

ADVOCATE BUSISIWE MKHWEBANE**The Public Protector****PUBLIC PROTECTOR FILE REFERENCE: 008879-19**

Rule 42(1) of the Public Protector Rules provides that when the Public Protector intends concluding a complaint by means of a closing report provided for in rule 41(b), the Complainant shall be informed in writing accordingly and be given an opportunity to make representations in connection with the intended closure of the complaint within 14 days of delivery of the notification.

PRIMARY COMPLAINANT: **ARNOLD MICHAEL STAINBANK** (aka Mike Stainbank)

DATE OF SUBMISSION: **29 JUNE 2021 (E&OE)**

DEDICATION

This rebuttal is dedicated to my family and that of The Es'kia Institute who have endured gross human rights abuses under a criminal anti-black ANC led regime, in service White Racist control over our lives. It is especially dedicated to my mother, who was 90 years-old, when I told her of my prison sentence. Without flinching, she immediately responded: ***"You know your truth, you must stand for it."***

It is also dedicated to Afrikan Revolutionary, Robert Mangaliso Sobukwe, who taught us that, even on imprisonment or threat to our lives, we oppressed Afrikans have a duty to ***speak our truth, before we die***. This response is also dedicated to Steven Bantu Biko, one among other great Black revolutionaries who inspired the primary mission and vision of The Apartheid Museum® . ***"The most potent weapon in the hands of the oppressor is the mind of the oppressed."***

Finally, this response is dedicated to Professor Es'kia Mphahlele, Father of Afrikan Humanism, whose life's work, on the instruction of the Jews at Gold Reef City Casino, was unlawfully destroyed by the Lotteries Commission, working in collusion with the Gauteng Gambling Board and the Companies Intellectual Property Commission.



INTRODUCTION

Our response to the Discretionary Notice (DN) received from the Public Protector on 08 June 2021, is based on the sum total of evidence submitted to the Office of the Public Protector, beginning with Advocate Thuli Madonsela, ten years ago.

On 02 June 2021, in an interview with Clement Manyathela of Radio 702, we heard Public Protector Busisiwe Mkhwebane explain, among other matters, that senior investigators in her office had sabotaged her efforts to protect the public. In light of her awareness of sabotage, this response assumes that, in this instance, the signature of the Public Protector is genuine, and that, before signing off, Advocate Mkhwebane did in fact apply her mind and approve the said Discretionary Notice.

THE STRUCTURE OF THIS RESPONSE

The sum total of our unchallenged evidence, filed under oath with the Office of the Public Protector is adequately documented with accompanying appendices. More is evident from emails sent and received by the Office of the Public Protector. Our representations in response to this Discretionary Notice, are, at all times, fully aware of all that has been submitted to the Office of the Public Protector. We are also aware of the evidence that has never been challenged by the Public Protector nor any natural person, juristic person, nor any organ of state. The South African Judiciary, the National Assembly of Parliament, and the Executive, currently under President Cyril Ramaphosa, have not challenged our allegations. In this instance, our decision to limit our response, is rested on avoiding both bulk and repetition. We rely on the constitution, the rule of law, and especially the protection afforded registered trademarks as enshrined in the Companies Act 61 of 1973. All our rights are reserved.

NB: It is only for convenience that we use the word “**company**” even though “**thing**” perhaps, would be more apt. “Company” under a constitutional democracy, is an achieved legal status, permitted only after FULL compliance with the law.



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A BRIEF SUMMARY OF THE DISCRETIONARY NOTICE

Public Protector Busisiwe Mkhwebane, in her Discretionary Notice will have the world believe that our Complaint, submitted in July 2019, is rested entirely on the fact that two entirely separate companies exist under the one UNIQUE Registration Number: **2001/019108/08**. The Public Protector chose a select few implicated parties and ignored a host of others. She also ignored our hard evidence. This select group then contrived a version that cannot be sustained on statutory law, nor on the stringent, fail-safe mechanisms of registering companies and of tax registration and compliance. Her extraordinary fictional tale about the “**actual registered company**” and the shortened “**trading name**” cannot be sustained, without corrupting statutory law and the founding provisions of our constitution.

For convenience and an easier understanding, we described these two entirely separate companies as the **8Word** Company and the **3Word** Company. The exact names of the two companies are documented thus:

-----THE SOUTH AFRICAN APARTHEID MUSEUM AT FREEDOM PARK-----

AND

-----SA APARTHEID MUSEUM-----

The Public Protector, against our unchallenged evidence, accepts that only ONE company was registered on **14 August 2001** and concludes that there is no merit whatsoever in our complaint of maladministration in the Office of the Registrar of Companies, in the Combined Office of the CIPC. The Public Protector reaches her conclusions based on interviews and extracts taken from letters and emails. The Public Protector, who concludes her investigation on said submitted information has refused to confirm whether the evidence was ever placed under oath.

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THE PUBLIC PROTECTOR CONCLUDES

6.1.9.17 Based on the evidence obtained, it is clear that there is no company registered with the name "SA Apartheid Museum" (three (3) words) with the CIPC. In terms of the legal prescripts as stated above, no wrongdoing could be established on the part of the CIPC.

IMPORTANT NOTES

Before proceeding with this response, we pause to mention that we, on many occasions, promised non-interference, when we volunteered to bring the Office of the Public Protector to a complete understanding of what we knew to be an elaborate racket of transnational fraud and money laundering over a period of twenty years. In order to highlight the fullness of our complaint we listed from A to Z, twenty-six issues. The Public Protector never once asked us to connect the dots. **Our many offers to assist with a fuller understanding were refused.** On 11 November 2020 we received what the Public Protector described as a **Progress Report**. The Public Protector, on our request, allowed us to respond to the said Progress Report.

We found it impossible to deconstruct what we, at that time, thought was an *innocent* misunderstanding of our complaint. Said Progress Report revealed a poor understanding of statutory law as it relates to the protection of Registered Trademarks. It also revealed that The Public Protector did not understand the right to property as a Basic Human Right. This Discretionary Notice reveals that she does not understand the mandates and statutes, read with the rules and regulations, that govern operations of the Gauteng Gambling Board (GGB) Registrar of Companies (CIPC) and National Lotteries Commission (NLC). All three are creatures of well-defined statute.

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On 07 December 2020 we submitted our 47 Page response, and specifically titled it **(SUGGESTED) PROGRESS REPORT**. We used the word "SUGGESTED" because the Public Protector is independent. We also did not expect the Public Protector to support our views on racism, corruption, and capture of the South African Judiciary.

On 26 January 2021 we received the comforting assurance that we had "**clarified the issues for investigation.**" English language dictionaries explain the meaning of "clarified" thus: **to make (something) easier to understand.**

DISCRETIONARY NOTICE PARAGRAPH 3.6 The Complainant, in a responding affidavit dated and signed on 11 November 2020, clarified the complaint, and confirmed the issues for investigation, abandoning previous statements already made. The Complainant, during the meeting of 27 November 2020, with the Public Protector, Deputy Public Protector, and the Investigation team and in an affidavit deposed to on 7 December 2020, again confirmed the issues for investigation as follows:

PARA 3.6 is patently dishonest. We **never abandoned** any part of our numerous submissions. Neither were we party to any decision that "**confirmed the issues for investigation**". We, strongly so, disavow any attempt to misconstrue or limit the sum total of our complaint. We have never retracted a single word, whether under oath, in conversation, nor in any correspondence.

The issues for investigation, until withdrawn in writing, are constituted by the totality of our submissions, which include our effort to provide context. In law, context is everything. Our submission is replete with allegations of racism, supported by evidence of different standards, that expose racial discrimination against Black effort. This Discretionary Notice, we will demonstrate, is itself constituted by race bias that has been ours to endure for the past twenty years.

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The most distressing part of the Progress Report presents in the opening paragraph:

“Kindly take note that I am in the process of finalising an investigation into allegations of impropriety in the registration of the company **“The South African Apartheid Museum at Freedom Park”** where the company name infringed on a trademark registered under the Trademarks Act.”

Our (SUGGESTED) PROGRESS REPORT emphatically stated the issue thus:

“Kindly take note that I am in the process of finalising an investigation into allegations of impropriety and maladministration in the registration of the memorandum of: **“SA APARTHEID MUSEUM”** (3Words) UNIQUE Company Registration Number: 2001/019108/08 DATE OF REGISTRATION: 14 AUGUST 2001.”

We reminded The Public Protector, that our Constitution prohibits her from investigating decisions of the court. Our (SUGGESTED) PROGRESS REPORT reads:

We pause now to confirm, under oath and very clearly, that:

we have never ever been in litigation with SA APARTHEID MUSEUM; UNIQUE Company Registration Number: 2001/019108/08. It follows that there is no court decision for or against the said SA APARTHEID MUSEUM, that the Public Protector may not investigate.

On 08 June 2021, we received this Discretionary Notice. We were devastated. Said Discretionary Notice, *in defiance of the constitution*, reads thus:

This is a Discretionary Notice issued in terms of section 8(1) of the Public Protector Act 23 of 1994, read with rule 42(1) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018 (the Public Protector Rules) on an investigation into allegations of impropriety in respect of the registration of a company known as **“The South African Apartheid Museum at Freedom Park”**.

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IN REBUTTAL: DISCRETIONARY NOTICE REFERENCE: 008879-19

PARA 1. We vehemently deny that we asked the Public Protector to investigate "The South African Apartheid Museum at Freedom Park" the **8Word** Company."

PARA 3.1 Our records show **10 July 2019**. We alleged that the 81-Page inception file we received from the CIPC on 07 May 2012 is a PALPABLE FRAUD. Further, our complaint actually reads: *"I am the natural person responsible for the affairs and representations of the following complainants in this matter:*

The Registered Trademark: The Apartheid Museum Certificate No:1990/03560

The Registered Trademark: The Apartheid Museum Certificate No: 1998/13337

The Apartheid Museum Foundation (Registration No. 2009/007306/08)

The Apartheid Museum (Pty) Ltd (Registration No. 2009/007114/07)

The Es'kia Institute Trust IT 573620 - 028 629 NPO.

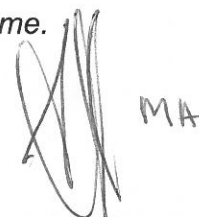
Stainbank and Associates (Pty) Ltd

My Family and Heirs

PARA 3.3.2. This is an inaccurate, limiting, and misleading assessment of our complaint. And we repeat, ALL eighty-one pages of the inception file received from the CIPC on 07 May 2012 are a PALPABLE FRAUD. (See Page 11, Paragraph 29).

PARA 3.3.3 This is an inarticulate and misleading re-construction of our complaint. Our complaint, accurately stated should, in truth, read as follows:

*The Complainants indicated that their complaint against the Companies and Intellectual Property Commission (CIPC), is that Stainbank's registered trademark was unlawfully used in the name of --SA APARTHEID MUSEUM-- that was registered at the CIPC. These registration details were transmitted to the South African Revenue Services (SARS) on or about 14 August 2001. Stainbank, on behalf of all the complainants, provided the Public Protector with an unchallenged official SARS printout which reveals the names: Solomon Krok, Sidney Arnold Abramowitch and Christian Hendrik Nicholas Kroese without mention of the **8Word** Company. **SA APARTHEID MUSEUM** is officially recorded as BOTH the registered name AND the trading name.*



The style that we currently use to demonstrate –CERTAINTY-- was in fact influenced by the manner in which SARS distinguishes CERTAINTY____ between the REGISTERED NAME____ and the TRADING NAME____

PARA 3.4 is incorrect and could better accord with the truth if stated thus:

*Stainbank, on behalf of all the complainants, in the fullness of his complaint, relies on submitted affidavits and documentation dating back to 2011. His substantive affidavit dated 10 July 2019 resumes on the complaint left unattended by former Public Protector, Advocate Thuli Madonsela. In this instance however, mindful that the Constitution does not allow the Public Protector to investigate decisions of the court, Stainbank, on behalf of the complainants, insisted on an investigation into the **3Word** Company:*

---SA APARTHEID MUSEUM---

----UNIQUE Registration Number: 2001/019108/08-----

----Date of Registration: 14 August 2001----

PARA 3.4.1 We have yet to understand why the Public Protector would choose to use the word “**allegedly**” in this paragraph, particularly because she has confirmed her interview with Commissioner Rory Voller. Moreover, the Public Protector is in possession of the unchallenged Affidavit of Advocate Flip Dwinger, who also confirmed the complaint. There is mischief in the use of the word “**allegedly**”.

PARA 3.4.2 This paragraph when considered against the Public Protectors claim to have investigated our complaint is a disgraceful untruth. The use of the word “**primarily**” sees the Public Protector’s Discretionary Notice proceed throughout, without ever telling South Africa what else was in our complaint.

PARA 3.4.3 This paragraph exposes another blatant untruth. The Special Power of Attorney which we received from the CIPC on 07 May 2012, is included in our submission dated 10 July 2019.



Very clearly, it shows that Special Power of Attorney was granted to **THREE** firms: **NEDBANK Edward Nathan Friedland (Pty) Ltd**, Friedland Hart and Partners Inc. and Knowles Husain Inc. In the year 2001, ENF, was NOT a firm of attorneys; they were Corporate Law Advisors and Consultants.

*"A special power of attorney was allegedly issued to Edward Nathan & Friedland (Pty) Ltd **BY** ..."* There is no evidence whatsoever to demonstrate that individuals named after the word "**BY**" were party to the said Special Power of Attorney as the Public Protector, so boldly states. Christian Hendrik Nicholas Kroese, would never have stated his name as Christopher Kroese. And Attorney Lesego wa Lesego, under oath, vehemently denies any association whatsoever with this **8Word** company. More damaging to this Special Power of Attorney is the Date Stamp: **07 August 2001**.

HOW ON EARTH can the Date Stamp PRECEDE the signatures: **08 August 2001**.

The Public Protector, precisely when the FULL NAMES of Directors should be used, conveniently so, chose to use initials. Our complaint put effort into educating the Public Protector about the stringent rules and regulations, that must be adhered to, in order to support the statutory laws enshrined in the Companies Act 61 of 1973. We provided an explanation in this regard, concerning the CM27 and CM29 statutory declarations.

PARA 3.4.4 The unchallenged affidavit of Attorney Lesego wa Lesego is included in our submission. "**Alleged**" is plain mischief. The Public Protector met with Mr Christopher Till, and curiously so, never asked about that damning affidavit. Our evidence has long revealed that none of the persons mentioned, have ever been Directors of any company purporting to be incorporated under the name "**The South African Apartheid Museum at Freedom Park**." We will, shortly, prove it again.



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PARA 3.4.5 This paragraph is untrue. We told the Public Protector that the CM5 requires the designated person or agent to propose SIX names. Minister Rob Davies, AFTER consultation with the CIPC, admitted that there is no CM5 on record for "The South African Apartheid Museum at Freedom Park" the **8Word** company. No honest clerk in the Office of the Registrar of Companies would have proceeded with a Power of Attorney that provided ONE name for consideration by the Registrar.

PARA 3.4.6 The Affidavit of Advocate Flip Dwinger, is but one appendix included in our submission dated 10 July 2019. Dwinger, an informed and highly regarded employee worked in the Office of the Registrar of Companies, since 1983, eleven years before "the rule of law" is brought into effect in South Africa. Dwinger's affidavit is totally ignored by The Public Protector.

PARA 3.6.1 & 3.6.1.1 These two paragraphs are both incorrect and dishonest. Together they would better accord with our actual complaint if stated thus:

*Stainbank, on behalf of the complainants, alleges that "The South African Apartheid Museum at Freedom Park" (**8Words**) cannot exist in law because the statutes enshrined in the Companies Act, supported by tested judicial precedent, protect the exclusive proprietary rights of registered trademarks. Moreover, Stainbank insists that the **8Word** company, does NOT exist because it is a **PALBABLE FRAUD**. Stainbank included the affidavit of Advocate Flip Dwinger, whose expert knowledge on the Companies Act is consistent with that of NEDBANK Director Don MacRobert. Stainbank, on behalf of the complainants, implicates both MacRobert and Nedbank Edward Nathan Friedland (Pty) Ltd.*



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PARA 3.6.2 Before proceeding, we pause to emphasise that the registered name of the **3Word** company is --SA APARTHEID MUSEUM--. Any legally trained person who places **“the”** before the actual name, is intent on suggesting that **“SA”** is an abbreviation for “South African”. On the facts of their own application, “SA” could well have been intended to read **Solomon Abraham**. The brothers Krok, as one among other owners of the Gold Reef City Casino Licence, under oath, confirmed that they **“initiated”** the company. And, through their personal effort with racist media convinced the world that they **“conceived” The Apartheid Museum**.

PARA 3.6.2 is a manifestly dishonest interpretation of the evidence submitted to The Office of the Public Protector. The selective use of our evidence in this paragraph deceives the world into the belief that the full record in Parliament supports the interpretation contained in this Discretionary Notice. Nothing is further from the truth. A full and honest reading of all that Minister Rob Davies told Parliament, most certainly does not support the version first given to him by the NLC. It also does not support the position of the NLC as stated under oath, in the Supreme Court of Appeal: *National Lotteries Board v South African Education Environment Project (788/10) [2011] ZASCA 154; [2012] 1 All SA 451 (SCA); 2012 (4) SA 504 (SCA) (28 Sept. 2011)*

The relevant **Distribution Agency** is entrusted with the task of vetting, deliberation, and the eventual award of public funds by the NLC. None in the 2004 Distribution Agency could possibly support these blatant lies. **Ms Thoko Mkhwanazi-Xaluva**, who, at some point, was a member of the Distribution Agency, should, if honest, find it hard to believe this response from the NLC. The Public Protector, who is aware of Minister Rob Davies full response, and the appendices we supplied, is dishonest, by accepting as true, the now blatant lies of the NLC.



Our complaint shows that I alone was the whistle-blower, who uncovered and exposed the fraud at the NLC. The NLC, on instruction from the Jews at Gold Reef City Casino, took revenge on The Es'kia Institute. The Public Protector, conveniently, chose not to mention a single word about the R34Million owed to the Es'kia Institute. We stand by the fullness of our evidence in this regard and remind the Public Protector that The Es'kia Institute is one among other complainants.

For the sake of completeness, to Paragraph 3.6.2, we submit that this investigation, had it followed our ACTUAL complaint, should have been restricted to the facts stated in the statutory declaration signed off by Christopher Till in 2004 and later accurately conveyed to Minister Rob Davies by the NLC. These written facts, under the hand of Mr Christopher Till, can be tested against NEDBANK banking records, read with FICA. The true records held by SARS, read with the payment records of about three million tourists will also expose the scam that is now given credence by Advocate Mkhwebane. Employees, at that racist edifice, other than Mr Christopher Till, have never heard of the **8Word** company. HERewith THE ONLY TRUTH:

- a. **SA APARTHEID MUSEUM-- applied for grant funding during 2004.**
- b. **The Section 21 Company Registration Number is 2001/019108/08.**
- c. The project number for the application received by the NLC of **SA APARTHEID MUSEUM** on 24 November 2004 is 18052.
- d. The bank account named in the application was **SA APARTHEID MUSEUM**.
In light of the above naturally, any allocated funding will be paid into the account of the applicant/beneficiary as per the application form.
- e. The grant of R1 585 000.00 was awarded and paid in three tranches between April 2008 and August 2014 to **SA APARTHEID MUSEUM**
- f. Three Payments were made to **SA APARTHEID MUSEUM** as follows
Tranche Amount R600,000.00; R585,000.00; R400,000.00
- g. The Annual Financial Statements of **SA APARTHEID MUSEUM** for financial years 2001, 2002 and 2003 were submitted with the original application on 24 November 2004.



PARA 3.6.3 Allegation against the South African Revenue Service. We cannot conceive how the actual evidence gleaned off the SARS website can possibly be interpreted as an ***allegation against SARS***. To the contrary, the hardcopy records held by SARS conclusively supports our version. However, if the explanation attributed to SARS is placed under oath, we would have no hesitation in alleging that this is a blatant lie typical of Criminal Cadres of the ANC deployed into organs of state, in support of Violent White Criminal Racists Liars, Fraudsters, and Thieves.

PARA 3.7 Resolutions taken during the meeting held on 27 November 2020. We disassociate ourselves from the wording used in this paragraph. It is misleading. We were NOT party to “**resolutions taken**” during the webinar of 27 November 2020. We emphatically deny any such insinuation at any point in this Discretionary Notice.

Paragraph 3.7.1 and 3.7.2 *“relevant documents to verify the allegations raised by the Complainant.”* SUMMARY: After begging the CIPC for over a year, we could not secure the inception file for the **8Word** company, ***The South African Apartheid Museum at Freedom Park***. Advocate Madonsela compelled the CIPC to release the inception file because it is a public document that should be made available to any person, on request, at a nominal fee. Advocate George Matimolane, on behalf of The Public Protector was with us on 07 May 2012 when we took possession of the said inception file. Advocate Matimolane joined the webinar of 27 November 2020, and in the presence of the Public Protector, we all discussed that meeting at the CIPC. Following an inspection of the file, we had no doubt that all 81-pages were a PALPABLE FRAUD from within the CIPC. We begged Madonsela to hold the CIPC accountable. Despite our numerous efforts through, Ms Laila Yousef, Mr Neels Van De Merwe, Mr Sonnyboy Kekana and Mr George Matimolane, Advocate Madonsela left office without confronting the CIPC for lying to the Public Protector.



Our complaint to the current Public Protector is dated 10 July 2019. On Thursday 28 November 2019 we received an email from Advocate Busisiwe Mkhwebane. Copied in the email are Mr Sonnyboy Kekana and Ms Nthoriseng Motsitsi:

Dear Mike,

I acknowledge receipt of your affidavit, but still request the 81 pages documents because it will make our investigation to be expedited. Relying on DTI to supply the documents will delay the investigation. Ms Motsitsi ensure that the document request letter is sent to DG DTI in the meantime. Please assist us to assist you.

This email provides the evidence necessary to demonstrate that Advocate Mkhwebane KNEW that she, like Advocate Madonsela, had the legal authority to demand a copy of the 81-page inception file which we, to this day, insist is a palpable forgery, fabricated in collusion with the CIPC.

ONE YEAR AND SEVEN MONTHS have passed since 28 November 2019. Advocate Busisiwe Mkhwebane, astonishingly so, reaches her conclusions without sight of the palpably fraudulent 81-page inception file that will conclusively nullify the conclusions reached in her Discretionary Notice. There is a shameful untruth in the assertion: "*the most relevant document to verify the allegations raised by the Complainant.*"

PARA 4 to PARA 4.3 Again, for the sake of certainty, we disavow any insinuation that may infer, that we played any part whatsoever in the Public Protectors "*analysis of the complaint*". We fully understand the entirety of the investigation written into our complaint. We vehemently deny any suggestion that we agreed to limit the scope of the investigation OR, as they seek to imply: "*focus the investigation.*"

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PARA 5 to PARA 6.3.13 These paragraphs constitute a dishonest account, that cannot be sustained on the hard evidence submitted in support of our complaint. More importantly, these paragraphs demonstrate the extent to which the Public Protector has allowed her office to become party to the corruption of statutory law, read with the rules and regulations, as enshrined in the Companies Act 61 of 1973.

For the sake of certainty and emphasis we restate our allegations thus:

“The South African Apartheid Museum At Freedom Park” (8Words) has never ever traded. This is so because **“The South African Apartheid Museum At Freedom Park”** was NEVER incorporated by the Registrar of Companies on 14 August 2001. **“The South African Apartheid Museum At Freedom Park”** was never allocated the UNIQUE company registration number: **2001/019108/08**, by the CIPC on 14 August 2001. **“The South African Apartheid Museum At Freedom Park”** cannot, on the word of CIPC Commissioner Rory Voller, enjoy the rights of a Juristic Person. This is so because, under the rule of law, as enshrined in the constitution, the propriety rights of registered trademarks, enshrined in the Companies Act 61 of 1973, are protected by domestic and international statute. Like CIPC Commissioner Rory Voller, this fraudulent **8Word** company, *simply on the word* of Mogoeng CJ, Keightley AJ, NEDBANK, NLC, GGB and Christopher Till, cannot enjoy the rights of a Juristic Person; nor the right to sue in a court of Law.

We the complainants, having restated our position, believe we have sufficiently rebutted every contrived untruth from **PARA 5** through to **PARA 6.3.13**. We add the fact that we do not make common cause with many, if any, of the suggested instances. In closing on these paragraphs, for the sake of emphasis, we pause to draw attention to **PARA 6.3.13** which will also explain why Advocate Mkhwebane, conveniently so, refused to bring the 81-Page palpably fraudulent inception file into her deliberations.



Said inception file will reveal that the applicants, with intent, and of their own volition, declined the option "Trading Name" by inserting **N/A (NOT APPLICABLE)** in the space provided for a shorter name.

PARA 6.3.14 Based on all that is contained in this rebuttal affidavit, read with all that we have submitted to The Public Protector we deny this paragraph in its totality. Even though we repeatedly told Advocate Mkhwebane of our violent experiences with criminal racists and non-white judges in all three superior courts, she deployed the same racially discriminatory tactics that now see Violent Criminal Fascist Zionist Thieves, **Solomon and Abraham Krok** emerge as caring philanthropic messiahs for South African Kaffirs who could not capture their own horrific 400 years of subjugation under violent colonial apartheid racism.

And, like the criminal courts, *with my evidence placed before her under oath*, Mkhwebane worked her Discretionary Notice to ensure that oppressed Afrikans, post 1994, never get to hear about the **primary mission and vision** we had for The Apartheid Museum®. She gets around this by completely ignoring our allegations of maladministration and fraud against the GGB. Mkhwebane did not investigate our allegations against the GGB, because she would have been compelled to confirm **FREEDOM PARK** as the project the Kroks promised to the GGB, when they were awarded the temporary casino license. That part of her investigation would also have revealed that FREEDOM PARK was conceived as a Verwoerdian village of tribal entities and ended the media myth "The Apartheid Museum was conceived by Solomon and Abraham Krok." Advocate Mkhwebane would have arrived at the evidence which shows, an agreement, when President Nelson Mandela, in a **clandestine endorsement meeting**, solicited a bribe from the Kroks, when they asked him to lie to the world about how they conceived The Apartheid Museum.

A handwritten signature in dark ink, consisting of a series of overlapping, vertical, slightly curved strokes. To the right of the main signature, there is a small, stylized mark that appears to be the letters "MA" with a small star or dot above the "A".

WHO EXACTLY UNDERMINED THE OFFICE OF THE PUBLIC PROTECTOR ?

The untruths in both law and fact captured in this Discretionary Notice compelled us to enquire whether the evidence given was secured under oath and under penalty of perjury. That question has never been definitively answered. We did however thank Advocate Mkhwebane for the assurances given in her email dated 23 June 2021.

Good Morning Mr Stainbank,

The evidence we have is in the form of letters, court papers, judgements , emails and inspection in loco of CIPC and SARS records. But rest assured that any person who lie or mislead the Public Protector a criminal case will be opened for undermining the authority of the Public Protector. Remember we have jurisdiction over state institutions and not private individuals and if there is any criminal conduct identified we will refer same to relevant institution.

Our submission is that the Office of the Public Protector, in the case of our Registered Trademark, The Apartheid Museum® has been undermined by both Advocate Thuli Madonsela (2011) and Advocate Busisiwe Mkhwebane (2019). There are many questions that both Madonsela and Mkhwebane should have asked the CIPC, irrespective of which unlawful entity was being investigated. The entirety of the case of the Registered Trademark, The Apartheid Museum® could long have ended, if either of the two legally trained Public Protectors had asked Commissioner Rory Voller just TWO interlinked questions:

1. **WHERE** in the Companies Act 61 of 1973, read with the rules and regulations, did you find statutory authority to incorporate a company using Stainbank's Registered Trademark, without his written permission?
2. **WHERE** in the Companies Act 61 of 1973, read with the rules and regulations, did you find statutory authority to incorporate Stainbank's two companies in **2009**, if, either the **8Word** company (Madonsela) OR the **3Word** company (Mkhwebane) were registered on: **14 August 2001**.



Commissioner Rory Voller forced to answer these two questions **under oath** will find much difficulty, especially since his own letter of 20 July 2012 refers to our "written representations following our meeting of 22 May 2012."

DEAR COMMISSIONER VOLLER: *"By way of a simple calculation of dates, the Registrar of Companies, in the joint meeting of 22 May 2012 conceded that there was no statute in law under which The South African Apartheid Museum at Freedom Park could have been registered in 2001, while The Apartheid Museum® existed in full force and effect as a Registered Trademark. The two registrations of the Trademark were of full force and effect from 1990 (Class 41) and 1998 (Class 35) This matter arises as a result of the infringement of the trademark by Akani Egoli (Pty) Ltd trading as Gold Reef City Casino."*

Commissioner Voller, in the penultimate paragraph of his letter dated 20 July 2012, again concedes, "**certain irregularities**" and goes a step further to opine about ensuring the "integrity" of the companies register.

Under a constitutional democracy that is subject to the rule of law, nobody seems concerned about the concluding paragraph in the letter written by Commissioner Rory Voller. He tells us that the non-existent **8Word** company must be regarded as valid and of full force until declared otherwise by a competent court. But this, Voller believes, must be done **WITHOUT his assistance.**

OUR CONSTITUTION: *SECTION 165 (4) Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility, and effectiveness of the courts.*

We pause now to mention that **Mr Don MacRobert**, the Violent White Racist Criminal Director of **NEDBANK Edward Nathan Friedland (Pty) Ltd**, wrote to the Registrar of Companies, demanding that I change the names of my two companies. When the Registrar instructed me to follow that demand, I effectively told him to go to hell.



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The longest running trademark case in the history of the world remains unresolved because the CIPC somehow, seems to have known that neither of the three spheres of government, led by the ANC, will ever be concerned about *SECTION 165 (4) of our constitution*. AND now - neither does Advocate Busisiwe Mkhwebane.

PARA 9. The Public Protector, who we have adequately demonstrated, chooses the word of a select few White and non-white criminals, rather than statutory law to arrive at the conclusion of her Discretionary Notice; decides that, in this instance, she will, in terms of section 7(2) of the Public Protector Act, 1994, deter me from sharing her Discretionary Notice with the world. She threatens me with imprisonment. The Public Protector, *because we told her*, knows full well that my family, following the violence of the NLC, currently lives off handouts from friends and comrades. Advocate Busisiwe Mkhwebane therefore knows that the option of a fine in terms of section 11 of the Act, because of our destitution, is not available to me.

IN LAW CONTEXT IS EVERYTHING

On Friday 28 November 2014, I came before Advocate Raylene Keightley, acting as a judge in the Johannesburg High Court, under Case Number: 37609/2014. I told the acting judge that she did not have jurisdiction to preside over the urgent application brought by "**The South African Apartheid Museum at Freedom Park.**" This **8Word** company, unless by way of fraud, could never have been brought into legal existence by the CIPC and therefore, under our constitution, had no right to sue in any court of law in South Africa. To avoid the prison sentence that was demanded by this NON-EXISTENT company, the only requirement was that I sign their prepared apology, which, in the judgment, is included as ANNEXURE A: THE APOLOGY.

Mike Stainbank, The Apartheid Museum Foundation NPC (Registration No.2009/007306/08) and The Apartheid Museum (Pty) Ltd (Registration No. 2009/007114/07) were, in terms of an order delivered by the honourable Justice



Tshabalala of the South Gauteng High Court on 24 May 2013, interdicted and restrained, pending the outcome of proceedings in case number 14590/2013, from defaming the South African Apartheid Museum at Freedom Park, its current and/or erstwhile directors and/or its legal representatives, by publishing and/or disseminating to the public statements to the effect that they, or any one of them: (a) have perpetrated a fraud, or perjury, or deceit in connection with the Applicant, the museum it operates, and the **formation, incorporation, or foundation of either;**

(b) are criminals, racists, or liars; and/or

(c) “stole” or “misappropriated” (or expressions to that effect) any intellectual property, idea, or anything from or belonging to Mr Stainbank. Recent statements communicated, published and/or disseminated to you by Mike Stainbank, The Apartheid Museum Foundation NPC, and The Apartheid Museum (Pty) Ltd were communicated, published and/or disseminated in contempt of the Court's order.

I FLATLY REFUSED to sign an apology to violent criminal racists, liars, fraudsters, and thieves. The judicious mind of Advocate Keightley, like the protective mind of Advocate Mkhwebane, flatly refused to take account of the statutory protection afforded registered trademarks under the Companies Act 61 of 1973.

Advocate Mkhwebane concurs with the violent racist dishonesty of Advocate Keightley when she states in her judgment: **“The fact of the matter is that the applicant was incorporated as a section 21 company in 2001 and remains so incorporated.”** Commissioner Rory Voller, who, on his own version, has a constitutional duty to protect the integrity of the Companies Register, has aggravated his criminality by **corrupting the mainframe computer at the CIPC.**



In conclusion to **Paragraph 9**, I have yet to understand why Advocate Busisiwe Mkhwebane, in full knowledge of the fact that my family has been imprisoned for TWENTY YEARS, suffers the belief that I will succumb to her threat of imprisonment. For all of these reasons I hereby confirm, as I did with Advocate Keightley: there are, perhaps, a million or more citizens from across the world, who, through my efforts alone, have received your Discretionary Notice.

BOARD MEETING: 11 SEPTEMBER 2003

On 24 June 2021 we wrote a personalised letter to Public Protector Busisiwe Mkhwebane alone, which now forms part of our rebuttal to her Discretionary Notice. We attached the minutes of a meeting held at The Apartheid Museum, that racist edifice at Gold Reef City Casino. We had earlier directed the Office of the Public Protector to view this document on our website. We told Advocate Busisiwe Mkhwebane that the Minutes of this Board Meeting nullify the conclusion reached in her Discretionary Notice. We undertook to explain in more detail.

The date **11 September 2003** is just one of many critical pieces of evidence that nullifies the contrived version of The Public Protectors Discretionary Notice. Our application for leave to appeal the decision of Justice Brian Southwood (handed down on 17 July 2003) has not as yet been heard when all those gathered at this meeting take a resolution to dissolve the Board of "The South African Apartheid Museum At Freedom Park". Page 3 of the Minutes, under "General": ***"On the question of the Stainbank case it was stated that Mr Stainbank had made an application to appeal and that our attorneys were opposing this application."***

Paragraph 2 on Page 1 of the Minutes: ***"The Chairman explained that the purpose of the meeting was to dissolve the current Board, and to discuss nominations to a new Board of Directors for the Section 21 Company. It was agreed to postpone this item until such time as Mr Moloko arrived."***



The four most significant names mentioned in this meeting are Solly Krok, Richard Moloko, Steven Joffe, and the non-white Chairman of Gold Reef City Casino, Reuel Khoza. These White and non-white males constitute four among other owners of the Gold Reef City Casino License. Four (4) months earlier, in their answering affidavit, they, with the approval of the Board, told Justice Brian Southwood that:

"At the outset however, I wish to confirm that the organization that actually trades as The Apartheid Museum is an entirely separate entity, namely, a company registered in the terms of Section 21 of the Act, with effect from 14 August 2001 under number 2001/019108/08 under the name of The South African Apartheid Museum at Freedom Park."

Herewith another clear pertinent extract from the same answering affidavit.

*"Messrs Solomon & Abraham Krok, who, apart from being the founders of my company, which trades as Gold Reef City and Casino were also the initiators of the Section 21 Company known as **The South African Apartheid Museum at Freedom Park.**"*

Mr Christopher Till, one of the Violent Criminal White Racist males, present at this meeting, chosen by Advocate Mkhwebane, is assumed to be a key and trusted figure. It is Christopher Till, who assisted Advocate Mkhwebane in her deliberations that led to the conclusions of her Discretionary Notice.

Now, the Special Power of Attorney, referred to by The Public Protector at Paragraph 3.4.3 lists the following Directors:

Christopher Martin Till – correct full name.

Richard Thabo Moloko – correct full name.

Steven Joffe – correct full name.

Sidney Abramowitch – incorrect name.

Kim Feinberg – denied any involvement and supplied these minutes as proof.

Lesego Wa Lesego – vehemently denied under oath. Unchallenged by anybody.

Christopher Kroese – wrong name.



The very same Special Power of Attorney, referred to by The Public Protector at Paragraph 3.4.3 yields the following Directors from the criminals at the CIPC.

Christopher Martin Till – correct full name.

Richard Thabo Moloko – correct full name.

Steven Joffe – correct full name.

Sidney Abramowitch – incorrect name

Christopher Kroese – incorrect name

Kim Feinberg – denied any involvement and provided these minutes as proof.

Lesego Wa Lesego – vehemently denied, under oath. Unchallenged.

Christopher Kroese – incorrect name. denied any involvement.

George Bizos – 15 August 2001 – a physical and administrative impossibility.

Bonisile John Kani – 15 August 2001 - a physical and administrative impossibility.

On the version of the Public Protector, the very same Special Power of Attorney, referred to at Paragraph 3.4.3 in the records of SARS through the DIRECT (*SAME DAY*) INTERFACE mentioned in Paragraph 6.2.3 reveals the FULL and CORRECT names of three principal Directors for the company incorporated by the CIPC, under the name **---SA APARTHEID MUSEUM---**

Sidney Arnold Abramowitch – correct full name

Christian Hendrik Kroese – correct full name

Solomon Krok – correct full name

The countless irregularities we have shown point to the unescapable truth that the conclusion reached in this Discretionary Notice cannot, on statutory law, read with the rules and regulations in support of the said statutory laws, enshrined in the Companies Act cannot be sustained. The CIPC, *on its own version*, received no notice whatsoever of a dissolved Board because there never was a company in its records listed under the name, “The South African Apartheid Museum At Freedom Park” (The outsiders, like Professor Zakes Mda, part of an *advisory committee*, were conned. Some knowingly participated, others refused.)



The SARS printout, which draws company credentials from the **Direct Interface with the CIPC**, trumps all the effort to conceal from South Africans, the unlawful conduct of the owners of the Gold Reef City Casino License, working in collusion with NEDBANK Edward Nathan Friedland (Pty) Ltd.

A Casino License is a Public License, and is a PRIVILEGE granted only to **fit and proper persons**. Persons who cannot, under any circumstances, simply accept that they are Violent, Liars, Fraudsters, and Thieves perpetuating racism. Persons who cannot knowingly mislead the courts for twenty years. And the Public Protector for ten years. Persons who cannot knowingly defraud South Africans and visiting tourists, from across the globe, morally and financially. Persons who, in a clandestine meeting, agreed to pay a solicited bribe to President Nelson Mandela. Persons who, in collusion with the GGB, used political interference and influence to secure their permanent Casino Licence, by thieving and bastardising my Registered Trademark. Persons who brought torture trauma and destitution to my family for twenty years. Persons who worked in collusion with the NLB to destroy The Es'kia Institute and render destitute the families who lived off salaries earned.

It is this evidence in rebuttal that compels the Public Protector, Advocate Busisiwe Mkhwebane, to start afresh by investigating, **exactly as we requested**, the Section21 Company **---SA APARTHEID MUSEUM---**. The Public Protector, first and foremost, is compelled to secure the hidden inception file from the CIPC to determine, exactly, who are the other four Directors, who met the legal requirement of seven persons to incorporate a Section21 Company. Until we see the actual inception file, the evidence allows us to speculate on whether President Nelson Mandela is one of them, or The Nelson Mandela Foundation or a proxy of the ANC or George Bizos or Reuel Khoza or Richard Moloko, or Don MacRobert, or Michael Katz.

LEGAL TRAINING & COMMON SENSE & STATUTORY LAW & VIOLENCE

Extreme violence attaches to this Discretionary Notice. Violence is manifested in the mental and physical effort we are forced to put into overcoming blatant untruths. Violence is manifested in undue and unnecessary delays when legally trained minds wilfully choose to ignore the constitution, racism, and the rule of law. Violence is manifested in the torture, trauma, and destitution that these abuses spawn.

This matter ends on the minute it would take for the CIPC to produce my written permission for Violent Zionist Criminals Solly and Abe Krok to use my Trademark.

This matter ends on the minute it would take for the NLC to produce the notification they issued informing The Es'kia Institute on the reasons why they stole the R34Million that was contractually due and payable, seven years ago.

This matter ends on the minute it would take for the GGB to produce the statute that empowered them to confirm the Gold Reef City Casino Licence as permanent WITHOUT them having built FREEDOM PARK.

A legally trained independent Public Protector with common sense, based on our unchallenged evidence would never have chosen Christopher Till, when she had access to among others, Solly Krok, Reuel Khoza, Richard Moloko, and Steven Joffe.

A legally trained independent Public Protector with common sense, having wrongfully chosen Christopher Till, could nevertheless have taken the opportunity to ask him why he pleaded poverty to the NLC, and yet, in seven years, has never pursued the R5,7Million owed by Stainbank in legal costs.

A legally trained independent Public Protector with common sense, having wrongfully chosen Christopher Till, could nevertheless have taken the opportunity to ask him why he and others have NOT notified the Registrar of the Johannesburg High Court about

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the fact that Stainbank has never apologised for publicly labelling him and others Violent Racist Criminal Liars, Fraudsters and Thieves **and that Stainbank continues to do so**. She could also have asked Christopher Till why, if this is untrue, he, after bringing an urgent application, suddenly does not feel defamed.

A legally trained independent Public Protector with common sense, would NEVER EVER rely on the evidence of Violent Criminal Liars, Fraudsters and Thieves, whether they are White or non-white, unless she seeks to inflict harm on a Black family.

A legally trained independent Public Protector with common sense, would have studied that prepared apology before Advocate Keightley, acting as a judge, and seen that I have never ever apologised to the CIPC either, for their collusion in the incorporation of this 8Word thing. A legally trained independent Public Protector with common sense, would NEVER EVER rely on the evidence of Violent, Criminal, Liars, Fraudsters and Thieves at the CIPC, whether they are White or non-white.

We cannot understand why The Public Protector deviated from the correct investigative methodology. In her *Report 41. Mkhwanazi vs IPID*, the Public Protector clearly explained her **APPROACH TO THE INVESTIGATION**: *Like every Public Protector investigation, the investigation was approached using an enquiry process that seeks to find out: What happened? What should have happened?*

*Is there a discrepancy between what happened and what should have happened and does that deviation amount to maladministration or other improper conduct? The enquiry regarding what should have happened, **focuses on the law or rules that regulate the standard that should have been met or complied with by the government institutions that were under investigation to prevent maladministration and prejudice.***



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OATH

I, Arnold Michael Stainbank (aka Mike Stainbank) do hereby make oath and state that I am a South African citizen. I was born into the cruel, inhumane, barbaric violence of White colonial apartheid racism. I am a Black person as defined in the lexicon of the Black Consciousness Movement. Black people are those who are, by law or tradition, politically oppressed, economically exploited and socially discriminated against and who identify as a unit in the struggle toward their aspirations to create a free and egalitarian society. I swear that this affidavit, to the best of my knowledge and belief, is true and correct.



DEPONENT: ARNOLD MICHAEL STAINBANK

I certify that the deponent has acknowledged to me that:

He knows and understands the contents of this affidavit;

He has no objection to taking the prescribed oath;


He considers the oath to be binding upon his conscience.

The deponent thereafter uttered the words:

"I swear that the contents of this affidavit are true, so help me God".

The deponent signed this affidavit in my presence at the address set out hereunder:

Rivonia on this 29 day of JUNE 2021.

I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit that he/she does not have any objection to taking the oath and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me and that the administering oath complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended.	
	<u>Arnival</u>
SIGNATURE	FULL NAMES
Commissioner of Oaths	
Designation: <u>Branch Manager</u> ex officio Republic of South Africa	
Date: <u>29/6/2021</u>	
Place: <u>Rivonia Post Office</u>	
Business Address: <u>SHOP L25 ONE 9TH BLVD</u>	

