

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO: **2025-224413**

In the matter between:

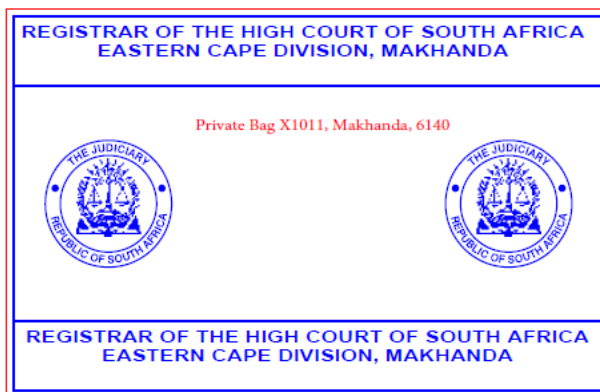
T/A INTERCAPE FERRIERA MAINLINER (PTY) LTD Plaintiff / Applicant / Appellant

and

**THE PROVINCIAL COMMISSIONER
EASTERN CAPE SOUTH AFRICAN
POLICE SERVICE ,NATIONAL
COMMISSIONER SOUTH AFRICA
POLICE SERVICE ,THE STATION
COMMANDER SOUTH AFRICAN POLICE
SERVICE NGCOBO SOUTH AFRICAN
POLICE** Defendant / Respondent

Contempt Application

NOTE: This document was filed electronically by the Registrar on 22/6/2026 at 1:59:54 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

**Registrar of The High Court
Eastern Cape Division,
Makhandla**

**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA**

CASE NO: 2025-224413

In the matter between:

INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant



and

**THE PROVINCIAL COMMISSIONER, EASTERN CAPE
SOUTH AFRICAN POLICE SERVICE: VUYISILE NCATA**

First Respondent

**THE NATIONAL COMMISSIONER,
SOUTH AFRICAN POLICE SERVICE:
PULENG PATRICIA DIMPANE**

Second Respondent

**THE STATION COMMANDER,
SOUTH AFRICAN POLICE SERVICE, NGCOBO:
COLONEL BULELANI PHILEMON MSONGELWA**

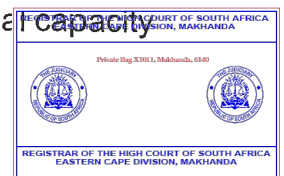
Third Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE THAT the Applicant intends making application to this Honourable Court at **14h00** on the **25th of June 2026** or so soon thereafter as counsel may be heard for an order in the following terms:

1. Declaring that the following Respondents are in contempt of, alternatively in breach of, the order granted by the Honourable Acting Justice Cengani-Mbakazi on 10 February 2026 under case number 2025-224413. :

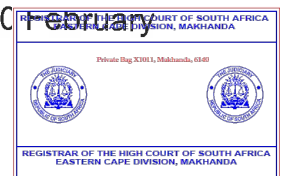
1. the First Respondent, General Vuyisile Ncata N.O., in his personal capacity and official capacity;
2. the Second Respondent, General P Dimphe N.O., in his personal capacity and official capacity; and
3. the Third Respondent, Colonel Msongelwa N.O., in his personal capacity and official capacity.



2. Directing that the First, Second and Third Respondents be committed to imprisonment for a period of ninety (90) days.
3. Suspending the order in paragraph 2 above for a period of thirty (30) days from the date of service of this order in order to afford the Respondents an opportunity to purge their contempt by complying with the order granted on 10 February 2026.
4. Directing that, in the event of the Respondents complying with the order granted on 10 February 2026 within the period referred to in paragraph 3 above, the committal referred to in paragraph 2 shall not take effect.

5. Alternatively to paragraphs 2 to 4 above, directing the Respondents:

1. within five (5) days of the service of this order, to take all steps necessary to comply with and give effect to the order granted by the Honourable Acting Justice Cengani-Mbakazi on 10 February 2026;
2. within five (5) days of the service of this order, to file with this Honourable Court and deliver to the Applicant an affidavit deposed to under oath setting out in detail the steps taken to comply with the order granted on 10 February 2026 and with paragraph 5.1 above.



6. Directing the First, Second and Third Respondents, in their personal capacities, jointly and severally, the one paying the others to be absolved, to pay the costs of this application on the scale as between attorney and client, including the costs consequent upon the employment of two counsel where so employed.

7. Granting the Applicant such further and/or alternative relief as this Court deems fit.

TAKE FURTHER NOTICE THAT the applicants attorneys of record are Adams and Adams and will accept service of any process in these proceedings electronically at the email addresses indicated below

TAKE FURTHER NOTICE that if any of the respondents intend opposing this application they are required to

1. Notify the applicants attorneys in writing of the intention to do so by **16h30** on **Tuesday the 23rd of June 2026** and in such notice to appoint addresses

referred to in rule 6(5)(d)(i) at which they will accept notice and service of all documents in these proceedings

2. Deliver their answering affidavits, if any, together with any relevant documents by no later than **08h00** on Wednesday the **24th of June 2026**; and
3. The Applicants shall file their replying affidavit, if any by **16h00** on Wednesday the **24th of June 2026**.



BE PLEASED TO TAKE NOTICE FURTHER that the affidavit of **SHAUN SMEDA** which is annexed hereto will be used in support of this application.

KINDLY ENROL THE MATTER ACCORDINGLY.

DATED AT MAKHANDA ON 22 JUNE 2026.

ADAMS & ADAMS

Attorneys for the Applicant

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Pretoria

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demi.pretorius@adams.africa;

Shannon.busacker@adams.africa

c/o HUXTABLE ATTORNEYS

26 New Street

Makhanda

046 622 2692

**TO: THE REGISTRAR OF THE HIGH COURT
MAKHANDA**

**AND TO: THE PROVINCIAL COMMISSIONER, EASTERN CAPE
SOUTH AFRICAN POLICE SERVICE: VUYISILE NCATA**
First Respondent
Griffiths Mxenge Building
Buffalo Road
Zwelitsha
King Willams Town



**AND TO: THE NATIONAL COMMISSIONER,
SOUTH AFRICAN POLICE SERVICE: PULENG PATRICIA DIMPANE**
Second Respondent
231 Pretorius Street
Pretoria

**AND TO: THE STATION COMMANDER, SOUTH AFRICAN POLICE SERVICE,
NGCOBO**
Third Respondent
82 High Street
Engcobo
Eastern

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO: 2025-224413

In the matter between:

INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant

and



THE PROVINCIAL COMMISSIONER, EASTERN CAPE
SOUTH AFRICAN POLICE SERVICE: VUYISILE NCATA

First Respondent

THE NATIONAL COMMISSIONER,
SOUTH AFRICAN POLICE SERVICE:
PULENG PATRICIA DIMPANE

Second Respondent

THE STATION COMMANDER,
SOUTH AFRICAN POLICE SERVICE, NGCOBO:
COLONEL BULELANI PHILEMON MSONGELWA

Third Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

SHAUN SMEDA

do hereby make oath and state:

1. I am the **Chief Commercial Officer** of the applicant, Intercape Ferreira Mainliner (Pty) Ltd ("**Intercape**").
2. The contents of this affidavit are within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief both true and correct.
3. Where I make submissions of a legal nature, I do so on the advice of Intercape's legal representatives, which advice I consider to be correct.

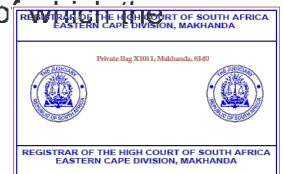


OVERVIEW OF THE CONTEMPT APPLICATION

4. This application concerns the respondents' continuing and wilful failure to comply with the orders of this Court granted under case number 2025-224413. Those orders require the respondents, amongst other things, to maintain a visible law enforcement presence at Intercape loading points in Ngcobo and other affected towns, to provide law enforcement escorts when requested because of a legitimate concern over intimidation or violence, and to ensure the immediate enforcement of the criminal law where offences are committed in the presence of members of the South African Police Service.

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5. Despite repeated court orders, repeated warnings and repeated requests for assistance, the respondents have failed to discharge their obligations. Their non-compliance culminated, on 19 June 2026, in Intercape coach ICG658GP being attacked by assailants while entering Ngcobo. The assailants threw a rock through the window of the bus, which hit the child in the head. He sustained severe injuries and had to be rushed to hospital for emergency medical treatment.
6. The attack and the injuries suffered by the child were entirely foreseeable and occurred against the backdrop of escalating intimidation and violence of which the respondents had been repeatedly notified.



7. Intercape accordingly approaches this Court urgently to vindicate the authority of its orders and to compel the respondents to comply with their obligations. The continued failure by the respondents to obey this Court's orders places the lives and safety of Intercape's passengers, drivers and staff at immediate risk and threatens the rule of law itself.

8. In overview, and in brief:

8.1. Intercape has, since 2022, been engaged in litigation arising from the sustained campaign of violence and intimidation directed at its operations in the Eastern Cape. This Court has repeatedly recognised both the existence of that campaign and the obligation resting upon organs of state, and in particular the South African Police Service, to take reasonable and effective measures to ensure the safety and security of Intercape's drivers and passengers.

8.2. More recently, following a series of serious incidents during November 2025, Intercape approached this Court for urgent relief against the Provincial Commissioner of the South African Police Service, the National Commissioner of the South African Police Service and the Station Commander of the South African Police Service, Ngcobo. On 21 November 2025 this Court granted an order directing the respondents to maintain a visible law enforcement presence at Intercape loading points and to provide law enforcement escorts where there is a legitimate concern over intimidation or violence. The order was subsequently extended on 3 December 2025 and again on 11 December 2025 before ultimately being made final on 10 February 2026.



8.3. The respondents have at all material times had full knowledge of these orders. They were parties to the proceedings in which the orders were granted and have repeatedly been reminded of their obligations thereunder. The orders are clear and unambiguous and leave no room for uncertainty regarding what is required of the respondents.

8.4. During 18 and 19 June 2026, Intercape's operations in Ngcobo were once again subjected to unlawful interference and escalating threats of violence. Intercape's attorneys wrote to, amongst others, the Acting Minister of Police, the Acting National Commissioner, the Acting Provincial Commissioner and the Station Commander of the SAPS in Ngcobo, recording both the obligations imposed by the Court orders and the deteriorating security situation in Ngcobo and demanding immediate compliance therewith.

8.5. In addition to these written communications, Intercape's representatives engaged directly with various members of the South African Police Service, including Captain Tyho, Colonel Msongelwa, Colonel Sali and Major General Billet. These officials were informed of the escalating situation and of the urgent need for police visibility and assistance. Despite these engagements, no adequate policing presence was provided and no meaningful action was taken.

8.6. Later on 19 June 2026, Intercape coach ICG658GP was attacked by assailants whilst entering Ngcobo. The threw rocks at the bus. One of these rocks went through the window of the bus and struck a child on the head. He sustained severe injuries and had to be rushed to hospital for emergency treatment. I attach a photograph of his injuries, appropriately blurred to protect his identity, as "SS1".



8.7. Armed civilians were openly carrying firearms in Ngcobo. There was no visible policing presence. Intercape has consequently been compelled to suspend its operations in the town.

8.8. The attack on coach ICG658GP and the injuries suffered by the child passenger were entirely foreseeable. The respondents had been placed on repeated notice of the escalating intimidation, the unlawful obstruction of Intercape's operations and the grave risks posed to the safety of Intercape's drivers and passengers. Notwithstanding this, the respondents failed and refused to comply with the Court orders and with their constitutional obligations.

9. Intercape accordingly seeks orders declaring the respondents to be in contempt of court and compelling them to comply with the orders granted by this Court. Unless

immediate intervention is forthcoming, Intercape's drivers, staff and passengers, many of whom are children travelling during the forthcoming school holidays, will remain exposed to a foreseeable risk of further violence and serious bodily harm

THE PARTIES

10. The Applicant is Intercape Ferreira Mainliner (Pty) Ltd ("Intercape"), a private company duly incorporated in accordance with the company laws of the Republic of South Africa, with its registered address situated at Corner Montreal Drive and Morris Close, Airport Industria 3, Cape Town, Western Cape.



11. The First Respondent is General Vuyisile Ncata N.O., the Acting Provincial Commissioner of the South African Police Service, Eastern Cape, cited herein in his official capacity and in his personal capacity, with his principal offices situated at Zwelitsha, Eastern Cape. As the Acting Provincial Commissioner of the South African Police Service, Eastern Cape, the First Respondent is responsible for the command and control of policing within the Province and bears overall responsibility for ensuring compliance by members of the South African Police Service within the Eastern Cape with the order granted by this Court on 10 February 2026.

12. The Second Respondent is General P Dimpane N.O., the Acting National Commissioner of the South African Police Service, cited herein in his official capacity and in his personal capacity, with his principal offices situated in Pretoria, Gauteng. As the Acting National Commissioner of the South African Police Service, the Second Respondent exercises overall command and control over the

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South African Police Service and bears ultimate responsibility for ensuring that orders granted by this Court against the South African Police Service are complied with.

13. The Third Respondent is Colonel Msongelwa N.O., the Station Commander of the South African Police Service, Ngcobo, cited herein in his official capacity and in his personal capacity, with his offices situated at the South African Police Service Station, Ngcobo, Eastern Cape. As the Station Commander of the South African Police Service, Ngcobo, the Third Respondent bears direct responsibility for policing within the Ngcobo area and for the implementation at station level of the obligations imposed by the order granted by this Court on 10 February 2026.



14. The Respondents were cited in the proceedings instituted under case number 2025-224413 and actively participated therein through the Office of the State Attorney.

15. On 10 February 2026, this Court granted an order against the Respondents directing, amongst other things, that a visible law enforcement presence be maintained at Intercape loading points and that law enforcement escorts be provided where there existed a legitimate concern over intimidation or violence.

16. The Respondents are cited in their official capacities because the obligations imposed by the order rest upon the offices which they occupy.

17. The Respondents are cited in their personal capacities because they are the officials responsible for ensuring that SAPS complies with the Court orders; the SAPS has wilfully failed to comply with the Court orders; they had knowledge of

the court orders; and because Intercape seeks their committal to prison unless the contempt is purged.

BACKGROUND TO THE COURT ORDERS

The ongoing campaign of violence against Intercape

18. Since approximately 2022, Intercape has been subjected to a sustained campaign of intimidation and violence orchestrated by elements within the taxi industry. The purpose of this campaign has been to coerce Intercape into making concessions regarding routes and fares and, ultimately, to prevent it from operating in certain parts of the country, including the Eastern Cape.



19. I do not intend burdening this Court with a complete chronology of every incident of violence directed at Intercape, its employees and its passengers. Suffice it to say that the violence has been widespread, persistent and well documented and has already been the subject of numerous applications before this Court.

20. I am advised that this Court has, on numerous occasions over the past four years, recognised both the existence of the campaign of violence and the constitutional obligations resting upon organs of state, and in particular the South African Police Service, to take positive, reasonable and effective measures to ensure the safety and security of Intercape, its employees and its passengers.

21. These proceedings have their origins in the litigation instituted by Intercape under case number 2099/2022. In those proceedings, Mr Justice Smith granted a declaratory order on 30 September 2022 declaring that the relevant authorities

were obliged to take positive, reasonable and effective measures to ensure the safety and security of long-distance bus drivers and passengers operating within the Eastern Cape and that they had failed to do so. The learned Judge further directed the development of a comprehensive action plan to address the violence directed against Intercape. A copy of the order granted on 30 September 2022 is attached marked "SS2".

22. In his reasons furnished on 7 October 2022, Smith J held:

22.1. *"Since 2015 Intercape has been the victim of widespread and ongoing acts of violence and intimidation throughout the country. ... It is not disputed on the papers that the violence is not random, but part of a deliberate strategy on the part of certain taxi associations. The violence is aimed at intimidating and coercing Intercape into agreeing to the unlawful demands of those taxi associations."*



23. A copy of the judgment of Smith J is attached marked "SS3".

24. In his reasons furnished on 22 August 2023, Smith J held:

"These proceedings have, from the start, been focussed on the safety and security of long-distance bus drivers and passengers in the Eastern Cape. While the prospect of financial losses must remain a worrying issue for Intercape, from the court's point of view, it has always been the real and present danger to passengers and bus drivers that informed both the urgency with which the matter was heard and the form of the orders issued. It is regrettable that the SAPS have latched onto this argument to justify its opposition to an

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action plan that requires visible police presence at hotspot areas and the provision of police escorts along certain routes when requested by Intercape. It boggles the mind why it is so difficult for a law enforcement agency to appreciate that when armed assailants take potshots at moving buses, deleterious consequences inevitably ensue, and sooner than later people will suffer serious injuries and, heaven forbid, may even lose their lives. There can therefore be little doubt that the mandatory interdict sought against the SAPS is, together with the other measures envisaged in terms of the revised action plan, necessary to ensure the safety and security of long-distance bus drivers and passengers in the Eastern Cape."



25. The violence persisted and Intercape was constrained to approach this Court again during 2023. In *Intercape Ferreira Mainliner (Pty) Ltd v MEC for Transport, Eastern Cape and Others (2099/2022) [2023] ZAECKMKHC 91*, this Court directed the South African Police Service, pending the development and implementation of a revised action plan, to maintain a visible law enforcement presence at designated loading points and to provide law enforcement escorts when requested because of legitimate concerns over intimidation and violence. A copy of the judgment delivered on 22 August 2023 is attached marked **"SS4"**.

The proceedings culminating in the order of 21 November 2025

26. Notwithstanding the various orders previously granted by this Court, violence and intimidation directed at Intercape continued. Matters reached a crisis point during November 2025, when a series of coordinated and escalating incidents of violence and intimidation occurred in and around Ngcobo and neighbouring towns.

27. As a consequence of those incidents, Intercap was constrained to approach this Court on an urgent basis under case number 2025-224413 against, amongst others, the Provincial Commissioner of the South African Police Service, the National Commissioner of the South African Police Service and the Station Commander of the South African Police Service, Ngcobo. Those respondents are the same respondents cited in the present proceedings.

28. On 21 November 2025 this Court granted an interim order directing the respondents, amongst other things, to maintain a visible law enforcement presence at Intercap loading points in Ngcobo and Cofimvaba whenever Intercap buses were scheduled to stop there, in order to maintain the safety and security of Intercap's drivers and passengers. The order further directed the respondents to provide law enforcement escorts to Intercap buses whenever requested to do so because of a legitimate concern over intimidation or violence. A copy of the order granted on 21 November 2025 is annexed hereto marked "**SS5**".



29. The purpose of the order was to provide immediate protection to Intercap, its employees and its passengers in circumstances where violence had reached such levels that judicial intervention had become necessary.

30. The respondents participated in those proceedings and were fully aware both of the circumstances which gave rise to the application and of the obligations imposed upon them by the order.

31. The violence did not abate and spread to neighbouring towns. Consequently, on 3 December 2025 this Court extended the operation of the order to include

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Butterworth, Idutywa and Tsomo. A copy of the order granted on 3 December 2025 is annexed hereto marked "**SS6**".

32. The violence subsequently spread still further. On 11 December 2025 this Court once again extended the order, this time to include Alice, KwaMaqoma and Dimbaza. A copy of the order granted on 11 December 2025 is annexed hereto marked "**SS7**".

33. The significance of these orders is that the respondents were repeatedly placed on notice not only of the widespread and escalating nature of the violence directed at Intercape, but also of the precise obligations resting upon them in relation to the protection of Intercape's drivers, staff and passengers.



34. The respondents were parties to the proceedings and accordingly possessed intimate knowledge both of the factual circumstances giving rise to the orders and of the duties imposed upon them thereunder.

35. On 17 December 2025, Acting Justice Brody delivered judgment in related proceedings and described the prevailing state of affairs in Ngcobo as one of "anarchy". The learned Judge's observations are particularly significant because they demonstrate that the lawlessness and violence in Ngcobo were not isolated occurrences but were matters which had repeatedly engaged the attention of this Court. A copy of the judgment of Acting Justice Brody is annexed hereto marked "**SS8**".

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36. On 10 February 2026, Acting Justice Cengani-Mbakazi made the rule nisi final. A copy of the final order granted on 10 February 2026 is annexed hereto marked "SS9".

37. By virtue of the final order, the respondents were obliged to maintain a visible law enforcement presence at the relevant Intercape loading points, to provide law enforcement escorts when requested because of a legitimate concern over intimidation or violence, and to comply with section 40(1) of the Criminal Procedure Act when crimes were committed in the presence of members of the South African Police Service. Those obligations remain binding upon the respondents.



38. It is the respondents' failure to comply with those obligations which gives rise to the present contempt proceedings

The Terms of the Final Order

39. The purpose of the order granted by Madam Acting Justice Cengani-Mbakazi on 10 February 2026 was to address the escalating campaign of violence and intimidation directed at Intercape and ensuring the safety and security of Intercape's drivers, employees and passengers. A copy of the order is annexed hereto marked "SS9".

40. The relevant portions of the order provide as follows:

40.1. The First and Second Respondents are directed to maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Ngcobo, Cofimvaba, Idutywa, Butterworth, Tsomo, Alice,

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KwaMaqoma (previously Fort Beaufort), and Dimbaza at each of the times at which the Applicant's buses are scheduled to stop at that loading point, in order to maintain the safety and security of long-distance bus drivers;

40.2. The First and Second Respondents are directed to provide law enforcement escorts to the Applicant's buses along the routes in and out of Ngcobo, Cofimvaba, Idutywa, Butterworth, Tsomo, Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence;

40.3. The Respondents are directed to comply with section 40(1) of the Criminal Procedure Act, in particular when crimes are being committed in their presence."



41. The order therefore imposed three distinct obligations upon the Respondents.

The obligation to maintain a visible law enforcement presence

42. In the first place, the First and Second Respondents were directed to maintain a visible law enforcement presence and to deploy sufficient members of the South African Police Service at the designated Intercape loading points whenever Intercape buses were scheduled to stop there.

43. The purpose of this relief was to ensure the safety and security of Intercape's drivers and passengers and to provide a visible deterrent to the violence and intimidation which had repeatedly plagued Intercape's operations.

44. The obligation imposed by paragraph 1 of the order is clear and unambiguous. It requires a visible law enforcement presence to be maintained at the designated loading points whenever Intercape buses are scheduled to stop there.

The obligation to provide escorts

45. Secondly, the First and Second Respondents were directed to provide law enforcement escorts to Intercape buses travelling into and out of the affected towns whenever Intercape requested such escorts on account of a legitimate concern over intimidation or violence.



46. The purpose of this relief was to ensure that Intercape's drivers and passengers could safely enter and exit areas where there existed a genuine risk of intimidation and violence.

47. The obligation created by paragraph 2 of the order is similarly clear and unequivocal. Where Intercape requested law enforcement escorts because of a legitimate concern over violence or intimidation, the First and Second Respondents were obliged to provide such escorts.

The obligation to enforce the criminal law

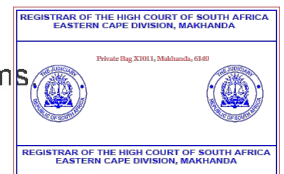
48. Thirdly, all of the Respondents were directed to comply with section 40(1) of the Criminal Procedure Act, 51 of 1977, particularly where crimes were being committed in their presence.

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49. This obligation reflects the elementary proposition that the criminal law must be enforced and that criminal conduct directed at Intercape's operations cannot be tolerated or ignored.

50. The inclusion of paragraph 3 in the order demonstrates this Court's concern that perpetrators of violence and intimidation directed at Intercape should not be permitted to act with impunity and that members of the South African Police Service should perform their ordinary law enforcement functions.

51. The obligations imposed by the order are expressed in mandatory terms



52. Moreover, the Respondents were parties to the proceedings which culminated in the granting of the order and accordingly possessed full knowledge of both the terms of the order and the obligations imposed upon them.

53. In addition, the obligations imposed by the order were expressly brought to the attention of the Respondents in the urgent correspondence addressed to the Acting National Commissioner, the Acting Provincial Commissioner and the Station Commander of the South African Police Service, Ngcobo.

THE RESPONDENTS' KNOWLEDGE OF THE COURT ORDER

54. On 21 November 2025, this Honourable Court granted a rule nisi against the Respondents. The rule nisi was subsequently amended and extended on several occasions before being made final on 10 February 2026.

55. On 11 December 2025 and again on 16 December 2025, Intercape's attorneys transmitted copies of the rule nisi and addressed demands for compliance to the

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Respondents through the Office of the State Attorney. In those communications, the Respondents were called upon to comply with the order and were informed that, failing such compliance, Intercape would seek contempt relief. Copies of the WhatsApp communications are annexed hereto marked "**SS10**".

56. On 16 December 2025, Mr Mishane Swart of the Office of the State Attorney responded as follows:

"Received and forwarded same to Genl of SAPS who is heading legal in Eastern Cape."



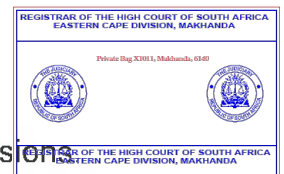
57. A copy of the WhatsApp communication is annexed hereto marked "**SS11**".

58. Mr Swart's response demonstrates that the order and the demands for compliance were brought to the attention of the South African Police Service and, in particular, to the General responsible for legal services in the Eastern Cape.

59. Following the granting of the final order on 10 February 2026, Intercape continued to request police visibility and law enforcement escorts from the South African Police Service.

60. An Intercape Ngcobo WhatsApp group had been established for this purpose. Captain Tyho and Colonel Msongelwa, the Station Commander of SAPS Ngcobo, were members of the group. Copies of extracts from the WhatsApp communications are annexed hereto marked "**SS12**".

61. Between 12 March 2026 and 19 June 2026, requests for police visibility and escorts were made on a daily basis, save for 28 April 2026, 3 May 2026, 26 May 2026 and 18 June 2026.
62. The requests made through the WhatsApp group demonstrate that members of the South African Police Service, including Captain Tyho and Colonel Msongelwa, were repeatedly informed of Intercap's bus schedules and were repeatedly requested to provide police visibility and escorts in accordance with the order granted by this Court.
63. Despite the repeated requests, SAPS only provided escorts on 2 occasions.
- 63.1. On 22 April 2026, SAPS recorded a deployment for "Intercap Bus Escorts" in Ngcobo from 18h00 to 06h00. Vehicle BWD708 B was utilised and Sergeant Papu and Constable Mzayiya were deployed in relation to the Total Garage, Ngcobo and the R61 towards Cofimvaba.
- 63.2. On 24 April 2026, SAPS recorded a further deployment for "Intercap Bus Escorts" from 06h00 to 18h00. Vehicle BWD708 B was again utilised and Sergeant Veliso and Constable Nkungwana were deployed in relation to the Total Garage, Ngcobo and the R61 towards Cofimvaba.
64. These deployments demonstrate that the members of the South African Police Service responsible for policing in Ngcobo were aware of the order granted by this Court and understood the obligations imposed upon the Respondents thereunder.



65. The records further show that, on those occasions, escorts were provided to Intercape buses in accordance with the order granted by this Court.

66. In the circumstances, the Respondents had full knowledge of the order and, on occasion, acted in accordance with the obligations imposed upon them thereunder.

67. It is against that background that the events giving rise to the present application unfolded.

EVENTS GIVING RISE TO THE PRESENT APPLICATION



68. On 18 and 19 June 2026, the situation in Ngcobo deteriorated. Intercape buses were being obstructed in Ngcobo and the owner of the Total Garage was not allowing Intercape buses to stop at the garage because of threats of violence directed at him. These events took place against the background of the violence and intimidation which had previously led to the granting of the order of 10 February 2026.

69. During the 18th and 19th of June 2026, there was no visible policing presence in Ngcobo notwithstanding paragraph 1 of the order granted by this Court, which directed the First and Second Respondents to maintain a visible law enforcement presence and to deploy sufficient members of the South African Police Service at Intercape loading areas.

70. Intercape's representatives engaged with members of the South African Police Service regarding the situation in Ngcobo and the need for police visibility and assistance. In particular, on 19 June 2026 between 17h55 and 17h58, Waldo

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Pienaar, Intercape's Eastern Cape Area Manager, attempted to contact Colonel Msongelwa and only managed to reach him after three attempts. Colonel Msongelwa advised that he was in Paarl for a conference and provided Captain Tyho's contact number. Mr Pienaar then contacted Captain Tyho, on the same day at 18h01, who advised that the bus should move to the SAPS station. When Mr Pienaar explained that the bus was behind the SAPS station, Captain Tyho instructed that it be moved to the front of the station, whereafter SAPS members would be dispatched.

71. According to Mpendulo Thubani, Intercape's Mthatha fleet controller, who was on the ground in Ngcobo at the time, no additional SAPS members were dispatched. There were only a few SAPS members in the area and no further SAPS members were sent to assist.



72. On 19 June 2026, Intercape's attorneys addressed a letter to the Acting Minister of Police, the Acting National Commissioner of the South African Police Service, the Acting Provincial Commissioner of the South African Police Service and the Station Commander of the South African Police Service, Ngcobo. Paragraph 2 of that letter, which was copied to SAPS, specifically recorded the threats of violence directed at the owner of the Total Garage. A copy of the letter is annexed hereto marked "**SS13**".

73. In that letter, Intercape referred to the order granted under case number 2025-224413 and reminded the Respondents of their obligations to:

73.1. maintain a visible law enforcement presence at Intercape loading points;

73.2. provide law enforcement escorts when requested on account of a legitimate concern over intimidation or violence; and

73.3. comply with section 40(1) of the Criminal Procedure Act, particularly where crimes were being committed in the presence of members of the South African Police Service.

74. The letter further recorded the ongoing interference with Intercape's operations, the increasing risk of violence and the need for immediate police intervention. Intercape demanded that the Respondents immediately deploy an adequate and visible policing presence in Ngcobo, provide escorts to Intercape buses and take steps to identify and apprehend those responsible for the violence.



75. Intercape had also been requesting law enforcement escorts and police visibility through the Intercape Ngcobo WhatsApp group on an ongoing basis. Captain Tyho and Colonel Msongelwa, the Station Commander of SAPS Ngcobo, were members of that WhatsApp group. Copies of extracts from the WhatsApp communications are annexed hereto marked "SS12".

76. Between 12 March 2026 and 19 June 2026, requests for escorts and police visibility were made on a daily basis, save for 28 April 2026, 3 May 2026, 26 May 2026 and 18 June 2026. These requests were generally made in the following terms:

"Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule"

77. Attached to each message was Intercape's schedule of buses for that day.

78. The repeated requests made through the WhatsApp group demonstrate that Captain Tyho and Colonel Msongelwa were regularly informed of Intercape's bus schedules and of Intercape's requests for escorts and police visibility. The requests were made over a period of several months and placed the members of the South African Police Service participating in the WhatsApp group on repeated notice of Intercape's need for protection and the obligations imposed upon the Respondents by the order granted by this Court.



79. Notwithstanding these repeated requests, law enforcement escorts and visible policing were not consistently provided and the Respondents failed to comply with paragraphs 1 and 2 of the order granted by this Court.

80. Escorts were provided on only two occasions, namely 22 April 2026 and 24 April 2026. On 22 April 2026, SAPS recorded a deployment for "Intercape Bus Escorts" in Ngcobo from 18h00 to 06h00, using vehicle BWD708 B, with Sgt Papu as van driver and Cst Mzayiya as van crew, focused on the Total Garage, Ngcobo and the R61 towards Cofimvaba. On 24 April 2026, SAPS recorded a further deployment for "Intercape Bus Escorts" from 06h00 to 18h00, using vehicle BWD708 B, with Sgt Veliso as van driver and Cst Nkungwana as van crew, again focused on the Total Garage, Ngcobo and the R61 towards Cofimvaba.

81. Following the attack on 19 June 2026, further urgent requests were made. At 17h51, Mr Pienaar sent a message stating: "SAPS presence needed in Engcobo. One of our busses was stoned now. Child injured. We need escorts for coaches

passing through." At 18h24, Tiaan Van Schalkwyk of Intercape requested assistance in escorting bus SD658 out of Ngcobo, recording that it was not safe for the driver or the bus to remain in the town. At 19h57, Mr Van Schalkwyk again sent the schedule for Intercape buses passing through Ngcobo the following day and formally requested police escorts to ensure the safe passage of Intercape's passengers, staff and assets. He requested written confirmation that assistance would be provided. No response was received from SAPS.

82. Despite all the requests mentioned above, no visible policing presence was established and no additional protection was provided.



83. Nor were law enforcement escorts provided to Intercape's buses notwithstanding the repeated requests for assistance referred to above, the increasing risk of intimidation and violence and the clear obligations imposed upon the First and Second Respondents by paragraph 2 of the order granted by this Court. The First and Second Respondents accordingly failed to comply with that aspect of the order.

84. Later on 19 June 2026, Intercape coach ICG658GP was attacked whilst entering Ngcobo.

85. During the attack, a child passenger sustained injuries and was taken to hospital for medical treatment.

86. Following the attack, Mr Thubani, who was present in Ngcobo at the time, observed civilians openly carrying firearms in the area and reported this to Intercape. Whilst those individuals did not directly threaten Intercape's employees or drivers, their

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armed presence in the prevailing circumstances materially increased the risk to Intercape's operations and further underscored the deteriorating security situation in the town. At that stage, there was no visible policing presence in Ngcobo notwithstanding the obligations imposed upon the Respondents by the order granted by this Court.

87. Following the attack, the stoned bus, together with two other Intercape buses that were then in Ngcobo, were escorted by members of the South African Police Service out of Ngcobo. The fact that escorts were ultimately provided only after the attack had occurred underscores that the Respondents were capable of providing such escorts, but failed to do so timeously and in compliance with the order.



88. The circumstances described above constituted precisely the type of intimidation and violence which led to the granting of the order on 10 February 2026.

89. Notwithstanding the existence of the order, the Respondents failed to maintain a visible law enforcement presence in Ngcobo and failed to provide escorts to Intercape buses despite the increasing risk of violence.

90. Furthermore, despite the reports of criminal conduct and notwithstanding paragraph 3 of the order, the Respondents failed to take effective steps to enforce the criminal law and to restore order in Ngcobo. Instead, the situation continued to deteriorate.

91. Following the attack and the absence of effective police protection, Intercape suspended its operations in Ngcobo.

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92. Intercape remains unable to resume operations in Ngcobo unless the order granted by this Court is complied with and adequate protection is provided to Intercape's drivers, staff and passengers.

93. The suspension of operations has caused and continues to cause significant prejudice to Intercape and its passengers. Approximately 779 tickets had been purchased for travel between 20 June 2026 and 23 June 2026. Because Intercape was compelled to close its Ngcobo stop, those tickets had to be cancelled, resulting in an approximate revenue loss of R439 000.00. Where passengers are not willing to reschedule their tickets, Intercape reimburses them.



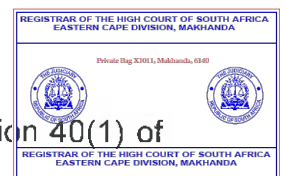
94. The prejudice suffered by Intercape is not confined to financial losses. Passengers who intended travelling to or from Ngcobo have had their travel arrangements disrupted and Intercape's ability to provide safe and reliable long-distance transport services has been materially impaired. Intercape's reputation as a safe and dependable provider of long-distance passenger transport has also been adversely affected by its inability to operate safely in Ngcobo as a consequence of the Respondents' continued non-compliance with the order granted by this Court. This prejudice is likely to increase substantially should Intercape remain unable to resume its operations during the forthcoming school holiday period, which is traditionally an exceptionally busy period for Intercape and during which many children travel on its buses. More importantly, however, unless the Respondents comply with the order of 10 February 2026, Intercape's drivers and passengers will continue to be exposed to the very risk of intimidation, violence and injury which this Court sought to prevent.

THE RESPONDENTS ARE IN CONTEMPT OF THE ORDER

95. The order granted by the Madam Acting Justice Cengani-Mbakazi on 10 February 2026 imposed clear obligations upon the Respondents.

96. In terms of that order, the First and Second Respondents were required to maintain a visible law enforcement presence at Intercape loading points and to provide law enforcement escorts when requested on account of a legitimate concern over intimidation or violence.

97. In addition, all of the Respondents were required to comply with section 40(1) of the Criminal Procedure Act, particularly where crimes were being committed in the presence of members of the South African Police Service.



98. As set out above, the Respondents were parties to the proceedings which culminated in the granting of the order.

99. The order was duly served upon the Respondents by the Sheriff.

100. The order was also served upon the Office of the State Attorney, which represented the Respondents throughout the proceedings.

101. The Respondents accordingly possessed full knowledge of the order and of the obligations imposed upon them.

102. Notwithstanding their knowledge of the order, the Respondents failed to maintain a visible law enforcement presence in Ngcobo as required by paragraph 1 of the order.

103. Similarly, the First and Second Respondents failed to provide escorts to Intercape buses despite Intercape's repeated requests for escorts and visibility, the increasing threats of violence, and the obligations imposed upon them by paragraph 2 of the order.

104. Furthermore, despite the deteriorating situation in Ngcobo and the reports of criminal conduct, the Respondents failed to take effective steps to restore order and to ensure compliance with section 40(1) of the Criminal Procedure Act.

105. On 19 June 2026, Intercape's attorneys once again brought the order to the attention of the Respondents and called upon them to comply with their obligations thereunder. A copy of that letter is annexed hereto marked "SS13".



106. In that letter, Intercape specifically requested the Respondents to deploy an adequate and visible policing presence in Ngcobo, provide escorts to Intercape buses and take immediate steps to enforce the criminal law. These written requests were in addition to the repeated WhatsApp requests for escorts and visibility made through the Intercape Ngcobo group.

107. Despite these requests, no additional policing presence was established and no escorts were provided.

108. Following the attack, civilians were openly carrying firearms in the area while there remained no visible policing presence in the town.

109. The fact that SAPS then escorted the stoned bus and two other Intercape buses out of Ngcobo after the attack demonstrates that escorts were practically

available, but were not provided when required and requested in terms of the order.

110. Following the attack, armed civilians openly carried firearms in the presence of Intercape employees, passengers and drivers while there remained no visible policing presence in the town.

111. The Respondents' failure to comply with the order is continuing.

112. The consequences of that failure have been serious. Intercape has been compelled to suspend its operations in Ngcobo and remains unable to resume operations unless adequate protection is provided to its drivers, employees and passengers.



113. The prejudice caused by the Respondents' non-compliance is already substantial. Approximately 779 tickets purchased for the period 20 June 2026 to 23 June 2026 had to be cancelled after Intercape closed its Ngcobo stop, resulting in an approximate revenue loss of R439 000.00, in addition to the disruption suffered by passengers. If Intercape cannot resume operations during the forthcoming school holiday period, its financial and operational prejudice will be severe.

114. The Respondents have had knowledge of the order, have repeatedly been reminded of their obligations and have been afforded every opportunity to comply with the order.

115. Despite this, they have failed to do so.

116. I am advised that once the existence of the order, the Respondents' knowledge thereof and their non-compliance have been established, wilfulness and mala fides are presumed unless evidence is placed before the Court showing otherwise.

117. In the present matter, the Respondents have had knowledge of the order for several months. They have repeatedly been reminded of their obligations and were once again called upon on 19 June 2026 to comply with the order. Notwithstanding this, they failed to provide a visible policing presence, failed to provide escorts and failed to take effective steps to restore order in Ngcobo.



118. In the circumstances, I respectfully submit that the Respondents' continued failure to comply with the order was wilful and mala fide.

119. The Respondents are accordingly in contempt of the order granted by this Court on 10 February 2026.

URGENCY

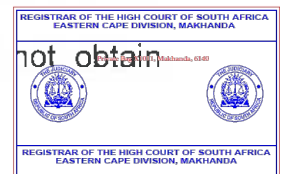
120. This application is brought as a matter of urgency.

121. On 19 June 2026, Intercape coach ICG658GP was attacked whilst entering Ngcobo. During the attack, a child passenger sustained injuries and had to be transported to hospital for medical treatment. Intercape immediately requested SAPS presence and escorts for coaches passing through Ngcobo, but no response was received.

122. Following the attack of 19 June 2026 and in light of the absence of adequate police protection, Intercape suspended its operations in Ngcobo.
123. Since 19 June 2026, Intercape has remained unable to resume its operations in Ngcobo.
124. The immediate consequences of the suspension have already been significant. Approximately 779 tickets purchased for the period 20 June 2026 to 23 June 2026 had to be cancelled, resulting in an approximate revenue loss of R432 000.00, apart from the inconvenience and disruption caused to passengers who had planned to travel to or from Ngcobo.
125. As I have stated above, Smith J in August 2023 had observed that these proceedings have, from the outset, been concerned with the safety and security of long-distance bus drivers and passengers in the Eastern Cape. Whilst Intercape undoubtedly suffers financial prejudice as a result of its inability to operate in Ngcobo, the primary concern has always been the real and present danger posed to drivers and passengers. The learned Judge recognised that attacks on moving buses inevitably carry the risk of serious injury and even loss of life and that visible policing and the provision of escorts are necessary to ensure the safety and security of long-distance bus drivers and passengers in the Eastern Cape. Those observations have unfortunately proved to be correct. On 19 June 2026, coach ICG658GP was attacked whilst entering Ngcobo and, as a result of that attack, a child passenger sustained severe injuries.
126. Intercape's continued inability to operate in Ngcobo has caused and continues to cause significant prejudice. In addition to the loss of revenue and the



continuing operational costs incurred by Intercape, its goodwill and reputation are being adversely affected and passengers who rely on Intercape's services are being deprived of a safe and reliable means of transport. Many of those passengers are children, students, elderly persons and members of the public who depend upon Intercape for long-distance travel. More importantly, however, unless the Respondents comply with the order granted on 10 February 2026, Intercape's drivers and passengers will continue to be exposed to the very risk of intimidation, violence and injury which this Court sought to prevent. It is for these reasons that this matter is urgent and that Intercape will not obtain substantial redress in due course.



127. The financial and operational prejudice will increase substantially if Intercape remains unable to operate during the school holiday period, which is one of its busiest periods and during which many children travel on Intercape buses.
128. The order granted by this Court on 10 February 2026 remains in force. Notwithstanding this, the Respondents have failed to maintain a visible policing presence in Ngcobo and have failed to provide the protection contemplated in the order.
129. The Respondents' non-compliance with the order is continuing. Unless immediate relief is granted, Intercape's drivers, employees and passengers will continue to be exposed to the risk of intimidation and violence.
130. The matter is rendered particularly urgent by the fact that schools throughout the country are due to close on 26 June 2026. Intercape traditionally experiences

increased passenger volumes during school holidays and many children travel on its buses during this period.

131. In the absence of compliance with the order granted on 10 February 2026, Intercape cannot responsibly resume operations in Ngcobo and expose its drivers and passengers to the risk of further attacks.

132. Intercape acted with all possible expedition. Following the events of 18 and 19 June 2026 and after it became apparent that the Respondents ~~was not~~ complying with the order, Intercape took immediate steps to prepare and institute these proceedings.



133. In the circumstances, Intercape will not obtain substantial redress in due course if it is required to proceed in the ordinary course.

CONCLUSION

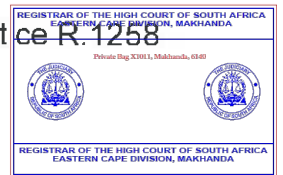
134. In the circumstances, I respectfully submit that the Respondents have acted in wilful and mala fide disregard of the order granted by this Court on 10 February 2026 and are accordingly in contempt thereof. Having regard to the Respondents' continued non-compliance with the order, despite having full knowledge of its terms and despite repeated requests to comply therewith, I respectfully submit that this is an appropriate case for the grant of the relief sought in the Notice of Motion, including an order directing the Respondents, in their personal capacities, to pay the costs of this application on the scale as between attorney and client, jointly and severally, the one paying the others to be absolved.

WHEREFORE Intercape seeks the relief set out in the notice of motion.



SHAUN SMEDA

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was signed and sworn to before me at Pretoria on this the 22nd day of June 2026, and the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, have been complied with.

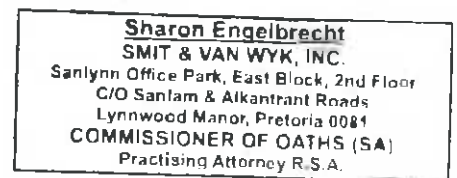



COMMISSIONER OF OATHS

Full names:

Address:

Capacity:





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IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISON, MAKHANDA)

CASE NO: 2099/2022

In the matter between:

INTERCAPE FERREIRA MAINLINER (PTY) LTD

and

THE MEC FOR TRANSPORT, EASTERN CAPE

THE MINISTER OF TRANSPORT

PROVINCIAL COMMISSIONER, EASTERN CAPE,
SOUTH AFRICAN POLICE SERVICE

NATIONAL COMMISSIONER, SOUTH AFRICAN
POLICE SERVICE

THE NATIONAL PUBLIC TRANSPORT REGULATOR

THE EASTERN CAPE PROVINCIAL
REGULATORY ENTITY

First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

Sixth Respondent



ORDER

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Having heard Adv. Hofmeyr SC with Adv. Molver, counsel for the applicant, and Adv. Nepgen, counsel for the first respondent, and Adv. Gajjar, counsel for the second respondent, and having read the Notice of Motion and other documents filed of record:

It is ordered that:

- 1 The matter is to be heard as one of urgency in accordance with the provisions of Uniform Rule 6(12) and, insofar as may be necessary, dispensing with the forms, service and time-periods prescribed by the Uniform Rules of Court.

- 2 It is declared that –

- 2.1 the first and second respondents have an obligation to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape;

- 2.2 such measures may include, but not necessarily be limited to, those contemplated in the National Land Transport Act 5 of 2009 ("the NLTA"), such as –

- 2.2.1 developing systems to improve land transport law enforcement in terms of section 85(1) of the NLTA;

- 2.2.2 appointing inspectors in terms of section 86 of the NLTA;

- 2.2.3 declaring, in terms of section 91(1) of the NLTA, that certain areas constitute areas in respect of which the extraordinary measures contemplated in section 91(2) of the NLTA may be taken; and

- 2.2.4 giving notice, in terms of section 91(2) of the NLTA, that one or more routes or ranks in a declared area are closed for any type of public transport service and that any operating license or permit



authorising services on a closed route or at a closed rank in a declared area is suspended; and

- 2.3 the first and second respondents have failed to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape.
- 3 It is declared that, in responding to the acts of intimidation and violence perpetrated against long-distance bus operators in the Eastern Cape –

- 3.1 the first and second respondents have an obligation to cooperate with the South African Police Service ("the SAPS") and to coordinate their efforts with those of the SAPS;



- 3.2 such cooperation and coordination may include, but not necessarily be limited to, providing the SAPS with full details of all meetings and/or communications the first respondent has had with representatives of the taxi associations concerning the applicant's operations in the Eastern Cape, including the identities of those with whom the first respondent met and/or communicated with in this regard as well as full details of their allegations and demands; and
- 3.3 the first and second respondents have failed to cooperate with the SAPS and to coordinate their efforts with those of the SAPS.
- 4 It is declared that the first respondent acted unlawfully in requiring the applicant on 27 May 2022 to –
- 4.1 engage in negotiations with representatives of the minibus taxi industry for purposes of regulating the price, frequency or times of the applicant's services in the Eastern Cape; and
- 4.2 suspend its services pending the outcome of those negotiations.

5 The first and second respondents are directed within 20 days of this order –

5.1 in consultation with the SAPS and the fifth and sixth respondents, to develop a comprehensive plan on the steps they intend taking to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape (“**the action plan**”); and

5.2 to present the action plan on oath to this court and the applicant, together with an indication of the time periods within which the steps outlined in the action plan will be taken.

6 The applicant may –

6.1 respond on oath to the action plan within 10 days of it being presented in terms of paragraph 5.2 above; and

6.2 in its discretion, set the matter down before the judge initially seized with the matter, or another judge, for a further hearing to consider the adequacy of the action plan to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape, and to grant such further relief as may be necessary.

7 The first and second respondents are ordered to pay the costs of this application, including the costs of two counsel, on the attorney and client scale.




JE SMITH
JUDGE OF THE HIGH COURT





**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION – MAKHANDA)**

CASE NO.: 2099/2022

Matter heard on: 19 September 2022

Order delivered on: 30 September 2022

Reasons provided on: 7 October 2022



In the matter between: -

INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant

And

THE MEC FOR TRANSPORT, EASTERN CAPE

1st Respondent

THE MINISTER OF TRANSPORT

2nd Respondent

**PROVINCIAL COMMISSIONER, EASTERN CAPE,
SOUTH AFRICAN POLICE SERVICE**

3rd Respondent

**NATIONAL COMMISSIONER, SOUTH AFRICAN
POLICE SERVICE**

4th Respondent

THE NATIONAL PUBLIC TRANSPORT REGULATOR

5th Respondent

**THE EASTERN CAPE PROVINCIAL
REGULATORY ENTITY**

6th Respondent

(1) REPORTABLE: YES	
(2) OF INTEREST TO OTHER JUDGES: YES	
(3) REVISED.	
 Signature	7 October 2022 Date



REASONS FOR ORDER

SMITH J:

Introduction

[1] On Friday, 30 September 2022, I granted an order, inter alia, declaring the MEC for Transport, Eastern Cape and the Minister of Transport obligated to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape, and that they have failed to fulfil that obligation. I also granted certain consequential structural relief in terms of section 172(1) of the Constitution and indicated that the reasons for my decision would follow. The following then are my reasons for granting both the declaratory relief and the structural interdict.

[2] The applicant, Intercape Ferreira Mainliner (Pty) Ltd (Intercape), is a long-distance bus operator. Since 2015, it has been the victim of widespread and ongoing acts of violence and intimidation throughout the country. During this time, Intercape has lodged more than 150 criminal cases with the South African Police Services (the SAPS); more than 70 of those in the Eastern Cape. It is not disputed on the papers

that the violence is not random, but part of a deliberate strategy on the part of certain taxi associations. The violence is aimed at intimidating and coercing Intercape into agreeing to the unlawful demands of those taxi associations, which, amongst others, are that Intercape must reduce its prices and the number of buses operating on different routes and must pay levies to operate in certain areas.

[3] Intercape's dogged refusal to agree to those unlawful demands were met with further acts of violence directed at their buses, drivers and passengers. One of these incidents led to a fatality, and the instigators of the violence have succeeded in establishing 'no-go zones', making it impossible for Intercape to operate in certain areas, in particular, Cofimvaba, Butterworth, Engcobo, Tshomo and Idutywa.

[4] Intercape contends that the MEC and the Minister (the first and second respondents, respectively) have failed in their constitutional and statutory duties in terms of the National Land Transport Act, 5 of 2009 (the Transport Act) to intervene and put an end to the violence. It has accordingly launched these proceedings for the following relief:

- (1) Declaring that the MEC and the Minister have an obligation to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape;
- (2) That these measures may include, but not necessary limited to, those contemplated in the Transport Act, such as;
 - (a) Developing systems to improve land transport law enforcement in terms of section 85 (1) of the Transport Act;
 - (b) Appointing inspectors in terms of section 86 of the Transport Act;



- (c) Declaring that certain areas constitute areas in which exceptional measures may be taken in terms of section 91 (1) of the Transport Act; and
- (d) Giving notice in terms of section 91 (2) of the Transport Act that one or more routes or ranks in that area are closed off for a type of public transport service and that any operating licence or other permit authorising services on a closed route or closed rank is suspended.

(3) Declaring that the MEC and the Minister have failed to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape.



[5] It also seeks a structural interdict directing the MEC and the Minister, within 10 days to:

- (a) In consultation with the SAPS and the National and Provincial Commissioners, develop a comprehensive plan on the steps they intend taking to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape; and
- (b) Present the action plan on oath to this court and Intercape, together with an indication of the time periods in which the steps outlined in the action plan will be taken.

[6] The Eastern Cape Provincial Regulatory Entity and the National Public Transport Regulator, established in terms of sections 23(1) and 20(1) of the Transport Act, were cited as third and fourth respondents, respectively. The Provincial and National Commissioners of the SAPS were cited as fourth and fifth respondents, respectively. No substantive relief is sought against any of those respondents.

[7] Neither the Minister nor the MEC has bothered to file answering or confirmatory affidavits. Instead the Director-General, on behalf of the national department, and the Provincial Director: Operator Licences and Permits in the Department of Transport (the Provincial Director), on behalf of the provincial department, have purported to file affidavits on their behalf. The result is that harrowing allegations regarding brazen acts of criminality, governmental indifference and – even more concerning – an MEC's acquiescence in criminal conduct, remain unchallenged. This is indeed a troubling aspect of this case. The applicant's case is founded not only upon allegations that the Minister and the MEC have failed to exercise powers vested in them by the Constitution and the Transport Act, but Intercap has also made serious allegations against the MEC, namely that she attempted to coerce it into acceding to taxi associations' unlawful demands. The explanation provided by the Provincial Director is that the former MEC, Ms Tikana-Gxothiwe, had been removed from her position and could not be persuaded to file an affidavit. This conduct must be deprecated. The fact



that an MEC or a Minister resigns or is removed from her post does not relieve her of the duty to provide explanations for any decisions or administrative acts taken by her during her tenure, particularly where the legality thereof is challenged in a court of law. This requirement is consonant with the constitutional imperative of accountable governance. In any event, there is no indication that the current MEC has distanced himself from the alleged irregular conduct of the former MEC, or from her blatant failure to comply with her statutory obligations. Instead, there has been a half-hearted attempt to argue that a few ineffectual measures taken by the department constitute substantial compliance with the provisions of the Transport Act. The Minister has also unfortunately decided to remain silent in the face of allegations that he has haughtily dismissed Intercap's desperate pleas for intervention in the crisis by adopting the attitude that it is an Eastern Cape problem.

[8] In a case where the court is required to pronounce upon the propriety of the exercise (or failure) by a public official of powers vested in him or her by the Constitution or a statute, the task of the court will be considerably complicated if the latter does not provide an explanation for the assistance of the court. Invariably in such cases the court must, as a first issue, determine whether or not by granting the requested relief it would be in breach of the doctrine of separation of powers. An explanation by the responsible official as to why he or she decided to adopt a particular

course of action would undoubtedly serve to assist the court in determining that issue. If such an explanation establishes a rational basis for the decision, even where the court does not agree with the course of action, it will be loath to interfere, out of deference for the separation of powers.

[9] In *Kallil NO v Mangaung Metropolitan Municipality and Others* 2014 (5) SA 123 (SCA) at para 30, the Supreme Court of Appeal held that:

"The function of public servants and government officials at national, provincial and municipal level is to serve the public, and the community at large has the right to insist upon them acting lawfully and within the bounds of their authority. Thus where, as here, the legality of their actions is at stake, it is crucial for public servants to neither be coy nor to play fast and loose with the truth. On the contrary, it is their duty to take the court into their confidence and fully explain the facts so that an informed decision can be taken in the interests of the public and good governance. "



Courts must therefore not ignore this type of behaviour and must show their disapproval through appropriate costs orders. I shall return to this issue later when I deal with the question of costs.

The facts

[10] The violence and intimidation against Intercap have a long and unfortunate history. It started in 2015 with the intimidation of Intercap's drivers, when perpetrators would demand that they produce their operating licences. A failure to comply resulted in them being prevented from picking up or dropping off passengers in certain areas, on threat of physical harm or death.

[11] When the violence escalated towards the end of 2019, the Minister purported to intervene by attending a meeting in the Eastern Cape on 11 October 2019, where a task team was formed to engage all stakeholders and report back to him. However, it is common cause that nothing came of that attempted intervention.

[12] On 15 October 2019, a meeting was held at Idutywa, which was attended by members of the SAPS, a municipal representative and representatives of the department. Although it was decided at that meeting to develop and implement a joint operational plan, there is no evidence that such a plan had ever either been devised or implemented.

[13] The escalating violence prompted Intercape to launch an application for an interdict mandating the SAPS to intervene and prohibiting the taxi associations from interfering with Intercape's operations. However, it did not proceed with that application because the Covid 19 nationwide lockdown effectively served to stem the violence, albeit only temporarily.

[14] The violence, however, flared up again during 2021. This time the taxi associations became more brazen. They now openly demanded that Intercape and other long-distance bus operators: must restrict the number of buses operating from certain towns; have their operating licences amended in order to reflect a timetable that is acceptable to the taxi associations; increase their prices to levels stipulated by the taxi associations; and pay cash levies to operate on certain routes.

[15] Intercape's refusal to accede to these demands resulted in an unprecedented escalation of the violence. Between January 2021 and February 2022, serious acts of violence and intimidation were perpetrated against Intercape's drivers and passengers. These were, amongst others: drivers being held at gunpoint and forced to abandon passengers; perpetrators preventing drivers from picking up or dropping off passengers in certain areas; blocking of routes and threatening to assault drivers if they proceeded along certain routes; shooting and wounding of a passenger; assaults on bus drivers; impounding of a bus which had been stopped at a taxi blockade; and shooting incidents involving Intercape buses.

[16] The following interventions occurred during this period:

- (a) On 21 March 2021, after one of Intercape's drivers was forced at gunpoint to abandon his passengers, a meeting was held between the representatives of the provincial department and the South African National Taxi Council



(SANTACO). At that meeting SANTACO was requested to ensure that their members desist from taking part in criminal conduct.

(b) At a meeting held on 1 April 2021, and attended by members of the SAPS, the provincial department and Intercape, the taxi associations demanded that Intercape conform to an agreement which had purportedly been reached to implement certain pricing structures. Its refusal to agree thereto led to further violence.

(c) At a meeting held on 16 April 2021, SANTACO expressed concern about the pricing structures of the long-distance bus operators. No attempt was made to address the ongoing violence. Instead, SANTACO again reiterated their demand for the bus operators to increase their prices.



(d) Another meeting was held on 15 July 2021 between the provincial department, Uncedo Taxi Association, Border Alliance Taxi Association, the Idutywa SAPS and Mbashe Municipal Traffic Department. Again no attempt was made to address the violence. Instead, only the concerns of the taxi associations were discussed.

(e) Sometime during the early part of 2021, a provincial structure, namely ProvJoints, which comprised representative from various provincial departments, established a Priority Committee on Transport. There is also no evidence that this committee has achieved anything other than to meet on a few occasions.

Intercape's requests for intervention

[17] The ongoing violence and disruptions of its operations prompted Intercape to address no less than six letters to the MEC and the Minister, respectively, imploring their intervention. On 24 February 2022, its attorneys wrote to the Minister, the MEC and copied the Eastern Cape Provincial Regulatory Entity, pleading for their urgent intervention in the form of a co-ordinated effort and detailed action plan. The National Department of Transport responded on the Minister's behalf, stating that he

considered the matter an Eastern Cape issue and that he was awaiting a response from the Eastern Cape MEC. No further responses had been forthcoming, either from the Minister or the MEC. In the meantime, the violence continued unabated. On 4 March 2022 and at the Cape Town Airport, an Intercape driver was seriously injured when he was shot in the neck and leg. In response to this incident, roadblocks were set up for five days. On 22 March 2022, and at Cradock, a passenger on one of the Intercape buses was injured in the face when the bus was stoned. On the same route eight long distance buses were stoned; some of them belonging to Intercape.

[18] On 28 March 2022, at a meeting attended by various taxi associations from across the country, Intercape was told in no uncertain terms that the only way to resolve the crisis was to agree to increase their prices and reduce the frequency of their services, as demanded by the taxi associations. On 11 and 13 April 2022 incidents occurred in Queenstown and Idutywa respectively. During the latter incident a passenger sustained a head injury and had to be attended to by paramedics.



[19] During that time Intercape was also subjected to intimidation and harassment by representatives of the CODETA (the Cape Organization for Democratic Taxi Associations) at its Cape Town depot. In a subsequent meeting with that association, the Intercape CEO, Mr Johann Ferreira, was told in no uncertain terms that it 'had to pay' in order to make the problem go away. He was also told that a failure to accede to the taxi associations' demands will be met with a campaign involving every single taxi association. Intercape refused to agree to those unlawful demands and the violence continued unabated. Over the next few days more Intercape buses were stoned and shot at. On 25 April 2022 a bus driver was shot while exiting the Intercape Cape Town depot. He died three days later.

[20] It appears that the SAPS were considerably more sympathetic to Intercape's plight, and the latter's engagement with the SAPS following these incidents of violence led to several initiatives, including the SAPS escorting buses traveling through hotspot areas. However, the violence flared up again as soon as those initiatives were stopped.

[21] On 27 May 2022, the taxi associations blockaded the N2 through Idutywa in an attempt to exert pressure on Intercape to comply with their demands. The blockade prompted the MEC to contact Mr Ferreira by phone. She told him that:

- (a) Intercape must urgently meet with the taxi associations in order to reach agreement regarding changes to its routes and fares; and
- (b) Until such time it had done so, Intercape was barred from travelling to certain specified areas.

[22] On 31 May 2022, Intercape's attorneys addressed another letter to the MEC in which they pointed out that her instructions to Intercape were incompatible with her statutory obligations and at odds with the efforts by law enforcement agencies to open up so-called 'no-go zones' created by taxi operators in the certain areas. They thus called upon the MEC:



- (a) Immediately to cease undermining the SAPS' efforts to ensure the safety of Intercape's buses, drivers and passengers in the Eastern Cape and, in particular, in the specified areas;
- (b) To share with Intercape and the SAPS the full details of her meeting with the representatives of the taxi associations responsible for the blockade, including the identities of the representatives and full details of their demands in order for the SAPS to investigate and arrest the perpetrators of the criminal acts; and
- (c) To comply with their statutory obligations and refrain from advancing the taxi associations' criminal activities.

The attorneys requested a response to the letter by 1 June 2020, but no such response was ever received.

[23] They thereafter addressed a further letter to the MEC on 5 June 2022, noting:

- (a) The MEC's lack of response and stating that she was in breach of her obligation to take reasonable steps to safeguard the rule of law and protect rights;
- (b) The MEC's failure to provide the requested undertaking underscored suspicions that she was intent on advancing the criminality which continued to be perpetrated against Intercape;
- (c) Not only was it required of the MEC not to undermine the SAPS ongoing efforts to protect Intercape's employees, passengers and busses, but she was also required to take positive steps to do so herself;
- (d) The Transport Act provides the MEC with a host of powers which may be exercised to give effect to her obligations under the Act; and
- (e) Intercape requested the MEC's undertaking that these steps would be implemented immediately. It also warned that unless it received a meaningful response to its request, it would be forced to approach the courts for appropriate relief.



[24] The MEC also did not respond to that letter and in the meanwhile the violence in the Eastern Cape continued relentlessly. On 4 June 2022, three shots were fired at one of Intercape's buses on the N6 in the Penhoek Pass between Queenstown and Jamestown. Fortunately, no one suffered any injuries. And on 5 June 2022, one of Intercape's buses was stoned on the R61 between Confimvaba and Engcobo. A rock thrown at the windscreen narrowly missed the driver and caused the bus to veer off the road. Although the driver was able to steer the bus back onto the road, 14 passengers sustained minor injuries and the driver had to be taken to the Mthatha hospital by ambulance. The bus was damaged with an estimated repair cost of several hundred thousand rand.

[25] Intercape's attorneys therefore addressed another letter to the MEC on 6 June 2022, in which they drew attention to the further incidents of violence, stating that if a satisfactory response was not received by 6 June 2022, they would approach the courts for appropriate relief without any further notice to the MEC. There was also no response to that letter.

[26] On 8 June 2022, the Provincial Director of Legal Services addressed a letter to Intercape's attorneys requesting an extension of 10 days within which to respond to the letter. He said the department needed an extension because it had to contact various stakeholders, including the SAPS, and thereafter brief the MEC before responding. Intercape's attorneys responded to that letter on 13 June 2022, agreeing to an extension until Friday 17 June 2022. However, no response was forthcoming.



[27] On 15 June 2022, Intercape's attorneys addressed another letter to the Minister wherein they gave him a detailed account of all the most recent incidents of violence. They also raised with him their concern about the MEC's conduct in advancing the unlawful demands of the taxi associations. They drew his attention to the various requests that had been addressed to the MEC, pleading for her intervention. In addition, they also drew the Minister's attention to his powers in terms of the Transport Act, in particular section 5(6), which empowers him to intervene when a province does not fulfil an executive obligation in respect of matters relating to public transport. They again called upon the Minister to intervene urgently in the Eastern Cape and to take the appropriate steps to ensure that the MEC discharge her obligations under the Transport Act. The minister also failed to respond to that letter. On 18 and 26 of June 2022, there were further incidents of violence in the Penhoek Pass, when Intercape buses were shot at. It instituted these proceedings on 5 July 2022.

[28] After the launching of the application, between 7 July 2022 and 23 August 2022, there have been further incidents of violence and shooting incidents involving Intercape buses. Once again drivers were intimidated, buses were shot at and on one occasion the driver had to swerve as a result of shots being fired at the bus, which caused the bus to veer off the road, thereby sustaining serious damage. In addition, drivers were prevented from picking up or dropping off passengers at certain areas on threat of violence. Needless to say, there was no effective intervention by either the

national or provincial governments. Instead, there was deafening silence – an ominous portent of the government's lamentable indifference to an ongoing crisis that poses a serious threat to the safety of long-distance bus drivers and passengers. But, even more shocking is the undisputed evidence of an MEC pandering to rogue taxi associations and acquiescing in their criminal conduct. It is against this unfortunate factual matrix that I had to consider the applicant's supplication for declaratory and structural relief.

The applicant's contentions

[29] The applicant contends that the Minister and the MEC are both under statutory and constitutional obligations to take positive steps to put reasonable and effective measures in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape. They contend, in particular, that this obligation arises from the Transport Act, and in particular: section 5(4) g (ii) that requires the Minister to promote the safety of passengers; section 5(4) h (iv) that requires of the Minister to promote safe public transport; and section 85 (1) that requires the MEC to take active steps to develop systems to improve land transport law enforcement.



[30] The applicant contends furthermore that since several fundamental rights are impacted by the ongoing intimidation and violence – namely, the rights to freedom and security of the person, to freedom of trade, occupation and profession, and not to be deprived of property - the MEC's and the Minister's obligations under the Transport Act must be interpreted in a manner which promotes the spirit, purport and objects of the bill of rights (section 39 (2)) of the Constitution.

[31] Ms *Hofmeyr*, who together with Mr *Molver* appeared for the applicant, submitted that the mentioned fundamental rights place a positive obligation on the MEC and the Minister to take steps to secure the safety and security of long-distance bus drivers and passengers in the Eastern Cape. And in any event, the abovementioned provisions of the Transport Act require such positive conduct on the part of the MEC and the Minister in explicit terms. The Minister and the MEC are therefore manifestly obligated to take positive steps to ensure that such reasonable and effective measures are put in place.

The standard of reasonableness in this instance requires the conduct of the MEC and the Minister to fall within the range of possible conduct the reasonable functionary would have adopted in the circumstances. The test is context specific, in other words, what constitutes reasonable measures will depend on the circumstances of the case.

The Minister and the MEC's contentions

[32] While admitting that they are obligated under the Transport Act to provide for the safety and security of long-distance bus drivers and passengers, both the MEC and the Minister assert that they have done what they were required to do in terms of the Act. Their assertion in this regard is based on the following contentions;

- (a) The Director and Director-General who filed affidavits on their behalf contend that providing for the safety and security of long-distance bus drivers and passengers falls beyond the limits of their legal obligations under the Act. The gist of the argument is that safety related obligations covered by the Transport Act are concerned with safety from a road traffic management perspective and not with safety issues that arise from criminal conduct. However, their counsel have correctly conceded that section 91 deal with criminal conduct in explicit terms and require the intervention of the Minister and the MEC, respectively, if the jurisdictional facts mentioned in that section are present.
- (b) Furthermore, they contend that the duty to ensure safety from the perspective of criminal acts is primarily that of the SAPS. This contention is also fundamentally unsustainable because the relevant provisions of the Transport Act explicitly place that obligation on the MEC and the Minister.
- (c) The Director-General contends that the Transport Act only requires the Minister to 'promote' the safety of Intercap operations, employees and passengers and not to 'ensure' it. In my view, since the provisions of the Transport Act unambiguously require the MEC and the Minister to act in a specific manner if the jurisdictional facts are present, this contention is without merit. Counsel for the Minister, Mr *Gajjar*, has understandably not pursued this contention during argument.



[33] While it is common cause that the MEC and the Minister have failed to take positive steps to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape, the Provincial Director has asserted that the department has taken various steps in an attempt to quell the violence. I list those contended interventions hereunder and deal with them in turn:

- (a) The department has intervened in 2017 or 2018 by facilitating meetings between taxi and bus operators in response to complaints by taxi operators that bus operators were operating without lawful operating permits. However, apart from the fact that those efforts were for ~~for five~~ ^{five} years ago and in response to complaints by taxi operators, they did not concern the current crisis and there is no indication that the MEC was involved.
- (b) During October 2019 the director was tasked to engage all stakeholders and report back to the Minister. There is, however, no indication that this intervention yielded any results and, more crucially, it also did not involve the MEC.
- (c) The province, in recognition of the need and obligation for co-operative government, has established the joint provincial structure known as ProvJoints. However, that structure was not established in response to the current crisis and the MEC was also clearly not involved in it.
- (d) The ProvJoints is alleged to have established a Priority Committee on Transport earlier this year. This is, however, an interdepartmental committee and there is no evidence that the MEC had anything to do with its establishment.
- (e) There were some meetings of the Priority Committee. There is once again no indication in the answering affidavit as to what was discussed in these meetings, what was resolved and what, if anything, had been done as a result thereof.



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- (f) Four operational and other meetings were held between 14 March 2022 and 17 May 2022, which led to the compilation of a Joint Operational Deployment Plan involving the SAPS, provincial traffic officers and municipal traffic officers. There is also no suggestion that the MEC had anything to do with these meetings or the alleged resultant plans. Furthermore, the last meeting of this structure took place more than 3 months ago, yet Intercape has not been provided with a copy of those plans, despite the fact that they requested same in terms of Rules 35 (12) and (14) of the Uniform Rules of Court.

[34] The Director-General also mentions public statements which the Minister has made during October 2019, denouncing the violence and purporting to promote a climate of safety. Apart from the fact that all this happened almost three years ago, it is common cause that nothing came of this purported intervention. It is thus also clear that the Minister himself has done nothing to intervene in the crisis. The reason for the Minister's inaction is also clear. In his response to Intercape's request for intervention, he stated that he considers it to be a matter for the provincial government. It is thus manifest that he did not give any consideration to intervening and exercising his powers under the Transport Act in the light of the MEC's demonstrable failure to do so.



Discussion and findings

[35] The Transport Act vests in the MEC and the Minister extensive powers to intervene decisively and effectively to ensure the safety of members of the public when there is violence, unrest or instability in any sector of public transport.

[36] Section 91 (1) provides as follows:

"If in any area in the relevant province the MEC considers that because of violence, unrest or instability in any sector of the public transport industry in the area or between operators in the area, the safety of: -

- (a) passengers using the relevant service; or
- (b) residents; or

(c) any other persons entering the area, has deteriorated to an unacceptable level, the MEC may, after consulting relevant planning authorities by notice in the *Provincial Gazette*, define the area and declare it to be an area in respect of which the notification prescribing the extraordinary measures contemplated in subsection (2) may be made."

[37] In terms of section 86 of the Act, the MEC may appoint employees from the provincial department as inspectors to monitor compliance with the Transport Act in the province and to assist with the investigation and prevention of offences contemplated in section 90.

[38] Section 91 (2) (a) and (b) provide that the extraordinary measures that the MEC may put in place in a declared area include giving notice that one or more routes or ranks in that area are closed for operation by a specified public transport service and suspending the operating licence of any of the specified services at a closed rank or on a closed road. And in terms of subsection 9(5) the MEC may stipulate that a failure to comply with the notification will constitute a criminal offence and may prescribe certain penalties in respect thereof.



[39] Section 5(6) gives the Minister the power to intervene if the provincial executive or a municipality fails to fulfil its obligations in terms of the Transport Act. It provides as follows:

"When a province or municipality cannot or does not fulfil an executive obligation in terms of matter relating to public transport, the Minister may intervene by taking the appropriate steps to ensure that the fulfilment of that obligation, including issuing a directive to the provincial executive or municipal council, describing the extent of the failure to fulfil its obligation and stating any steps required to meet its obligations and the provincial executive or municipality must comply with such directive."

[40] in *Glenister v President of the Republic of South Africa and Others* 2011 (3) SA 347 CC at par 189, the Constitutional Court held that the Constitution imposes a positive obligation on the state and its organs to provide appropriate protection to

everyone through laws and structures designed to afford such protection. Implicit in section 7(2) is the requirement that the steps the state takes to respect, protect, promote and fulfil constitutional rights, must be reasonable and effective.

[41] Section 195 of the constitution requires that public administration must be governed by the democratic values and principles entrenched in the constitution. These include responsiveness to people's needs, accountability of public administration and fostering transparency by providing the public with timely, accessible and accurate information.

[42] In *Rail Commuters Action Group and Others v Transnet t/a Metrorail* 2005 (2) SA 359 (CC), at para 76, O' Regan J explained that: "the principle that government, and organs of state, are accountable for their conduct is an important principle that bears on the construction of constitutional statutory obligations..."



[43] In argument before me, Mr *Nepgen*, who appeared for the MEC, has submitted that in considering whether or not the MEC has taken adequate steps, I must have regard to the interventions undertaken by the provincial department. The basis for this argument is perhaps better understood when one considers the Provincial Director's explanation as to why the MEC has not invoked section 91 of the Transport Act. He says the following in this regard;

"The MEC has not utilized the extraordinary measures provided for in section 91 to date as the department does not consider the circumstances to justify the implementation of those extraordinary measures. This does not mean that it may not be used in the future should all other intervention measures and the co-ordinated efforts of the SAPS and other law enforcement and intelligence agencies do not curb the problem and there is a further escalation that meets the requirements in section 91. Section 91 is not a "silver bullet" that will suddenly resolve the issues as the measures provided therein are extraordinary and will impact multiple parties on multiple levels. If deemed necessary by all stakeholders, however, it will be implemented."

[44] This approach, which appears to be endorsed by the current MEC, evinces a fundamental misunderstanding of the MEC's powers. Section 91 states unambiguously that it is the MEC who must take the decision whether or not it is necessary to intervene if instability in the sector has deteriorated to an unacceptable level. At another level it evokes the more troubling inference, namely that the current MEC is also of the view that intervention can only be at the behest of the taxi associations and on their terms.

[45] The respondents also contended that the use of the word 'may' in sections 91 (1) and 91 (9) of the Transport Act means that the MEC and the Minister have a discretion whether or not to intervene. It is, however, established law that the use of the word 'may' in statutes does not imply that under circumstances where there is a positive duty on the functionary to exercise the power, he or she still has a discretion to refuse to do so. In *Premier, Gauteng, and others v Democratic Alliance and Others* 2022 (1) SA 16 (CC) the Constitutional Court held that:

“The framers of the constitution used the word ‘may’ in section 139 (1) to not merely confer a discretion, but a power coupled with a duty. The provincial government has a constitutional duty to intervene where a municipality cannot, or does not, fulfil its executive obligations. The purpose of the intervention is to enable the relevant provincial executive, in limited circumstances, to ensure the fulfilment of the executive obligation that the municipality could not or did not fulfil. In this constitutional scheme the provincial executive is fully entitled, if not obliged, to do what is necessary to ensure the fulfilment of executive obligations.”

[46] In *Agri Eastern Cape and Others v MEC, Department of Roads and Public Works and Others* 2017 SA 383 (ECG), at para. 33, this court also interpreted the word ‘may’ in the applicable statute to denote a positive obligation on the relevant authorities to maintain provincial roads. In construing the applicable legislation, Roberson J said that: “[w]hen one considers some of the consequences of the failure to repair and maintain roads illustrated in the applicant’s affidavit, fundamental rights to basic education access health care are indirectly affected.”

[47] I am therefore of the view that in appropriate circumstances, section 91 imposes a duty on the MEC to implement reasonable and effective intervention measures. In addition, the fact that the Minister is given the power under section 91 (9) to exercise the powers conferred on the MEC under sections 91 (1) to 91 (8), makes it clear that the MEC's powers must be exercised if circumstances so require. The corresponding duty imposed on the Minister is reinforced by section 5 (6) of the Transport Act, which empowers the Minister, in certain circumstances, to take the appropriate steps to ensure the fulfilment of the executive obligations by the province.

[48] I am of the view that the evidence clearly establishes that the MEC has failed to intervene in the current crisis in any meaningful way. Insofar as the Minister is concerned, the sum total of his contended intervention was to attend a single meeting in the Eastern Cape on 11 October 2019 where a task team was formed to engage stakeholders and report back to him. However, it was conceded in the answering affidavit that this intervention failed to yield a resolution and nothing of consequence has transpired subsequently.



The relief

[49] Ms *Hofmeyr* has submitted that since it is clear that both the Minister and the MEC have fundamentally misconstrued their legal obligations in the face of the current crisis, it is important for this court to declare their legal obligations so as to guide future conduct. In support of this submission she referred to *Rail Commuters Action Group* (supra), at para 107, where the Constitutional Court recognised the unique role that declaratory orders can play in assisting 'in clarifying legal and constitutional obligations in a manner which promotes the protection and enforcement of our Constitution and its values'.

[50] She submitted that the evidence establishes that the MEC and the Minister failed to fulfil their constitutional and statutory obligations under the Transport Act to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape. Section 172 (1) (a) of the Constitution requires that conduct of this type must be declared inconsistent with the constitution. The applicant is thus requiring the court to exercise its just and equitable jurisdiction under section 172 (1) (b) of the constitution.

[51] The Constitutional Court has held that structural remedies are appropriate when the proper vindication of rights requires the court to play a supervisory role. They are of value because they enable 'courts to declare the law, on the one hand, but leave to the other arms of government, the Executive and the Legislature, the decision as to how best the law, once stated, should be observed.' (*Rail Commuters Action Group* (supra), at para. 108).

[52] Ms *Hofmeyr* has advanced three reasons why a structural remedy should be granted in this case, namely;

- (a) It is common cause that Intercape's, its employees' and its passengers' fundamental rights have been infringed on an ongoing basis as a result of the intimidation and violence being perpetrated by elements of the taxi industry.
- (b) The facts of this case show that, unless the Minister and the MEC are directed to develop an action plan and to be pro-active in ensuring coordination between the various stakeholders, nothing will be done.
- (c) In the face of functionaries' complete failure to discharge their legal obligations, it is appropriate that they must be directed to develop the plan that is urgently needed, and to report to the court so that its adequacy can be assessed.



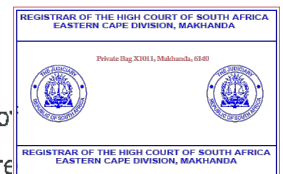
[53] The Director-General and the Provincial Director resisted the relief on two grounds. First, while conceding that there is an ongoing breach of Intercape's, its employees' and passengers' fundamental rights, they denied that such a breach was as a consequence of the provincial department's conduct or that the department has failed to fulfil its obligations towards Intercape. However, the relief sought is not against the department but rather based on the fact that the Minister and the MEC have persistently and unjustifiably breached their legal duties to intervene in the current crisis. They have also consistently failed to respond to various requests for intervention from Intercape. And it is manifest that nothing will happen if they are not compelled to comply with their constitutional and statutory obligations under court supervision.

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[54] Second, they contend that the granting of structural relief will breach the constitutional imperative of separation of powers. This contention is also unsustainable. The relief sought by the applicant will do no more than to compel the Minister and the MEC to do what they are required to in terms of the Constitution and the Transport Act. The action plan that they will be required to present will be theirs and will be based on their own reasonable assessment of their resources and the exigencies of the prevailing circumstances.

[55] The Constitutional Court in *Rail Commuters Action Group* (supra), at para. 88, provided the following guidelines regarding what would constitute reasonable measures that must be taken by an organ of state:

"What constitutes reasonable measures will depend on circumstances of each case. Factors that would ordinarily be relevant would include the nature of the duty, the social and economic circumstances in which it arises, the range of factors that are relevant to the performance of the duty, the extent to which the duty is closely related to core activities of the duty bearer – the closer they are, the greater the obligation on the duty-bearer, and the extent of any threat to fundamental rights should the duty not be met as well as the intensity of any harm that may result. The more grave is threat to fundamental rights, the greater is the responsibility on the duty-bearer. Thus, an obligation to take measures to discourage pickpocketing may not be as intense as an obligation to take measures to provide protection against serious threats to life and limb. A final consideration will be the relevant human and financial resource constraints that may hamper the organ of state in meeting its obligation."



[56] In *Wildlife Society Of Southern Africa and Others v Minister of Environmental Affairs and Tourism of the Republic of South Africa* [1996] 3 All SA 462 (Tk), the applicant applied for an order compelling the Minister to enforce the provisions of section 39(2) of Transkei Decree No 9 (Environmental Conservation), to stop the illegal allocation of land along the Wild Coast. Lamenting the 'kid glove' approach adopted by the Minister in the face of blatantly unlawful conduct, Pickering J said that:

'In these circumstances, where political support for legal action had to be first determined and where persons illegally allocating sites, sometimes in return for little more than a bottle of brandy, were to be requested to stop doing so, Applicant's averred sense of frustration at the lack of concrete action in terms of section 39 of the Decree becomes almost palpable. The overwhelming sense to be gained from a reading of the minutes of the Task Group is that of the slow and inexorable grinding of wheels across a bureaucratic landscape regardless of the urgency of the situation'.

Alas, in this case it is manifest that the 'grinding of the wheels' will not even begin unless the MEC and the Minister are enjoined by this court to comply with their constitutional and statutory obligations.

[57] Ms Hofmeyr has also submitted that this court must show its displeasure at the conduct of the Minister and the MEC in failing to file answering or confirmatory affidavits. As mentioned, not only has the MEC not bothered to file an affidavit explaining the reasons for her inaction, but she has also tried to bully the applicant into agreeing to the unlawful demands of the taxi associations. The Minister has also not bothered to file either an answering or confirmatory affidavit. His failure to do so was clearly also based on his belief that he did not owe Intercape any explanation. His rather curt reply to Intercape's request for intervention to the effect that the problem is that of the MEC, evinces a clear and fundamental misunderstanding of his constitutional and statutory obligations under the Transport Act. In my view their conduct is deserving of a punitive costs order. Finally, it would be remiss of me not to commend Mr Ferreira for his resolute resistance to unabashed official bullying. His company has paid dearly for this brave stance, but hopefully this judgment will also serve to vindicate his belief that it was the right thing to do.

[58] I was therefore of the view that the applicant had made out a case for the relief sought in the notice of motion as well as for costs to be awarded on the attorney and client scale.




J.E. SMITH
JUDGE OF THE HIGH COURT

Appearances:

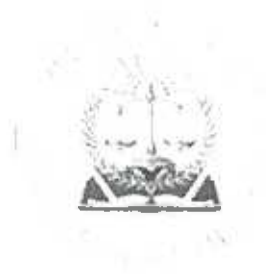
Counsel for the Applicant : Adv. K Hofmeyr SC with Adv. A Molver
: Adams & Adams Attorneys
: C/o Huxtable Attorneys
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MAKHANDA



Counsel for First Respondent : Adv. JJ Neppen
: The State Attorneys
: C/o Whitesides Attorneys
53 African Street
MAKHANDA

Counsel for Second Respondent : Adv. GJ Gajjar
: The State Attorneys
: Whitesides Attorneys
53 African Street
MAKHANDA



"SS4"

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, MAKHANDA)**

Case No: 2099/2022

Date of hearing: 13 July 2023

Judgment delivered on: 22 August 2023



In the matter between:

INTERCAPE FERREIRA MAINLINER (PTY) LTD**APPLICANT**

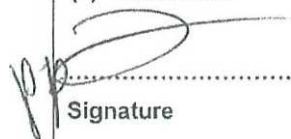
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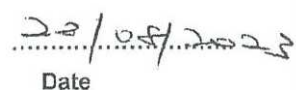
**THE MEC FOR TRANSPORT, EASTERN CAPE
THE MINISTER OF TRANSPORT
PROVINCIAL COMMISSIONER, EASTERN CAPE
SOUTH AFRICAN POLICE SERVICES
NATIONAL COMMISSIONER, SOUTH AFRICAN
POLICE SERVICES
NATIONAL PUBLIC TRANSPORT REGULATOR
EASTERN CAPE PROVINCIAL REGULATORY
ENTITY**

**FIRST RESPONDENT
SECOND RESPONDENT**

THIRD RESPONDENT**FOURTH RESPONDENT****FIFTH RESPONDENT****SIXTH RESPONDENT**

- (1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: YES
(3) REVISED.


Signature


Date



JUDGMENT

Smith J

Introduction

[1] On 30 September 2022, I granted an order directing the Minister of Transport and the Eastern Cape MEC for Transport, in consultation with the South African Police Services (the SAPS), and the Eastern Cape Provincial Regulatory Entity, to develop 'a comprehensive plan on the steps they intend taking to ensure that reasonable and effective measures are put in place to provide for the safety and security of long-distance bus drivers and passengers in the Eastern Cape'. I also ordered them to indicate the time periods within which the steps outlined in the action plan will be taken and to present it on oath to the court.



[2] The order was compelled by: (a) unrefuted evidence of a protracted and sustained campaign of violence against the applicant (Intercape) undertaken by rogue taxi associations and which has placed the lives of Intercape bus drivers and passengers at risk; and (b) my finding that the MEC and the Minister failed to fulfil their constitutional and statutory obligations under the National Land Transport Act 5 of 2009 (the Transport Act), to ensure that the abovementioned measures are put in place.

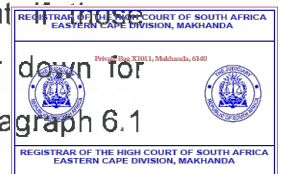
[3] In terms of paragraph 6 of the order, Intercape was entitled, within 10 days of its presentation, to respond on oath to the action plan and to set the matter down for hearing regarding the adequacy of the plan.

[4] The Minister filed an application for leave to appeal and declared in no uncertain terms that he did not intend to participate either in the conceptualisation or implementation of the action plan. This prompted Intercape to launch an application for an order in terms of section 18 of the Superior Courts Act 10 of 2013, implementing

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the order pending any application for leave to appeal or the outcome of an appeal. The Minister, after having filed his answering affidavit, withdrew his opposition to the section 18 application and the order was accordingly granted on an unopposed basis. The Minister's application for leave to appeal was also subsequently dismissed.

[5] The action plan was subsequently developed and filed by the MEC without the Minister's involvement. Understandably, Intercape was not appeased and, contending that the plan was manifestly inadequate, it delivered an affidavit setting out the alleged deficiencies and inviting the MEC to prepare a revised plan. It furthermore declared itself willing to engage further with the MEC to clarify its criticisms of the plan and to assist in the finalisation of the revised plan. It stated, however, that if these engagements did not yield the desired results, it would set the matter down for argument regarding the adequacy of the plan, as envisaged in terms of paragraph 6.1 of the order.



[6] During December 2022, Intercape and its attorneys met with representatives from the MEC's and the Minister's offices, as well as the SAPS officials, to discuss the contended deficiencies of the plan. At that meeting the Provincial Department presented an updated version of the plan. According to Intercape, the update was little more than a single amendment to the plan by adding another column setting out progress allegedly achieved in its implementation during December 2022. Intercape also contended that an updated version of the Implementation Schedule submitted by the National Department did not address their criticisms of the plan and instead substituted specific implementation dates and allocations of responsibilities to specific functionaries or entities with vague and ambiguous clauses.

[7] Plagued by ongoing attacks on its buses and being of the view that there were no reasonable prospects of further engagement with the MEC and the Minister bearing any fruit, Intercape set the matter down for hearing regarding the adequacy of the plan.

[8] The matter came before me on 13 June 2023, when Intercape sought an order, in the form of a *rule nisi*, enjoining the MEC and the Minister to prepare a revised plan that would meet the objectives of the initial order and issuing directives in respect of specific issues that they need to incorporate into the plan. It also sought an interim

order directing the SAPS to implement the existing action plan (which incorporated the Implementation Schedule), by maintaining a visible police presence in 'hotspot' areas and providing police escorts along certain routes when requested to do so by Intercape. After hearing argument, I granted a *rule nisi*, returnable on 12 July 2023, and incorporating the interim interdict against the SAPS.

Adequacy of the action plan

[9] In my view, the action plan developed by the MEC does not accord with the purpose and objective of the court order and therefore requires fundamental reconsideration. The fact that the Minister did not participate in the development of the plan despite having been explicitly ordered by the court to do so, is itself a compelling reason why it must be revised. The MEC's assertion that the Minister has subsequently considered and endorsed the plan cannot constitute sufficient compliance with the court order. The Minister was enjoined to participate in the development of the plan and her attempt to rely on an *ex post facto* endorsement thereof is not sufficient. In developing the action plan, it would have been crucial for the Minister to consider the extent to which it may be necessary for her to exercise the extensive powers vested in her by the Transport Act. In addition, she also has powers to step into the shoes of the MEC in the event of the latter failing to exercise his statutory powers and functions. Since she may well be required to hold the MEC accountable, it was remiss of her to allow the MEC to develop the plan on his own.



[10] It is manifest that by directing the MEC and the Minister to present a plan that will put in place reasonable measures to ensure the safety of long distance bus drivers and passengers, the court required of it to present a scheme that, at the very least: (a) demonstrates reasonable appreciation of the nature and exigency of the circumstances it is intended to address; (b) sets out implementable measures and key interventions aimed at curbing the violence and attacks on buses and passengers; (c) sets realistic timelines for the implementation of such measures; (d) states how those measures will be implemented with specific reference to the statutory framework and exercise of the MEC's and the Minister's powers under the Transport Act; (e) allocates duties and responsibilities to identifiable functionaries or governmental entities; (f) allocates resources to facilitate the implementation of the necessary measures; and

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(g) contains a strategy for engagement and corporation with other relevant governmental and law enforcement agencies.

[11] The action plan filed by the MEC is manifestly bereft of any such specificity and is instead replete with deliberately vague and ambiguous phrases regarding implementation dates and responsible functionaries. Such generalisations and obfuscation will make it virtually impossible for the court to exercise its oversight function effectively.

[12] That the action plan and its implementation have been woefully inadequate to ensure the safety and security of long-distance bus drivers and passengers is irrefutably demonstrated by the relentless continuation of serious and violent attacks on Intercap's buses after its implementation. Between January and May 2023, Intercap has lodged at least 30 criminal complaints relating to violence and intimidation against its drivers and passengers. These incidents include the stoning of buses, prevention of bus drivers from loading and off-loading passengers, intimidation of drivers and passengers, buses being shot at, and a passenger struck by a bullet. The incidents were all marked by brazenness and impunity on the part of the perpetrators, who were apparently emboldened by the lack of visible policing. These events also serve to confirm my view that a vague action plan, which lacks the specificity mentioned above, will send the unfortunate message to perpetrators of the unlawful acts that the authorities do not intend to use their extensive statutory powers to quell the violence. Paradoxically, for this reason it might be better to have no action plan at all.



[13] In the reasons for the order, provided on 7 October 2022, I made serious findings against the Minister and the current MEC's predecessor. At paragraph 57, I said the following:

'As mentioned, not only has the MEC not bothered to file an affidavit explaining the reasons for her inaction, but she has also tried to bully the applicant into agreeing to the unlawful demands of the taxi associations. The Minister has also not bothered to file either an answering or confirmatory affidavit. His failure to do so was clearly also based on his belief that he did not owe Intercap any explanation. His rather curt reply to Intercap's request for intervention to the effect that the problem is that of the MEC, evinces a clear and fundamental

misunderstanding of his constitutional and statutory obligations under the Transport Act. In my view their conduct is deserving of a punitive costs order.'

[14] I sanguinely assumed — perhaps with the benefit of hindsight, rather naively — that those findings would have encouraged the MEC and the Minister to remedy the serious and unfortunate consequences resulting from the dereliction of their constitutional duties and to devise an action plan that would clearly have demonstrated their determination to quell the violence. Regrettably, the contrary is true. Perhaps my message was just not understood, or perhaps, like that solitary, frustrated 'Traveller' in Walter de la Mare's supernatural poem, *The Listeners*, I was also constrained to deliver my message through a closed door in the optimistic hope that the 'host of phantom listeners' hiding inside would take heed. Well, I am determined to make sure that I am not misunderstood again. The interim order that I granted on 14 June 2023, and which I intend to confirm, is more unequivocal and requires the MEC and the Minister to specify, in measurable terms, *inter alia*: the date from which and the frequency with which the measures will be implemented; the functionaries, governmental agencies or departments that will be responsible for their implementation; the planned key interventions in respect of 'no-go zones'; the exercise of statutory powers; and the appointment of a task team to oversee and monitor the implementation of the action plan.



Separation of powers

[15] Both Mr *Nepgen* and Mr *Rorke* SC, who appeared for the MEC and the Minister respectively, attempted to convince me that the terms of the envisaged order will breach the separation of powers. To his credit Mr *Rorke* did not endeavour to defend the action plan. He conceded that the order required the Minister to participate in its development and that his failure to do so means that the court is at liberty to reconsider its viability. He submitted, however, that paragraphs 3.3 and 3.4 of the interim order go beyond what is permissible in terms of judicial powers. He argued that the action plan is polycentric and policy laden in its formulation and the court must thus recognise that it has limited capacity to tell the State how it should do its job. For this submission he relied on a plethora of Constitutional Court cases in which that Court emphasised the importance of judicial deference in appropriate circumstances.

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[16] Mr *Rorke's* argument regarding the state of the law on this important issue was delivered in his usual logical and compelling style. I can find no fault with his analysis of the applicable legal principles, but it was his application of those principles to the facts of this matter that was demonstrably wrong. Paragraph 3.3 of the order leaves it to the MEC and Minister to decide on the dates and frequency of intervention measures but orders them to specify those in the action plan. And paragraph 3.4 does no more than to require them, *inter alia*, to consider the key intervention strategies mentioned in Intercape's affidavit, explain why they cannot be implemented and provide details regarding efforts to secure the additional resources required for their implementation.

[17] It is indeed so that courts must tread warily when making these types of structural orders. They are invariably laden with polycentric issues and the danger of a court overreaching judicial powers always looms large. However, the converse is also true. It is often overlooked that the separation of powers doctrine cuts both ways. It is the courts' constitutional obligations to declare the law, ensure that constitutional principles are upheld by all arms of government and to hold the executive accountable. Courts would be failing in their constitutional duties if they are paralysed by timorous aversion to holding the executive accountable for fear of encroaching upon the powers of another arm of government. I am nevertheless mindful of all those important constitutional imperatives, and I was cautious to ensure that the order does not encroach upon the constitutional powers of the MEC, the Minister or the SAPS, for that matter.

[18] Ms *Hofmeyer* SC, who appeared for Intercape, has correctly submitted that I have, in any event, already ruled on this issue in my reasons for the initial order. As envisaged in that order, my judicial responsibility requires that I exercise my supervisory functions, part of which being the evaluation of the plan's adequacy. But more importantly, the order does no more than to compel the MEC's and the Minister's compliance with their constitutional and statutory obligations. The order has been carefully framed not to instruct them either to exercise or refrain from exercising their statutory duties, but rather to compel them to consider whether it would be appropriate for them to do so, given the prevailing circumstances. And given the fact that the court



is exercising its supervisory functions in respect of the structural relief, it is entitled to require them to provide reasons why they have not deemed it appropriate to exercise those powers.

[19] A related issue is the defence proffered by the MEC to justify the lack of detail in the action plan, namely that the disclosure of further details would compromise the safety of those functionaries that are responsible for the implementation of the plan and render them 'open to exploitation by criminal elements if it were made public'. If that is indeed the case, then he must place the information before the court and ask that it be sealed and not made public. Orders of that nature are issued by courts on a regular basis. Supervisory orders require of courts to play an active role in ensuring that they are enforced. Thus, nothing but full disclosure of the relevant facts by organs of State will suffice to enable courts to play that role effectively. (*Pheko v Ekurhuleni Metropolitan Municipality* (Socio-Economic Rights Institute of South Africa Amicus Curiae) 2016 JDR 1357 (CC))



Allocation of necessary resources

[20] The aforementioned reasoning also applies to the injunction that the MEC and the Minister must consider allocating the necessary resources to facilitate the implementation of the action plan. They are required to make a reasonable assessment of their available resources, given the exigencies of the situation. And the court is entitled to demand from them more than a bald assertion regarding resource constraints. In *Rail Commuters Action Group and Others v Transnet Ltd t/a Metrorail and Others* 2005 (2) SA 359 (CC) at 405A-B, O'Regan J said that the standard of reasonableness 'requires decision-makers to disclose their reasons for their conduct, and the principle of effectiveness on the other, for it does not unduly hamper the decision-maker's authority to determine what are reasonable and appropriate in the overall context of their activities'. An organ of State is accordingly required to provide the court with the necessary information to enable it to determine the reasonableness of the steps taken. (*Mashongwa v Passenger Rail Agency of South Africa* 2016 (3) SA 528 (CC))

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[21] In *Mwelase and Others v Director-General, Department of Rural Development and Land Reform and Another* 2019 (6) SA 597 (CC) para 48, the Constitutional Court held that 'when egregious infringements have occurred, the courts have little choice in their duty to provide effective relief. That was so in *Black Sash I*, and it is the case here. In both, the most vulnerable and most marginalised have suffered from the insufficiency of governmental delivery'. In my view the facts of this case cry out for such 'effective relief'.

Allegations of preferential treatment

[22] The insinuation that Intercape is seeking preferential treatment primarily to protect its commercial interests, has been a constant refrain in this and the main application. This unfounded assertion is both wrong and unfortunate. It has regrettably also been used by the SAPS as an excuse for not performing their constitutional duties. But, before I wash my hands in the proverbial basin of absolution, like the Roman governor, Pontius Pilate, did centuries ago, I must explain why that insinuation is demonstrably wrong and dangerous.



[23] These proceedings have, from the start, been focussed on the safety and security of long-distance bus drivers and passengers in the Eastern Cape. While the prospect of financial losses must remain a worrying issue for Intercape, from the court's point of view, it has always been the real and present danger to passengers and bus drivers that informed both the urgency with which the matter was heard and the form of the orders issued. It is regrettable that the SAPS have latched onto this argument to justify its opposition to an action plan that requires visible police presence at hotspot areas and the provision of police escorts along certain routes when requested by Intercape. It boggles the mind why it is so difficult for a law enforcement agency to appreciate that when armed assailants take potshots at moving buses, deleterious consequences inevitably ensue, and sooner than later people will suffer serious injuries and, heaven forbid, may even lose their lives. There can therefore be little doubt that the mandatory interdict sought against the SAPS is, together with the other measures envisaged in terms of the revised action plan, necessary to ensure the safety and security of long-distance bus drivers and passengers in the Eastern Cape.

Does the Implementation Schedule form part of the action plan?

[24] The MEC and the SAPS contend that the version of the action plan that must be evaluated by the court is the original one, excluding the Implementation Schedule. They argue that paragraph 6.2 of the original order envisages that Intercape may set the matter down for argument regarding the adequacy of the action plan presented by the MEC. The order does, however, not refer to the Implementation Schedule, or so they argued.

[25] Apart from the fact that this argument appeared to have been divined out of thin air, it is also unsustainable because it was manifestly never envisaged that the plan would be a stagnant document. This argument is also undoubtedly advanced because the plan would be considerably less exacting for the SAPS if the schedule is excluded



[26] The undisputed facts, however, show that at all material times the parties were *ad idem* regarding the scope of the action plan, and in particular insofar as it incorporated the Implementation Schedule. At a meeting held during December 2022, only the National Department's delegation requested time to consider the updated Implementation Schedule proposed by Intercape. The SAPS were represented at the meeting and did not raise any objections to the updated schedule. The National Department subsequently, after proposing revisions to the schedule, accepted that it would form part of the action plan. There has thereafter been extensive correspondence between Intercape's attorneys and the other role players, which evince the common understanding that Intercape's requests for intervention by the SAPS were based on the action plan as supplemented by the Implementation Schedule.

[27] More importantly though, it was by virtue of that schedule that the SAPS agreed to assume the obligations to maintain a police presence at the loading points in 'hotspot' areas and to provide escorts along certain routes when requested to do so by Intercape. Thus, the obligations that the SAPS are required to undertake in terms of the interim order in any event already formed part of the action plan. The temporary

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interdict therefore did nothing more than to require the SAPS to do what the action plan already obliged them to do.

[28] It is therefore not necessary for me to consider the other arguments proffered by SAPS relating, *inter alia*, to resource constraints and jurisdictional and geographical challenges in the implementation of the schedule. In the event, the envisaged order does no more than to confirm the SAPS' constitutional obligations and wherever those challenges may arise, they must be overcome by coordination and collaboration with other law enforcement agencies in a manner that can be provided for in the revised action plan.

Costs

[29] The interim order reserved costs for argument and determination on the return date. In my view, the applicant has clearly been substantially successful and there can thus be no reason why costs should not follow the result.

Order

[30] In the result I am of the view that Intercape has made out a proper case for the relief sought in the notice of motion.

[31] The following order accordingly issues:

The *rule nisi* is hereby confirmed with costs, including the costs of two counsel, where so employed.



JE SMITH

JUDGE OF THE HIGH COURT

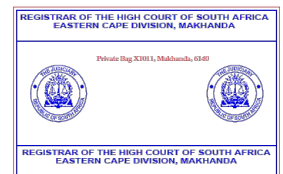
MAKHANDA



Appearances

Counsel for the Applicant : Adv. *K Hofmeyr* SC with Adv. *A Molver*
 : Adams & Adams Attorneys
 : c/o Huxtable Attorneys
 26 New Street
 MAKHANDA

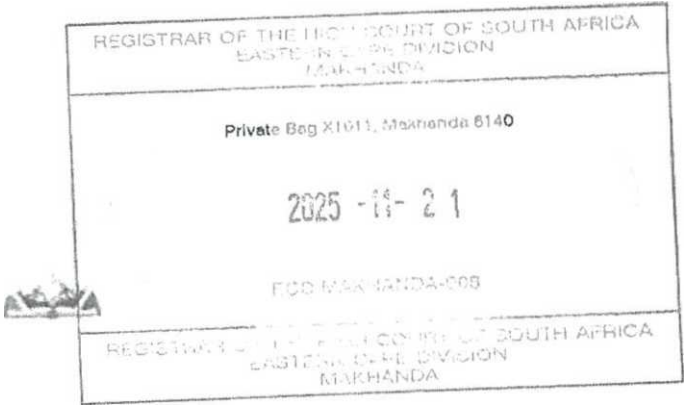
Counsel for First Respondent : Adv. *JJ Nepgen*
 : The State Attorneys
 : c/o Whitesides Attorneys
 53 African Street
 MAKHANDA



Counsel for Second Respondent : Adv. *S Rorke* SC with Adv *GJ Gajjar*
 : The State Attorneys
 : Whitesides Attorneys
 53 African Street
 MAKHANDA

Counsel for Third and
 Fourth Respondents: Adv *A Rawjee*
 : The State Attorneys
 : Whitesides Attorneys
 53 African Street
 MAKHANDA

SS5



IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO:2025-124413



BEFORE THE HONOURABLE MR. ACTING JUSTICE BRODY
On the 21st day of November 2025

IN THE MATTER BETWEEN:

INTERCAPE FERREIRA MAINLINER (PTY) LTD	Applicant
and	
THE PROVINCIAL COMMISSIONER, EASTERN CAPE	
SOUTH AFRICAN POLICE SERVICE	First Respondent
NATIONAL COMMISSIONER, SOUTH AFRICA	
POLICE SERVICE	Second Respondent
THE STATION COMMANDER: SOUTH AFRICAN	
POLICE SERVICE, NGCOBO	Third Respondent

ORDER

Having heard Adv. Ferreira and Adv Somandi, Counsel for the Applicant and having read the Notice of Motion and other documents filed of record

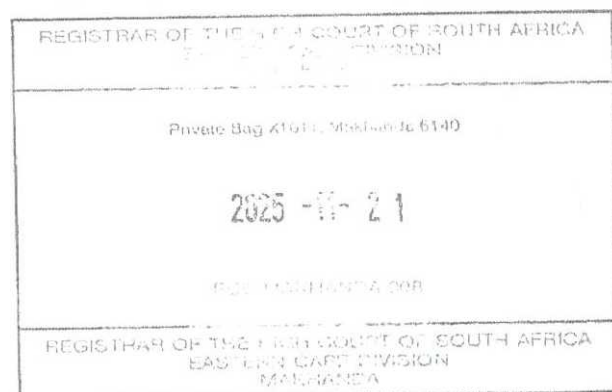
IT IS ORDERED THAT:

1. The application is heard as one of urgency in accordance with the provisions of Uniform Rule 6(12) and, insofar as may be necessary, the forms, service and periods prescribed by the Uniform Rules of Court are dispensed with.



2. A rule *nisi* be and is hereby issued calling upon the Respondents to show cause, if any, on Wednesday 3 December 2025 at 09h30 why the following order should not be made final:

- 2.1. The First and Second Respondents are directed to maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Ngcobo and Cofimvaba at each of the times at which the Applicant's buses are scheduled to stop at that loading point, in order to maintain the safety and security of long-distance bus drivers;



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2.2. The First and Second Respondents are directed to provide law enforcement escorts to the Applicant's buses along the routes in and out of Ngcobo and Cofimvaba as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence; and

2.3. The First and Second Respondents are directed to ensure that the perpetrators committing criminal acts against the Applicants, its drivers and property in the presence of members of the South African Police Service are promptly arrested and charged.



3. Paragraphs 2.1, 2.2 and 2.3 shall operate as an interim interdict pending the finalisation of the matter.
4. The costs of the application be and are hereby reserved for argument on the return date.
5. In the event that any Respondent opposes the relief sought that they do so by Wednesday 26 November 2025 and file answering affidavits by Friday 28 November 2025.

BY ORDER OF COURT


S. MPAKO

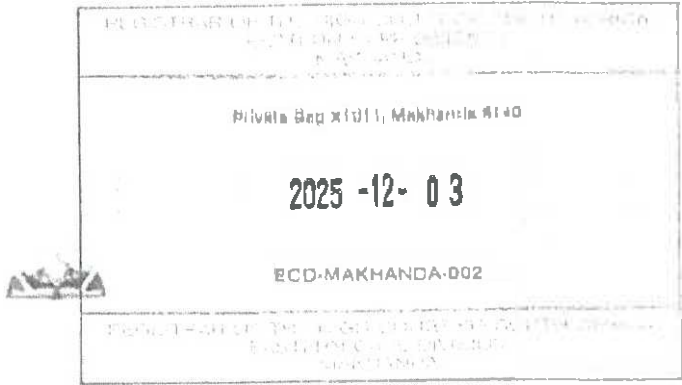
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"SS6"



IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO:2025-24413



BEFORE THE HONOURABLE MR. ACTING JUSTICE BRODY

On the 3rd day of December 2025

IN THE MATTER BETWEEN:

INTERCAPE FERREIRA MAINLINER (PTY) LTD	Applicant
and	
THE PROVINCIAL COMMISSIONER, EASTERN CAPE	
SOUTH AFRICAN POLICE SERVICE	First Respondent
NATIONAL COMMISSIONER, SOUTH AFRICA	
POLICE SERVICE	Second Respondent
THE STATION COMMANDER: SOUTH AFRICAN	
POLICE SERVICE, NGCOBO	Third Respondent

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Having heard Adv. Ferreira and Adv Somandi, Counsel for the Applicant and having read the Notice of Motion and other documents filed of record

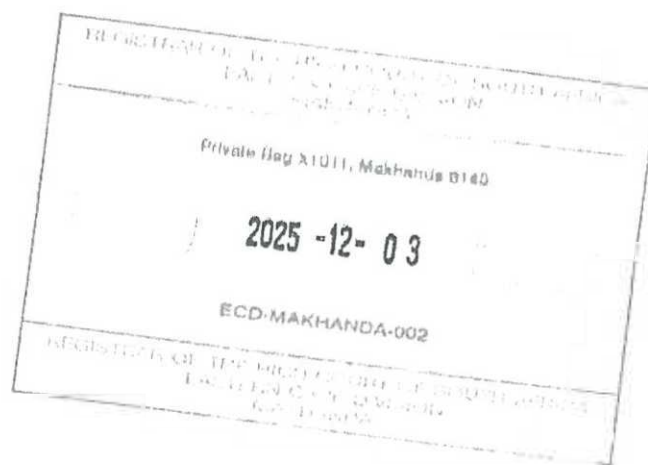
IT IS ORDERED (BY AGREEMENT BETWEEN THE PARTIES) THAT:

1. The rule *nisi* issued calling on 21st November 2025 be and is hereby varied by extending its operation to the towns of Butterworth, Idutywa and Tsomo in the same terms as they apply to Ngcobo and Cofimvaba.



2. The revised rule nisi be and is hereby extended and the Respondents are called upon to show cause, if any, on Tuesday 10th February 2026 at 09h30 as to why the following order should not be made final:

2.1. The First and Second Respondents are directed to maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Ngcobo, Cofimvaba, Butterworth, Idutywa and Tsomo at each of the times at which the Applicant's buses are scheduled to stop at that loading point, in order to maintain the safety and security of long-distance bus drivers;



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2.2. The First and Second Respondents are directed to provide law enforcement escorts to the Applicant's buses along the routes in and out of Ngcobo, Cofimvaba, Butterworth, Idutywa and Tsomo as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence; and

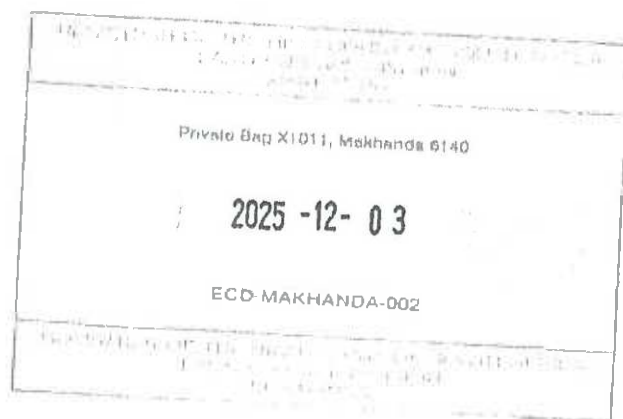
2.3. The Respondents are directed to comply with section 40(1) of the Criminal Procedure Act, in particular when crimes are being committed in their presence.



3. Paragraphs 2.1, 2.2 and 2.3 shall operate as an interim interdict pending the finalisation of the matter.
4. The costs of the application be and are hereby reserved for argument on the return date.
5. The Respondents are requested to file answering affidavits by Tuesday 16th January 2026 and the Applicant is required to file a replying affidavit by Thursday 22nd January 2026.

BY ORDER OF COURT

PP 
N.N. NGOBOZI
REGISTRAR
HUXTABLE ATTORNEYS





"SS7"



IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO: 2025-224413

BEFORE HONOURABLE MADAM ACTING JUSTICE MOLONY
On the 11th day of December 2025



INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant

and

THE PROVINCIAL COMMISSIONER, EASTERN CAPE

SOUTH AFRICAN POLICE SERVICE

First Respondent

NATIONAL COMMISSIONER, SOUTH AFRICA

POLICE SERVICE

Second Respondent

THE STATION COMMANDER: SOUTH AFRICAN

POLICE SERVICE, NGCOBO

Third Respondent

(This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or her Secretary. The date of this Order is deemed to be 11 December 2025.)

ORDER

Having Adv Somandi, Counsel for the Applicant and having read the documents filed of record

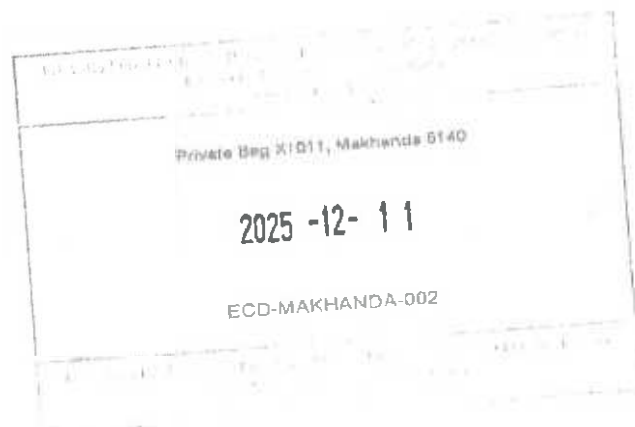
IT IS ORDERED THAT:

1. The rule *nisi* issued on 3 December 2025 be and is hereby varied by extending its operation to the towns of Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza in the same terms as they apply to Butterworth, Idutywa Tsomo, Ngcobo and Cofimvaba.



2. The revised rule *nisi* be and is hereby extended and the Respondents are called upon to show cause, if any, on **Tuesday, 10 February 2026 at 09h30** as to why the following order should not be made final:

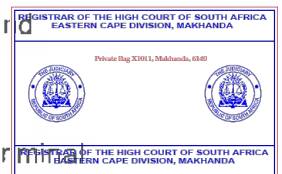
2.1. The First and Second Respondents are directed to maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza, Ngcobo, Cofimvaba, Butterworth, Idutywa and Tsomo at each of the times at



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which the Applicant's buses are scheduled to stop at that loading point, in order to maintain the safety and security of long-distance bus drivers;

2.2. The First and Second Respondents are directed to provide law enforcement escorts to the Applicant's buses along the routes in and out of Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza, Ngcobo, Cofimvaba, Butterworth, Idutywa and Tsomo as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence; and



2.3. The Respondents are directed to comply with section 40(1) of the Criminal Procedure Act, in particular when crimes are being committed in their presence.

3. Paragraphs 2.1, 2.2 and 2.3 shall operate as an interim interdict pending the finalisation of the matter.

4. The costs of the application be and are hereby reserved for argument on the return date.



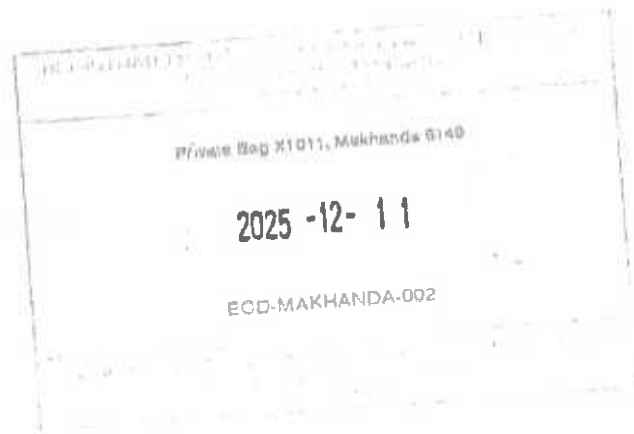
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5. The Respondents are required to file answering affidavits by Tuesday 6 January 2026 and the Applicant is required to file a replying affidavit by Thursday 22 January 2026.

BY ORDER OF COURT



S. KLEU
REGISTRAR
HUXTABLE ATTORNEYS

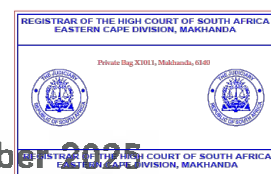


"SS8"



**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA**

Case No: 2025/224413



Heard: 3 December 2025

Delivered: 17 December 2025

In the application for leave to intervene:

**DR AB XUMA LOCAL MUNICIPALITY
ENGCOBO TAXI ASSOCIATION**

First Intervening party

Second Intervening party

and

**INTERCAPE FERREIRA MAINLINER (PTY) LTD
THE PROVINCIAL COMMISSIONER,
EASTERN CAPE, SA POLICE SERVICES
NATIONAL COMMISSIONER, SA POLICE
SERVICES, ENGCOBO**

First Respondent

Second Respondent

Third Respondent

In re:

In the matter between:

INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant

and

**THE PROVINCIAL COMMISSIONER, EASTERN
CAPE, SA POLICE SERVICES
NATIONAL COMMISSIONER, SA POLICE
SERVICES**

First Respondent



Second Respondent

**THE STATION COMMANDER: SA POLICE
SERVICE, ENGCOCO
THE STATION COMMANDER, SA POLICE
SERVICE, ENGCOCO**

Third Respondent

Fourth Respondent

REASONS: APPLICATION TO INTERVENE

BRODY, AJ

[1] This matter commenced as an urgent application on the 21st of November 2025 for urgent relief against the Provincial Commissioner, Eastern Cape, of the South African Police Service,

the National Commissioner of the South African Police Service, and the Station Commander South African Police Service at Ngcobo.

- [2] This court was satisfied that proper service was given to the respondents and the State Attorney, and having heard Mr Ferreira and Mr Somandi, acting on behalf of Intercape Ferreira Mainliner (Pty) Ltd ("Intercape"), a rule *nisi* was issued for urgent interim relief for hearing on the 3rd of December 2025.

- [3] On the 1st of December 2025 the Doctor AB Xuma Local Municipality ("the municipality") and the Engcobo Taxi Association ("the taxi association") jointly brought an application to intervene in the main application.

- [4] The main deponent to the application for leave to intervene is employed by the municipality and the high watermark of his application for intervention was that the municipality and the taxi association had "suspicions with regard to Intercape permits and their validity and/or authenticity". In addition, there were also allegations that Intercape buses caused traffic congestion in the town of Engcobo and for this reason it was in the "interests of justice" that the municipality and the taxi association intervene. In amplification of this argument, the deponent alleged that the Intercape buses were offloading passengers at unauthorised loading zones within the municipal area. Reference was made to a prior agreement between Intercape and the Total garage in Engcobo which had recently been cancelled by the owner of that garage.



- [5] The municipality then sought to suggest that the South African Police Services would be stretched if the final order were to be granted and this was a further reason why the municipality and the taxi association should intervene. This argument was never even suggested by the respondents, or representatives of the respondents.
- [6] Throughout the deponent's founding affidavit reference was made to "reasonable suspicions" relating to the validity of the permits.
- [7] Intercape's opposing affidavit highlighted the fact that the permits were valid and these were attached to the opposing affidavits and that the loading zones had indeed been authorised. Intercape also stated *inter alia* that "the true purpose of the intervention by the municipality and the taxi association is to derail the application by forcing the parties to enter into settlement negotiations with the taxi association. Intercape also emphasised that the municipality had various remedies if there were breaches of the offloading of passengers or its operating licences, namely, the impoundment of vehicles, the inspection of operating licences, and the charging of an operator with an offence.
- [8] On the return date, and when the intervention application was argued, this court was advised that a further interim order had been agreed between Intercape and the respondents, of the initial application, which was made an order of court on the 3rd of December 2025, by agreement.



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- [9] There was no appearance on behalf of the initial respondents in relation to the application to intervene and accordingly the original rule was extended to 10 February 2026.
- [10] Mr Mbenyane appeared on behalf of the municipality and the taxi association and correctly conceded that the permits issued to Intercape were valid. This argument in the intervention application was accordingly abandoned.
- [11] Mr Mbenyane then argued that all the municipality wanted to do, by intervening, was to enforce "law and order". Mr Mbenyane also correctly conceded that the intervening parties did not take issue with the protection sought and also conceded that Intercape had the right to offload passengers at the local police station in Engcobo, which was close to the Total petrol station. Although he argued that no "special circumstances" existed for the move from the Total service station to the police station, this clearly has no merit, as the Total garage had cancelled the right to offload there.
- [12] Mr Mbenyane's main argument was that the intervention was necessary to prevent parking and congestion problems in Engcobo. He further argued that the intervening parties wanted to defend their reputations as various serious allegations were made against them in the initial founding papers.
- [13] The main application in this matter was preceded by various orders and judgments by my brother Smith and it was common cause, in argument, that these orders and judgments were final in nature.



[14] It is clear from the present application that this was brought to amplify the areas requiring support and protection by Intercape as the towns were eventually identified instead of the "hotspots" which were referred to in Smith J's previous orders.

[15] There can be no doubt, having regard to the previous judgments and orders of my brother Smith and also the present application, that there is ongoing difficulties experienced by Intercape in the areas referred to in the order, granted by agreement, on the 3rd of December 2025.



[16] A constitutional democracy is founded upon the supremacy of the Constitution and the Rule of Law. Court orders are not advisory

statements or expressions of preference; they are binding commands issued by our independent judiciary exercising authority conferred by the Constitution. It is trite that once a court has spoken, compliance is not optional.

[17] To permit parties, particularly organised and powerful actors, to decide for themselves whether an order will be obeyed is to substitute law with coercion, and judicial authority, with brute force.

[18] The deliberate disregard of court orders strikes at the very heart of the administration of justice. Courts do not command standing armies, or enforce agencies of their own; their authority rests on the expectation that orders lawfully made will be respected and implemented. If court orders can be ignored with impunity, judicial

authority is rendered illusory, legal remedies become meaningless, and public confidence in the justice system is inevitably eroded.

- [19] Although this court was not called upon to decide on the final application, there can be no doubt that the facts referred to by Intercape, and in the previous judgments of my brother Smith, presents a particularly grave example of defiance of court orders. The allegations are that despite at least clear and unequivocal orders issued by this court the taxi associations persisted in conduct expressly prohibited, preventing Intercape buses from travelling through its area. This is not an isolated lapse, a misunderstanding, or a technical breach. It is sustained, deliberate, and in direct contempt of judicial authority. This leads inexorably to anarchy and barbarism, where the strongest prevail and the weakest are left without protection.



- [20] I am in agreement with Mr Ferreira and Mr Somandi that the municipality and the taxi association have no direct and substantial interest in the final relief which Intercape seeks from this court.

- [21] In the Constitutional Court matter of SA Riding for the Disabled Association vs Regional Land Claims Commissioner and others¹ the court succinctly set out the relevant test as follows:

"[9] It is now settled that an applicant for intervention must meet the direct and substantial interest test in order to succeed. What constitutes a direct and substantial

interest is a legal interest in the subject-matter of the case which could be prejudicially affected by the order of the court. This means that the applicant must show that it has a right adversely affected or likely to be affected by the order sought. ...

...[10] If the applicant shows that it has some right which is affected by the order issued, permission to intervene must be granted. For it is a basic principle of our law that no order should be granted against a party without affording such party a pre-decision hearing. This is so fundamental that an order is generally taken to be binding only on parties to the litigation."



[22] There can be no doubt that in this application the orders sought are against the initial respondents and especially in circumstances where the intervening parties conceded in argument that they took no issue with the protection orders sought by Intercape.

[23] With reference to the argument that the intervening parties need to protect their reputations by defending the allegations made against them this too was dealt with by the Supreme Court of Appeal in the matter of National Director of Public Prosecutions vs Jacob Gedleyihlekisa Zuma² where the court firmly established the following principle:

"[84] It ought to be apparent by now that Mr Mbeki and other members of the Government had ample reason to be upset by the reasons in the judgment which cast aspersions upon them without regard to their basic

² (573/08) [2009] ZASCA (12 January 2009)

rights to be treated fairly. It is not necessary to revisit those issues since they have been dealt with in sufficient detail. However, they make the applicant's desire to intervene at the appeal stage understandable.

[85] Nevertheless, to be able to intervene in proceedings a party must have direct and substantial interest in the outcome of the litigation, whether in the court of first instance or on appeal. The basic problem with the application is that the applicants have no interest in the order but only in the reasoning. They are in the position of a witness whose evidence is being rejected or on whose demeanour and unfavourable finding has been expressed. Such a person has no ready remedy, especially not by means of intervention. To be able to intervene in an appeal, which is by its nature directed at a wrong order and not at incorrect reasoning, an applicant must have an interest in the order under appeal. The applicants do not have such an interest."



[24] For the same reason the intervening parties have no direct and substantial interest in the outcome of the main application and they are not entitled to intervene especially as a result of their wish to defend their reputations, or because of allegations made by Intercape's founding affidavit.

[25] It is accordingly for all the reasons given that this court ordered the dismissal of the application, with costs on scale C.

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**B BRODY****Acting Judge of the High Court**

Counsel for the applicants

:

Adv Ferreira and Adv Sonandi

Instructed by

:

Adams & Adams Attorneys

c/o Huxtable Attorneys

Makhanda



Counsel for the intervening parties :

Advocate Mbenyana

Counsel for the respondents :

PX Limba Attorneys

Instructed by

:

c/o Msitshana Incorporated

Makhanda



COURT ONLINE COVER PAGE

"SS9"

IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO: 2025-224413

In the matter between:

T/A INTERCAPE FERRIERA MAINLINER (PTY) LTD Plaintiff / Applicant / Appellant

and

**THE PROVINCIAL COMMISSIONER
EASTERN CAPE SOUTH AFRICAN
POLICE SERVICE ,NATIONAL
COMMISSIONER SOUTH AFRICA
POLICE SERVICE ,THE STATION
COMMANDER SOUTH AFRICAN POLICE
SERVICE NGCOBO SOUTH AFRICAN
POLICE**

Defendant / Respondent



COURT ORDER

NOTE: This document was filed electronically by the Registrar on 23/2/2026 at 4:11:44 PM South African Standard Time (SAST). The time and date the document was filed by the party is *23/2/2026* on the header of each page of this document.



E. L. ELECTRONICALLY SIGNED

Registrar of The High Court
Eastern Cape Division,
Makhandu

E. L.



IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE DIVISION, MAKHANDA

CASE NO: 2025-224413

BEFORE THE HONOURABLE MADAM ACTING JUSTICE CENGANI-MBAKAZI

On the 10th day of February 2026

IN THE MATTER BETWEEN:

INTERCAPE FERREIRA MAINLINER (PTY) LTD

Applicant



and

**THE PROVINCIAL COMMISSIONER, EASTERN CAPE
SOUTH AFRICAN POLICE SERVICE**

First Respondent

**NATIONAL COMMISSIONER, SOUTH AFRICA
POLICE SERVICE**

Second Respondent

**THE STATION COMMANDER: SOUTH AFRICAN
POLICE SERVICE, NGCOBO**

Third Respondent

ORDER

Having heard Adv. Somandi, Counsel for the Applicant and having read the Notice of Motion and other documents filed of record

IT IS ORDERED THAT:

1. The First and Second Respondents be and are hereby directed to maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Ngcobo, Cofimvaba, Idutywa, Butterworth, Tsomo, Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza at each of the times at which the Applicant's buses are scheduled to stop at that loading point, in order to maintain the safety and security of long-distance bus drivers.
2. The First and Second Respondents be and are hereby directed to provide law enforcement escorts to the Applicant's buses along the routes in and out of Ngcobo, Cofimvaba, Idutywa, Butterworth, Tsomo, Alice, KwaMaqoma (previously Fort Beaufort), and Dimbaza as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence.
3. The Respondents be and are hereby directed to comply with Section 40(1) of the Criminal Procedure Act, in particular when crimes are being committed in their presence.
4. The Respondents are to pay the costs of the application on Scale C including costs of two Counsel where so employed.

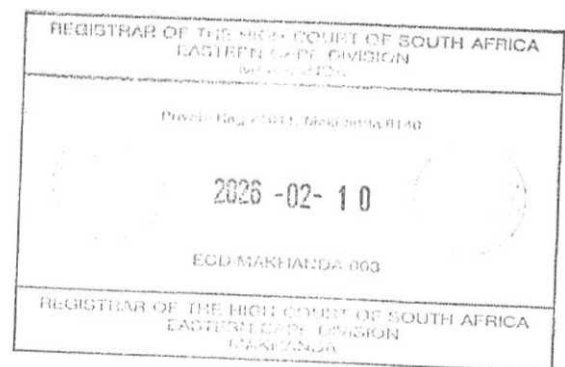


BY ORDER OF COURT

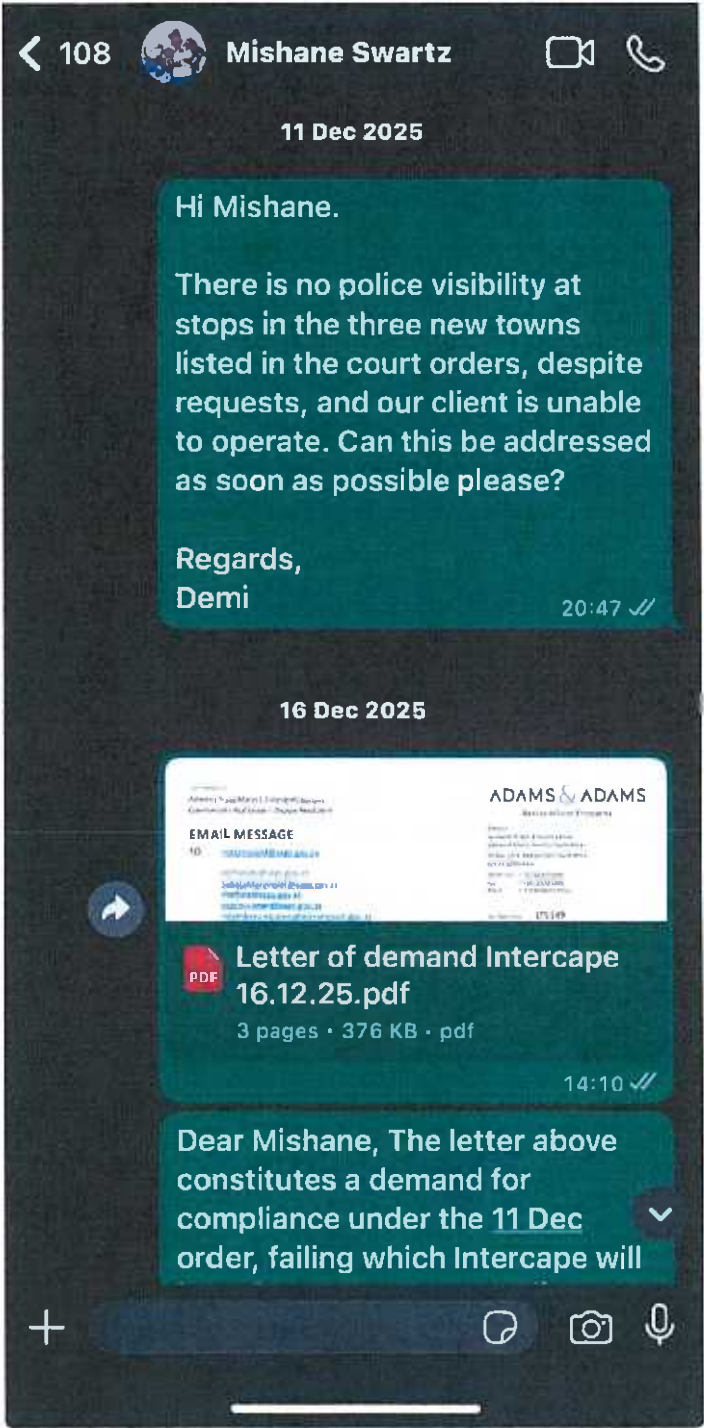
N.N. NGOBOZI

REGISTRAR

HUXTABLE ATTORNEYS

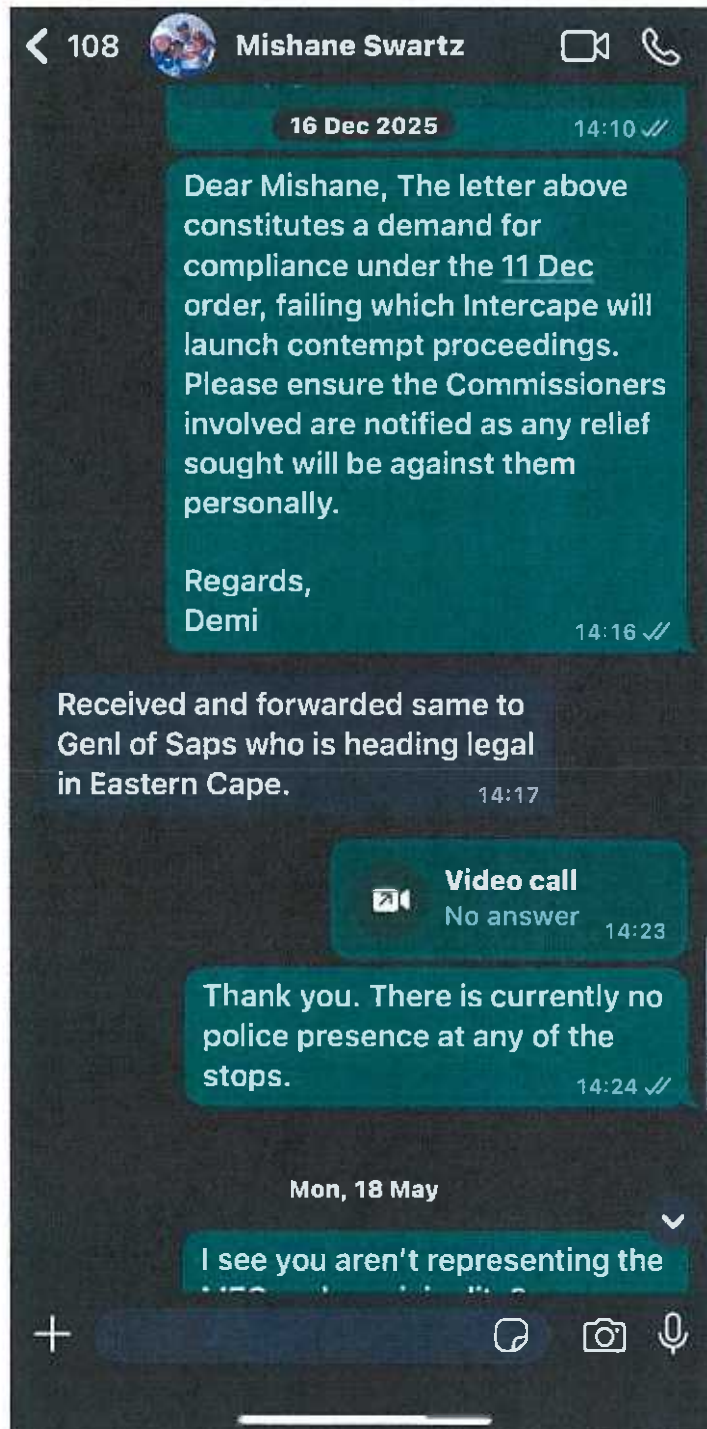


“SS10”



E *AD*

"SS11"



A handwritten signature in black ink, appearing to be 'E D'.

"SS12"

2026/03/11, 09:23 - Messages and calls are end-to-end encrypted. Only people in this chat can read, listen to, or share them. *Learn more*

2022/05/11, 16:25 - Pedrie Grobler Intercape created group "Intercape -Ngcobo"

2022/05/11, 16:25 - You were added

2026/03/11, 09:49 - +27 67 115 4357: SD718 is approaching Ngcobo from Cofimvaba tracking 21km away offloading 9pax

2026/03/11, 12:37 - +27 67 115 4357: SD8105 is approaching Ngcobo from Mthatha tracking 45km away offloading 7pax

2026/03/11, 16:43 - +27 67 115 4357: SD821 is approaching Ngcobo from Mthatha tracking 51km away loading 20pax

2026/03/12, 06:17 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/12, 08:41 - +27 79 529 8347: SD657 is approaching Ngcobo from Cofimvaba tracking 24km away offloading 8pax <This message was edited>

2026/03/12, 10:16 - +27 79 529 8347: SD618 is approaching Ngcobo from Cofimvaba tracking 30km away offloading 5pax

2026/03/13, 11:12 - +27 79 529 8347: SD8120 is approaching Ngcobo from Cofimvaba tracking 8km away offloading 24pax

2026/03/15, 06:01 - +27 79 529 8347: <Media omitted>

Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/16, 08:00 - +27 79 529 8347: SD8111 is at Ngcobo stop offloading 16 passengers.

2026/03/16, 08:02 - +27 79 529 8347: SD823 is approaching Ngcobo from Cofimvaba tracking 24km away offloading 6 pax.

2026/03/16, 09:42 - +27 79 529 8347: SD712 is approaching Ngcobo coming from Cofimvaba tracking 15km away offloading 4 passengers.

2026/03/16, 10:39 - +27 79 529 8347: SD8115 is approaching Ngcobo coming from Cofimvaba tracking 11km away offloading 2 passengers.

2026/03/16, 12:20 - +27 79 529 8347: SD701 is approaching Ngcobo coming from Mthatha tracking 4km away loading 6 passengers. <This message was edited>

2026/03/16, 12:26 - +27 79 529 8347: SD8119 is at the IC stop in Ngcobo offloading 10 passengers.

2026/03/16, 17:27 - +27 79 529 8347: SD8115 is at IC Stop in Ngcobo loading 31 passengers.

2026/03/17, 06:03 - +27 79 529 8347: <Media omitted>

Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/17, 08:20 - +27 79 529 8347: SD8122 is approaching Ngcobo coming from Cofimvaba tracking 22km away offloading 17 passengers.

2026/03/17, 08:35 - +27 79 529 8347: SD733 is approaching Ngcobo coming from Cofimvaba tracking 14km away offloading 6 passengers.

2026/03/17, 09:10 - +27 79 529 8347: SD731 is approaching Ngcobo coming from Cofimvaba tracking 20km away offloading 1 passenger.

2026/03/17, 10:47 - +27 79 529 8347: SD717 is approaching Ngcobo coming from Cofimvaba tracking 6km away offloading 10 passengers.

2026/03/17, 16:20 - +27 79 529 8347: SD8119 is at the IC stop in Ngcobo loading 28 passengers.

2026/03/17, 16:25 - +27 79 529 8347: SD823 is approaching Ngcobo coming from Mthatha tracking 24km away loading 12 passengers and offloading 1 passenger.



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2026/03/18, 09:45 - +27 79 529 8347: This message was deleted
 2026/03/18, 10:10 - +27 79 529 8347: This message was deleted
 2026/03/18, 10:15 - +27 79 529 8347: This message was deleted
 2026/03/18, 11:12 - +27 79 529 8347: SD8105 is approaching Ngcobo coming from Cofimvaba tracking 8km away offloading 11 passengers.
 2026/03/19, 06:12 - +27 79 529 8347: <Media omitted>
 Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/03/20, 06:00 - +27 79 529 8347: <Media omitted>
 Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/03/20, 08:52 - +27 79 529 8347: SD733 is approaching Ngcobo coming from Cofimvaba tracking 9km away offloading 2passengers. Loading 1 pax
 2026/03/20, 12:11 - +27 79 529 8347: SD8115 is approaching Ngcobo coming from Mthatha tracking 20km away loading 1 passenger
 2026/03/21, 06:09 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/03/21, 08:22 - +27 79 529 8347: SD8112 is approaching Ngcobo coming from Cofimvaba is now less than 1km and will be offloading passengers.
 2026/03/21, 09:24 - +27 79 529 8347: SD8107 is approaching Ngcobo coming from Cofimvaba is now less than 3km and will be offloading passengers.
 2026/03/21, 10:15 - +27 79 529 8347: SD716 is approaching Ngcobo coming from Cofimvaba is now less than 5km and will be offloading passengers.
 2026/03/22, 06:02 - +27 79 529 8347: <Media omitted>
 Good Morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/03/22, 08:05 - +27 79 529 8347: SD824 is approaching Ngcobo coming from Cofimvaba is now less than 15km and will be offloading 6 pax
 2026/03/22, 15:52 - +27 79 529 8347: SD8123 is approaching Ngcobo is now 20km away loading 23 pax
 2026/03/22, 16:25 - +27 79 529 8347: SD658 is approaching Ngcobo is now 20km away loading 5 pax
 2026/03/22, 16:42 - +27 79 529 8347: SD8112 is approaching Ngcobo is now 25km away loading 41 pax
 2026/03/23, 06:11 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/03/23, 07:53 - +27 79 529 8347: SD8111 is approaching Engcobo coming from Cofimvaba and is now 30km away, coach will be offloading 21 passengers
 2026/03/23, 07:54 - +27 79 529 8347: SD652 is approaching Engcobo coming from Cofimvaba and is now 30km away, coach will be offloading 3 passengers
 2026/03/23, 09:40 - +27 79 529 8347: SD110 is approaching Engcobo coming from Cofimvaba and is now 10km away
 2026/03/23, 11:04 - +27 79 529 8347: SD8116 is approaching Engcobo coming from Cofimvaba and is now 5 km away. offloading 9 pax
 2026/03/23, 11:50 - +27 79 529 8347: SD8108 is approaching Engcobo coming from Mthatha and is now 30 km away. loading 9 pax
 2026/03/24, 06:09 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.



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2026/03/24, 07:29 - +27 79 529 8347: SD8105 is approaching Engcobo coming from Cofimvaba and is now 14km away, coach will be offloading 38 passengers

2026/03/24, 09:28 - +27 79 529 8347: SD8123 is approaching Engcobo coming from Cofimvaba and is now 18km away, coach will be offloading 3 passengers

2026/03/24, 09:40 - +27 82 499 2501: This message was deleted

2026/03/24, 11:28 - +27 79 529 8347: SD704 followed by SD830 are both approaching Engcobo coming from Cofimvaba and are now less than 3km away, coach will be offloading passengers.

2026/03/24, 12:26 - +27 79 529 8347: SD727 is approaching Engcobo coming from Mthatha is now 5km away and will be loading 2 passengers.

2026/03/24, 15:43 - +27 79 529 8347: SD8115 is approaching Engcobo coming from Mthatha is now 26km away, and will be loading 30 passengers.

2026/03/25, 12:04 - +27 79 529 8347: SD8123 is approaching Engcobo coming from Mthatha is now 26km away, and will be loading 1 passengers.

2026/03/26, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/26, 09:31 - +27 79 529 8347: SD711 is approaching Engcobo coming from Mthatha is now 20km away

2026/03/26, 10:05 - +27 79 529 8347: SD652 is approaching Engcobo coming from Cofimvaba

2026/03/26, 16:16 - +27 79 529 8347: SD8118 is approaching ENGCOBO coming from Mthatha

2026/03/26, 16:41 - +27 79 529 8347: SD831 is approaching ENGCOBO coming from Mthatha

2026/03/27, 06:02 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/27, 08:45 - +27 79 529 8347: SD8107 and SD830 is approaching Engcobo coming from Cofimvaba and is now 40km away, coach will be offloading 36 passengers

2026/03/27, 11:03 - +27 79 529 8347: SD8101 is approaching Engcobo coming from Cofimvaba and is now 30km away, coach will be offloading 2 passengers

2026/03/27, 11:20 - +27 79 529 8347: SD8110 is approaching Engcobo coming from Cofimvaba and is now 25km away, coach will be offloading 24 passengers

2026/03/28, 06:10 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/28, 09:49 - +27 79 529 8347: SD110 is approaching Engcobo coming from Cofimvaba and is now 10km away,

2026/03/28, 11:00 - +27 79 529 8347: SD8104 is standing in Engcobo offloading 15 passengers]

2026/03/28, 16:16 - +27 79 529 8347: SD8104 and SD830 is approaching Engcobo coming from Mthatha is now 13 km away and will be loading 30 passengers.

2026/03/28, 17:27 - +27 79 529 8347: SD8108 is approaching Engcobo coming from Mthatha is now 30 km away and will be loading 31 passengers.

2026/03/29, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/29, 08:41 - +27 79 529 8347: SD655 is approaching Engcobo coming from Cofimvaba and is now 22km away will be offloading 2 passengers



[Handwritten signature]

2026/03/29, 10:24 - +27 79 529 8347: SD8122 and SD706 is approaching Engcobo coming from Cofimvaba and is now 1km away will be offloading 8 passengers
 2026/03/29, 12:14 - +27 79 529 8347: SD8109 is approaching Engcobo coming from Mthatha and is now 26km away will be loading 7 passengers
 2026/03/29, 15:31 - +27 79 529 8347: SD8105 is approaching Engcobo coming from Mthatha and is now 55km away will be loading 23 passengers

SD654 is approaching Engcobo coming from Mthatha and is now 58km away will be loading 13 passengers

2026/03/29, 16:24 - +27 79 529 8347: SD8123 is approaching Engcobo coming from Mthatha and is now 55km away will be loading 29 passengers
 2026/03/29, 17:13 - +27 79 529 8347: SD110 is approaching Engcobo coming from Mthatha and is now 10km away will be just passing through
 2026/03/30, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/03/30, 08:23 - +27 79 529 8347: SD830 is approaching Engcobo coming from Cofimvaba tracking 40km away

2026/03/30, 10:49 - +27 79 529 8347: SD806 is approaching Engcobo coming from Cofimvaba tracking 20km away

2026/03/31, 06:15 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/01, 06:08 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/01, 12:13 - +27 79 529 8347: SD114 is approaching Engcobo coming from Cofimvaba tracking 20km away

2026/04/01, 12:43 - +27 79 529 8347: SD8121 is approaching Engcobo coming from Mthatha tracking 10km away

2026/04/01, 15:06 - +27 79 529 8347: SD865 is approaching Engcobo coming from Mthatha tracking 10km away

2026/04/02, 06:07 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/02, 09:41 - +27 79 529 8347: SD68110 is approaching Engcobo coming from Cofimvaba 15km away

SD68109 is approaching Tsomo coming from Cofimvaba 15km away

2026/04/02, 11:35 - +27 79 529 8347: SD115 is approaching Engcobo coming from Tsomo 15km away

2026/04/02, 11:36 - +27 79 529 8347: SD8102 is approaching Engcobo coming from Tsomo 30km away

2026/04/02, 12:10 - +27 79 529 8347: SD8104 is approaching Engcobo coming from Mthatha tracking 30km away

2026/04/02, 13:00 - +27 79 529 8347: This message was deleted

2026/04/02, 16:25 - +27 79 529 8347: SD8110 is approaching Engcobo coming from Mthatha tracking 10km away

2026/04/03, 06:28 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/03, 09:46 - +27 79 529 8347: SD804 is approaching Engcobo coming from



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Cofimvaba 9km away.

2026/04/04, 06:09 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/04, 07:58 - +27 79 529 8347: SD659 is approaching Engcobo coming from Cofimvaba 14km away, offloading 2 passengers

2026/04/04, 09:16 - +27 79 529 8347: SD8118 is approaching Engcobo coming from Cofimvaba tracking 11km away

2026/04/04, 11:57 - +27 79 529 8347: SD8110 is approaching Engcobo coming from Cofimvaba tracking 11km away offloading 4 passengers

2026/04/04, 12:28 - +27 79 529 8347: SD8106 is approaching Engcobo coming from Cofimvaba 4km away, offloading 28 passengers

2026/04/04, 15:39 - +27 79 529 8347: SD8120 is approaching Engcobo coming from Mthatha 37km away, offloading 29 passengers

2026/04/04, 16:17 - +27 79 529 8347: SD655 is approaching Engcobo coming from Mthatha 15km away, loading 6 passengers

2026/04/05, 06:08 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/05, 08:13 - +27 79 529 8347: SD659 is approaching Engcobo coming from Cofimvaba 1km away, offloading 10 passengers

2026/04/05, 09:01 - +27 79 529 8347: SD100 is approaching Engcobo coming from Cofimvaba 20km away, offloading 2 passengers and loading 2 passengers

2026/04/05, 09:57 - +27 79 529 8347: SD715 is approaching Engcobo coming from Cofimvaba 13km away, offloading 14 passengers <This message was edited>

2026/04/05, 12:17 - +27 79 529 8347: SD8104 is approaching Engcobo coming from Mthatha 18km away, loading 5 passengers

SD8106 is approaching Engcobo coming from Mthatha 21km away, loading 7 passengers

2026/04/05, 15:07 - +27 79 529 8347: SD8118 is approaching Engcobo coming from Mthatha 16km away, just passing through

2026/04/05, 16:29 - +27 79 529 8347: SD659 is approaching Engcobo coming from Mthatha 18km away, loading 5 passengers

SD8105 is approaching Engcobo coming from Mthatha 21km away, loading 19 passengers

2026/04/05, 16:51 - +27 79 529 8347: SD109 is approaching Engcobo coming from Mthatha 25km away, loading 5 passengers and offloading 1 passenger

SD8113 is approaching Engcobo coming from Mthatha 28km away, loading 36 passengers

2026/04/06, 23:15 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Mthatha 10km away,

2026/04/07, 03:32 - +27 71 475 2046: This message was deleted

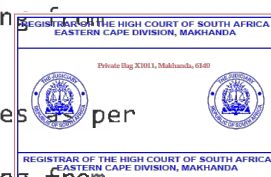
2026/04/07, 19:30 - +27 79 529 8347: Please take note of SD 8108, SD 802, and SD 8118, currently at Engcobo. <This message was edited>

2026/04/07, 19:38 - +27 79 529 8347: Please take note that SD 8118 is currently standing at Engcobo. Kindly assist with monitoring, as the bus is stuck with a mechanic. 2 km outside next to eDryini

2026/04/08, 06:15 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/09, 06:17 - +27 79 529 8347: <Media omitted>



E D

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/09, 10:41 - +27 79 529 8347: SD658 is approaching Engcobo coming from Cofimvaba 13km away, offloading 20 passengers

2026/04/09, 12:21 - +27 79 529 8347: SD8122 is approaching Engcobo coming from Mthatha 20km away, loading 13 passengers

2026/04/10, 06:08 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/10, 07:56 - +27 79 529 8347: SD8100 is approaching Engcobo coming from Cofimvaba 23km away, offloading 21 passengers

2026/04/10, 10:18 - +27 79 529 8347: SD616 is approaching Engcobo coming from Cofimvaba 6km away, offloading 7 passengers

2026/04/11, 06:13 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/12, 06:20 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/13, 06:18 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/14, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/15, 06:18 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/17, 06:12 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/18, 06:02 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/19, 05:55 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/20, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/20, 07:16 - +27 79 529 8347: SD732 is approaching Engcobo coming from Cofimvaba 40km away, offloading 4 passengers

2026/04/20, 07:32 - +27 79 529 8347: SD8104 is approaching Engcobo coming from Cofimvaba 40km away, offloading 26 passengers

2026/04/20, 09:28 - +27 79 529 8347: SD8123 is approaching Engcobo coming from Cofimvaba 40km away, offloading 4 passengers

2026/04/20, 15:40 - +27 79 529 8347: SD806 is approaching Engcobo coming from Mthatha 10km away loading 15 passengers <This message was edited>

2026/04/20, 15:41 - +27 79 529 8347: SD8114 is approaching Engcobo coming from Mthatha 30km away loading 32 passengers

2026/04/20, 17:36 - +27 79 529 8347: SD8109 is approaching Engcobo coming from



E D

Mthatha 5km away loading 20 passengers

2026/04/21, 06:07 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/22, 05:53 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/22, 06:09 - +27 82 442 4163: *Deployment*

Intercape Bus Escorts *Ngcobo Saps patrols*

Date:2026/04/22

Time:18:00 - 06:00

Vehicle: BWD708 B

Van Driver: Sgt Papu

Cell:0834769205

Van Crew: Cst Mzayiya

Cell : 0719199246

Focus Area* : Total Garage, Ngcobo,R61 towards Cofimvaba route.

Mission : Monitor Intercape Buses and Truck attacks.



Thank you General

2026/04/23, 06:02 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/24, 06:07 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/24, 06:18 - +27 82 442 4163: *Deployment*

Intercape Bus Escorts *Ngcobo Saps patrols*

Date:2026/04/24

Time:06:00 - 18:00

Vehicle: BWD708 B

Van Driver: Sgt Veliso

Cell:0834655095

Van Crew: Cst Nkungwana

Cell : 0739408584

Focus Area* : Total Garage, Ngcobo,R61 towards Cofimvaba route.

Mission : Monitor Intercape Buses and Truck attacks.

Thank you General

2026/04/24, 08:43 - +27 79 529 8347: SD826 is approaching Engcobo coming from Cofimvaba 10km away offloading 2 passengers

2026/04/24, 08:44 - +27 79 529 8347: SD8113 is approaching Engcobo coming from Cofimvaba 25km away offloading 31 passengers

2026/04/24, 11:47 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Mthatha 45km away loading 8 passengers <This message was edited>

2026/04/24, 11:50 - +27 79 529 8347: SD8101 is approaching Engcobo coming from Cofimvaba 50km away offloading 3 passengers

2026/04/24, 15:51 - +27 79 529 8347: SD729 is approaching Engcobo coming from Mthatha tracking 45km away loading 10 passengers

E D

2026/04/25, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/25, 08:49 - +27 79 529 8347: SD8106 is approaching Engcobo coming from Cofimvaba tracking 50km away offloading 32 passengers

2026/04/25, 09:04 - +27 79 529 8347: SD832 is approaching Engcobo coming from Cofimvaba tracking 30km away offloading 3 passengers

2026/04/25, 11:15 - +27 79 529 8347: SD8111, SD804 and SD8116 is approaching Engcobo coming from Cofimvaba tracking 10km away offloading 16 passengers.

2026/04/25, 15:24 - +27 79 529 8347: SD826 is approaching Engcobo coming from Mthatha tracking 45km away loading 7 passengers.

2026/04/26, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/26, 15:56 - +27 79 529 8347: SD8109 is approaching Engcobo coming from Mthatha tracking 5km away loading 20 passengers.

2026/04/26, 16:34 - +27 79 529 8347: SD832 is approaching Engcobo coming from Mthatha tracking 25km away loading 3 passengers.

2026/04/26, 16:35 - +27 79 529 8347: SD8102 and SD114 is approaching Engcobo coming from Mthatha tracking 35km away loading 42 passengers. <This message was edited>

2026/04/27, 06:13 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/04/29, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/04/29, 08:40 - +27 79 529 8347: SD823 is approaching Engcobo coming from Cofimvaba tracking 30km away offloading 2 passengers

2026/04/29, 10:06 - +27 79 529 8347: SD806 is approaching Engcobo coming from Cofimvaba tracking 30km away offloading 11 passengers

2026/04/29, 11:00 - +27 79 529 8347: SD8114 is approaching Engcobo coming from Cofimvaba tracking 15km away offloading 10 passengers

2026/04/29, 12:09 - +27 79 529 8347: SD8121 is approaching Engcobo coming from Mthatha 15km away loading 6 passengers

2026/04/29, 16:12 - +27 79 529 8347: SD826 is approaching Engcobo coming from Mthatha 10km away loading 15 passengers

2026/04/30, 06:08 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/04/30, 08:21 - +27 79 529 8347: SD825 is approaching Engcobo coming from Cofimvaba tracking 15km away offloading 6 passengers.

2026/04/30, 09:42 - +27 79 529 8347: SD8116 and SD707 is approaching Engcobo coming from Cofimvaba tracking 20km away offloading 4 passengers.

2026/04/30, 11:48 - +27 79 529 8347: SD8114 is approaching Engcobo coming from Mthatha tracking 35km away loading 8 passengers.

2026/04/30, 12:59 - +27 79 529 8347: SD8109 is approaching Engcobo coming from Cofimvaba tracking 15km away loading 13 passengers.

2026/04/30, 16:01 - +27 79 529 8347: SD823 is approaching Engcobo coming from Mthatha tracking 20km away loading 4 passengers and offloading 1.

2026/04/30, 16:41 - +27 79 529 8347: SD8102 is approaching Engcobo coming from



E A

Mthatha tracking 35km away loading 28 passengers.
 2026/05/01, 06:28 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule
 2026/05/02, 06:17 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule
 2026/05/02, 07:38 - +27 79 529 8347: SD822 is approaching Engcobo coming from Cofimvaba tracking 35km away offloading 5 passengers.
 2026/05/02, 08:11 - +27 79 529 8347: SD8122 is approaching Engcobo coming from Cofimvaba tracking 40km away offloading 14 passengers.
 2026/05/02, 08:47 - +27 79 529 8347: SD650 is approaching Engcobo coming from Cofimvaba tracking 35km away offloading 16 passengers.
 2026/05/02, 09:55 - +27 79 529 8347: SD8104 is approaching Engcobo coming from Cofimvaba tracking 35km away offloading 9 passengers.
 2026/05/02, 10:54 - +27 79 529 8347: SD8109 is approaching Engcobo coming from Mthatha tracking 0km away loading 4 passengers and offloading 1.
 2026/05/02, 15:30 - +27 79 529 8347: SD829 and SD8108 is approaching Engcobo coming from Mthatha tracking 30km away loading 34 passengers <This message was edited>
 2026/05/02, 16:19 - +27 79 529 8347: SD104 is approaching Engcobo coming from Mthatha tracking 35km away loading 10 passengers
 2026/05/04, 06:08 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule
 2026/05/04, 09:57 - +27 79 529 8347: SD707 is approaching Engcobo coming from Cofimvaba tracking 6km away offloading 7 passengers
 2026/05/04, 10:13 - +27 79 529 8347: SD108 is approaching Engcobo coming from Cofimvaba tracking 48km away offloading 1 passenger
 2026/05/04, 11:09 - +27 79 529 8347: SD8108 is approaching Engcobo coming from Cofimvaba tracking 3km away offloading 10 passenger
 2026/05/04, 11:24 - +27 79 529 8347: SD8113 is approaching Engcobo coming from Cofimvaba tracking 33km away offloading 8 passengers <This message was edited>
 2026/05/05, 06:13 - +27 79 529 8347: IMG-20260505-WA0000.jpg (file attached)
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/05, 08:15 - +27 79 529 8347: SD826 is approaching Engcobo coming from Cofimvaba tracking 17km away offloading 3 passengers
 2026/05/05, 11:30 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Cofimvaba tracking 17km away offloading 5 passengers
 2026/05/06, 06:09 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/06, 09:20 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule
 2026/05/06, 09:22 - +27 79 529 8347: SD830 is approaching Engcobo coming from Cofimvaba 20km away offloading 6 passengers
 2026/05/06, 10:02 - +27 79 529 8347: SD703 is approaching Engcobo coming from Cofimvaba 1km away offloading 15 passengers
 2026/05/07, 06:15 - +27 79 529 8347: <Media omitted>



E R

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/05/07, 07:52 - Tiaan Van Schalkwyk Intercape: My cousin booked the ticket to travel today so she got the message that there is going to be a strike for the taxi drivers in Ngcobo and the strikes includes the Intercape buses so she is worried

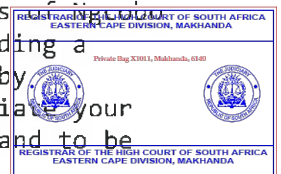
I want to ask are the buses going to travel from Ngcobo today???

2026/05/07, 07:52 - Tiaan Van Schalkwyk Intercape: <Media omitted>

2026/05/07, 07:52 - Tiaan Van Schalkwyk Intercape: Morning got this message from n Oyama staff member regarding her cousin that is travelling. They received the voice note that we are striking. Just wanted to bring it under all attention

2026/05/07, 07:52 - Tiaan Van Schalkwyk Intercape: This guy is announcing that he heard from one of Engcobo taxi guys that there is a planned strike for Intercape busses at Engcobo

2026/05/07, 07:54 - Tiaan Van Schalkwyk Intercape: Good morning members of Engcobo police force. Please note that we received the above information regarding a possible strike in Ngcobo today related to the taxis in the area. Hereby informing you in advance of the info that we received and would appreciate your full attention and cooperation in ensuring there is police visibility and to be alert to what might transpire today



2026/05/07, 08:19 - +27 79 529 8347: SD824 is approaching Engcobo coming from Cofimvaba tracking 6km away offloading 5 passengers.

2026/05/08, 06:13 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/05/08, 08:17 - +27 79 529 8347: SD825 is approaching Engcobo coming from Cofimvaba tracking 26km away offloading 4 passengers.

2026/05/08, 08:22 - +27 79 529 8347: SD8106 is approaching Engcobo coming from Cofimvaba tracking 42km away offloading 19 passengers.

2026/05/08, 09:48 - +27 79 529 8347: SD713 is approaching Engcobo coming from Cofimvaba tracking 34km away offloading 3 passengers.

2026/05/08, 10:16 - +27 79 529 8347: SD151 is approaching Engcobo coming from Cofimvaba tracking 32km away just passing through Coach is Empty

2026/05/08, 10:40 - +27 79 529 8347: SD713 and SD8114 is approaching Engcobo coming from Cofimvaba tracking 25km away offloading 17 passengers.

2026/05/08, 12:12 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Mthatha tracking 17km away loading 3 passengers

2026/05/08, 12:29 - +27 79 529 8347: SD8107 is approaching Engcobo coming from Cofimvaba tracking 29km away offloading 5 passengers.

2026/05/09, 06:12 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/05/09, 09:21 - +27 79 529 8347: SD8120 is approaching Engcobo coming from Cofimvaba tracking 30km away offloading 11 passengers.

2026/05/09, 10:14 - +27 79 529 8347: SD709 is approaching Engcobo coming from Cofimvaba tracking 37km away offloading 6 passengers

2026/05/09, 12:13 - +27 79 529 8347: This message was deleted

2026/05/10, 06:14 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/11, 06:04 - +27 79 529 8347: <Media omitted>

E J

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/11, 08:01 - +27 79 529 8347: SD823 is approaching Engcobo coming from Cofimvaba is now 20km away and will be offloading 3 passengers.

2026/05/11, 08:28 - +27 79 529 8347: SD8102 is approaching Engcobo coming from Cofimvaba is now 8km away and will be offloading 26 passengers.

2026/05/11, 10:12 - +27 79 529 8347: SD730 followed by SD8123 are both approaching Engcobo coming from Cofimvaba are now 12km away and will be offloading [each 15 and 5 passengers.

2026/05/11, 11:08 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Cofimvaba is now 12km away and will be offloading 18 passengers.

2026/05/11, 15:54 - +27 79 529 8347: *SD733* - Coach is now 50km away and heading towards IC stop - Ngcobo and will be loading 13 passengers

SD8102 - Coach is now 30km away and heading towards IC stop - Ngcobo and will be loading 31 passengers

2026/05/11, 16:46 - +27 79 529 8347: SD8123 - Coach is now 45km away and heading towards IC stop - Ngcobo and will be loading 22 passengers.

2026/05/12, 06:10 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/12, 16:25 - +27 79 529 8347: SD823 is approaching Engcobo coming from Mthatha now entering IC stop Ngcobo and will be loading 19 passengers.

2026/05/13, 06:07 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/13, 06:07 - +27 79 529 8347: <Media omitted>

2026/05/13, 10:53 - +27 79 529 8347: SD831 is approaching Engcobo coming from Cofimvaba is now 6km away and will be offloading 13 passengers.

2026/05/13, 12:53 - +27 79 529 8347: SD807 is approaching Engcobo coming from Cofimvaba is now 5km away and will be offloading 20 passengers.

2026/05/14, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/14, 09:39 - +27 79 529 8347: SD733 is approaching Engcobo coming from Cofimvaba is now 15km away and will be offloading 4 passengers.

2026/05/14, 12:18 - +27 79 529 8347: SD657 is approaching Engcobo coming from Cofimvaba is now 37km away and will be offloading 7 passengers.

2026/05/15, 06:12 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/15, 09:17 - +27 79 529 8347: SD825 is approaching Engcobo coming from Cofimvaba is now 18km away and will be offloading 4 passengers.

2026/05/15, 10:18 - +27 79 529 8347: SD8108 is now approaching Engcobo stop coming from Cofimvaba and will be offloading 6 passengers.

2026/05/16, 06:29 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/17, 06:16 - +27 79 529 8347: <Media omitted>

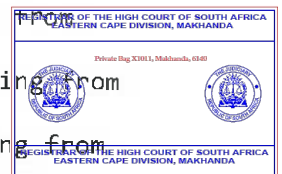
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/17, 08:04 - +27 79 529 8347: SD733 is approaching Engcobo coming from



E D

Cofimvaba is now less than 5km away and will be offloading 5 passengers.
 2026/05/17, 10:41 - +27 79 529 8347: SD658 is approaching Engcobo coming from Cofimvaba is now 18km away and will be offloading 12 passengers.
 2026/05/17, 15:21 - +27 79 529 8347: SD822 is approaching Engcobo coming from Mthatha is now 45km away and will be loading 7 passengers.
 2026/05/18, 06:06 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/18, 07:33 - +27 79 529 8347: SD729 is approaching Engcobo coming from Cofimvaba tracking 35km away and will be offloading 4 passengers.
 2026/05/18, 09:17 - +27 79 529 8347: SD654 approaching Engcobo coming from Cofimvaba tracking 30km away. offloading 13 passengers
 2026/05/18, 10:29 - +27 79 529 8347: SD8115 approaching Engcobo coming from Cofimvaba tracking 10km away.
 2026/05/18, 12:23 - +27 79 529 8347: SD8113 approaching Engcobo coming from mthatha tracking 5km away.
 2026/05/18, 16:05 - +27 79 529 8347: SD8111 is approaching Engcobo coming from Mthatha tracking 8km away will be loading 14 passengers.
 2026/05/18, 16:06 - +27 79 529 8347: SD806 is approaching Engcobo coming from Mthatha tracking 20km away will be loading 18 passengers.
 2026/05/19, 06:06 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/19, 07:35 - +27 79 529 8347: SD8100 is approaching Engcobo coming from COFIMVABA tracking 20km away will be off loading 18 passengers. <This message was edited>
 2026/05/19, 08:32 - +27 79 529 8347: SD651 is approaching Engcobo coming from COFIMVABA tracking 10km away will be off loading 9 passengers.
 2026/05/19, 15:25 - +27 84 543 0852 changed their phone number to a new number. Message or add the new number
 2026/05/19, 18:23 - +27 84 482 6003 changed to +27 84 543 0852
 2026/05/20, 06:08 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/20, 09:49 - +27 79 529 8347: SD715 is approaching Engcobo coming from Cofimvaba and is now 20km away and will be offloading 11 passengers.
 2026/05/21, 06:06 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/21, 08:31 - +27 79 529 8347: SD730 is approaching Engcobo coming from Cofimvaba and is now 18km away and will be offloading 6 passengers.
 2026/05/21, 10:35 - +27 79 529 8347: SD806 is approaching Engcobo coming from Cofimvaba and is now less than 1km away and will be offloading 11 passengers.
 2026/05/22, 06:07 - +27 79 529 8347: <Media omitted>
 Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.
 2026/05/22, 16:12 - +27 79 529 8347: SD8109 is approaching Engcobo coming from Mthatha and is now less than 10km away
 2026/05/22, 16:13 - +27 79 529 8347: SD730 is approaching Engcobo coming from Mthatha and is now less than 20km away
 2026/05/23, 06:09 - +27 79 529 8347: <Media omitted>



Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/23, 07:56 - +27 79 529 8347: SD720 is approaching Engcobo coming from Cofimvaba and is now less than 13km away and will be offloading 10 passengers and loading 1 passenger.

2026/05/23, 08:45 - +27 79 529 8347: SD8115 is approaching Engcobo coming from Cofimvaba and is now less than 8 km away and will be offloading 18 passengers.

2026/05/23, 10:30 - +27 79 529 8347: SD618 is approaching Engcobo coming from Cofimvaba and is now less than 11 km away and will be offloading 16 passengers.

2026/05/23, 11:09 - +27 79 529 8347: SD8119 is approaching Engcobo coming from Cofimvaba and is now less than 11 km away and will be offloading 2 passengers.

2026/05/23, 16:21 - +27 79 529 8347: SD734 is approaching Engcobo coming from Mthatha and is now less than 2 km away and will be loading 16 passengers. <This message was edited>

2026/05/24, 06:07 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/24, 07:51 - +27 79 529 8347: SD716 is approaching Engcobo coming from Cofimvaba and is now 30 km away and will be offloading 4 passengers.

2026/05/24, 09:33 - +27 79 529 8347: SD730 is approaching Engcobo coming from Cofimvaba and is now 30 km away

2026/05/24, 16:03 - +27 79 529 8347: SD720 is approaching Engcobo coming from Mthatha and is now 20 km away

2026/05/24, 16:03 - +27 79 529 8347: SD8121 is approaching Engcobo coming from Mthatha and is now 30 km away

2026/05/25, 06:03 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/25, 07:41 - +27 79 529 8347: SD651 is approaching Engcobo coming from Cofimvaba and is now 10km away

2026/05/25, 10:05 - +27 79 529 8347: SD822 is approaching Engcobo coming from Cofimvaba tracking 19km away offloading 6 passengers.

2026/05/27, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/27, 09:34 - +27 79 529 8347: SD720 is approaching Engcobo coming from Cofimvaba tracking 15km away offloading 9 passengers.

2026/05/27, 10:00 - +27 79 529 8347: SD826 is approaching Mthatha coming from Engcobo tracking 3km away offloading 0passengers.

2026/05/28, 08:34 - +27 79 529 8347: SD730 is in Ngcobo

2026/05/28, 10:04 - +27 79 529 8347: SD8121 is approaching Ngcobo coming from Cofimvaba 35 km away and loading 8 passengers

2026/05/28, 12:02 - +27 79 529 8347: SD8111 is approaching Ngcobo coming from MTHATHA 25 km away and loading 4 passengers <This message was edited>

2026/05/28, 17:18 - +27 79 529 8347: SD8115 is approaching Ngcobo, currently about 2 km away, will load 32 passengers and approximately 5 km from the next stop.

SD112 loaded 1 passenger and offloaded 1 passenger. <This message was edited>

2026/05/29, 06:10 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per



[Handwritten signature]

above schedule.

2026/05/29, 16:03 - +27 79 529 8347: SD8114 is approaching Ngcobo coming from Mthatha 3 km away and loading 27 passengers

2026/05/29, 17:22 - +27 79 529 8347: SD730 is approaching Ngcobo coming from Mthatha 10 km away and loading 7 passengers

2026/05/30, 06:16 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/31, 06:20 - +27 62 083 5271: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/05/31, 07:55 - +27 79 529 8347: SD750 is approaching Engcobo coming from Cofimvaba tracking 20km away offloading 4 passengers.

2026/05/31, 09:34 - +27 79 529 8347: SD730 is approaching Engcobo coming from Cofimvaba tracking 6km away offloading 14 passengers.

2026/05/31, 11:32 - +27 79 529 8347: SD8114 is approaching Engcobo coming from Cofimvaba tracking 20km away offloading 4 passengers.

2026/05/31, 12:17 - +27 79 529 8347: SD8110 is approaching Ngcobo coming from Mthatha 4 km away and loading 8 passengers

2026/05/31, 15:48 - +27 79 529 8347: SD715 is approaching Ngcobo coming from Mthatha 18 km away and loading 11 passengers

2026/05/31, 16:54 - +27 79 529 8347: SD826 is approaching Engcobo coming from Mthatha 18 km away and loading 9 passengers <This message was edited>

2026/06/01, 06:13 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/01, 10:22 - +27 79 529 8347: SD719 is approaching Engcobo coming from Cofimvaba tracking 10km away offloading 9 passengers.

2026/06/01, 11:26 - +27 79 529 8347: SD8106 is approaching Engcobo coming from Cofimvaba tracking 8km away offloading 7 passengers.

2026/06/02, 06:12 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/02, 07:59 - +27 79 529 8347: SD8115 is approaching Engcobo coming from Cofimvaba tracking 21km away offloading 36passengers.

2026/06/02, 09:07 - +27 79 529 8347: SD655 is approaching Engcobo coming from Cofimvaba tracking 10km away offloading 5 passengers.

2026/06/03, 06:34 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/03, 09:05 - +27 79 529 8347: SD824 is approaching Engcobo coming from Cofimvaba tracking 7km away just passing through.

2026/06/03, 10:12 - +27 79 529 8347: SD750 is approaching Engcobo coming from Cofimvaba tracking 7km and offloading 10 passengers.

2026/06/03, 15:00 - +27 79 529 8347: SD731 is approaching Engcobo coming from Mthatha tracking 10km away loading 5 passengers. <This message was edited>

2026/06/03, 15:55 - +27 79 529 8347: SD8108 is approaching Engcobo coming from Mthatha tracking 16km away loading 25 passengers.

2026/06/04, 06:11 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule



E A

2026/06/04, 10:15 - +27 79 529 8347: sd719 is approaching mthatha from engcobo 30 km away offloading 11 pax

2026/06/05, 06:15 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/06, 06:08 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/07, 06:11 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/08, 06:09 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/09, 06:14 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/10, 06:13 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/11, 06:15 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/06/11, 10:14 - +27 79 529 8347: SD8100 is approaching Engcobo coming from Cofimvaba tracking 16km away offloading 18 passengers.

2026/06/11, 12:26 - +27 79 529 8347: SD8119 is approaching Engcobo coming from Mthatha tracking 10 km away loading 5 passengers.

2026/06/12, 06:20 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule.

2026/06/13, 06:15 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/14, 06:06 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/15, 06:08 - +27 79 529 8347: <Media omitted>
Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/15, 07:41 - +27 79 529 8347: SD824 and SD8102 is approaching Engcobo coming from Cofimvaba tracking 40km away offloading 37 passengers

2026/06/15, 10:03 - +27 79 529 8347: SD729 is entering Engcobo coming from Cofimvaba offloading 14 passengers

2026/06/15, 10:04 - +27 79 529 8347: SD8112 and SD106 is approaching Engcobo coming from Cofimvaba tracking 5km away offloading 23 passengers

2026/06/15, 10:05 - +27 79 529 8347: SD8121 is approaching Engcobo coming from Cofimvaba tracking 15km away offloading 4 passengers

2026/06/15, 11:50 - +27 79 529 8347: SD8100 is approaching Engcobo coming from Engcobo tracking 45km away loading 21 passengers

2026/06/15, 14:04 - +27 79 529 8347: SD664 is approaching Engcobo coming from Mthatha tracking 30km away



E J

2026/06/15, 16:48 - +27 79 529 8347: SD8112 is approaching Engcobo coming from Mthatha tracking 20km away loading 32 passengers

2026/06/15, 16:49 - +27 79 529 8347: SD8118 is standing Engcobo coming from Mthatha loading 42 passengers

2026/06/15, 17:19 - +27 79 529 8347: SD109 is approaching Engcobo coming from Mthatha tracking 40km away loading 6 and offloading 2 passengers

2026/06/16, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/16, 10:21 - +27 79 529 8347: SD115 is approaching Engcobo coming from Mthatha tracking 10km away loading 6 and offloading 3 passengers <This message was edited>

2026/06/16, 10:46 - +27 79 529 8347: SD8108 is approaching Engcobo coming from Cofimvaba tracking 5 km away and offloading 17 passengers

2026/06/16, 16:11 - +27 79 529 8347: SD8123 & SD824 are approaching Engcobo coming from Mthatha tracking 5 km away loading - <This message was edited>

2026/06/17, 06:06 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/19, 06:12 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/19, 07:36 - +27 79 529 8347: This message was deleted

2026/06/19, 17:51 - Waldo Pienaar Intercape: SAPS presence needed in Engcobo. One of our busses was stoned now. Child injured. We need escorts for coaches passing through.

2026/06/19, 18:24 - Tiaan Van Schalkwyk Intercape: Good day sirs / madams - please assist in escorting bus SD658 of Intercape out of Engcobo. The driver will open case at later stage. Not safe for driver or bus to be in the town now. Please assist

2026/06/19, 19:53 - +27 79 529 8347: <Media omitted>

Engcobo - 20 - 6 - 2026

2026/06/19, 19:57 - Tiaan Van Schalkwyk Intercape: Good evening sirs / madams Please see above schedule of Intercape busses that will be passing through Engcobo tomorrow

In light of what has transpired this evening with the vandalism and violence of one of our busses ICG658GP we hereby formally request that police escorts are provided to ensure the safe passage of our passengers, staff and company assets. By posting the schedule now it should provide ample time to make the necessary arrangements and resources in place.

Please hereby confirm in writing that we will be assisted accordingly

Thank you

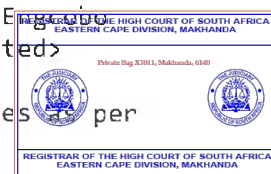
2026/06/20, 06:04 - +27 79 529 8347: <Media omitted>

Good morning SAPS, please provide escorts and visibility for our coaches as per above schedule

2026/06/20, 18:43 - Central Operations 24/7 Intercape: <Media omitted>

Engcobo 21 06 2026

Good evening SAPS, please provide escorts and visibility for our coaches as per above schedule.



EJ

ATTORNEYS

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Realise African Enterprise

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Our Reference: **ISM/DP/ADUP/LT5149**

Your Reference:

Date: **19 June 2026**

THE ACTING MINISTER OF POLICE
ATTENTION: PROFESSOR FIROZ CACHALIA

THE ACTING NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE
SERVICE
ATT: GENERAL P DIMPANE

THE ACTING PROVINCIAL COMMISSIONER OF THE SOUTH AFRICAN POLICE
SERVICE, EASTERN CAPE
ATT: GENERAL V NCATA

THE STATION COMMANDER, SOUTH AFRICAN POLICE SERVICE, NGCOBO

Dear Sirs

URGENT

URGENT: ESCALATING VIOLENCE IN ENGCOCO

1. Since 2022, Intercape has approached the Courts numerous times to obtain relief against the SAPS, the MEC for Transport, and other respondents arising from the sustained campaign of organised crime directed at its operations. The Courts have granted multiple orders — including declaratory orders, interdicts, contempt findings, and supervisory orders — and yet the Respondents have, at best, failed to comply with those orders and, at worst, actively contravened them. This evening, the ongoing failure by the Provincial Commissioner,

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Partners: Gérard du Plessis, Phil Pla, Russell Bagnall, Simon Brown, Grégor Waller, Joseph Goedhals, Blain de Villiers, Eugene Haney, Darren Olivier, David Scheepers, Kelly Thompson, Nolo Khechane, Janice Galvad, Nishi Chetty, Lucy Signorelli, Steven Yeates, Johnny Fondeiro, Jenny Pienaar, Danie Dohmen, Bilis Daby, Debbie Mantioli, Lauren Ross, Dale Healy, Roelof Gravé, James Davies, Nicky Gamell, Vishen Pillay, Godfrey Budeli, Norwari Gamba, Nicolette Koch, Jac Marais, Nthabiseng Phaswana, Alexis Apostolidis, Nishan Singh, Pieter Visagie, Sajida Gamliden, Thando Monenka, Weirina Gillfills, Wilhelm Prozesky, Jean-Paul Ruidt, Alicia van der Wall, Jameel Hamid, Joanne van Harmelen, Jan-Harm Swanepoel, Helgard Janse van Rensburg, Somayya Khan, Jani Cranje, Stephen Holis, Alicia Kabini, Wynand Fourie, Ula Mili Gamala, Amina Suliman, Kim Ramphersadh, Femke van Dyk, Nicole Smalberger, Aissa Naran, Donald Makhele, Demi Pretorius, Kagiso Manyashi, Udi Pillay, Thapelo Mmalong, Merida Fynn, Mhlokozi Maphumulo, Ramon Pereira, Mia de Jager, Consultants: Megan Mordijk, Sophia Smallbones, Associates: Deborah Maricano, Dakalo Luvhimbi, Richard Wiers, Jean-Louis La Grange, Nicole Haworth, Misha van Niekerk, Robyn Müller-Mabiza, Shani van Niekerk, Alicia Heyneke, Lavashnee Mandry, Thembi Zondo, Maureen Kuigu, Danielle van Deventer, Leihabo Mashishi, Melissa Jade Morris, Alison Levesley, Esme van Rooyen, Monique Schröten, Thomas Schmidt, Whitney Govender-Williams, Thandwe Saboletswe, Mzwakhe Poswa, Raznae Pillay, Keabone Selali, Mpumelele Ndlela, Malome Malsheta, Danielle George, Thapelo Segodi, Kim Erasmus, Darshan Moodley, Chanel Tewary, Cheryanne Utemöhien, Jared de Canha, Nontando Tusi, Michelle Lynn Langeveld, Hashim Logday, Gerrie Kruger, Linda Khumalo, Simoné Engelbrecht, Girela Lombard, Rudy Ren, Alfa Dinkor, Lindakuthe Gwala, Allen du Plessis, Bradley Frelick, Aliza Hay, Helga Ntshing, Marié Fauché, Rulenda Chapwanya, Rachael Lee, Anika Bawa, Neirah Nakom, Kicir du Preez, Thireleiso Tholene, Marcelle Smont, James Boodoo, Penlie Manna, Phumla Thango, Muthusi Ndau, Achann Kee, Razia Rupnarain, Khathola Ntsha, Thuli Mliza, Nanyana Makhopa, Michelle Smith, Gino Sibisi, Andile Makaringa, Kenapele Mankweng, David-Idan Malaw, Naledi Pace, Alexandre Ploos van Amstel, Ralfimela Lebeka, Mancela Ngidi, Prudence Ubisi, Mbuli Kawawa, Africa Practice Manager: Menzi Mahoy, Chief Operating Officer: Stuart Boyd

Level 1 BBBEE Contributor

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Eastern Cape, South African Police Service (First Respondent), the National Commissioner, South African Police Service (Second Respondent), the Station Commander, South African Police Service, Ngcobo (Third Respondent), the Dr AB Xuma Local Municipality, and the Engcobo Taxi Association has culminated in the most devastating indictment yet: a child has been seriously injured in a violent attack on an Intercape bus. This is what it has come to.

2. We refer to the order of Court granted on 21 November 2025 ("the Interim Order"), which was extended by agreement on 3 December 2025 and further extended on 11 December 2025, and which was made final on 10 February 2026 by the Honourable Madam Acting Justice Cengani-Mbakazi under Case No. 2025-224413 ("the Court Order").
3. The Court Order expressly directs the First and Second Respondents to:
 - 3.1. maintain a visible law enforcement presence, and to deploy sufficient members at the Intercape loading area in Ngcobo, Cofimvaba, Idutywa, Butterworth, Tsomo, Alice, KwaMagoma (previously Fort Beaufort), and Dimbaza at each of the times at which the Applicant's buses are scheduled to stop at those loading points, in order to maintain the safety and security of long-distance bus drivers;
 - 3.2. provide law enforcement escorts to the Applicant's buses along the routes in and out of the abovementioned towns as and when requested by the Applicant on account of a legitimate concern over a risk of intimidation or violence; and
 - 3.3. comply with Section 40(1) of the Criminal Procedure Act, in particular when crimes are being committed in their presence.
4. We further refer to our letter dated 19 June 2026 addressed inter alia to the Station Commander, South African Police Service, Ngcobo, and to the Dr AB Xuma Local Municipality, in which we recorded the ongoing unlawful obstruction of Intercape's operations in Ngcobo and the persistent intimidation and threats of violence, including the impounding of two Intercape buses on 18 June 2026.
5. We are now instructed that this evening, Intercape coach ICG658GP was stoned by attackers while entering Ngcobo. As a direct result of the attack, a child passenger on the bus was seriously injured. Intercape immediately rushed the child to hospital, where he is currently receiving emergency medical treatment. The injuries sustained by the child are severe.
6. We attach hereto a photograph depicting the injuries suffered by the child. We record that the photograph has been deliberately smudged to protect the child's identity. We express our shock and horror at this photograph, and at the fact that this is what the SAPS' dereliction has brought about. That a child travelling on a lawful public transport service has been grievously harmed because of the Respondents' wilful refusal to comply with a Court Order is a matter of outrage.
7. We are further instructed that, following the attack, the situation in Ngcobo has become extremely dangerous. Armed civilians are openly carrying firearms in the streets and threatening Intercape's drivers and staff. There is no visible policing presence whatsoever and there is no law enforcement of any kind in the town. Ngcobo is once again, as per the judgment of Acting Justice Brody dated 17 December 2025, in "a



state of anarchy". This is despite the Court Order's express direction that the SAPS must maintain a visible law enforcement presence in Ngcobo.

8. The very serious injuries suffered by this child are a direct and foreseeable result of the SAPS' wilful and ongoing disregard of the Court Order. This incident was entirely foreseeable: the SAPS was placed on clear and repeated notice of the sustained unlawful interference with Intercape's operations, the escalating threats of violence, and the risk to public safety. The SAPS failed and refused to take any of the steps required of it by the Court Order and by its constitutional mandate.
9. Given the SAPS' failure to discharge its constitutional obligations to protect life, dignity, and security of the person, and its failure to comply with the Court Order, the risk to Intercape's drivers and passengers is now so great that Intercape has been compelled to cease all of its operations in Ngcobo, with immediate effect.
10. The impact on Intercape and on the constitutional rights of its passengers is severe. Thousands of passengers who have purchased tickets and who depend upon Intercape's services are now unable to travel.
11. In addition thereto, Intercape and its passengers are suffering direct and ongoing financial damages as a consequence of the cessation of operations. Intercape will hold the Respondents liable for all losses, damages, and costs that flow from the SAPS' contemptuous disregard of the Court Order.
12. In the circumstances, Intercape demands that the SAPS immediately and urgently:
 - 12.1. deploy an adequate and visible policing presence in Ngcobo, as expressly directed by paragraph 1 of the Court Order;
 - 12.2. provide immediate police escorts for all Intercape buses entering, operating within, and exiting Ngcobo, as expressly directed by paragraph 2 of the Court Order;
 - 12.3. take all steps to comply with Section 40(1) of the Criminal Procedure Act and ensure that the perpetrators of the attack on coach ICG658GP and the armed civilians currently present in the streets of Ngcobo are identified, apprehended, and prosecuted, as expressly directed by paragraph 3 of the Court Order; and
 - 12.4. provide this office with urgent written confirmation that the steps set out above have been taken, and furnish a written undertaking that compliance with the Court Order will be maintained on a continuous and sustained basis.
13. Intercape will not (cannot) resume its services in Ngcobo until such written assurances and undertakings are received from the SAPS. The SAPS is accordingly called upon to advise us, as soon as it has commenced compliance with paragraphs 1, 2, and 3 of the Court Order of 10 February 2026, so that Intercape may safely resume its operations.
14. Unless the written undertakings demanded above are received by than 12h00 on Monday, 23 June 2026, Intercape will approach the High Court on an urgent basis to hold the First Respondent (the Provincial Commissioner, Eastern Cape, South African Police Service), the Second Respondent (the National Commissioner, South African Police Service), and the Third Respondent (the Station Commander, South



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African Police Service, Ngcobo) in the Court Order granted under Case No. 2025-224413 on 10 February 2026 in contempt of Court.

15. In those proceedings, Interscape will seek, at minimum:

- 15.1. an order declaring the First, Second and Third Respondents to be in contempt of the Court Order;
- 15.2. an order directing the relevant officials to show cause why they should not be committed for contempt;
- 15.3. an order compelling the SAPS to take specific operational steps, including the immediate provision of escorts and the deployment of visible policing resources;
- 15.4. a punitive costs order, including personal costs orders against the responsible officials.

16. Please respond urgently and by no later than 12h00 on Monday, 23 June 2026.

Yours faithfully

ADAMS & ADAMS

J S MARAIS

Checked and signed by author and sent electronically

