The Pan-African Peace Commission

25th July 2026

OPEN LETTER IN THE PUBLIC INTEREST

EMAILED TO THE RECIPIENTS HEREUNDER

NOTICE AND CALL TO CONSTITUTIONAL ORDER

TO THE SOUTH AFRICAN NATIONAL DEFENCE FORCE, SANDF, ALL MEMBERS OF THE SECURITY SERVICES, THE JUDICIARY, LAW ENFORCEMENT, ALL PUBLIC SERVANTS, AND CONSTITUTIONAL OFFICE-BEARERS IN TERMS OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA.

TAKE NOTICE

This Notice constitutes a formal **Call to Constitutional Order** and serves as a lawful notice that all public authority derives exclusively from the Constitution and that every **public servant, office-bearer and official** exercising public office is accountable to the Constitution, the Rule of Law and the people of the Republic. Public office is a constitutional trust exercised on behalf of the people, and not an instrument of personal, political or institutional gain or allegiance in terms of sections 195 and 197 of the Constitution.

No office, no command, no directive and no instruction, even from the Commander in Chief, may lawfully supersede the Constitution.

CONSTITUTIONAL SUPREMACY

Section 2 of the Constitution provides:
"This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled."

Every organ of state is therefore under a continuing constitutional obligation to act only within the powers conferred by the Constitution.

THE CONSTITUTIONAL MANDATE OF THE SANDF

Section 200(2) provides:

"The primary object of the defence force is to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regulating the use of force."

Accordingly:

- the SANDF exists to defend the Republic;
- the SANDF exists to defend the constitutional order;
- the SANDF exists to protect the people of South Africa;
- the SANDF does not exist to provide personal allegiance to any President, political party, criminal cartel or individual.

Every member of the Defence Force owes allegiance to the Constitution not any office-holder.

EXHIBIT A

Annexed hereto as **Exhibit A** is a public statement made by a SANDF person asserting that the function of the security services is to protect the President.

Exhibit A accurately reflects such intention, and that intention must be interpreted subject to the Constitution.

No public statement may amend, override or diminish the constitutional mandate prescribed in sections 199 and 200 of the Constitution.

To the extent that any interpretation of **Exhibit A** suggests that the SANDF owes primary loyalty to the President personally rather than to the Constitution and the Republic, such interpretation is inconsistent with the Constitution and is without legal force.

DUTIES OF ALL RECIPIENTS

Every recipient of this Notice is reminded that constitutional obligations arise independently of rank, office or institution.

Accordingly, every recipient is called upon, within the scope of his or her lawful authority and professional responsibilities, to:

- uphold and defend the Constitution;
- reject unconstitutional interpretations of public power;
- ensure that constitutional obligations are understood within their respective institutions;
- bring constitutional concerns to the attention of appropriate UNCOMPROMISED supervisory, legal or oversight authorities;
- exercise every public function lawfully, impartially and in good faith.

This **Call to Constitutional Order** extends to Heads of and members of:

- the South African National Defence Force;
- the South African Police Service;
- the State Security Agency;
- the National Prosecuting Authority;
- the Judiciary;
- all constitutional institutions;
- every organ of state, INCLUDING all established under the Constitution;

CONSTITUTIONAL AUTHORITIES

This Notice is supported by, *inter alia*:

Constitution of the Republic of South Africa, 1996
Sections 1(c), 2, 7(2), 8, 165, 195, 198, 199 and 200.

Defence Act 42 of 2002
governing the organisation, command and employment of the Defence Force under constitutional authority.

Constitutional Court Authorities

- *Fedsure Life Assurance Ltd v Greater Johannesburg Transitional Metropolitan Council* 1999 (1) SA 374 (CC).
- *Pharmaceutical Manufacturers Association of SA: In re Ex Parte President of the Republic of South Africa* 2000 (2) SA 674 (CC).
- *President of the Republic of South Africa v South African Rugby Football Union* 2000 (1) SA 1 (CC).
- *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* 2016 (3) SA 580 (CC).

These authorities affirm that all public office is derived from, limited by, and accountable to the Constitution.

INTERNATIONAL LAW

This Notice is consistent with the constitutional requirement that South Africa respect international law, including:

- the Charter of the United Nations;
- the Universal Declaration of Human Rights;
- the International Covenant on Civil and Political Rights;
- the African Charter on Human and Peoples' Rights;
- **the principles of democratic civilian control of armed forces reflected in international law and practice.**

CALL TO ORDER

Every recipient is hereby called upon to reaffirm, by conduct, that:

1. The Constitution is supreme.
2. The Republic is above every office-holder.
3. The people are sovereign under the Constitution.
4. Public office exists only to serve the Republic.
5. Every unlawful order must be declined through lawful constitutional processes.

6. No President, Minister or public official may lawfully command conduct contrary to the Constitution.
7. Every exercise of military and public authority remains reviewable by the courts.

NOTICE

This Notice is issued peacefully, lawfully and in defence of constitutional democracy.
Its object is neither political nor partisan.

Its sole purpose is the preservation of constitutional governance, compliance to the Rule of Law, and the continued protection of the Republic and all its people.

NOTICE REGARDING CONSTITUTIONAL ACCOUNTABILITY

Every recipient is further reminded that any breach of constitutional obligations and or persistent and deliberate non-compliance may give rise to civil, disciplinary and criminal liability in accordance with the Constitution and the laws of the Republic.

Where conduct intended to subvert, undermine or unlawfully replace the constitutional order is established by an independent and competent judicial process, such conduct may, depending upon competent evidence and applicable law, constitute offences recognised under South African law, including where appropriate, the common-law crime *of high treason* or other serious statutory offences.

Recipients are accordingly placed on notice that participation in unconstitutional conduct, corruption, abuse of public office, or the implementation of unlawful instructions may attract personal, legal, and criminal accountability, irrespective of rank or office.

SPECIAL INVESTIGATING UNIT (SIU)

The Special Investigating Unit ("SIU") derives its authority from section 2 of the Special Investigating Units and Special Tribunals Act 74 of 1996 and from Presidential Proclamations issued under that Act. Its statutory mandate is to investigate serious maladministration, corruption, unlawful expenditure of public funds and related misconduct within state institutions.

Until today they have remained silent on the misappropriation of R65,000,000 (sixty-five million ZAR) of state funds by the SANDF, notwithstanding *prima facie* evidence provided to the Presidency, Heads of SANDF, and Heads of all law enforcement in the Peace Commission report dated 25th June 2026.

MADLANGA COMMISSION OF INQUIRY

In the interests of constitutional accountability, transparency and the administration of justice, this Notice respectfully calls upon the Madlanga Commission of Inquiry, insofar as the subject matter falls within its terms of reference and lawful mandate, to receive and consider the findings and evidential material contained in the Peace Commission Report dated 25 June 2026. If, upon such consideration, the Commission is satisfied that the *prima facie* material discloses credible evidence of serious constitutional, financial or institutional misconduct, it is respectfully submitted that those matters should be examined in public proceedings to the extent permitted by law. Public confidence in constitutional institutions is best served where serious allegations supported by *prima facie* evidence are subjected to independent, transparent and judicial scrutiny, with all affected persons afforded procedural fairness and an opportunity to be heard.

Notice to agent is notice to principal, notice to Principal is notice to agent.

LET THIS NOTICE STAND AS A FORMAL CALL TO CONSTITUTIONAL ORDER.

THE RULE OF LAW SHALL PREVAIL. THE REPUBLIC SHALL BE DEFENDED.

Sincerely,

Henry William McCarter
Chairman

Restoration of Justice is our duty. Truth is our guide. Perpetual Peace and Prosperity for all is our mission.

Executive Council:

Dr. Henry McCarter LLD Hon. (Chairman), HRM Makikele II (Vice-Chairman), HRM Mervyn Dunn, P.M. Dingizwe Manyaka, Lt. Cmdr. Sylvester Mangolele, Nkosi Thulasizwe Ngcobo, Dr. Paolo Brogneri, Dr. Faiez Kirsten, Mrs. Michelle Tovey, Mr. Jannie Meyer, Mr. Ronald Plaatjies, Mr. Phakamani Dlamini, Mr. Cobus Pieterse, HRH Nolubabalo Mcinga, Dr. Grant Satram, Dr. Melanie Wepenaar, Mr. Malungelo Mgolombane, Mr. Godfrey Ngalo, HRM Queen Mashanini; Mr. Denzil Usher, Mr. John Schoemann: (Lead Researcher), Dr. E.K. Gordon-Dudu: (Constitutional Guardian):

Pan-African Region: HRM. Kelvin Morgan (Business Upliftment and & Youth Leader; **Ghana**),HRM King Kalongo Sosola VIIII (**Malawi**) Mr. Andre Gomes (**Angola**), Mr. Lennox Sola (**Botswana**), HRH. Mduduzi Dlamini (**Eswatini**), Mr. Elisio Faela (**Mozambique**), HRH. Norberth Tjombode, Adv. E Ndala (**Namibia**), Mr. John Matsora (**Lesotho**), Mr. Godfrey Ngalo, Mr. Moyo Mqondsi (**Zimbabwe**),Prof. Ken G. Morka (**Nigeria**), Mr. Michael Teekay (**Liberia**), Mr. Abdulmajid Oyewumi (Ambassador Extra-Ordinaire: **Nigeria**),

Youth Council: HRM Siyabonga Mkhize, HRM Queen Boresah Fantevie (**Ghana**), Adv. Rolland Shabangu,

Location: Sandton, South Africa **Email:** PeaceCommission@afrilegal.com **Mobile:** +27 82 491 6728

And to:

The President of the Republic of SA	president@presidency.gov.za
Inspector-General of Intelligence:	info@oigi.gov.za
The Joint Standing Committee on Intelligence:	asombexe@parliament.gov.za
Portfolio Committee on Defence:	azindlani@parliament.gov.za
The Minister of Justice:	Ministry@justice.gov.za
The Speaker of Parliament:	info@parliament.gov.za
Public Protector of South Africa:	enquiries@pprotect.org
Auditor-General of South Africa:	agsa@agsa.co.za
Directorate for Priority Crime Investigation:	DPCIHEAD@saps.gov.za
National Prosecuting Authority:	ndpp@npa.gov..za
Special Investigating Unit (SIU):	info@siu.org.za
The Asset Forfeiture Unit:	lnongogo@npa.gov.za
Head of Serious Crime and Corruption:	FlynnHF@saps.gov.za
Madlanga Commission:	MkhwanaziZ@saps.gov.za
Independent Police Investigative Directorate:	jntlatseng@ipid.gov.za

Revelation 18.4

Nothing contained in this Notice should be construed as questioning the lawful authority of the President as Commander-in-Chief exercised in accordance with the Constitution. Rather, this Notice affirms the constitutional principle that every public office, including military command, exists only within, and remains subject to, the Constitution, the Rule of Law and judicial oversight.

EXHIBIT A

AFFIDAVIT

1.

I, Gail Engelbrecht, state under oath in English:

2.

I am a South African female with ID number 6401290140080. I reside temporarily at Silonque Estate Phalaborwa Limpopo: Contact details Cell –. 0660406306

3.

The facts herein deposed to, are within my personal knowledge and are true and correct.

4.

During the latter part of 2025 I had to collect documents from the Phalaborwa Home Affairs in Phalaborwa. Whilst standing in the queue waiting to be attended to, I met a Permanent Female member of the South African Défense force who was / is based at 7 SAI Military Base in Phalaborwa.

5.

We engaged in general conversation, which revolved mostly around the work that Female Permanent Military force members do.

6.

The Female Permanent Force Member informed me that they are responsible for ensuring the Safety and Protection of the President of South Africa.

7.

I informed this Female Permanent Force member that their duties also include protecting the Country and the people of the Country. The Permanent Force Member informed me that I was incorrect and that their only duty is to protect the President of South Africa.

8.

I know and understand the contents of this declaration. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

GK Engel.

DEPONENT

I certify that the deponent has acknowledged that she knows and understands the contents of this declaration, which was sworn to before me and the deponent's signature was placed hereon in my presence at **PHALABORWA** on this the **21st day of JULY 2026.**

COMMISSIONER OF OATHS: 7018936 - 6 WO Phomolo P G.

SERVICE NUMBER: 7018936 - 6

LOCATION: 24 SELATI ROAD PHALABORWA SAPS

2026 -07- 21

PHALABORWA