



Jan Venter <janventer902@gmail.com>

Parkview CAS 103/05/2020 – Follow-Up Regarding Derivative Offences and Addition of Further Accused

2 messages

Jan Venter <janventer902@gmail.com>
To: tlala mokoena <tlalamokoena@gmail.com>

Wed, Nov 5, 2025 at 8:08 AM

Dear Warrant Officer Mokoena,

I trust you are well.

Thank you again for the professional manner in which you have continued to handle this matter. I write further to my previous correspondence to request that you kindly consider the position of **Mr Johan van der Bank** in relation to CAS 103/05/2020.

As you will recall, in Ms Nadia Prinsloo's sworn affidavit dated 7 October 2025, she states that **Mr Van der Bank approached her and raised the sexual-assault allegation directly**, asking her whether she believed that "Ian Small-Smith sexually assaulted Jan." The significance of this is that such information was **confidential** and could only have been obtained from within the accused's circle or someone with access to the case. Sexual-assault complainant information is protected under:

- **Criminal Procedure Act 51 of 1977, section 154(2)**
- **Protection of Personal Information Act 4 of 2013, section 11(1)(a)**
- **SAPS Standing Order 324** (confidentiality of sexual-offence dockets)

Therefore, the fact that Mr Van der Bank possessed this information demonstrates **unlawful access and disclosure** of protected material.

Furthermore, the manner in which the conversation took place, as described by Ms Prinsloo, amounted to **intimidation of a witness**. This conduct falls under the:

- **Intimidation Act 72 of 1982, section 1(1)(a)**

Additionally, by approaching a key witness in an active sexual-offence matter, discussing the allegation, and creating fear or pressure, **he interfered with the proper administration of justice**, which constitutes the common-law offence of:

- **Defeating or obstructing the ends of justice** (*S v Heyne 1956 (3) SA 604 (A)*)

Given that these actions relate **directly to this case** and occurred *because* the sexual-assault complaint was opened, they should form part of the **same docket**, rather than being handled separately. In South African criminal procedure, where intimidation, interference, or information-leaks arise from and relate to the original offence, the conduct is treated as **derivative criminality linked to the main case**.

For this reason, it is respectfully submitted that **Mr Van der Bank should be considered for addition as an accused person in CAS 103/05/2020** on the following charges:

1. **Intimidation** – Intimidation Act 72 of 1982, s 1(1)(a)
2. **Unlawful possession and disclosure of confidential criminal-case information** – CPA s 154(2), POPIA s 11(1)(a)
3. **Defeating or obstructing the ends of justice** – common-law offence

This request is made **not in aggression**, but simply in the interest of ensuring that **the case is complete**, and that all persons whose conduct directly affects the integrity of the investigation are properly accounted for under law.

I appreciate the diligence with which you are handling this matter and trust that this submission will assist you in your continued evaluation of the docket.

Kind regards,

Jan Hendrik Stephanus Venter

ID No: 7607095034083

Email: janventer902@gmail.com

Contact: +27 72 474 8546

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From: Jan Venter <janventer902@gmail.com>

Sent: Tuesday, November 4, 2025 9:05 PM

To: tlala mokoena <tlalamokoena@gmail.com>

Subject: Subject: Parkview CAS 103/05/2020 – Confirmation that Prima Facie Evidence Exists and Clarification Regarding Further Statements

To: Warrant Officer Tlala Mokoena
South African Police Service – Parkview Detectives

From:

Jan Hendrik Stephanus Venter

ID No: 760709 5034 083

Email: janventer902@gmail.com

Contact: +27 72 474 8546

Dear Warrant Officer Mokoena,

Thank you for your time, your courtesy, and for the ongoing attention you have given to this very sensitive matter.

I want to place on record that it is **not because we are unwilling to cooperate** that Ms Nadia Prinsloo has not provided an additional affidavit — it is because she remains genuinely **afraid** following the intimidation and threats she experienced from Mr Johan van der Bank, which she already set out in her sworn affidavit dated 7 October 2025. Her safety and mental well-being are at risk, and in law and conscience it would be wrong to expose her further to those who have already attempted to silence or frighten her.

At the same time, I must respectfully submit that **her existing affidavit, together with the other evidence already before you, is more than sufficient to meet the legal threshold for prima facie proof** in a sexual-assault prosecution. I will outline why this is so, citing the law and relevant precedents so there is no uncertainty as to the legal position.

When I first opened this case (Parkview CAS 103/05/2020), both accused persons — Mr Ian Small-Smith and Mr Roux — were invited to provide sworn affidavits. As you confirmed, they **did not deny that I was present** at the relevant place and time; they merely denied that a sexual assault took place. This partial admission in itself establishes *opportunity* — a recognised element of corroboration under *S v Jackson 1998 (1) SACR 470 (SCA)* and *S v Trainor 2003 (1) SACR 35 (SCA)*. Once the presence of the complainant with the accused is accepted and the complainant's version remains consistent, the evidential burden shifts to the accused to provide an innocent explanation.

Years after those affidavits were obtained, **Mr Small-Smith discussed the sexual-assault allegation with Mr Johan van der Bank**, who later confronted Ms Prinsloo and asked her directly whether she believed that "Ian Small-Smith sexually assaulted Jan." This conversation occurred two to three years after the complaint had been laid. That fact alone is highly significant. Under *S v De Villiers 1944 AD 493* and *S v L 2000 (2) SACR 434 (W)*, post-event conduct by an accused that shows continued anxiety, management of information, or efforts to influence perceptions is admissible as **evidence of a consciousness of guilt**. If the allegation were false, there would be no reason for Mr Small-Smith to raise it again years later with a third party. His actions demonstrate that the matter still troubled him or that he sought to manage its potential consequences — both consistent with guilt, not innocence.

Equally important is that **Mr Van der Bank's knowledge of the allegation could only have come from within the accused's circle**, since such information was confidential and contained in a protected sexual-offence docket. The *Criminal Procedure Act 51 of 1977* (section 154(2)), the *Protection of Personal Information Act 4 of 2013* (section 11(1)(a)), and *SAPS Standing Order 324* all prohibit the disclosure of such material. The fact that he possessed it confirms that the sexual-assault allegation was real and not fabricated, and that it was discussed and circulated internally long after it was made. That is independent circumstantial corroboration that the event occurred.

Ms Prinsloo's affidavit also records direct intimidation by Mr Van der Bank, which constitutes a contravention of the *Intimidation Act 72 of 1982 section 1(1)(a)* and provides further corroboration that the accused and their associates have sought to suppress or influence evidence.

Taken together — the accused's admission of my presence, the later discussion of the incident with Mr Van der Bank, the unlawful disclosure of confidential information, and the intimidation of a witness — all these facts, considered cumulatively, satisfy every element of *prima facie* proof as defined by the Constitutional Court in *S v Boesak 2001 (1) SACR 1 (CC)* and reaffirmed in *S v Van Aswegen 2001 (2) SACR 97 (SCA)*. The evidence, viewed in totality, is consistent with guilt and inconsistent with innocence. That is the precise threshold required for prosecution — nothing more.

It is therefore my respectful submission that this matter now falls squarely within the ambit of section 205(3) of the *Constitution* and section 13(1)(a) of the *SAPS Act 68 of 1995*, which require SAPS to investigate and ensure that offences are prosecuted without fear or favour, and without discrimination. Section 9(1) of the *Constitution* guarantees equality before the law. Male victims of sexual assault are entitled to exactly the same protection, urgency, and dignity as any female complainant, and the same weight must be attached to the evidence when the *prima facie* standard is met.

I again wish to emphasise that I am not refusing to cooperate, nor am I withholding anything. I am simply acting in good faith to protect a key witness who has already been intimidated, and to ensure that the

process now follows the correct legal course: namely, that the matter proceeds to **prosecution of the accused persons**, as the existing sworn evidence is already sufficient in law.

Thank you again for your time, professionalism, and the manner in which you have engaged with me throughout this investigation. I trust this clarification will assist you in finalising the docket and preparing the matter for referral to the Director of Public Prosecutions for formal charging.

Kind regards,

Jan Hendrik Stephanus Venter

ID 760709 5034 083

Email: janventer902@gmail.com

Contact: +27 72 474 8546

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From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 2:41 PM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Will appreciate that... thank you

On Tue, 04 Nov 2025, 14:32 Jan Venter, <janventer902@gmail.com> wrote:

I will speak to her tonight Sir

Thank You

From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 2:29 PM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

I went through the statement of Ms Nadia Prinsloo that you sent to me.

I need a statement from the person you first told about the incident of the 18 May 2018. If it is still Ms Nadia Prinsloo you first reported to, ask her to depose to an affidavit regarding that.

The affidavit should contain the date you told her about the incident and time, your condition when you were telling her about it (what she observed) and what did you tell her.

In rape cases prosecutors look for these first report statement.

Thank you

On Tue, 04 Nov 2025, 13:02 Jan Venter, <janventer902@gmail.com> wrote:

Thank you

From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 1:01 PM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Email with statement received. Will go through and revert back to you should there be any thing that needs to be addressed.

Thank you

On Tue, 04 Nov 2025, 12:54 Jan Venter, <janventer902@gmail.com> wrote:

Good day Slr

Kindly find attached

Regards

And thank you again

From: Jan Venter <janventer902@gmail.com>

Sent: Tuesday, November 4, 2025 12:05 PM

To: tlala mokoena <tlalamokoena@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Invite send Slr

Please let me know if you have difficulty

From: Jan Venter <janventer902@gmail.com>

Sent: Tuesday, November 4, 2025 11:57 AM

To: tlala mokoena <tlalamokoena@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Jan Venter invited you to a Microsoft Teams Meeting:

Venter And SAPS

Tuesday, November 4, 2025

12:00 PM - 12:30 PM (SAST)

Meeting link: [Venter And SAPS | Microsoft Teams | Meetup-Join](#)

From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 11:54 AM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Today.

Sorry for not providing a a day

On Tue, 04 Nov 2025, 11:50 Jan Venter, <janventer902@gmail.com> wrote:

Today sir , Tommorow , ehen ever I will be ready

From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 11:49 AM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

12:00pm suits me fine, if it's okay with you.

On Tue, 04 Nov 2025, 11:47 Jan Venter, <janventer902@gmail.com> wrote:

No problem Slr

I rely just appreciate contacting me and do put trust in you

Simply let me know then I will invite you to a teams meeting asap

Regards

From: tlala mokoena <tlalamokoena@gmail.com>

Sent: Tuesday, November 4, 2025 11:41 AM

To: Jan Venter <janventer902@gmail.com>

Subject: Re: Parkview CAS 103/05/2020

Good day Mr Venter

I appreciate your diligence in verifying the authenticity of the communication. My official laptop has crushed and I use my private Gmail account for MicrosoTeams to ensure that service delivery is not hampered, hence Gmail account is used for this specific purposes, but all official correspondence can be done via my commanders SAPS Email address @SmithB3@saps.gov.za to adhere to standard SAPS protocols.

On Tue, 04 Nov 2025, 11:27 Jan Venter, <janventer902@gmail.com> wrote:

Good day Warrant Officer Mokoena,

I acknowledge receipt of your SMS this morning regarding the above matter. Thank you for reaching out and for taking the time to attend to this case.

I just wanted to confirm whether the use of a Gmail address is standard procedure, as I noticed it's not the usual SAPS domain. Please understand this is merely for verification and record purposes on my side.

I will make myself available for a Teams meeting as requested — kindly just confirm the time that suits you best, as the matter is quite urgent.

Kind regards,

Jan Hendrik Stephanus Venter

ID No: 7607095034083

Email: janventer902@gmail.com

Contact: +27 72 474 8546

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11/6/25, 7:41 AM

Gmail - Parkview CAS 103/05/2020 – Follow-Up Regarding Derivative Offences and Addition of Further Accused

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tlala mokoena <tlalamokoena@gmail.com>

Wed, Nov 5, 2025 at 9:58 AM

To: Jan Venter <janventer902@gmail.com>

Noted, and will escalate the matter to my commander as it requires high level decision making.

Thank you

[Quoted text hidden]