



SOUTH AFRICAN EQUESTRIAN FEDERATION

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SOUTH AFRICAN EQUESTRIANS

09 November 2016

TO ALL DISCIPLINE ASSOCIATIONS, PROVINCIAL FEDERATIONS, ALL EQUESTRIAN CLUBS AND ALL MEMBERS

Dear All,

You may all be aware of the current developments within the Equestrian fraternity, including the suspensions of certain individuals pending the outcome of a disciplinary process into various charges brought against them, the actions some of these suspended individuals to proceed with his interference in equestrian matters despite their suspension and to act as if they are not suspended, and the consequential failure by their respective Discipline Associations and/or the current Executive Committee thereof and the Provincial Presidents to take him to task for their blatant conduct in breach of the SAEF constitution etc.

I felt that it was time to write this letter, for the attention of the entire equestrian community, to provide you with the SAEF's stance in some of these various matters, and thereby to provide you with some relevant information and facts, for you to draw your own conclusion. Hopefully, this will discount some of the rumor mongering and misinformation that has abounded to date.

Please forgive the length of this communication, but I have attempted to deal with most of the numerous issues currently facing our sport, and I trust that you will accept this communication in the spirit in which it has been prepared – a spirit that is entirely focused on acting in the best interest of equestrian sport.

I will start with the process as it unfolded shortly before the 2015 constitution was implemented.

The previous Acting President of the SAEF, Mr Johan Koorts and the SAEF Executive at that stage made a proper application to the Lottery Board for the redirection of lottery funding to the structural development of the SAEF, in order that a better service could be provided by the SAEF to its members. The SAEF could make such an application because not all the lottery funding that the SAEF had received was utilized. In accordance with the lottery agreement, in such a situation the unused funds ought to have been paid back to Lotto. This would negatively affect future allocations. The SAEF could simply not take this risk. The application for redirection was duly approved by the Lottery Board, which in effect meant that the SAEF could utilize these funds for its structural development (nine provinces of council at the time, DA's not included in the 2014 constitution and structure), the SAEF was thus not required to pay these funds back to Lotto and therefore avoiding any future negative implications for the SAEF in respect of future funding.

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CONSTITUENT MEMBERS:
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Following the implementation of the 2015 constitution, myself Mr Bianchi and Ms Beckbessinger were elected as President and the two Vice's. Ms Neil was subsequently requested so investigate the financials pending the appointment of Exco. Ms Neill soon thereafter informed me that certain monies had to be paid back to some DA's as per the redirection and accepted her good judgment having had access to all relevant documentation.

During February 2016, Mrs Jenny Neill, proceeded to make certain allegations, which Mr Dos Santos now refers to, that Mr Strauss, the Secretary General, and I obtained lottery funding illegally for the Polo X World Cup that was held at Shongweni. The fact of the matter is that this is simply not true. Whilst the application for the Polo X World Cup was done under the auspices of the SAEF, the application was done properly and with the assistance of SASCOC. The SAEF is, in terms of various pieces of legislation, as well as in terms of SASCOC's constitution, the recognized National Federation of equestrian sport in South Africa, and as such is the body under whose responsibility international events, such as the Polo X World Cup fall. There was nothing untoward in the application and the prestige of holding the Polo X World Cup in South Africa, which it must be mentioned South Africa won, had great importance to equestrian sport.

However, considering the allegations against me, I decided that it was in the best interest of the SAEF to tender my resignation while an investigation was done into the allegations, which I tendered on the 21 February 2016. However, my resignation, although tendered to, was not accepted and the investigation proceeded. Mr Eric Bianchi took the position of Acting President at this time.

It was during this period that the Annual General Meeting ("AGM") was to be held. The SAEF, under the Acting President Mr Bianchi, failed to call for the AGM, mainly because the audited financials were not finalised and has only now been received in draft form. Mr Dos Santos seeks to lay this failure at my door, or at the door of the current Executive.

To return to the issue of the redirected Lotto funds, it later transpired that those payments were wrongfully made to some of the Discipline Associations without following the correct procedure or protocol and certainly without the mandate from the Lottery Board to do so. Those lottery funds were redirected to the SAEF for accelerated structural development.

Mr Strauss reported this irregularity to Adv. Willem Edeling, the SAEF Legal Committee Chairperson. Adv. Edeling was, at that time still busy with the investigations in regards to the allegation against myself in respect of the Polo X World Cup lotto funds. Upon Mr Bianchi learning that the irregular transfer of funds to certain of the Discipline Associations had been reported to Adv Edeling by Mr Strauss, he soon thereafter, and unilaterally suspended Mr Strauss without the necessary mandate from the SAEF Executive Committee. He stated that, from his position as Acting President, he had the sole right to take

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this decision, even though the constitution vests this authority with the Executive committee and not just one person, not even the Acting President.

Adv. Edeling however proceeded with his investigations into both matters and found no wrong doing on the part of either myself or Mr Strauss, and found that the payments that were made to the respective Discipline Associations, were irregular and had to be reversed. Mr Strauss suspension was also lifted soon thereafter. As my resignation, had never been accepted and as I had been cleared of all wrong doing, I withdrew my resignation as the President of the SAEF.

The situation in respect of the irregular payments to the Discipline Associations was reported to LSG, the duly appointed auditors of the SAEF. It transpires that LSG are also the auditors for SASJ. Many meetings in respect of this matter have been held with LSG and the SAEF has repeatedly attempted to obtain the final financial statements from LSG, to no avail. It is apparent that there is an undue, and unacceptable delay, on the side of the Auditors. A resolution has now been passed by the Executive committee to terminate the mandate of LSG, due to their failure to finalise the required financial statements, alternatively their failure to do so timeously. Furthermore, the interim statements fail to reflect the funds irregularly paid over to those Discipline Associations, including levies collected by SASJ, which the SAEF now require be repaid to the SAEF.

The Executive Committee has further resolved to provide LSG with the opportunity to finalise the report by no later than close of business on 14 November 2016, failing which their mandate/instructions will be immediately cancelled, fees already paid will be claimed back and the SAEF will reserve all its rights to take further actions against the auditing firm.

The SAEF requires the financial statements so that an informed decision may be made with regards to the further reporting of the situation of the irregular disbursement of the lottery funds to Lottery Board, and if appropriate to the Hawks. It is to be noted that the current SAEF management have initiated the process, but the final financial statements are still required, which will then be submitted in support of the allegations.

The purported request for a Special General Meeting ("SGM"), a further point of contention, was repeatedly raised by Mr Dos Santos. On the 19 October 2016, the SAEF requested the written mandate from the five Discipline Associations who were signatories to the purported SGM requisition in order that the SAEF may satisfy themselves that the requisition was properly issued with the requisite mandates before proceeding to call the requested SGM. With no response from any of the Discipline Associations who were purportedly signatories to the requisition, the SAEF sent a further follow up request on the 3 November 2016. To date, the SAEF has not received a response. However, it has since transpired that one of the five Discipline Associations party to the requisition have now withdrawn their request, because

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they in fact did not have the proper mandate from their constituency. Therefore, the requisition is now defective in that the SGM is not being called for by the requisite five.

It is to be noted that, in any event, there is an SGM properly called for 12 November 2016, for the purposes of accepting the new Discipline Association Members as Ordinary Members of the SAEF, and for the proposed amended SAEF Constitution to be accepted and adopted, in terms of which the Provincial Equestrian Federations are brought properly under the jurisdiction of the SAEF, and thus which amended constitution will bring the SAEF in line with the requirements of the SA Sports Act, Transformation Charter and NSRP 2012, and which furthermore ensures the compliance with the Provincial Sports Confederations requirements for membership at Provincial level.

What I fail to understand are the entirely unfounded and false rumors, being spread by certain individuals, that the SAEF wants to take total control of the running of the Discipline Associations. This is simply not true and one must, in this light understand the following: Under the 2014 constitution, the Discipline Associations did not have any voting rights on the Council of the SAEF. All Discipline Associations, in a memorandum signed by all, requested that they be given a vote on Council, even if the Provincial Federations had two votes per Provincial Federation and the Discipline Associations only had one vote per Discipline Association.

Under the 2015 constitution, which has been duly accepted and adopted, the Provincial Federations were, inexplicably, then precluded from having a vote on the council of the SAEF.

Under the new amendments being proposed for adoption at the SGM on the 12 November 2016, however both Ordinary Members, being both the Discipline Associations and the Provincial Federations, will each have two votes, which is an improved position for the Discipline Associations to that which they had proposed in their memorandum in 2014. As at today's date, most Discipline Association Members of the SAEF have already confirmed that they agree with the proposed amendments. We simply fail to understand the objections of SASJ.

What is of great concern to the SAEF is the clear split that Mr Dos Santos is causing in our equestrian community, in his advocating that the federation should be run by the FEI Disciplines alone.

It is apparent that this is in fact a power struggle being launched by Mr Dos Santos, for reasons that are neither clear nor sound, and is a deliberate act to avoid the necessary work in our sport that requires the joining of hands, working together and the building and improving of equestrian sport for all.

Again, I apologise for the length of this communication, but what follows is of critical importance.

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What Mr Dos Santos has failed to inform the members of SASJ, which are critically important facts to be considered before committing to the path that he is proposing for SASJ, and which we would now like to place before you in writing for your due and careful considerations are:

1. With regards to the recognition of controlling bodies of specific sporting codes, Section 4.37 of the SASCOC Constitution states *“National Sports Federation” means a national governing body of a code of sport or recreational activity in the Republic recognised by the relevant international controlling body as the only authority for the administration and control of the relative code of sport or recreational activity in the Republic and which successfully applies for recognition as the sole governing body of that sport in the Republic in terms of the Constitution of SASCOC. The National Sports Federation is the only body with the authority to sanction national or international events relevant to their sports code, to be held in the Republic; with the proviso that the Bidding and Hosting Regulations are adhered to.*
 - It is thus clear from the above that the only body that can sanction national or international events are the national federations in regards to their own sporting codes under the auspices of SASCOC.
 - Accordingly, only the National Federation (SAEF) can sanction grading points that are given at a competition or show, if those grading points are to be truly recognized, and to be able to do this, a Discipline Association must be a member of the National Federation (SAEF) otherwise the points or the colors or the recognition that they give will have no true value.
2. The role and the duties of the National Federations are clearly defined with in the South African Sports Act and Section 1 states that *“national federation” means a national governing body of a code of sport or recreation activity in the Republic recognised by the relevant international controlling body as the only authority for the administration and control of the relative code of sport or recreation activity in the Republic.*
 - It is thus clear that the “ownership” so to say of a specific sporting code lies within the National Federation and not with a specific Discipline Association and therefore to be able to run the administration of a specific sporting code in such a way that true recognition is obtained, a Discipline Association must be a member, in good standing, with the National Federation (SAEF).
3. Mr Dos Santos does not want formal recognition for the SAEF’s Provincial Federation, and yet Provincial Federations are mentioned by name in the Sports Act (see section 10 (1) (c) of the act). Also in section 10 (2) (b) clubs are also specifically mentioned as same must be under the control of

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the National Federation, as per the act. Accordingly, if clubs are members of a specific Discipline Association, it will not be a formally recognised club if that Discipline Association is not a member of the National Federation (SAEF).

- In this regard it is important to note the SAEF constitution states under clause 10.22 of the SAEF constitution that the SAEF has the right to *“impose fines, to suspend for a period of time pending a disciplinary process, to expel and/or implement any other disciplinary measures on its present or former Members, or any Provincial or District body, or Club presently or formerly affiliated to THE FEDERATION, and any member of the Equestrian Community, including but not limited to athlete/participant, official, committee member, coach, team manager and event organiser connected or concerned with Equestrian Sport and arising out of such party having been found guilty by the relevant judicial structure of any contravention or breach of the provisions of this Constitution or any rule, regulation or by-law, including the Code of Conduct of THE FEDERATION in force at the relevant time, and including those of SASCOC, SAIDS and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from the body or person concerned. Without in any way limiting the generality of the foregoing, THE FEDERATION shall have the power to suspend or ban any athlete/participant, Member or Club from participating in any championship or event.”*
 - And in clause 10.23 *“To take all such action as may be required to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to THE FEDERATION by its Members, former Members or any other persons or body.”*
4. The SAEF is the only recognised member of the FEI. Mr Dos Santos has sent letters directly to the FEI and made one sided allegations, flouting and ignoring the correct protocol, and moreover while being under suspension. The FEI statutes state, in section 2.3 thereof, that *“The FEI and the National Federations recognise that each National Federation is the sole authority (besides the FEI itself) for FEI Equestrian Disciplines in the country where it is located.”*
5. It must also be noted that the FEI statutes state in section 2.6 *“The National Federations agree to comply with, and be bound by, the Statutes, General Regulations, Sport Rules and any Decision issued by the authorised bodies of the FEI in relation to the conduct of international equestrian Events, all of which shall also bind Organising Committees, Officials, Horse Owners, Persons Responsible, Athletes, team officials and other individuals and bodies involved in FEI Events. In addition, by virtue of accepting an accreditation to an FEI Event, such person agrees to be bound by the FEI Rules and Regulations. National Federations are granted an exclusive license to use, modify,*

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print and distribute as appropriate the documents referred to in this Article, which are FEI property, for the purpose of regulating Equestrian Sport within their national territory.”

6. If SASJ breaks away from the SAEF, they will no longer have these rights, which are only afforded to membership to the SAEF. It merits mention that many millions of lottery funds have been received by SASJ in the past five years including some other DA's. These figure's will soon be disclosed to all.
7. Furthermore, the view that athletes and officials only needs to be members of Discipline Association and not the National Federation (SAEF) is also not permitted by the FEI and SASCOC, and Mr Dos Santos view, as he has expressed, is entirely incorrect. It is stated in the FEI statutes under section 2.7 *“Only those Athletes who belong to a National Federation may take part in FEI Events organised or supervised by another National Federation. All Officials listed as such by the FEI must be members of their respective National Federations.”*
 - Mr Dos Santos is misunderstanding or misrepresenting that an organisation exists via its members.
 - In fact, a club is formed by individuals, which club is, in turn, a member of the Discipline Association and the Provincial Federation. Both organisations belong to or are associated as Members with the National Federation (SAEF), and thus actually, the individual members/athletes are members of the National Federation (SAEF).
 - If the club's individual members decide to support a Discipline Association which is not a Member of the SAEF, they are no longer adhering to the requirements of the South African Sports Act, SASCOC constitution and the FEI statutes, and any competitions that they compete in will only be afforded the status of “training shows”, and for this, they don't even need to belong to the Discipline Association.
 - Thus, by breaking away, the reality is that the Discipline Association will have nothing of value to offer its members. It will also lose its access to lottery funding.
 - Furthermore, the SAEF is entitled to create another organisation to deal with the administration of that specific Discipline, under the auspices and authority of the SAEF.
 - Mr Dos Santos is hoping that SASJ, by breaking away will get separate recognition with the FEI. This is clearly not a well-considered approach, as a break away conflicts with section 5 of the FEI constitution, which clearly states, in section 5.1 of the FEI statutes, that *“Membership in the FEI is open to the one national governing body from any country which is effectively in control of or is able to effectively control at least the Olympic Equestrian Disciplines and supported by its National Olympic Committee.”* In section 5.2 it is further stated that *“Membership confers upon a National Federation the right to host international equestrian Events under and according to the FEI Statutes, General Regulations and Sport Rules, and the right to attend and vote at a General Assembly.”*

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- A breakaway group can never have the right to hold, as also confirmed in the SASCOC constitution, true recognised international events.
 - Please imagine what the effect will be on the current international riders if a break away occurs. They will all have to stop competing and return to South Africa, as they will then no longer be members of the FEI.
 - The SAEF will simply not allow that the athletes are negatively affected by this attempt of Mr Dos Santos to usurp the role and authority of the SAEF over equestrian sport in South Africa, and we will have no option but to immediately create a new organisation for the discipline of showjumping, to be administered under the auspices of the SAEF, to replace the breakaway Discipline Association.
 - To reiterate, it is only the National Federation (SAEF) that has the authority and standing to host international FEI equestrian events and most importantly only one National Federation is recognized by the FEI, and not a discipline federation in each country as Mr Dos Santos apparently believes to be possible, and it has been confirmed, yet again, by Mr Ingmar De Vos President of the FEI, that National Federation for equestrian sport in South Africa is the SAEF.
 - Also Mary K. B. Binks, President FEI Group IX, also confirmed in correspondence to the SAEF that she will firmly abide by the Statutes, Rules and Internal Regulations of the Federation Equestre Internationale (FEI) and firmly refute any allegation: "that I made any improper response to any communication. SAEF has my support as the FEI recognized RSA NF."
8. Now to discuss the current set of suspensions that have been issued.
9. Let me start with the suspension of Mr Rogan Asken. I believe by now that all members who are members of a club and of a Discipline Association that is a member of the SAEF now clearly understand that they are also members of the SAEF and are bound by the constitution of the SAEF.

9.1 Clause 39.2 of the SAEF constitution states "*No person bound by THE FEDERATION's Constitution may perform any act that brings Equestrian Sport, THE FEDERATION, or any of its members, officials or office bearers into disrepute or which injures them in their dignity; or which has the potential of doing so; or which has the effect or is calculated to have the effect of doing so.*"

9.2 Clause 39.3 also states "*In particular, but without affecting the generality of the a foregoing, such acts include the uttering, authoring or publishing of statements, articles or comments, verbally or in writing, or by way of social media or any other medium or method of communication whatsoever, and which are threatening, derogatory, obscene,*

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indecent, seditious, offensive, pornographic, abusive, disparaging, racist, discriminatory, menacing, inflammatory, blasphemous, or defamatory."

9.3 Allegations of such nature have no place in our sport, especially when issues have been addressed and parties have been cleared, more than once.

9.4 Mr Asken's attempts to incite a breakaway from the National Federation, or an undermining of its authority, can or is bound to bring the Sport and the National Federation into disrepute.

9.5 After the suspension of Mr Asken, pending the outcome of a formal disciplinary procedure, various of the officials to whom Mr Asken sent an offensive email, have distanced themselves from these actions. Yet some, including Mr Dos Santos, have attended meetings, him present, without the permission of the SAEF.

10. The SAEF have initiated further suspensions, pending the outcome of a disciplinary enquiry, in respect of certain of the individuals who attended this meeting or in certain instances requiring a proper explanation as to why these meetings were attended and why disciplinary procedures should not proceed.

11. It is also important to note that SASJ, as still a current SAEF member, and more particularly Mr Bruce Dewar, the Vice president of SASJ has been informed of the suspension of Mr Dos Santos and was informed to respect it, implement it and for Mr Dewar to proceed as Acting President of SASJ, while the disciplinary hearing of Mr Dos Santos is pending. No confirmation was received that this instruction will be adhered to.

12. More specifically it has been noted, with incredulity, that Mr Dos Santos still proceeds to send out letters in his capacity as President, and to call for meetings with the assistance of the SASJ Provincial Presidents, who are likewise bound by the SAEF constitution, while he is under suspension.

13. Pursuant to Mr Dos Santos' assertion that he has the support of his Provincial Presidents to break away from the SAEF, the SAEF have requested confirmation of this assertion from each of SASJ Provincial Presidents together with an explanation as to how they obtained the mandate to agree to this. It is noteworthy that no formal reply has been received in this regard from any of them. The SAEF has no option but to reserve its rights in this regard.

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14. This is also the situation with Kyalami Park Club in respect of the suspension of Mr Rogan Asken, KEP's Chairperson.
15. Mr Neil Kirstein, President of ERASA, is also under suspension, yet he signs an official ERASA letter to all members this morning, something I fail to understand.
16. In regards to the various meetings being called for by the Provincial SASJ Presidents, SASJ EXCO, and certain of their member Clubs, I would like to state the following:
 - 16.1 All Provincial Presidents who have been correctly elected by the clubs in their Provinces must recognise that Mr Clem Dos Santos and Mr Rogan Asken have been suspended from all aspects of equestrian sport pending the outcome of their disciplinary proceedings.
 - 16.2 Provincial Presidents are free to call for meetings when required, but should ensure that neither of these two men attend or participate in the meeting, failing which it may place the Province in conflict with the SAEF.
 - 16.3 If a vote is to be taken in respect of the proposed breakaway from the SAEF, the SAEF reserves the right to interrogate any such process, and will particularly evaluate whether the clubs voting are in fact bona fide members in good standing and properly authorised by their members.
 - 16.4 It is to be noted that in the event of such a break-away, the SAEF will immediately establish a showjumping sub-committee/body to ensure and facilitate the affiliation of the sport of showjumping to the FEI and SASCOC and that all showjumpers must be aware that no shows run by, a breakaway discipline or any of its affiliated members, clubs or show holding bodies, will carry any regional, provincial or national recognition, and that all riders participating internationally under the South African banner will be required to affiliate with the SAEF in order not to have their rankings affected.
 - 16.5 We wish to make it abundantly clear that the SAEF is aware that SASJ have imposed unreasonable conditions for the qualification of their member clubs, and have unreasonably restricted the voting rights of individual members and therefore the SAEF again reserve their rights to interrogate the validity of the process followed by SASJ in its entirety.

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- 16.6 Provincial members must accordingly, before being led astray by their Provincial Committees ensure that these committees were properly elected via the clubs in their province.
- 16.7 Finally, it bears mentioning that the SAEF has some significant question marks over the way the SASJ National Committee were elected, and will be interrogating that process to verify the lawful, correct and valid election of this committee.

In conclusion, the SAEF respects the rights of every member of the equestrian community to freedom of association and freedom of speech, however, all equestrian athletes and officials participating under the auspices of the SAEF and SASCOC are also bound by the constitutional imperatives of these organisations, and in pursuing this call, Mr Dos Santos has placed himself in further breach of his fiduciary obligations towards the SAEF.

The SASJ National Committee, or factions thereof under the control of Mr Dos Santos, have failed to follow the correct processes within the SAEF and SASCOC to resolve any apparent disputes with either organisation, instead they have embarked on acts of ambush and sabotage, and in the process they have materially misrepresented facts to their membership, and have unlawfully maligned and defamed individuals and office bearers within the SAEF and other members of the SAEF, in order to achieve the results desired by a very small group of people, who do not, we believe, represent the majority of athletes and officials participating in the sport, and who we believe are not acting in the best interest of equestrian sport.

Please be advised that the SAEF is not in a state of disarray, but its functioning and operations have been hampered and interfered with by certain disaffected individuals, and under the hand of the current Executive Committee of the SAEF, the various issues of dispute with these disaffected individuals will be resolved, and it is the intention of the SAEF to get back onto a sure footing, both constitutionally and operationally, in order to ensure that we can restore the state of equestrian sport to being one that encourages open, fair and affordable competition for every equestrian athlete and official.

We are intent of representing the interests and rights of every equestrian athlete in South Africa, and will not be swayed from that objective by the actions of a very small group of disaffected individuals. We welcome the positive and constructive input from all our members, and invite you to make any relevant submissions to us.

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Vice President FEI: Eric Bianchi
Vice President IEF:
Secretary General: Wessel Straus
Legal: Adv Willem Edeling
Finance: Marika Pieterse
Transformation: Brenda Wessels

CONSTITUENT MEMBERS:
All Discipline Associations, Associate Members and Athlete's commission.





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We trust you find the above in order.

Yours Faithfully in Equestrian Sport

Andre Truter
SAEF President

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