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INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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The National Director of Public Prosecution
Adv. S Abrahams
VGM BUILDING
123 Weslake Avenue
Weavind Park
SILVERTON
0184

By Hand

11 August 2017

REQUEST FOR INTERVENTION

My numerous telephonic conversations, messages and my letters have reference.

As per your request, it is important that we discuss and conclude on the issues articulated below:-

1. Matters Investigated by IPID

1.1 Defeating the ends of justice investigation against General Phahlane

A letter dated 04 July 2017 was referred to your office to review the decision taken in the above matter.

It is important to note that the above matter was investigated under the guidance of Adv. Van Rensburg and at all material times while guiding the investigation she was of the view that this was a prosecutable case. However after the matter was referred to Adv. Mzinyathi and after some delay in making a decision, the decision was to decline to prosecute.

1.2 Investigation against former Acting Executive Director General Kgamanyane

The Acting DPP North Gauteng Adv. Baloyi declined to prosecute this matter. In the letter dated 26 July 2017, the docket was referred back to your office to review the decision taken by the Acting DPP. The decision just does not make sense, having regard to the fact that the suspect did not even give his version, in the face of clear evidence of fraud and corruption as well as contravention of the PFMA.

1.3 Torture investigation against the Mabula Team

This matter was decided in 2010 and suspects were arrested after J50 warrants were issued. The cases were later withdrawn with a view to centralize all matters. However, to date the cases have not been placed back on the Court Roll. The complainants and victims in this matter have now lost confidence in the Criminal Justice System. This issue was brought to your attention as well as Adv. Mzinyathi.

1.4 Investigation against the Mabula Team on charges of kidnapping, defeating the ends of Justice and Contempt of Court

The above investigations were guided by prosecutors Adv. van der Merwe and Adv. van Jaarveld. They both agreed that there is a *prima facie* case which is prosecutable. However, Adv. Baloyi queried the dockets. The dockets have since been referred back to him after all his queries were addressed. No decision has been made yet.

1.5 Investigation of Kidnapping and Assault against Brigadier Xaba and others: Symington matter

This matter was also guided by the prosecutor during investigation. At the time the prosecutor guiding the investigation was of the view that the case is prosecutable. The docket has been with Adv. Baloyi since 19 April 2017 to date no decision has been made, while we hear rumours that the decision was long made, however if that is true, it has not been communicated to IPID.

2. Perceived double standards by some members of the NPA in dealing with IPID cases, compared to how they deal with SAPS cases.

2.1 Decision to prosecute IPID investigators and issuing of J175.

The DPP North Gauteng and Adv. Mashuga in particular, took a decision to prosecute two IPID investigators within 72 hours after they had submitted their warning statements; they were promptly required to appear in Court. The swiftness with which this decision was made on charges that do not even make sense is suspicious when contrasted with how IPID cases are dealt with and the delay in taking decisions on IPID cases.

2.2 Failure by AFU to launch a preservation order.

IPID has been engaging with the AFU investigators on General Phahlane investigation with a view to obtain a preservation order. All the work was done and all parties were in agreement that there is enough evidence to launch an application. Papers were drawn-up, only the signature of Adv. Molele was outstanding to take the matter forward. Even after the meeting with Adv. Mokgatla who promised to ensure that the application is launched, to date nothing has happened.

This matter was brought to your attention from 02 June 2017 through our numerous whatsapp communications. To date no progress has been reported to IPID, despite your undertaking to do so. The only conclusion IPID can come to in the absence of any explanation from NPA is that there is reluctance on the part of NPA to launch this application, which therefore reinforces our perception of double standards in dealing with IPID matters.

2.3 Refusal by the NPA prosecutors to assist IPID in applying for Section 205 Subpoena.

On 26 July 2017 Mr Nkabinde went to see Control Prosecutor Mathibe to sign 205 application. Prosecutor Mathibe said if it is regarding General Phahlane he cannot sign the 205 application. He referred him to Chief Prosecutor Marriane Nel. Upon

engaging her, she asked him to review his statement and directed how it should be reviewed.

While back at the office and reviewing the statement, he received a call from Ms Nel saying she spoke to Adv. Baloyi who said she must not sign the 205 application but must bring to him (Adv. Baloyi) on the 27 July 2017 only he (Adv. Baloyi) can sign the 205 application on General Phahlane matter.

When Mr Nkabinde went to him (Adv. Baloyi), he said he was in the meeting and said he must come another time. Upon Mr Nkabinde refusing to leave, he directed that the two Seniors Adv. Fourie and Adv. Wilsenach to look at the application and to advise him, with a strict instruction that only he can sign the 205 application. After, the two Advocates wrote a memo to him advising him to sign, he read the docket and the memo, then refused to sign and directed that it must be referred back to the SPP to sign. The question is why he insisted in the first place that only he can sign the 205 application.

This raises suspicions about Adv. Baloyi's interest in an on-going investigation of the second defeating the ends of justice investigation against General Phahlane and the Mabula Team.

2.4 Protocol on decision making by NPA

We are informed by prosecutors in the DPP's office that they cannot take decisions on all the matters that we (IPID) are investigating. Only the DPP can take the decision. It would however appear that on matters investigated by SAPS and the Mabula Team in particular, the prosecutors concerned can take decisions. Hence their decisions are swift as compared to decisions that are to be taken on IPID matters.

This raises concerns about the consistency of NPA in dealing with IPID Investigations and SAPS Investigations, particularly those SAPS Investigations

conducted by Mabula Team which in our view are meant to counter IPID Investigations.

I am looking forward to our meeting to resolve all the above issues.

Regards

A handwritten signature in black ink, appearing to be 'RJ McBride', written over a horizontal line.

MR RJ MCBRIDE

EXECUTIVE DIRECTOR

DATE: 14/08/2017



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The National Director of Public Prosecution

Adv. S Abrahams

NATIONAL PROSECUTING AUTHORITY

VGM BUILDING

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0184

By Hand

02 May 2017

Dear Adv. S Abrahams

REQUEST FOR THE NDPP'S INTERVENTION

Over a period of 10 years General Mabula and his team have been committing Human Rights abuses and torture with impunity. As it will become clear below there has been a number of investigations against him and his team, even where the DPP had decided to prosecute, no prosecution has taken place.

This state of affairs has give an impression to the victims of their crimes and the society at large that General Mabula and his members are above the law.

General Mabula and his team continue to disregard the laws of this country as they recently interfered with the IPID investigation into allegations of corruption and defeating the ends of justice against the Acting National Commissioner General Phahlane.

They have unlawfully arrested and intimidated witnesses in General Phahlane investigation, approached witnesses who had already deposed statements and forced then to depose other statements with the aim of compromising the investigation into General Phahlane.

LETTER TO THE NDPP

To show their brazen attempt to derail IPID investigation against the Acting National Commissioner, they have now approached two of our investigators for warning statements ostensibly for allegation of fraud and extortion linked to the Phahlane investigation.

Below are some of the cases investigated against General Mabula and his team, which need the NDPP's intervention:

1. ALLEGED OFFENCE: TORTURE CASES

1.1 During 2008 to 2010, torture cases were reported, whereby members of Klerksdorp Organised Crime under the leadership of General Mabula were implicated.

1.2 According to an analysis of the evidence, the modus operandi is the same. Victims are driven around far from where they were arrested and taken to other locations. They are handcuffed and sometimes leg-ironed also. They are usually tied to a chair. They are blind-folded with surgical gloves and/or exhibit bags.

1.3 The victim will then be electrocuted all over the body, especially private parts.

1.4 Alleged offences were committed at different Magisterial jurisdictions e.g. Klerksdorp, Kanana, Potchefstroom, Rustenburg, Tlhabane, Mogwase, Christiana, etc.

2. STATUS OF THE CASES

2.1 This office completed investigations in all reported cases and sent to DPP for decision as follows:

2.2 CNN 2010010535 Kanana CAS 188/1/2010 and CCN 2010020178 Kanana CAS 222/1/2010. On 07 April 2010 DPP, Pretoria North Gauteng, **Advocate Mrwebi** decided to prosecute the following members in Regional Court on six (6) counts of Assault GBH:-

- (i) Captain Dawood
- (ii) Sergeant Kutumela
- (iii) Constable Pebana
- (iv) Warrant Officer Andre Matthyser
- (v) Constable Mosala
- (vi) Warrant Officer Tshiponyane
- (vii) Captain Mano (Deceased)

LETTER TO THE NDPP

2.3 Warrant of arrests (J50) were secured and all above-mentioned members were arrested, charged and appeared before Klerksdorp Regional Court. After several postponements cases were withdrawn pending on centralization of all related cases.

2.4 CCN 2008060460 Mogwase CAS 91/4/2008 and CCN 2008100346 Potchefstroom CAS 175/4/2008, both cases were sent to DPP Mmabatho and DPP decided to prosecute all above-named members as per paragraph 2.2 above, including, Capt. Lebudi and Constable Motihabane. Cases were redirected to DPP Pretoria North Gauteng for centralization.

2.5 CNN 2010020186 Klerksdorp CAS 113/2/2010, the Investigation has been completed. The case docket has been handed to DPP Pretoria North Gauteng to be decided with above mentioned cases.

2.6 The alleged offences were committed by same members of SAPS, Klerksdorp Organised Crime at different magisterial jurisdictions with same modus operandi.

2.7 It was resolved that all cases should be centralized.

2.8 The correspondence in relation to centralization as per Annexure "A" dated 10/05/2010 , Annexure "B" dated 21/06/2010, Annexure "C" dated 05/07/2010, Annexure "D" dated 18/08/2010 and Annexure "E" dated 9/11/2010.

2.9 All mentioned cases are currently with DPP, Pretoria North Gauteng, Adv. van der Westhuizen.

2.10 There has been consultation and re-consultation with witnesses since 2015, to date, Adv. van der Westhuizen has consulted with twelve (12) witnesses.

2.11 From our discussion with her, she indicated that she intends to proceed with the centralization process in terms of section 111 of the Criminal Procedure Act. He is also considering taking the matter to the High Court.

2.12 While we appreciate the work done by Adv. van der Westhuizen we remain concerned about the delay in bringing this matter to finality, the victims are also losing confidence in the criminal justice system.

3. MMAKAU MATTER

3.1. Serious Mthembi – Torture by members of Operation Greed.

On 30/05/2006 Serious Mthembi, a SAPS investigator of Daveyton SAPS was arrested by Inspector Mpati of Operation Greed on Benoni Case 860/05/2006. Operation Greed members were part of the Investigation Unit headed By General Mabula in respect of the Money stolen from Benoni Police Station. Serious Mthembi was taken to SOCS Germistion where he found another suspect being tortured by SOCS members. Serious Mthembi saw a police officer known to him as Adam putting wires in the suspect's mouth and electrocuting him. He was then taken to a room where he identifies a Sgt Khutumela who physically assaulted and suffocated him with a car tyre tube.

He identified Captain Mano that also participated in his torture. He states a police officer named Mpati then tied a seat belt around his neck and dragged him around the table choking him. He was then transported to Mmakau SAPs where he was electrocuted, tubed and choked by the same people.

3.2. Sinoville Case 13/06/2006 – Inquest /Murder

On 01/06/2006 Frank Mampane was accosted by two plain clothes policemen at his residence. One of those policemen identified himself as only Hlope. He was kept inside his home by these two policemen and was heard screaming in pain for half an hour by his girlfriend before he was taken away. He was alleged to be one of the suspects in Benoni Case 860/05/2006. He was detained at Mmakau SAPS

On the 02/06/2006 Frank Mampane was being moved from Mmakau SAPS to allegedly point out another suspect's residence and it is alleged that he attempted to escape from custody, near the Phumlani Toll Plaza, when he was shot by a member of Klerksdorp Murder and Robbery named Warrant Officer Moahlodi. A case of Escaping from Custody, Sinoville CAS 12/06/2006 was opened against the Deceased by the police members who escorted him . Pathologist reports show he was shot in the lower back. Crime scene photos show he was handcuffed at the time he shot. This matter of Sinoville 13/06/2006 was opened as an inquest against the police official. The Inquest was later changed to Murder and the matter went on Trial. The suspect, Warrant Officer Moahlodi was found Not Guilty and Discharged.

3.3. Akasia Case 123/06/2006 - Inquest

Solomon Ngwane a suspect in Benoni Case 860/05/2006 was arrested by members of the Operation Greed Task team headed by then Major General Jan Mabula. The members that were part of the team were;

Lt.Col. Ismael Dawood , Warrant Officer. Samuel Senemela Khutumela, Sgt. Makholoane (Interrogator), Sgt Mzolo (Interrogator), Warrant Officer. Abraham Losaba, Sgt Vekela Mokholoane ,Lt.Col. Manemela, Warrant Officer Thlapi, Phillip Mompoti, Capt. John Mano, Lt.Col. Meshack Makhubo, and other members not mentioned in the docket.

It is alleged on the 06/06 2006 the deceased Solomon Ngwane was arrested around 23h00 and taken to Mmakau SAPS for questioning. However the suspect was never booked into any official registers or detained on records

At Case of Mamelodi 280/06/2006 of Kidnapping was also opened by the victim's girlfriend at the same time.

It is alleged by members of Operation Greed that the suspect was being transported to point out another suspect in Mamelodi on 07/06/2006 at 03h45, while in transit to Mamelodi he allegedly developed breathing problems. According to Sgt Khutumela he immediately took the suspect to George Mukhari Hospital at 04h00 where he was declared dead on arrival.

The doctor who examined the deceased at the hospital stated in his expert opinion it was evident from the advanced stage of Rigor mortis that the victim had died at least 2-3 hours before he was brought to hospital. This medical opinion overrules the version of the members in their statements and suggests that they attempted to Defeat the Ends of Justice. We have information from a reliable source that General Mabula lost consciousness when the suspect /deceased passed away during the alleged torture. There is information that General Mabula in separate meetings discussed with all the members how they should draft their statements to cover up the incident. Investigation is at an advanced stage. IPID hope to conclude this investigation shortly.

4. LYTTTELTON CAS 309/02/2017

Allegations: Contempt of court, defeating the ends of justice and Torture.

It is alleged by the complainant Mr. Paul O'Sullivan that on **2017-02-13**, he was attending a meeting at Afri-Forum Building, Union Avenue in Kloofsig, Centurion. The meeting finished at or around 18:30. He was with Sarah J Trent; they drove out of the building at around 18:40.

They drove about 150m on DF Malan road when they were ambushed by a lot of vehicles, who blocked the road. Those vehicles had blue light and sirens on. He later found out that it was team of police officers under the command of Brigadier Ncube from North West province. He stopped, went out of the vehicle and was approached by Brigadier Ncube, who showed him his ID card. Ncube then informed him that he intended arresting him, for various offences. He immediately advised Brigadier Ncube that he cannot arrest him, as there was a high court order that required them to give notice. He told him that he did not care about any high court order.

Brigadier Ncube refused to listen to him and seized his firearm and other items. Sarah J Trent then contacted his attorney who was around and he immediately came to the scene. When the attorney arrived Brigadier Ncube was reading him his rights and immediately after that his Attorney Mr. Spies, indicated to Brigadier Ncube that his conduct was unlawful. Despite it being carefully pointed out to Brigadier Ncube that his conduct was unlawful and shown the Court Order, he persisted. Attorney Mr. Spies advised Brigadier Ncube that an urgent application will be made to High Court to challenge the unlawful arrest.

He was then placed in one of the police vehicles and they drove off with him. He was later detained at Kameeldrift SAPS. At or about 23:45 he was taken out of the cells by Brigadier Ncube and told that he had been ordered by the court to release him. He was later released. The complainant further indicates that he was shocked and horrified at the disgraceful unlawful conduct of Brigadier Ncube and his Team, which clearly was aimed at only punishing him for exposing corruption, and that he suffered physical, mental and emotional pain.

Witness statement of Sara-Jane Trent obtained and filed in the docket as per A2, will corroborated the version of the complainant and further state that she took a video of the occurrence of the arrest he made the video available to the investigating officer.

LETTER TO THE NDPP

- Copies of the SAP13 register where the Video was booked in and out to FSL for analysis.
- Chain statement of the video footage as per A5
- SAP 14 register of the Kammelsdrift arrest of the complainant as per A6.
- Occurrence Book registers of the arrest and release of the complainant at Kameelsdrift SAPS.
- Copy of the warrant of the arrest of the complainant as per A13
- Transcripts of the recordings from the video A14
- Copy of the Court order **Case 75378/16**
- Copy of the release order **CAS 3050/2017**
- 212 Statement from the Forensic Science Laboratory confirming the authenticity of the video, photos of same provide.

It is clear from the evidence obtained that Brigadier Ncube was well informed about the court order that was not only explained to him, he was provided with the copy. Brigadier Ncube decided to disregard the court order as a result the complainant's attorney filed an urgent high court application. The court ordered that the complainant be released.

The complainant is also alleging that his arrest was as a result of him laying corruption charges against General Phahlane, the aim was to defeat the ends of justice in respect of the ongoing investigations against Acting National Commissioner General Phahlane. He further alleges as a result of the above the aim was to punish him for exposing corruption by torturing him thus he suffered mental and emotional pain. He further indicates that he suffered physical pain because he was detained in a cell that was disgusting and not fit for humans. He was forced to stand for about four hours and if he was not released he was going to stand for the whole night.

5. Sandton CAS 688/02/2017

Complainant Sarah J Trent

This case is linked to Lyttelton CAS 309/02/2017 in which Mr Paul O'Sullivan's associate Sarah J Trent was arrested and charged together with O'Sullivan on charges of impersonating an IPID official and other charges.

On the case docket she alleges that she was arrested and abducted on 2017-02-10 on the case docket opened by General Mabula from North West province. She was arrested by Brigadier Kgorane at O'Sullivan's offices. The police drove with her to a Shell garage at

LETTER TO THE NDPP

Malboro drive, Sandton. At the garage she was approached by an Indian male who asked that she be hand cuffed and a cable tie was placed on her hands tightly so. The Indian male introduced himself as Dawood. Dawood then demanded his cell phone.

She indicates that she was kept at the garage for an hour and half. Later Kgorane also asked him where her phone was, she indicated that the phone was in her vehicle at O'Sullivan's place. The police forced her to direct them back to the office so that they can get her phone. She indicates that she enquired from Kgorane if he had a search and seizure warrant for her phone. She was informed by Kgorane that her phone was part of the investigation. On arrival back to O'Sullivan's office she went to the vehicle and the phone was given to Kgorane, they then drove back to the same Shell garage.

On arrival Dawood was waiting for them, Kgorane went to Dawood with her cell phone and they were busy with the phone from the boot of Dawood's vehicle. At that time her family and friends were calling and texting her and did not know where she was, they were phoning her trying to find out where she was. She is of the view that Dawood was downloading her cell phone. She was later driven to Kammeldrift SAPS where she was detained. While at the station she was approached by a white male who indicated that he was Colonel Sales, she was there to download her phone. She also refused to give him her pin code before she sees her attorney.

She indicates further that her phone was still on and that it was at that stage sealed in evidence bag. Kgorane and Sales opened the evidence bag to have the phone charged before the battery dies. They used a portable battery charge to do same. Kgorane then gave Sales another evidence bag to replace the original one that had been opened. She was detained at the station. She was eventually released by the order of the North Gauteng High Court on the 2017-02-12.

Chain statement of the video recordings obtained and filed in the docket

SAP 13 register of video filed in the docket.

Chain statement of the video footage filed in the docket

212 statements from ballistic unit photograph section of the authenticity of the video filed in the docket.

The complainant alleges that she was abducted; she indicates that the police should have

LETTER TO THE NDPP

no kept her against her will at the Shell garage for an hour and half especially after she was arrested on a warrant of arrest. She indicates the police were supposed to transport her to the police station where she was supposed to be detained.

She further alleges that her cell phone was downloaded by Dawood illegally behind the boot of Dawood's vehicle. Further that she was forced by Kgorane to give the police her cell phone even when she insisted that they show her the search and seizure warrant.

She further alleges that the evidence bag was tempered with, actually the original bag was changed after the police realized that her phone battery was about to die, that happened after she refused to give them her pin code.

It is also alleged that the downloading of the cell phone was in relation to the corruption charges that O'Sullivan laid against General Phahlane. She alleges that the aim was to try and obtain information that the same group of police officers under the leadership of General Mabula can use to compromise General Phahlane investigation. The aim was to defeat the ends of justice on the corruption case against General Phahlane.

The video footage shows the police arrested the complainant at O'Sullivan's place and the second footage at the garage shows the police vehicle at the garage. The vehicles that the complainant alleges she was detained in at the garage for one (1) and half hour, the vehicle drove out from the garage and came back after sometime. Later they all drove off to Kammeldrift SAPS where the complainant was detained.

The group (team) that is investigating the complainant and O'Sullivan's case of impersonation the IPID investigator is from North West. The very same team obtained statements from the witnesses on the case of corruption against General Phahlane. It is alleged on the case that the two impersonated IPID officers and were with the IPID investigator; however the statement of that investigator Mr Mandla Mahlangu has since not being obtained.

It is clear that this case was opened by the members (Mabula team) so that they can have a case number that they can use, to get information in order to defeat the ends of justice. It is clear that the group wanted to download the complainant's phone to get information they can used to compromise the corruption investigation against General Phahlane.

It is our submission that the Brigadier Kgorane and Colonel Dawood be charged criminally with the charge of Intimidation and defeating the ends of justice.

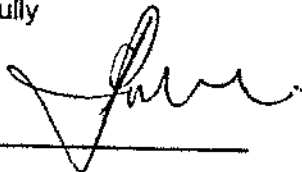
6. CONCLUSION

Having regard to the above, it is clear that we are dealing with rogue elements within the SAPS that have been operating with impunity over the years. It is clear to IPID that they are assisted by some in the NPA to further their nefarious objectives. To restore confidence in criminal justice system, we request that you appoint a team of prosecutors who will work with Advocate Van Der Westhuizen to look at all matters involving these members as well as looking into all investigation initiated by them linked to Phahlane investigation. It is IPID's firm view that senior members of the SAPS will not be held to account when every time they are investigated by IPID they start counter investigations against witnesses and IPID investigators, with the assistance of the NPA.

We would have expected as a matter of good governance that the NPA take an impartial position in this regard. We believe for justice not only to be done, but to be seen to be done, it will be in the interest of justice for the NDPP to intervene to ensure that state resources are not used to compromise legitimate investigations against senior members of the SAPS.

I trust you find the above in order.

Yours faithfully



MR. RJ MCBRIDE

EXECUTIVE DIRECTOR

DATE: 02/05/2017



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The National Director of Public Prosecution
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By Hand

22 November 2017

RE: IPID INVESTIGATIONS

Our letter dated 11 August 2017 refers. Kindly find attached a copy marked Annexure "A" for ease of reference.

1. Kindly note that we have not yet received a reply as agreed in our meeting of the 14 August 2017.
2. IPID is encouraged by the spirit of the meeting held on the 14 August 2017 and your commitment to resolve the issues raised by IPID with you. We also believe the MOU between NPA and IPID that you suggested will go a long way in assisting to address the issues raised with you.
3. We must however indicate that on the issues raised with you in our letter dated 11 August 2017, only 1.3 and 1.5 have been partially dealt with.
 - 3.1 As indicated in our letter dated 11 August 2017 J50 warrants were issued against the following members:
 - Lt Colonel Dawood
 - W/O Kutumela
 - Constable Pebane
 - W/O Matthyser
 - Constable Mosala
 - W/O Tshiponyane
 - Captain Maano (deceased).

However when the matter was reinstated on the Court roll, the NPA decided to charge Warrant Officer Kutumela and Lieutenant Colonel Dawood only. This we find extra-ordinary in that during consultation with witnesses, Adv. Van Der Westhuizen had intimated that there was even enough evidence to charge General Mabula. The question is what has changed from then until when the decision was taken to reinstate the matter, as the evidence remain the same, if anything the evidence was strengthened.

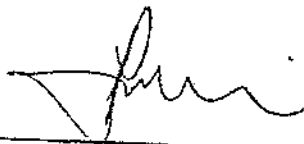
3.2 Symington matter

Your office decided not to prosecute the matter and issued a *nolle prosequi* certificate. While we do not agree with the decision we accept that you are constitutionally mandated to make such decisions. The complainant has been informed through his legal representative about decision; they intimated that they are considering launching a private prosecution on the matter

4. With regard to 2.1 of our letter dated 11 August 2017, the matter was struck off the Court roll on the 08 November 2017, in terms of Section 342A (3) (c) of the Criminal Procedure Act 51 of 1977. IPID intends making representations to your office in this matter should you be approached to reinstate the charges.
5. We hope your response will clarify the rest of the outstanding issues.
6. We attach Annexures "B – D" as a record of all the review requests made to your office which we are still awaiting feedback.

Kindly revert to me at earliest convenience.

Regards



MR RJ MCBRIDE

EXECUTIVE DIRECTOR

DATE: 22/11/2017

CONFIDENTIAL



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By Hand

23 February 2018

RE: REQUEST FOR INTERVENTION

Your letter dated 19/12/2017 refers, copy attached for easy reference.

IPID would like to respond as follows:

1. Defeating the Ends of Justice against General Phahlane (Kameeldrift, CAS 123/11/2016)
 - 1.1 We still do not agree with your decision not to prosecute and we question the rationality of this decision. IPID strenuously object to your assertion that we abdicated our responsibility to investigate this matter to a private individual.
 - 1.2 This assertion is exactly what is alleged by General Phahlane and the Mabula Team. The NDPP by perpetuating same already indicated bias, without taking into consideration IPID's position into these allegations. IPID take umbrage with the NDPP's position in this regard and request that the NDPP issue a *nolle prosequere* certificate.
2. Investigation against former Acting Executive Director, General Kgamanyane (Pretoria Central CAS 868/11/2016)

We also do not agree that there is no case to answer and we question the rationality thereof. We have however taken note of your decision and request that you issue a *nolle prosequere* certificate.

3. Torture investigation against the Mabula Team:
(Kanana CAS 188/01/2010)
(Kanana CAS 222/01/2010)
(Kanana CAS 86/06/2010)
(Klerksdorp CAS 94/04/2008)
(Mogwase CAS 91/04/2008)
(Potchefstroom CAS 175/04/2008)
(Jouberton CAS 07/04/2008)
(Orkney CAS 05/04/2008)
- 3.1 While we appreciate that Ismael Dawood and Sememela Kutumela have been charged, we still do not understand why other accused members were not charged.
- 3.2 The office of the DPP, under the direction of Adv. Mzinyathi to Adv. Mrwebi, decided to prosecute 7 members of the Mabula Team and even issued J50 warrants of arrest in respect of all the accused. Find attached the DPP minute dated 07/10/2010 as well as the warrants of arrest marked Annexure "A" and "B1-7".
- 3.3 The case was only withdrawn because the prosecutor at the time indicated that they were awaiting the NDPP decision for centralization.
- 3.4 After consultation with witnesses in April 2017, Adv Van der Westhuizen instructed IPID investigators to obtain further statements from witnesses as she was of the view that General Mabula must be added as an accused. (See attached statements marked "C1 and C2")
- 3.5 The question that remains unanswered is what happened to influence the decision not to prosecute the other five suspects, as the evidence remained the same if anything there were additional statements obtained as per Advocate Van Der Westhuizen instruction to enable NPA to add General Mabula as an accused.
- 3.6 The question is, was Adv. Mzinyathi and Adv. Mrwebi's decision reviewed by the Acting DPP, Adv. Baloyi or was it reviewed by you as the NDPP. Did the NDPP receive representations in this regard and if so why was IPID not informed of such.
- 3.7 From our stand point the decision not to prosecute the other accused and not to add General Mabula as an accused is irrational. However, if your position remains the same, we request a

CONFIDENTIAL

nolle prosequere certificate in respect of the other 4 accused not charged, as Captain Maano is now deceased.

4. Investigation against the Mabula Team on charges of Kidnapping, Defeating the Ends of Justice and Contempt of Court (Lyttleton CAS 309/02/2017 and Sandton CAS 688/02/2017)

Your decision is noted. We disagree with it. The complainant in this matter indicated that they intend pursuing private prosecution.

5. Investigation of Kidnapping and Assault against Brigadier Xaba and Others: Symington Matter (Brooklyn CAS 790/10/2016)

Your decision is noted. We disagree with it. The complainant in this matter indicated that they intend pursuing private prosecution.

PERCEIVED DOUBLE STANDARDS BY SOME MEMBERS OF THE NPA IN DEALING WITH IPID CASES COMPARED TO HOW THEY DEAL WITH SAPS CASES.

6. Decision to prosecute IPID Investigators and issuing J175 (Kameeldrift CAS 12/01/2017)
 - 6.1 As you may be aware that Kameeldrift 12/01/2017 was removed from the court roll in terms of section 342A(3)(c) of the Criminal Procedure Act as amended.
 - 6.2 We still hold the view that the investigation against the IPID is for an ulterior motive, which is to interfere with IPID investigations. Our view is that continuing with this prosecution will be irrational.
 - 6.3 There is litigation pending before the North Gauteng High Court on this matter, we reiterate our position that before any decision is taken on this matter we should be informed as we would like to make representations in this regard.

CONFIDENTIAL

7. Failure by AFU to launch preservation order

7.1 Your response is noted. It is true that IPID officials engaged with Adv. Molelle. However, before that engagement IPID officials dealt with AFU investigators and an Advocate who advised that the preservation order will be done in respect of the vehicle investigation only. After engagement with Adv. Molelle, he was of the view that the preservation order must be done in respect of both the vehicles and the house.

7.2 We have however moved forward on this issue in consultation with the SCCU prosecutors assigned to the case and there is an agreement on how to move forward with this matter.

8. Refusal by NPA prosecutors to assist IPID in applying for section 205 subpoenas (Kameeldrift CAS 123/11/2016)

Your response is noted. However, we are not able to engage further on this issue as we are not privy to the explanation given to you.

9. Protocol on decision making by NPA

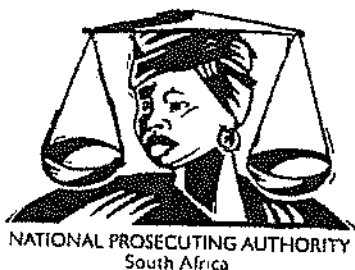
We agree with you in this regard and hope the MoU can be concluded soon.



Mr RJ McBride

Executive Director

Date: 26/02/2018



**OFFICE OF THE NATIONAL DIRECTOR
OF PUBLIC PROSECUTIONS**

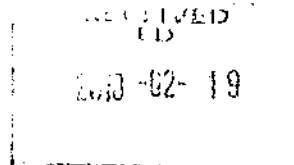
Victoria & Griffiths Mxenge Building,
123 Westlake Avenue, Weavind Park, Silverton,
Pretoria, 0001

Private Bag X752, Pretoria, 0001

Contact number 012 845 6750
Email: ndpp@npa.gov.za
www.npa.gov.za

Reference Number: 10/2/12/3-229/2017

Mr R J McBride
Executive Director: IPID
Private Bag X 941
PRETORIA
0001



Dear Mr McBride

REPRESENTATIONS: IPID REQUEST FOR THE NDPP INTERVENTION.

Your correspondence dated 02 May 2017, 11 August 2017 as well as the subsequent letter with annexures dated 22 November 2017 refer.

The representations pertaining to the various matters will be addressed as per the headings in your first two letters.

1. Defeating the ends of justice investigation against General Phahlane.

- 1.1. This matter was registered under Kameeldrift CAS 123/11/2016, the complainant being Mr P O'Sullivan and the suspect Lt-General K Phahlane.
- 1.2. After perusal of the available information, I have decided to confirm the decision of the Acting Director of Public Prosecutions, Pretoria ("ADPP") not to prosecute in this matter.
- 1.3. The State will not be able to prove beyond reasonable doubt that the suspect in this matter had the required intention to defeat the ends of justice or obstruct the course of justice or commit any other crime in circumstances where IPID has abdicated its responsibility to investigate the matter to private individuals.
- 1.4. The original case docket is returned herewith.

2. Investigation against former Acting Executive Director General Kgamanyane

- 2.1. Pretoria Central CAS 868/11/2016 refers. The suspects in the matter are Major-General K I Kgamanyane and Mr M Matsomela.
- 2.2. After having considered the matter in its entirety, I am of the view that the decision of the ADPP not to institute a prosecution against the erstwhile Acting Executive Director of the Independent Police Investigative Directorate

(IPID), Major-General K I Kgamanyane and Mr M Matsomela is indeed the correct decision.

- 2.3. I am not convinced that the allegations contained in the docket constitutes sufficient evidence that would lead to a successful prosecution.
- 2.4. The case docket is returned herewith.

2. Torture investigation against the Mabula Team.

- 3.1. The DPP Pretoria informed that a decision was made to prosecute Ismael Dawood and Senemela Kutumela in the Regional Court on eleven (11) counts of Assault with Intent to do Grievous Bodily Harm.
- 3.2. These charges stem from a holistic decision pertaining to the following dockets:

Kanana CAS 188/01/2010
Kanana CAS 222/01/2010
Kanana CAS 86/06/2010
Klerksdorp CAS 94/04/2008
Mogwase CAS 91/04/2008
Potschefstroom CAS 175/04/2008
Jouberton CAS 07/04/2008
Orkney CAS 05/04/2008

- 3.3. The matter will be prosecuted by a state advocate stationed at the DPP office and no further review of these matters are required.
- 3.4. The other case dockets mentioned in your correspondence are as follows:
 - 3.4.1 Klerksdorp CAS 113/02/2010 – According to your correspondence this matter was submitted to the ADPP for decision and is still pending.
 - 3.4.2. Benoni CAS 860/05/2006 – According to the DPP this case docket relates to a housebreaking incident and appears to be unrelated to the torture cases. You are kindly requested to verify the CAS number.
 - 3.4.3. Sinoville CAS 13/06/2006 – The DPP reported that the case docket is in possession of Mr A Sehas, an IPID member, and submission thereof is still awaited.
 - 3.4.4. Akasia CAS 123/06/2006 – You indicated that you are still busy investigating the matter as the medical evidence is inconsistent with the version of the Task Team members and that the case docket will be submitted to the NPA shortly.
 - 3.4.5. The DPP reported that the NPA was unable to trace Mamelodi CAS 280/06/2016.

4. Investigation against the Mabula Team on charges of Kidnapping, Defeating the ends of Justice and Contempt of Court.

- 4.1. The suspects and charges in two related case dockets pertaining to a incidents stemming from the above investigation are as follows:

Lyttleton CAS 309/02/2017: Brigadier P D Ncube and Colonel I Dawood: Contempt of Court, Kidnapping, Fraud and Defeating the ends of justice;

Sandton CAS 688/02/2017: Brigadier C M Kgorane and Colonel I Dawood: Kidnapping, Theft of a cellphone and Intimidation.

- 4.2. Please be advised that having considered the representations in respect of the above matters and in consultation with the ADPP, I agree with the decision taken by the ADPP to decline to prosecute in the abovementioned matters.
- 4.3. I am of the view that the prosecution will have extreme difficulty in proving the prerequisite intention and knowledge of wrongfulness on the part of the suspects in these matters.
5. Investigation of Kidnapping and Assault against Brigadier Xaba and others: Symington matter.
 - 5.1. Brooklyn CAS 790/10/2016 was opened by the complainant Mr V Symington, an employee of the South African Revenue Services against Brigadier N Xaba and Three Others. The alleged offences being Kidnapping, Intimidation, Assault and Robbery.
 - 5.2. I support the decision not to prosecute members of the HAWKS and Mr Titi. Their actions during this incident should rather, be dealt with by means of disciplinary processes applicable to the SAPS and SARS respectively. The facts clearly do not warrant a full blown prosecution.

PERCEIVED DOUBLE STANDARDS BY SOME MEMBERS OF THE NPA IN DEALING WITH IPID CASES, COMPARED TO HOW THEY DEAL WITH SAPS CASES.

6. Decision to prosecute IPID investigators and issuing of J175.
 - 6.1. You complained that the DPP North Gauteng and in particular Adv Mashuga took a decision to prosecute two IPID investigators within 72 hours after they had submitted their warning statements and that they were promptly required to appear in court. You further stated that the swiftness with which this decision was made on charges that do not even make sense is suspicious when contrasted with and the delay in taking decisions on IPID cases.

6.2. According to the information received from the ADPP the case docket under discussion is Kameeldrift 12/01/2017, the accused being Ms S Trent, Mr P O'Sullivan and the two IPID members, Mr Mahlangu and Mr Binang. The stand arraigned on the charges of Fraud, Intimidation, Extortion and a contravention of the IPID Act.

6.3. I am satisfied, following my consultation with the ADPP, that as this matter is handled by the Organised Crime Component with dedicated resources, the swiftness in the handling of the said matter is to be expected and nothing sinister can be found in this regard.

7. Failure by AFU to launch a preservation order.

7.1. Adv K Molelle, Acting Special Director AFU, submitted a report responding to your representations that you have not received any feedback from the NPA despite several enquiries and therefore came to the conclusion that there is a reluctance on the part of the NPA to launch this application. This also reinforced your perception that there are double standards in dealing with IPID matters.

7.2. I have been informed that it is not correct that the AFU preservation order application is completed. From the first draft submitted, several evidential gaps were identified, necessitating further investigations to be concluded. This matter was discussed with you and your team and you undertook to address the identified gaps and revert back to Adv Molelle. The feedback is still awaited.

7.3. As to the Phahlane application, the AFU application did not stall. The evidence that was presented in the first draft as a "completed application" did not properly reflect the case that AFU needed to make in court. Further and proper investigations needed to be made to address the evidential gaps. Detailed feedback was given to IPID members regarding further investigations that needed to be made and an undertaking was made by the said members to address the issues raised.

7.4. Adv Molelle has absolutely no relationship with Lt-General Phalane.

8. Refusal by NPA prosecutors to assist IPID in applying for Section 205 subpoena.

8.1. Your complaint about the conduct of a number of prosecutors in the Magistrate's Court, Pretoria as well as advocates in the DPP office pertaining to their alleged refusal to sign a Section 205 application related to Kameeldrift CAS 123/11/2016 was also investigated,

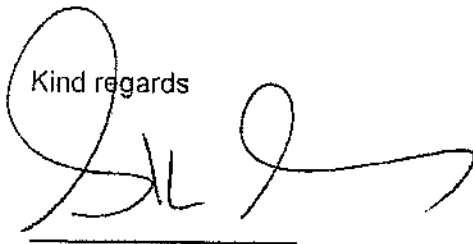
including your suspicion concerning Adv G Baloyi's interest in "an on-going investigation of the second defeating the ends of justice investigation against General Phahlane and the Mabula Team"

- 8.2. Following a perusal of the explanations supplied by the relevant prosecutors I am satisfied that no sinister or inconsistent conduct can be attributed to them.

9. Protocol on decision making by NPA.

I am confident, as mentioned before and referred to in your latest correspondence that the envisaged MOU between our organisations will adequately facilitate a working relationship based on mutual understanding and respect.

Kind regards



Adv S K Abrahams

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

Date: 19-12-2017



THE DIRECTOR OF PUBLIC PROSECUTIONS
DIE DIREKTEUR VAN OPENBARE VERVOLGINGES
MOLAUDI WA BOTŠHOTŠHISI



"Justice in our society so that people can live in freedom and security"

TEL. (012) 351 6700

Private Bag/Private Sak X300 PRETORIA 0001
e-mail dpppla@nqa.gov.za

FACS/FAKS. (012) 321 8176 / 321 0866

REF./VERW. NO. P134/2010

The Independent Complaints Directorate

Private Bag X2017

Mafikeng

2745

07 April 2010

KANANA CAS: 188/01/2010 and CAS: 222/01/2010

Your reference is CCN Number 2010020178 dated 15 March 2010.

1. After perusal of the information contained in the docket I have decided that the following members be prosecuted in the Regional Court on six (6) counts of ASSAULT WITH INTENT TO DO GRIVOUS BODILY HARM as indicated in the schedule hereunder;
 - 1.1 Captain Dawood
 - 1.2 Sergeant Kutumela
 - 1.3 Constable Pebana
 - 1.4 Constable Mosala
 - 1.5 Andre (whose further particulars must still be determined)
 - 1.6 Inspector Tshiponyane
 - 1.7 Captain Mano

SCHEDULE

NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
1	MOLEFI P SETLABA	DAWOOD		
		KUTUMELA		
		PEBANA		
		MOSALA		

185/2/20

NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
2	J. J. VD WESTHUIZEN	DAWOOD		
		KUTUMELA		
		MOSALA		
		ANDRE		SEE A16
NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
3	OLYMPIA MOTSOENYANE	DAWOOD		
		KUTUMELA		
		PEBANA		
		MOSALA		
NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
4	ELIAS MUZI MGOMEZULU	DAWOOD		
		KUTUMELA		
NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
5	SIMPHIWE RAYMOND PHUTYAGAE	DAWOOD		
		KUTUMELA		
		TSHIPONYANE		
NO	COMPLAINANT	ACCUSED	CHARGE	REMARKS
6	SOLLY PATRICK KAMANGA	KUTUMELA		
		TSHIPONYANE		
		MANO		

2. Jan Johannes Van Der Westhuizen (A15) alleges that he was kicked on his testicles by one white policeman and according to Olimpa Motsoenyane (A16), one of the policemen who assaulted A15 was Andre. It must therefore be determined whether Andre is possible the same person as mentioned by A15. In any event the identity of the said Andre or white person who assaulted A15 must be fully established.
3. I recognise that other policemen were present at various times during the assault on the complainants; however, I decline to prosecute any of them at this stage. Accordingly it shall not be necessary to conduct any identity parade at this stage in respect of those police members in question. However, if circumstances change I may reconsider my decision pertaining to those members.

4. It is recommended that any proposed searches in the matter for any items that may provide evidence in the matter be conducted simultaneously with any procedures related to the arrest of the accused.
5. I have personally spoken to the senior public prosecutor of Klerksdorp, Mr. September and conveyed the sensitivity of the matter as well confidentially required in handling the matter so as not to compromise any further actions in the matter. He understood the situation and will await further discussions with you in this regard.
6. Case dockets KANANA CAS; 188/01/2010 and KANANA CAS; 222/01/2010 are retained by this office for collection as arranged.


LSMRWEBI
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
PRETORIA, NORTH GAUTENG

THE SENIOR PUBLIC PROSECUTOR
MAGISTRATE'S COURT
KLERKSDORP

1. Copy for your information
2. I confirm my verbal discussions with and instructions to Mr. September in this regard on 7 April 2010.
3. The investigator will discuss any further process in the matter directly with Mr. September.
4. No further correspondence is required


LSMRWEBI
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
PRETORIA, NORTH GAUTENG

**THE REGIONAL COURT PROSECUTOR
MAGISTRATE'S COURT
KLERKSDORP**

1. Copy for your information
2. The investigator will discuss any further process in the matter directly with Mr. September and your office.
3. You are requested to monitor progress of the matter being forwarded to your office.
4. Receipt of this minute (to be hand delivered by the investigator) must be acknowledged whereafter I shall close my file.



**LS MRVENI
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS
PRETORIA, NORTH GAUTENG**

ANNEXURE "B1"

Warrant of arrest was executed on the 7/5/2010 by
Me [Signature]

J50 (81/803643) A2



REPUBLIC OF SOUTH AFRICA

Police Station <u>Karana</u>	CAS No. <u>188/01/2010</u>	Case No. <u>N/A</u>
Name <u>Tsmat Dawood</u>		
Address <u>Klerksdorp Organised Crime Unit, Voal Masem</u>		
Gender <u>Male</u>	Age <u>Adult</u>	

To "The Magistrate/Justice of the Peace, District of Klerksdorp

APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977
FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

Tsmat Dawood
on a charge of Assault with the intention to do grievous bodily harm
there being from information taken upon oath a reasonable suspicion that he/she committed the alleged offence on or
about the 21 day of January year 2010 In the District of Klerksdorp

The said Tsmat Dawood is at present known or suspected on reasonable
grounds to be within the District of Klerksdorp

2010-04-30
KLERKSDORP 2570
SENIOR PUBLIC PROSECUTOR

[Signature]
*Director of Public Prosecutions/Public prosecutor/Police officer

WARRANT OF ARREST
(to be filled in by officers authorised to execute warrants of arrest)

1. Whereas from written application by Senior Public Prosecutor
suspicion that Tsmat Dawood there is a reasonable
of Klerksdorp Organised Crime Unit, Voal Masem
(address)

on the 21 day of January year 2010 committed the crime of
Assault with the intention to do grievous bodily harm.

You are hereby directed to arrest him/her and to bring him/her before a lower court (viz court
F at Klerksdorp Magisterial Court)
in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

2. The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if
he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at Klerksdorp this 30 day
of April year 2010

LANDROOS
PRIVAATSAK/PRIVATE BAG A0
2010-04-30
KLERKSDORP 2570
MAGISTRATE

[Signature]
*Magistrate/Justice of the Peace

Description of accused

*Delete whichever is not applicable

Warrant of Arrest was executed on the 7/5/2010
by Mr. 

J60 (81/803643) A3C



REPUBLIC OF SOUTH AFRICA

Police Station <i>Karara</i>	CAS No. <i>188/01/2010</i>	Case No. <i>N/A</i>
Name <i>Samuel Senamela Katumela</i>		
Address <i>Klerksdorp Organised Crime Unit, Voal Masere</i>		
Gender <i>Male</i>	Age <i>Adult</i>	

To The Magistrate/Justice of the Peace, District of *Klerksdorp*

APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977
FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

Samuel Senamela Katumela

on a charge of *Assault with the intention to do grievous bodily harm*

there being from information taken upon oath a reasonable suspicion that he/she committed the alleged offence on or about the *21* day of *January* year *2010* in the District of *Klerksdorp*

The said *Samuel Senamela Katumela*

is at present known or suspected on reasonable grounds to be within the District of *Klerksdorp*

SENIOR PUBLIC PROSECUTOR PRIVAATSAK/PRIVATE BAG 74 2010-04-30

[Signature]
Director of Public Prosecutions/Public prosecutor/Police officer

KLERKSDORP 3570 SENIOR PUBLIC PROSECUTOR

WARRANT OF ARREST

(To all peace officers authorised to execute warrants of arrest)

1 Whereas from written application by *Senior Public Prosecutor* there is a reasonable suspicion that *Samuel Senamela Katumela* of *Klerksdorp Organised Crime Unit, Voal Masere* (address)

on the *21* day of *January* year *2010* committed the crime of *Assault with the intention to do grievous bodily harm*

You are hereby directed to arrest him/her and to bring him/her before a lower court (viz court *F* at *Klerksdorp* Magisterial Court)

in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

2. The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at *Klerksdorp* this *30* day of *April* year *2010*

Description of accused:

LANDDROS PRIVAATSAK/PRIVATE BAG 88 2010-04-30 KLERKSDORP 3570 MAGISTRATE
--

[Signature]
Magistrate/Justice of the Peace

*Delete whichever is not applicable

Warrant of Arrest issued executed on the 7/5/20
by Mr. [Signature]

J50 (81/803643) K



REPUBLIC OF SOUTH AFRICA

Police Station <i>Karara</i>	CAS No. <i>128/01/2010</i>	Case No. <i>N/A</i>
Name <i>Godfrey Pebana</i>		
Address <i>Kruidorp Organised Crime Unit, Vaal Maseru</i>		
Gender <i>Male</i>	Age <i>Adult</i>	

To *The Magistrate/Justice of the Peace, District of *Kruidorp*

APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977 FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

Godfrey Pebana

on a charge of *Assault with the intention to do grievous bodily harm*
there being from information taken upon oath a reasonable suspicion that he/she committed the alleged offence on or
about the *21* day of *January* year *2010* in the District of *Kruidorp*

The said *Godfrey Pebana* is at present known or suspected on reasonable grounds to be within the District of *Kruidorp*

2010-04-30	<i>[Signature]</i> Director of Public Prosecutions/Public prosecutor/Police officer
WARRANT OF ARREST	
SECTION PUBLIC PROSECUTOR (Local peace officers authorised to execute warrants of arrest)	

- Whereas from written application by *Senior Public Prosecutor* there is a reasonable suspicion that *Godfrey Pebana* of *Kruidorp Organised Crime Unit, Vaal Maseru* (address) on the *21* day of *January* year *2010* committed the crime of *Assault with the intention to do grievous bodily harm* You are hereby directed to arrest him/her and to bring him/her before a lower court (viz court *F* at *Kruidorp* Magisterial Court) in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.


Given under my hand at *Kruidorp* this *30* day of *April* year *2010*

Description of accused:

LANDDROS
PRIVAATSAK/PRIVATE BAG AS
2010-04-30
KRUIDORP 2570
MAGISTRATE

[Signature]
*Magistrate/Justice of the Peace

*Delete whichever is not applicable

WARRANT OF ARREST was executed on The 7/5/2010
by Mr. 

J50 (81/803843) R4



REPUBLIC OF SOUTH AFRICA

Police Station <i>Karana</i>	CAS No. <i>188/01/2010</i>	Case No. <i>N/A</i>
Name <i>Lucas Oebogeng Mosala</i>		
Address <i>Krirkdorp Organised Crime Unit, Vred Mosene</i>		
Gender <i>Male</i>	Age <i>Adult</i>	

To "The Magistrate/Justice of the Peace, District of *Krirkdorp*"

APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977
FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

Lucas Oebogeng Mosala

on a charge of *Assault with the intention to do grievous bodily harm*
there being from information taken upon oath a reasonable suspicion that "he/she committed the alleged offence on or
about the *21* day of *January* year *2010* in the District of *Krirkdorp*

The said *Lucas Oebogeng Mosala* is at present known or suspected on reasonable grounds to be within the District of *Krirkdorp*

2010-04-30	<i>[Signature]</i> "Director of Public Prosecutions/Public prosecutor/Police officer"
WARRANT OF ARREST	
All peace officers authorised to execute warrants of arrest)	

1. Whereas from written application by *Senior Public Prosecutor* there is a reasonable suspicion that *Lucas Oebogeng Mosala* of *Krirkdorp Organised Crime Unit, Vred Mosene* (address)

on the *21* day of *January* year *2010* committed the crime of *Assault with the intention to do grievous bodily harm*

You are hereby directed to arrest "him/her and to bring "him/her before a lower court (viz court at *Krirkdorp* Magisterial Court)

in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

2. The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at *Krirkdorp* this *30* day of *April* year *2010*

Description of accused:

2010-04-30

LANDDROS PRIVAATSOPPRIVATE BAG A3 2010-04-30 KLEIKSDORP 2570 MAGISTRATE

[Signature]
Magistrate/Justice of the Peace

*Delete whichever is not applicable

Warrant of arrest was executed by me on the
7/05/2010



J56 (81/803843)

REPUBLIC OF SOUTH AFRICA

Police Station <u>Kanana</u>	CAS No <u>223/01/2010</u>	Case No <u>N/A</u>
Name <u>M. P. Tshipanyane</u>		
Address <u>Klerksdorp Organised Crime Unit, Vaal Klaseru</u>		
Gender <u>Male</u>	Age <u>Adult</u>	

To *The Magistrate/Justice of the Peace, District of Klerksdorp

APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977
FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

M. P. Tshipanyane

on a charge of Assault with the intention to do grievous bodily harm
there being from information taken upon oath a reasonable suspicion that "he/she committed the alleged offence on or
about the 19 day of January year 2010 in the District of Klerksdorp

The said M. P. Tshipanyane is at present known or suspected on reasonable
grounds to be within the District of Klerksdorp

2010-04-30

KLERKSDORP 2570

SENIOR PUBLIC PROSECUTOR

*Director of Public Prosecutions/Public prosecutor/Police officer

WARRANT OF ARREST

1. Whereas from written application by Senior Public Prosecutor
suspicion that M. P. Tshipanyane there is a reasonable
of Klerksdorp Organised Crime Unit, Vaal Klaseru
(address)

on the 19 day of January year 2010 committed the crime of
Assault with the intention to do grievous bodily harm

You are hereby directed to arrest "him/her and to bring "him/her before a lower court (viz court
at Klerksdorp Magisterial Court)

in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

2. The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if
he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.


Given under my hand at Klerksdorp this 30 day
of April year 2010

LANDROOS
PRIVAATSAK/PRIVATE BAG AB
2010-04-30
KLERKSDORP 2570
MAGISTRATE

*Magistrate/Justice of the Peace

Description of accused:

*Delete whichever is not applicable

Warrant of arrest was executed on the 7/5/2010 by me 



J50 (81/803643)

AU

REPUBLIC OF SOUTH AFRICA

Police Station <u>Karana</u>	CAS No <u>222/01/2010</u>	Case No <u>1/13</u>
Name <u>Tetzi Maao</u>		
Address <u>Krksdorp Organised Crime Unit, Voal Masene</u>		
Gender <u>Male</u>	Age <u>Adult</u>	

To 'The Magistrate/Justice of the Peace, District of Krksdorp

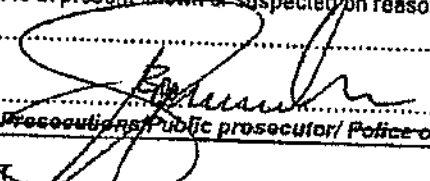
APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977 FOR WARRANT OF ARREST

Application is hereby made for the issue of a warrant for the arrest of:

Tetzi Maao

on a charge of Assault with the intention to do grievous bodily harm
there being from information taken upon oath a reasonable suspicion that he/she committed the alleged offence on or about the 19 day of January year 2010 in the District of Krksdorp

The said Tetzi Maao is at present known or suspected on reasonable grounds to be within the District of Krksdorp

2010-04-30	 Director of Public Prosecutions / Public prosecutor / Police officer
KRKS DORP 3370	WARRANT OF ARREST
SECTION 43(1) OF ACT 51 OF 1977	TO ALL peace officers authorised to execute warrants of arrest)

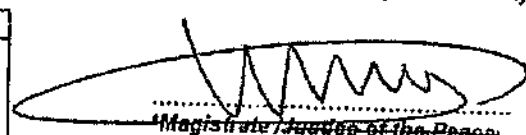
- Whereas from written application by Senior Public Prosecutor there is a reasonable suspicion that Tetzi Maao of Krksdorp Organised Crime Unit, Voal Masene (address) on the 19 day of January year 2010 committed the crime of Assault with the intention to do grievous bodily harm You are hereby directed to arrest him/her and to bring him/her before a lower court (viz court) at Krksdorp (Magisterial Court) in accordance with the provisions of section 43 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

- The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice, and if he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at Krksdorp this 30 day of April year 2010

Description of accused:

2010-04-30
PRIVAATSAK/PRIVATE BAG AS
KRKS DORP 3370


Magistrate/Justice of the Peace

*Delete whichever is not applicable

Warrant executed on the 06-09-2010 by 50 (81/803843)
 Mr J. Dikwaathe M... Magistrate Court
 Klerksdorp

To *The Magistrate/Justice of the Peace, District of Klerksdorp
**APPLICATION UNDER SECTION 43 OF ACT 51 OF 1977
 FOR WARRANT OF ARREST**

Application is hereby made for the issue of a warrant for the arrest of:
Audre Mattheys
 on a charge of Assault with intent to do grievous bodily harm
 there being from information taken upon oath a reasonable suspicion that *he/she committed the alleged offence
 on or about the 21 day of January year 2010
 in the District of Klerksdorp
 The said Audre Mattheys is at present known or suspected
 on reasonable grounds to be within the District of Klerksdorp

SENIORE STAATSANKLAAGER
 PRIVAATSAK / PRIVATE BAG AB

*Attorney General / Public Prosecutor / Police Officer

WARRANT OF ARREST

(To all peace officers authorised to execute warrants) KLERKSDORP 2570
 SENIORE STAATSANKLAAGER / PROSECUTOR

1. Whereas from written application by Senior Public Prosecutor
 there is a reasonable suspicion that Audre Mattheys
 of Klerksdorp Organised Crime Unit
Ward 10, Klerksdorp (address) is

on the 21 day of January year 2010
 committed the crime of Assault with intent to do grievous bodily harm

You are hereby directed to arrest *him/her and to bring *him/her before a lower court (viz court
 at Klerksdorp Magisterial Court)
 in accordance with the provisions of section 50 of the Criminal Procedure Act, 1977 (Act 50 of 1977).

2. The accused must be informed that he/she has the right to consult with a legal practitioner of his/her choice,
 and if he/she cannot afford a legal practitioner, he/she may apply for legal aid at the local Legal Aid Officer.

Given under my hand at Klerksdorp this 06 day
 of September year 2010

[Signature]
 *Magistrate/Justice of the Peace

Description of accused: 2010-09-02

Police Station Kouma CAS No. 188-01-2010
 Investigation Officer Mr. A.T. Binang - Independent Complaints Directorate

* Delete whichever is not applicable.

Potchefstroom (AGS) 175/09/2008

G.P. 01/02

Witness statement: +

P. 21 (81/143108)

1) LEOPIHUS MAMANO MOLEFE @ Madida states under oath in Setswana translated to ENGLISH.

2) I am an African Male of 42yrs old; ID NO: 265608087. Residing at Mphahle H/NO: 917 unit 02 Kwena drive. Cell NO: 0766095390. Self Employed as a Taxi Driver.

3) On Friday 2008/04/04 at about 01:00 in the morning I was asleep at my place together with my wife Mphahle MOLEFE. While I was asleep I heard a knock on my front door. I then heard Dimphe Semele calling my name to open for her.

4) I then wrapped myself with a towel around my waist. I opened the door. After opening the door I was pointed with the Fire arms by WILLY RAMOSWA, NCOLO others. I did not know their names it was about 6-7 (Six to Seven) male Police officers by then.

5) I knew Willy because he was a police officer at Rustenburg. I knew Noko at Mphahle house because they were calling him by the name Noko. While they pointed me with a fire arms, I told them I was my friend before they can talk to me. I saw the money that Semele, Leguete and Mamchinga gave me.

C. M. [Signature]

CAS:175/04/2008

GPS 01/02

Witness statement

P. 21 (81/143198)

6)
LEONIDAS MAGIANO MOLEFE (MAGIANO states further
I then told him that the fire arm is
in my bedroom; and my wife was sleeping
there.

7)
I then went to my bedroom with Noko
I knocked on the door and I told my
wife to prepare herself I am getting ready
the bedroom with the police. My wife told
me to get inside. I went inside the house
with Noko. I pointed to him where the
fire arm was. It was underneath the mattress.

8)
Noko took the fire arm out under the
mattress. Noko asked me about the money
I told him that the money is underneath the
mattress and it is my money because I am
running a taxi and I am making money
out of it. Noko took the money out of
the mattress were he took out the fire arm.

9)
He told me that if it was a spike it
could have hit him. He counted the money
and it was about R3000-00 (three thousand
rand) and R3600-00 (three thousand six hundred);
that money was made small standard bank
money plastic it was notes; and it was
mixed.

10)
Noko told me that they are going to test
the money as to is it the money from
C.M. ~~11/11/11~~

195/175/04/2008

G.P.S. 01/02

Witness statement

P. 21 (61/143198)

11) Cleophus Miriam Wine (Miriam states further)
The ATM machine that was bombed, he did not tell me which ATM machine he further told me that it is the Money which Serole, Eugene and Manchu put me with. I was told Nkomo that I don't know what is he talking about.

12) I then dressed my clothes because they told me that I am coming with them. I told my wife that I am coming she must not call my mother because she was sick by then. I then went with Billy and Nkomo out of the house and other people. Police officers I did not know their names.

14) All of those police officers were wearing private/civilian clothes. They took me to a black BMW sedan. Nkomo was the driver and Billy was on the passenger seat. At the back seat it was me and Dimphe Serole. They took us to zone 05 near of Serole's residential place.

15) Upon arrival at Serole's residential place I found many unmarked vehicles around zone 05 near parked outside the yard. There were more police officers outside I did not count their number but they were many. I saw fire arms on the
C.M. [Signature]

CAS 175/04/2008
Witness statement.

GP-B 01/02

P. 21 (91/143196)

16)
GEORGIOS MARGARITO MOLEFE (MARGARITO) states that he
and some were carrying long
fire arms.

17)
Billy and Noko went out of the window
and Jimmy because it was at her
residence. I was left inside
the car. I then went out of the
vehicle as well but they did not realize
that I went out.

18)
When I went out I heard Billy ~~sero~~
screaming with a loud voice. I heard that
it was Billy ~~sero~~ because I knew
him and it was at his house. I managed
to get inside the house. Upon arriving inside
the house, I saw Billy with a black
plastic bag (Big) on his head.

19)
I then called him by the time they took
the plastic from his head. Billy
servo when he showed me he told
me that these guys can assault.
The male police officer he was an Indian
and he was the only Indian there inside
the house.

20)
The Indian police officer asked other police
officers how did I get inside the house?
They told me out of the house. By
then it was the time all the police
C. M. M.

CRS: 175/04/2008
Witness statement

C.P.S. 0102

P. 21 (81/143198)

21) @ M...
TERRANCE M... MORE... states further
22)
Police officers went out of the house.
I went to the same time but
I was with them was the other male
while officer who was saying they
must take me to the police station
because he is going with me and he
wants to money from me and I
will take out.

23)
Inside the SMU it was different
the officers who were inside and
was alone at the back. The
one who was at the passenger seat
was wearing a dark suit. I don't know
was black or white because it was
dark out side.

24)
The one (or) who was driving I heard
the passenger with the driver Captain
and the driver called the passenger
director. I did not know whether
was it their names or what. The one
who was in the passenger seat wearing
a suit; told me that I realized that
there is no money in the taxi industry
now I want to get rich faster. I
now commit crime with the police
officers.

25)
He further told me that the police
C. M. ...

(As: 175 / 09 / 2002
Witness statement.

GP-S. 01/02

P. 21 (81/143198)

(26)
LEOPOLDUS MIPAHANO MIPHERE (William) states further
(27)
told me that they told the truth and
the money that they need, is my
money. I told him that I knew
nothing and he was laughing.

(28)
They went with us to Thabane house, at
Organised Crime offices. While we were
at Thabane house outside the offices
I noticed CHARLES LEKWACE; LAWRENCE
MACHINDO; ABOY LOTSAISI, the other full
guy who was the Police Officer at Midsodorp
forgot his name, and Barry Seane
because we came with him from Midsodorp.
All of them alighted from different vehicles.

(29)
Upon arrival at Thabane house the driver
(Captain) told me that I am going to
make a statement and I am going
to say exactly what he told me. That I
don't know where those guys referred to
were, Lekwale, Letsatsi and Machingo
from Midsodorp with Seane's car.

(30)
The Captain further told me that if
I don't make a statement I will speak
exactly like Seane when we arrive at
Midsodorp. Upon arrival, we went to the same
house. Those Police officers were
waiting. The guys, one by one to the
offices. They first took Machingo to
C. M. M.

4 P.S. 0182

P. 21 (81/143198)

31)

324

37)

34.)

I started to know that the names
of the driver (captain) and the
passenger (director) is Captain Mangue/
Mango and Director MAGUIA when
he with him broke Thelma's house
the Indian Police Officer who was at
Seok's house I hear they were calling
C. M. ~~Man~~

CAS:175/04/2002

Witness statement

O.P. 8 01/02

P.21 (81/143108)

(36)
CAPTAIN MARGARET WILSON (Wilson states that
in DAVID and the other one who
remember is KUTUMBA. I was not
assaulted I was only threatened by
he (Captain Margaret Wilson, he told
me to write a statement like the
way he told me.

(37)
After they finish with those guys and
After I submitted a statement to
Cameras. The way the Captain told
me. They took me to the taxi rank
together with Dimphe Serole it was
the taxi who took us there it was already
the morning around 07:00.

(38)
Before we go I asked them about my
fire arm and they gave it to me and
they told me that they were going to
pay me money. Until today I
have not received my money. They took
Serole, Guyane, MANDARO, LEBATS
and the full police officer to (today)

(39)
The first person to get bail from the
guys is ABBY LEBATS, I don't remember
the did he get bail. He called me to
come and see him. I then met with
him at WILSONS police station he
was going to sign. Abby told me that
he was threatened by the police

C. M. M.

CAS: 175/04/2008
Witness Statement

P. 21 (81/143188)

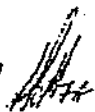
(47)
LEOPOLDO ALVARADO MORENO (Philippines) states that
(48)
registered with organised crime
networks.

(49)
The time Serok yet Egil I went
with him to collect his car at
the post next to the station.
The car was not there and it came
ten minutes after we arrive.

(50)
Serok went to the wife (Omphro) to
collect the car key and they quarrelled
Oserok and Omphro went to the police
station at the post, I remained
outside with Willy Norrime at the
gate.

(51)
While we were there Willy Rutson
came and he pointed me with a
five mm. I fled to the police station.
Other police officers were nearby too.
Willy Rutson was working for
Organised Crime.

(52)
I opened a case of pointing of
five mm against him and it was
investigated by Brander (Police Officer)
found that spirit that's all I want
to state for now.

C. M. 

CONFIDENTIAL

STATION: Potchefstroom CAS 175 04 2008 2008100346



pid
Department
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

CHARLES KAHISO LEGOALE

STATES UNDER OATH IN ENGLISH THAT:

HOME ADDRESS: H/W. 455 THABANEVU STATION LINDWORTH VILLAGE

TEL. CELL NO: 0828411742

GENDER: A/M AGE: 36 YRS ID: 810405338083 DATE OF BIRTH: 1981-04-05

WORK ADDRESS:

TEL NO: 0828411742

I further state that I am the
Complainant in Mordorp Case 175/04/2008.

On 2008/04/03, in the afternoon I forgot
the time I was taken from Orkney
Police Cell to Rustenburg at Thabane
house. I was taken by Burger and
Kutumele. I was driving with them
in a Ford Focus.

I was taken to Thabane House (organised
Crime office). By then I was already tortured
and I was weak. Inside the office at
Thabane house I was with Bally, Serole,
Munshini, Madido and Abel
Latsatsi (deceased) and Daniel Hlonani (deceased)

CONFIDENTIAL

STATION:

IN

ON

Charles KAYISO LESOALE

STATES FURTHER UNDER DATE

By then I was not tortured, I was only stopped by Danood with open hands on my face.

That time Director MABUKA walked in he was wearing a suit with a tie. Director MABUKA asked Danood whether we were already tortured or not. He said they were busy. I heard screams from the rooms because Billy Seole, Abel Letsoetsi, Daniel Mhangane and Phisoane were inside those rooms, where the screaming was from.

Mandya was at only asked questions by those organised crime police officers but they were only treating him. I don't remember him being tortured. Senior Superintendent Phisoane was there as well but he did not torture anyone.

Phisoane told me that I disappointed him because he wanted me to come.

[Signature]

CONFIDENTIAL

STATION:

CAS

CEN

W

STATES FURTHER UNDER OATH

and work with name of organized
crime. ~~Mason~~ told Oswald to
continue by torturing these guys:

[Signature]

CONFIDENTIAL

STATION:

CAS

CUS

V

STATES FURTHER UNDER OATH

~~CONFIDENTIAL~~

STATION:

CAS

LEN

STATES FURTHER UNDER OATH

CONFIDENTIAL

STATION

CAS

CCN

STATES FURTHER UNDER OATH

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

SIGNATURE OF DEPONENT

I certify that the above statement was taken by me and the deponent has acknowledged that she
knows and understand the contents of the above statement. This statement was sworn to before me
and the deponent's signature was placed here under in my presence on 02 / 05 / 2017
at Munich

at 13.11.21

COMMISSIONER OF THE
INVESTIGATIVE AND SURVEILLANCE
DIVISION
INVESTIGATOR
RANK

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE



CHD

Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA