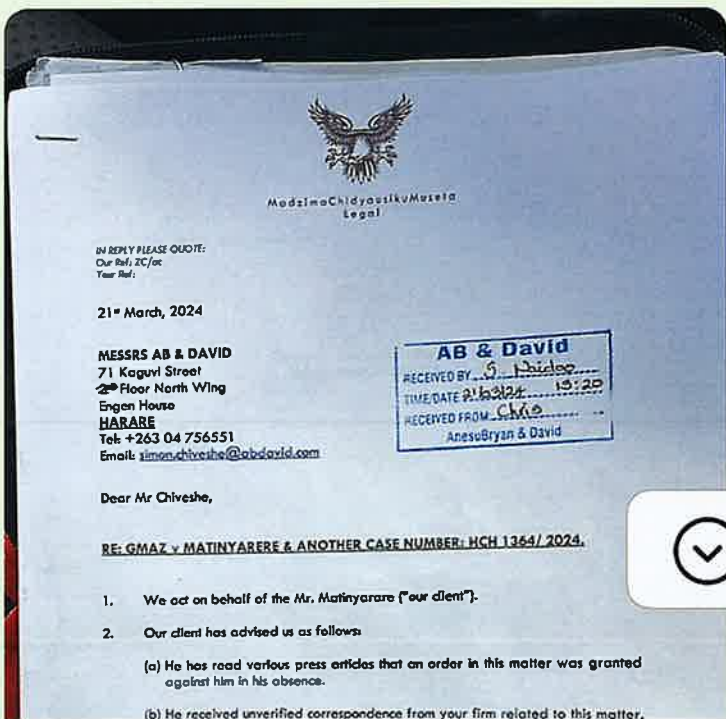
09:06 ✓✓



Voice call
39 min

09:13

Forwarded



[Handwritten signature]



14:13

Fri, 22 Mar

1

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

Case Number: 131956/2023

In the matter between:



RESPONDENTS OPPOSING
AFFIDAVIT STRIKE OUT APP...

3 pages • 49 KB • pdf

14:18 ✓✓

Sorry missed call. Just finished
affidavit for today. Please print this
and rush to the police station

14:19 ✓✓

You

Sorry missed call. Just finished affidavit for
today. Please print this and rush to the
police station

What should I do with Linda? She is
ready to write affidavit.

14:19

We will upload on Caselines. Will
also deal with access & information
requested later in now running to
deal with GMAZ case

14:2



Voice call
3 min

14:20



"60431"

Mon, 25 Mar

SPECIAL POWER OF ATTORNEY

I the undersigned:



MATINYARARE SPECIAL
POWER OF ATTORNEY.pdf

1 page • 28 KB • pdf

09:55



Missed voice call

Tap to call back

10:05



Voice call

2 min

10:06



Linda Politician



10:07

Message

Save Contact



Missed voice call

Tap to call back

16:20

How far with the affidavit. It has out
my plans on hold.

16:21





You

Tue, 26 Mar

I don't like GMAZ's talk of contempt of court. Think you should come back to SA

How do they believe that I am in contempt of court when everything they asked me to remove has been removed. This is the same tactic Robyn tried to pull and since we asked her to show me which material they asked us to remove was not removed and she couldn't tell us even though her email was labeled urgent.

I think a legal response is warranted. As for proof of service of something that I did not receive, that smells like fraudulently created proof of service.

18:59

You

I've trust issues.

I am with you bro.

I have trust issues too. Sounds underhanded.

19:00

Rutendo Matinyarare

How do they believe that I am in contempt





"LOA33"



Rutendo Matinyarare

Any progress with case files access?

Thank you for reminding me. Was rushing to meet all the deadlines, in two different countries. which we managed to do under immense pressure

20:04 ✓✓

This has been intense litigation

20:05 ✓✓

You

This has been intense litigation

It's a pretty simple case but the problem is we are fighting a very unscrupulous applicant and corrupt judges in both countries. This is what complicates everything.

Very underhanded criminals. 20:07

Rutendo Matinyarare

📷 Photo



Did you see this?



Now understand why cabinet made

[Handwritten signature]



160A34

mibexti Tue, 02 Apr

15:04

Forwarded

Sharer
Radio54 African PanoramaLive
Those with network issues please text here
1 d Like Reply

Sharer
Radio54 African PanoramaLive
Sibongile : Everyone who knows Luke please come forth
1 d Like Reply

Lüké Mfaro
Radio54 African PanoramaLive but sibongile knows me more than anyone else she must bring all info here she was vice Chair flying to my house weekends I don't know why she cabt say it here
4 m Like Reply

Like Comment Send Share

You and 8 others

2 shares

Most relevant

Sharer
Radio54 African PanoramaLive
Bheki: We are in the process of changing the name of our organisation as the former chairman Luke registered the organisation by himself and he is the sole director.
1 d Like Reply

Lüké Mfaro
Radio54 African PanoramaLive
south African director not me
15:04

platforms, I would expect you to address any woman the same way you have addressed SABC presenters, female at professional level and I don't think you have used words like "my love" or was there any assumption that you bedded them.

A man of your position, status and professional ethics knowledge should never use those kind of words to address a woman who is not that close to you. Out of Africa you still can't do that and the laws are that harsh.

Just now Like Reply

Lüké Mfaro
Radio54 African PanoramaLive thanks just let me know time on Sunday when you call so I prepare and be available for you. Thanks my love. Now that I have said
15:04

Radio54 African PanoramaLive's Post

Mapfumo
Please give us our money back please I was suppose to be paid end of Janu and you closed all the groups ,only you can talk

Reply

Lüké Mfaro
Dorcas Mapfumo wait a bit more as I wait for accountants. If there are losses and it gets liquidated after some report coming out it gets liquidated after some report not me liquidating its the laws of South Africa
1 d Like Reply

Reply to Dorcas Mapfumo...

Lüké Mfaro
Dorcas Mapfumo wait a bit more as I wait for accountants. If there are losses and it gets liquidated after some report coming out it gets liquidated after some report not me liquidating its the laws of South Africa
15:04

Forwarded

Hi Sindiso, hope you are well. im just following up from our conversation on Thursday regarding removal of the posts? Kind regards, Robyn 15:18

Forwarded

Rutendo Matinyarare (@matinyarare) on X

SO HOW CAN THE NATION DEAL WITH THE INNSCOR ISSUE?

With the information I have exposed about Innscor activities that threaten public interest, it's time our government and the people of Zimbabwe clipped this monopoly's wings by



Handwritten signature



Forwarded

Tue, 02 Apr

<https://www.facebook.com/rutendo.matinyarare/posts/pfbid02c5NJAR683zoqohrMf6Ny-DbQTo1tN8t51uXdKsNYmDE3yF-GAg8yY7k9JM3LS5esLzl>

15:21 ✓

Forwarded

<https://www.facebook.com/rutendo.matinyarare/posts/pfbid0VeXRJVgcBzdodKxGi-KG6FGfeLbNiFLfqSG2rNf-Hyx9P9wMjECVL7WGjof5MwzYcul>

15:21 ✓

Forwarded

<https://www.facebook.com/rutendo.matinyarare/posts/pfbid0R7SPZWAdavUJTUXwHSq-QbQzZvgvNJ2X4WgBawcbmjh-Do2kUHrped5SFZ4xwP6SQCl>

15:21 ✓

Forwarded

<https://www.facebook.com/rutendo.matinyarare/posts/pfbid0w3fHPWweojbk8YsP8h5td-URD4RvfYZEbJEPXbVEWGLj-Ua2BoCkM2VeDVJVvwQGRHI>

15:2



Forwarded

<https://www.facebook.com/>

< 120



Rutendo Matinyarare
online



"LOA36"

TwQgc Tue, 02 Apr |Cx3|

15:21 ✓

Hi Robyn,

According to our client, he believes that everything he alludes to in his articles is true and thus not defamation, however, he accepted to remove only the posts outlined in your agreement because you said you wanted to negotiate.

From the day you sent the agreement on the negotiations, you have made demands without any quid pro quo and as a result he sees absolutely no reason to keep removing pertinent articles when you have put nothing on the table.

He also says that the fact that his articles have been used by the Zimbabwean cabinet and senate to frame laws around the distribution of GMOs in the country since his articles, illustrates the importance of his write ups. Lastly, he informs us that he has communicated the same to you.

Edited 15:25





"60437"

Wed, 03 Apr

Fri, 05 Apr



Voice call

4 min

10:31

Hi Robyn

We've taken instructions. Our client claims that all the content on his platform is not defamatory, but instead constitutionally protected free speech.

In good faith he took down the content, which is subject to pending reconsideration proceedings, to allow for negotiations between the parties. Unfortunately no negotiations have taken place.

Our client refuses to allow your client to control his social media account, & will vigorously defend his constitutional right to free speech.

10:3



You

Hi Robyn



taken p' Fri, 05 Apr

Our client refuses to allow your client to control his social media account, & will vigorously defend his constitutional right to free speech.

10:35 ✓✓

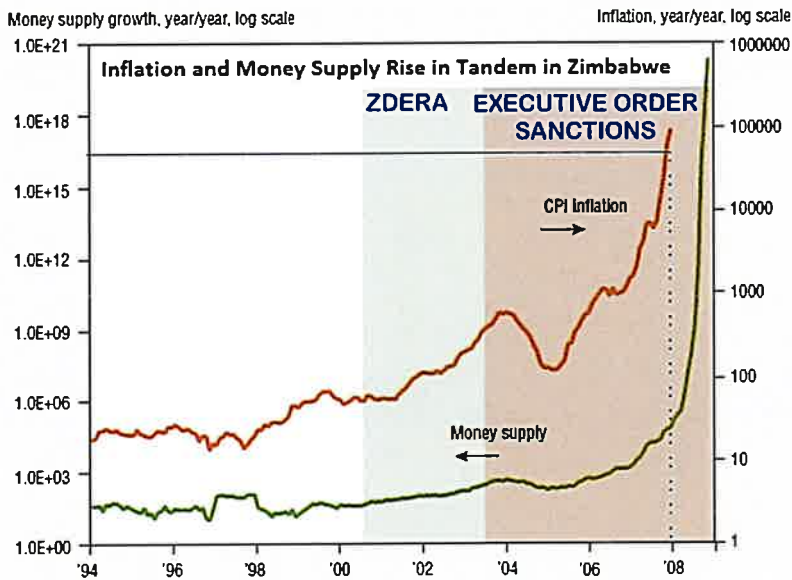
You

Hi Robyn

We've taken instructions. Our client claim...



10:42



NOTE: Money supply measure plotted is M3, which is the sum of notes and coins in circulation plus demand, savings and time deposits in the banking system. Source: Fed Dallas AR 2011 (Globalization and Monetary Policy)

WHAT CAUSED ZIM CURRENCY FALL IN 2008-9? - Zimbabwe Anti-Sanctions Mo...

ZDERA Sanctions?
zimbabweantisansctionsmovement.org

WHAT CAUSED ZIM CURRENCY FALL IN 2008-9?





You

Fri, 05 Apr

Hey bro. It's been manic on our end. I'm with our SA legal team now. GMAZ & Innscor threatening contempt proceeding...

Before we make anymore payments we need access to case files please bro. The case has become very costly and my sponsors are not willing to sponsor without doing an assessment of current work done.

How soon can you make those available?

Edited 16:00

Done. Caselines was at the back of our mind when chasing the deadlines. We met the deadlines. Check for an email with invitation link. It's late in the day on a Friday. I've also just downloaded the entire bundle of everything in the file, & put it on a stick coz it's too big to email.

I don't want to lose these guys, & if we do, don't want them disgruntled coz they've gone above and beyond than what has been paid for in fighting these juggernauts.





Fri, 05 Apr

Most of the new papers, since the 9 January 2024 order. are our papers.

Affidavits which you, & only you, are allowed to sign, & which you did.

As far as argument, only one heads of argument. Which I sent to you. It's above. In face the vast majority of the content of the bundle is already on this chat history 16:41 ✓✓

You

Most of the new papers, since the 9 January 2024 order. are our papers. Affidavits which you, & only you, are allo...

When will you send me the access to the case files link or login?

When can I have the USB? 16:44

The affidavits are evidence under oath, which you've informed the court of your version, in lock step with our meetings.

Nothing in there is new & requiring





Wed, 10 Apr

Thu, 11 Apr



WeTransfer

Visit site

Innskor File sent successfully to
rutendo@frontlinestrat.co.za



WeTransfer

11:16

To: Me



Innskor File sent to
rutendo@frontlinestrat.co.za

1 item, 211 MB in total · Expires on 18 April,
2024

Thanks for using WeTransfer. We'll email
you a confirmation as soon as your files
have been downloaded.

The complete bundle has
been sent. You've everything.
The Caselines system has had
problems, which working on,
but the ENTIRE bundle of
every page in the case file was
downloaded & emailed
directly to you. Will provide
updates later today coz we
receiving documentation daily.

11:26





"W442"

11:26 ✓

Thu, 11 Apr

You

📷 The complete bundle has been sent. You've everything. The Caselines system has had proble...



Thanks bro.

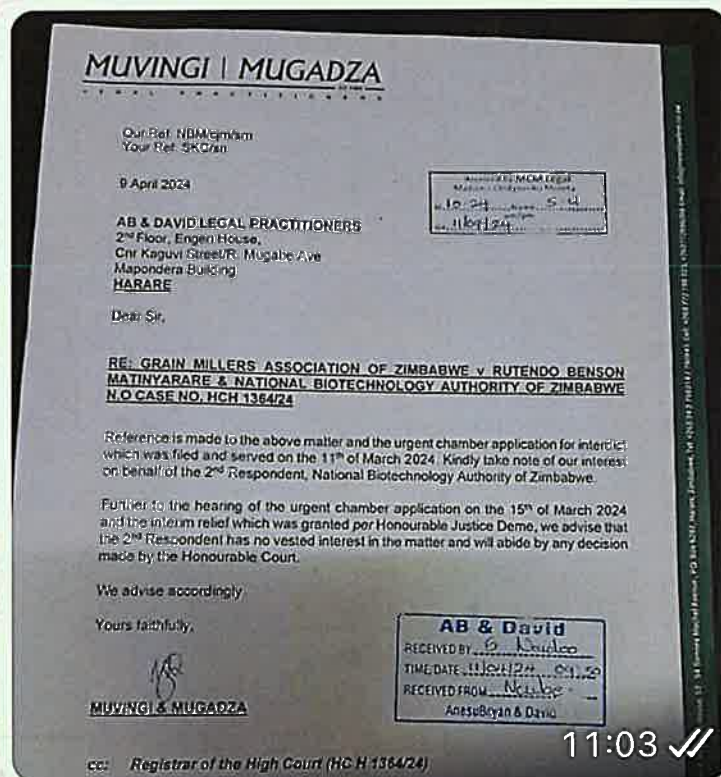
11:29

Are you in Zim yet?

14:29 ✓

Yes, I am. 15:02

Fri, 12 Apr



11:03 ✓

IN THE HIGH COURT SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case No: 013584-2024

In the matter between

INNESCOR AFRICA LIMITED

First Plaintiff



"WA43"

Fri, 12 Apr

MUVINGI | MUGADZA
LEGAL PRACTITIONERS

Our Ref: NBM/Gr/M
Your Ref: SK/Gr/M

9 April 2024

AB & DAVID LEGAL PRACTITIONERS
2nd Floor, Engen House,
Gnr Kagubi Street, R. Mugabe Ave
Mapondera Bulding
HARARE

Dear Sir,

RE: GRAIN MILLERS ASSOCIATION OF ZIMBABWE v RUTENDO BENSON MATINYARARE & NATIONAL BIOTECHNOLOGY AUTHORITY OF ZIMBABWE N.O CASE NO. HCH 1364/24

Reference is made to the above matter and the urgent chamber application for interdict which was filed and served on the 11th of March 2024. Kindly take note of our interest on behalf of the 2nd Respondent, National Biotechnology Authority of Zimbabwe.

Further to the hearing of the urgent chamber application on the 15th of March 2024 and the interim relief which was granted per Honourable Justice Deme, we advise that the 2nd Respondent has no vested interest in the matter and will abide by any decision made by the Honourable Court.

We advise accordingly.

Yours faithfully,

MUVINGI & MUGADZA

cc: Registrar of the High Court (HCH 1364/24)

11:03 ✓✓

**IN THE HIGH COURT SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case No: 013584-2024

In the matter between

INNSCOR AFRICA LIMITED First Plaintiff

ZINONA KOUDOUNARIS Second Plaintiff

and

BENSON RUTENDO MATINYARARE First Defendant

FRONTLINE STRAT MARKETING CONSULTANCY Second Defendant

NOTICE OF BAR

BE PLEASED TO TAKE NOTICE THAT the Plaintiffs require the Defendants to file their Plea within 5 (FIVE) days of delivery hereof, failing which the Defendants shall be ipso facto barred and the Plaintiffs will be entitled to proceed with an application for Default Judgment.

DATED AT SANDTON ON THE 11TH DAY OF APRIL 2024

Plaintiff's Attorneys
MV Ratshimilani Attorneys Inc.
TBE Sandt
90 Rivonia Ro

11:05 ✓✓

✓

Mon, 15 Apr

Rutendo Matinyarare

Still have not received Caselines.

IOL

< IOL | PRETORIA NEWS | NEWS | SPORT | OPIN

PRETORIA NEWS | NEWS

Filing papers in new paperless court system is a nightmare, claim some Pretoria lawyers



File picture: Pixabay

You have everything in the Court file. The bundle is numbered electronically. Not a single document is missing. I'm going to follow up later today on the status of everything.

06:51 ✓✓

You

You have everything in the Court file. The bundle is numbered





Mon, 15 Apr

Rutendo Matinyarare

Have you sent me the bundle?



WeTransfer

Visit site

Innscor File sent successfully to
rutendo@frontlinestrat.co.za



WeTransfer
To: Me

11:16



Innscor File sent to
rutendo@frontlinestrat.co.za

1 item, 211 MB in total · Expires on 18 April,
2024

Thanks for using WeTransfer. We'll email
you a confirmation as soon as your files
have been downloaded.

Yes. This is the "complete
bundle".

09:06 ✓✓

Rutendo Matinyarare

Did you check this out?

I did ... very interesting.

09:28 ✓✓



Handwritten signature



"WA46"

Did you check this out?

08:42

Mon, 15 Apr

Rutendo Matinyarare

Have you sent me the bundle?



WeTransfer

Visit site

Innskor File sent successfully to
rutendo@frontlinestrat.co.za



WeTransfer
To: Me

11:16



Innskor File sent to
rutendo@frontlinestrat.co.za

1 item, 211 MB in total · Expires on 18 April,
2024

Thanks for using WeTransfer. We'll email
you a confirmation as soon as your files
have been downloaded.

Yes. This is the "complete
bundle".

09:06 ✓✓

Rutendo Matinyarare

Did you check this out?

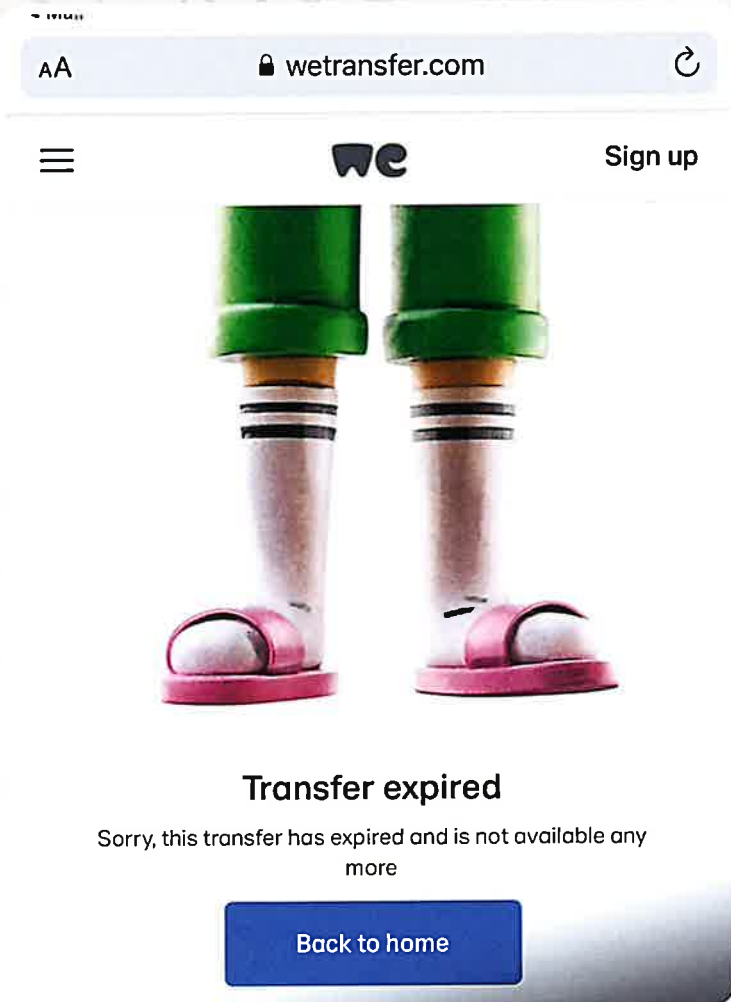
I did ... very interesting.

09:28 ✓✓



Handwritten signature and checkmark

Fri, 19 Apr



This file has expired, I didn't see the email when you sent it.

Edited 08:53

Document Added to Case

Hello,

This is to inform you that Letter to Registrar has been added to Case [HCH1364/24](#).

Regards

IECMS Support Team

It.

Edited 08:53

Fri, 19 Apr

Document Added to Case

Hello,

This is to inform you that Letter to Registrar has been added to Case [HCH1364/24](#).

Regards

IECMS Support Team

Simba, I am getting notifications of files being uploaded on case files but I still don't have access to case files. Also the link to the bundle has expired so I can't access. In future please also send me a WhatsApp to notify me to look out for the email.

08:53

NBA warns against illegal GMO maize imports – The Herald

www.herald.co.zw

NBA warns against illegal GMO maize imports

Francis Gakanje
19/04/2024



MS

< 120



Rutendo Matinyarare
online



"WA 49"

Simba,

Sat, 20 Apr

I have been calling you, sending you messages and you don't respond. What's the deal?

When am I getting my links for the bundle and case lines?

11:00

On 11 April 2024 at 11:16am I sent you the complete bundle of documents in SA Court by wetransfer (I also sent a screenshot from Wetransfer themselves showing that the complete bundle was sent you). You replied on the same day at 11:29am saying "thanks bro".

This past Monday (4 days later) at 8:42am you asked me "Have you sent me the bundle?". I responded saying "yes. This is the complete bundle". I also sent the same screenshot from we transfer.

Yesterday at 8:15am you sent me a screenshot saying the message expired because it was not opened by the receiver. We must now



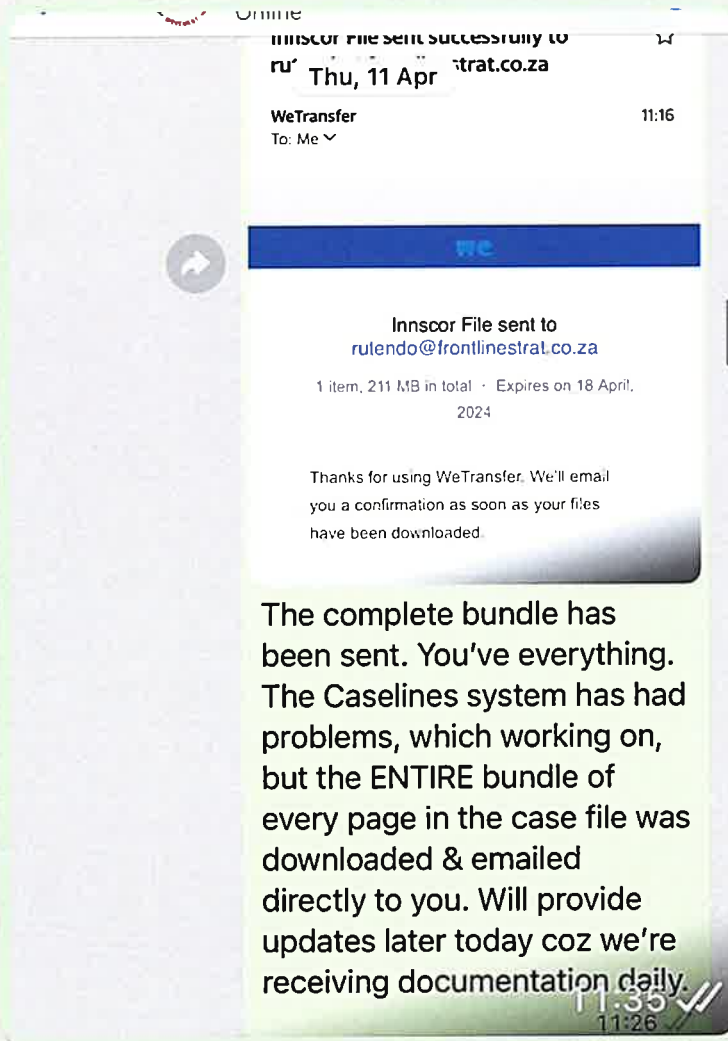
me



"WASO"

by the r ^{^^} must now
Sat, 20 Apr
resend the documents. There has
been no filing of papers in the SA
court by Innscor between now and
when the bundle was sent to you.

11:35 ✓✓



The complete bundle has
been sent. You've everything.
The Caselines system has had
problems, which working on,
but the ENTIRE bundle of
every page in the case file was
downloaded & emailed
directly to you. Will provide
updates later today coz we're
receiving documentation daily.

11:35 ✓✓



Have you sent me Monday file?

08:42

Rutendo Matinyarare

<https://www.sanews.gov.za/south-africa/judicial-matters-amendment-act-signed-law-0>



Did you check this out?

08:42

Rutendo Matinyarare

Have you sent me the bundle?



Sat, 20 Apr

Sun, 21 Apr

Evening.

1. The written correspondence with Rutendo asks what email address he wants for caselines. He only gave me one email address...his own. In fact he was asked several times & only volunteered his email address as a recipient for caselines, & not yours. His email address is a frontline email address. Caselines has issues for everyone, including myself, & I informed Rutendo in a call yesterday that if it is still not working by end of day an IT expert can sit with him & troubleshoot, which they do often.
2. All the Court papers we filed were sent to Rutendo & are in his possession.
3. The special power of attorney Rutendo signed with the legal team does not include Frontline as a client.





4. As for your "treatment" Rutendo has received from you, in your capacity as a director of that company, to any of the numerous meetings & phone calls connected with the case.
5. The evidence in an affidavit you both signed says Frontline shouldn't have been joined to the proceedings.
6. You are free to write a complaint to whoever you choose.
7. Kindly refrain from communicating with me in any form or capacity in future.

19:42 ✓✓

➔ *Forwarded*

Good evening Advocate, I have been trying to get hold of you to find out when am I getting my caseline access and the billing invoices for the Innscor case.

As a Director of Frontline Strat Marketing Consultancy who has the power of attorney to act solely on Frontline's interests I am not happy at all with the way you have treated me in this matter.



I have had numerous discussions



➔ Forwa Sun, 21 Apr

Good evening Advocate, I have been trying to get hold of you to find out when am I getting my caseline access and the billing invoices for the Innscor case.

As a Director of Frontline Strat Marketing Consultancy who has the power of attorney to act solely on Frontline's interests I am not happy at all with the way you have treated me in this matter.

I have had numerous discussions with Rutendo about when are you providing us with access to the caselines and invoices for the work we have paid for but Rutendo is vague.

I am writing to you as a courtesy to inform you that I have decided to separate Frontline from Rutendo's case. I have sought advise from another attorney on how to proceed with this case separately from Rutendo.

He has advised me to write to the President of the High Court to





from Rutendo.

Sun, 21 Apr

He has advised me to write to the President of the High Court to report that you have refused to grant me access to our caselines and you have neglected to provide me with advice and invoices for all the work you have done so far, yet I am paying you.

I will also raise the issue of ZASM and the unaccounted for monies we paid you and Lesley.

If I do not get access to caselines by tomorrow morning at 9am, I will be writing an email to the Judge President of the Joburg High Court to report you.

Rutendo seems to be happy with your services hence I've decided to separate the representation.

You will continue with him but I'm taking Frontline away from your service. I am not happy at all Advocate.

19:4



You

< 120



Rutendo Matinyarare
online



"WASS"

Advocate.

19:48 ✓

Sun, 21 Apr

You

Good evening Advocate, I have been trying to get hold of you to find out when am I getting my caseline access and the billing...

Where is this coming from, Nosi?

We are not speaking. She has moved out of the house yesterday and went to her place because she is mad at how I am handling this issue. She is really irate!!!

We have auditors coming in this week and so I think this is where some of the strain is coming from.

She has some guys at Sonnenburgs advising her so I don't know man.

My advise is speak directly to her because I don't want to talk to her.

21:30

Mon, 22 Apr

I'm working on getting all the many issues resolved.

11:09 ✓



I'm working on getting all the many issues resolved. Mon, 22 Apr 11:09 ✓✓

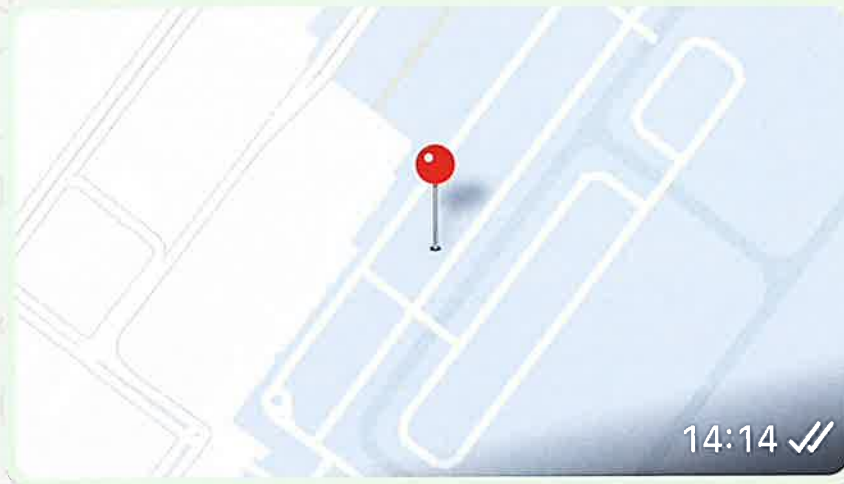
You will receive emails to that effect today 11:10 ✓✓

You

I'm working on getting all the many issues resolved.

Ok.

Did you and Nosi resolve your issue? 11:10



You

Location



Hey bro,

How's Durbs? 16:14





Mon, 22 Apr

Tue, 23 Apr

Durban was productive. I'm back.

A lot of work to do on the file wiz amended heads to include hearsay objections

Spoken to the IT person. He would like to sit with you & work on the system. Where should he meet you.

He's meeting me during the week as well coz I'm not getting notifications for one of my cases

10:06 ✓✓

I've two small affidavits that we spoke about to get an expedited hearing of the reconsideration application

10:08 ✓✓

You

I've two small affidavits that we spoke about to get an expedited hearing of the reconsideration application

Ok. When should we meet?



12:23

Wed, 24 Apr

Was there. Took someone's keys by mistake. Went to return them. Will be back shortly

12:25 ✓✓



Voice call

9 sec

12:32

Forwarded

Mr	Khaya	Lubeliana	Registrars Clerk	—	klubeliana@judiciary.org.za	Case Access Details	Master Eunde	Yes
Mr	Vusi	Mabunu	Registrars Clerk	—	vmabunu@judiciary.org.za	Case Access Details	Master Eunde	Yes
Miss	Coldia Salome	Mafolajela	Registrars Clerk	—	smafolajela@judiciary.org.za	Case Access Details	Master Eunde	Yes
Dr	Siyabonga	Makharu	Advocate	—	—	Case Access Details	Master Eunde	Yes
Mr	Julus	Makofane	Registrar	—	jmakofane@judiciary.org.za	Case Access Details	Master Eunde	Yes
Miss	Estelle	Manuel	Court Admin	—	—	Case Access Details	Master Eunde	Yes
Ms	Mamoloko	Maseema	Registrars Clerk	—	mmaseema@judiciary.org.za	Case Access Details	Master Eunde	Yes
Mrs	Mokgadi Lorraine	Mashashane	Registrars Clerk	—	mmashashane@judiciary.org.za	Case Access Details	Master Eunde	Yes
Mr	Rutendo	Matinyarare	Respondent	—	rutendo@frontlinestrat.co.za	Case Access Details	Master Eunde	Yes
Ms	Dikhebeni	Matsie	Creator	—	—	Case Access Details	Master Eunde	Yes
Ms	Portia	Mabizwe	Registrars Clerk	—	lmabizwe@judiciary.org.za	Case Access Details	Master Eunde	Yes
Mr	Arza	Mantz	Registrars Clerk	—	amantz@judiciary.org.za	Case Access Details	Master Eunde	Yes
Mr	mafo	motshabeli snyder	Registrars Clerk	—	emakhe@judiciary.org.za	Case Access Details	Master Eunde	Yes

12:52 ✓✓



Test Report

2404-5250

Company: Frontline Strat Marketing Consultancy Contact: Nosipo Bekani
 Email: nosipo@frontlinestrat.co.za Telephone: +27 (010) 746-0701
 Address: 192 Calais SciCorp Order No.: 5250

pdf

2404-5250-Test Report+Eurofins reports.pdf

11 pages • 662 KB • pdf

15:05

Rutendo Matinyarare

2404-5250-Test Report+Eurofins reports.pdf • 11 pages



ME



"WA59"

Thu, 25 Apr

Fri, 26 Apr



Voice call

5 min

12:21

From: Robyn Adams

Sent: Thursday, April 25, 2024 6:50 PM

To: sindiso@msmlaw.co.za; dominee@msmlaw.co.za; ofentse@msmlaw.co.za

Cc: Matodzi Ratshimbilani <matodzi@mvrllaw.co.za>; Mashudu Mundalamo <mashudu@mvrllaw.co.za>

Subject: URGENT CONTEMPT APPLICATION - INNSCOR AFRICA LIMITED AND ONE OTHER / RB MATINYARARE AND ONE OTHER (CASE NO.: 131956/2023)

Importance: High

Dear Sirs,



We attach hereto the following for service via electronic mail, for your urgent attention:

1. Issued Notice of Motion in re Urgent Contempt Application enrolled for 7 May 2024;
2. Supplementary Affidavit and Annexures thereto;
4. Certificate of Authentication.

Please note that the confirmatory affidavit of RA Adams will be filed during the course of tomorrow morning.

Please confirm receipt hereof.

Kind regards,



Robyn

12:21 ✓✓

Sat, 27 Apr

Hey bro,

What time are we meeting?

10:56



< 120



Rutendo Matinyarare
online



"WA 60"

Mon, 29 Apr

↓ 24.7 MB

16:02



Innscor - 200324 Draft Order
- with Chitando comments.d...

1 page • 55 KB • docx



17:21



Missed voice call

Tap to call back

17:48

Will call tomorrow am. Apologies
for being quiet this weekend.

Been overwhelmed in paperworl
Had to just go radio silent and
graft.



18:02 ✓✓



Hey bro,

Mon, 29 Apr

Nosi has moved Frontline's account to ENS because apparently you told her that you were not representing Frontline.

As a result, there is an issue about us having two separate lawyers who are going to charge us separately for the same case. ENS are willing to represent both on the cost of one, so it makes sense for me to work with them.

If you are still interested, we still need service in Zimbabwe. So let me know if you will still assist with that.

This is not personal but just a need to rationalize costs.

Thanks.

Edited 20:17

Forwarded

Attention: Advocate Chitando
Delivery: E-mail

29 April 2024

Dear Advocate Chitando,

RE: INNSCOR & ANOTHER // RUTENDO MATINYARARE & ANOTHER CASE NUMBER:
131022/2023 CANCELLATION OF MANDATE





Wed, 17 Apr

Sun, 21 Apr

Good evening Advocate, I have been trying to get hold of you to find out when am I getting my caseline access and the billing invoices for the Innscor case.

As a Director of Frontline Strat Marketing Consultancy who has the power of attorney to act solely on Frontline's interests I am not happy at all with the way you have treated me in this matter.

I have had numerous discussions with Rutendo about when are you providing us with access to the caselines and invoices for the work we have paid for but Rutendo is vague.

I am writing to you as a courtesy to inform you that I have decided to separate Frontline from Rutendo's case. I have sought advise from another attorney on how to proceed with this case separately from Rutendo.



"WA64"

< 118



Ms N Bekani



from Rutendo.

Sun, 21 Apr

He has advised me to write to the President of the High Court to report that you have refused to grant me access to our caselines and you have neglected to provide me with advice and invoices for all the work you have done so far, yet I am paying you.

I will also raise the issue of ZASM and the unaccounted for monies we paid you and Lesley.

If I do not get access to caselines by tomorrow morning at 9am, I will be writing an email to the Judge President of the Joburg High Court to report you.

Rutendo seems to be happy with your services hence I've decided to separate the representation.

You will continue with him but I'm taking Frontline away from your service. I am not happy at all Advocate.

19:09




You deleted this message

"6465"

ADVOCATE.

19:09

Sun, 21 Apr

 You deleted this message. 19:37

Evening.

1. The written correspondence with Rutendo asks what email address he wants for caselines. He only gave me one email address...his own. In fact he was asked several times & only volunteered his email address as a recipient for caselines, & not yours. His email address is a frontline email address. Caselines has issues for everyone, including myself, & I informed Rutendo in a call yesterday that if it is still not working by end of day an IT expert can sit with him & troubleshoot, which they do often.
2. All the Court papers we filed were sent to Rutendo & are in his possession.
3. The special power of attorney Rutendo signed with the legal team does not include Frontline as a client.



"COAG2"

< 118



Ms N Bekani



- Sun, 21 Apr
3. The ~~special power~~ of attorney Rutendo signed with the legal team does not include Frontline as a client.
 4. As for your "treatment" Rutendo has not invited you, in your capacity as a director of that company, to any of the numerous meetings & phone calls connected with the case.
 5. The evidence in an affidavit you both signed says Frontline shouldn't have been joined to the proceedings.
 6. You are free to write a complaint to whoever you choose.
 7. Kindly refrain from communicating with me in any form or capacity in future.

19:40 ✓✓

You blocked this contact. **Unblock.**